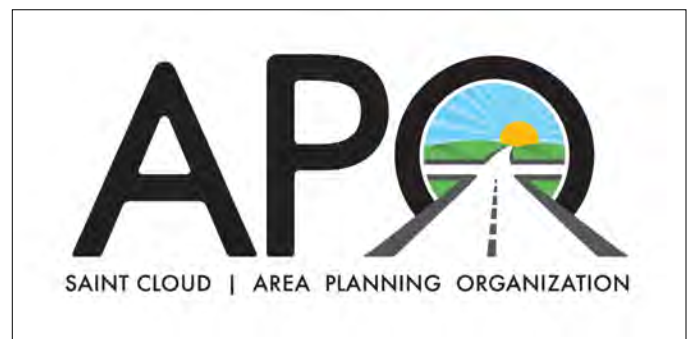




Stakeholder Engagement Plan

Approved by the Saint Cloud Area
Planning Organization Policy Board
Oct. 8, 2020

Updated Feb. 11, 2021



DISCLAIMER

The preparation of this document was funded in part by the United States Department of Transportation with funding administered through the Minnesota Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. Additional funding was provided locally by the member jurisdictions of the Saint Cloud Area Planning Organization: Benton County, Sherburne County, Stearns County, City of Sartell, City of Sauk Rapids, City of Saint Cloud, City of Saint Joseph, City of Waite Park, LeSauk Township, and Saint Cloud Metropolitan Transit Commission (Saint Cloud Metro Bus). The United States Government and the State of Minnesota assume no liability for the contents or use thereof.

This document does not constitute a standard, specification, or regulation. The United States Government, the State of Minnesota, and the Saint Cloud Area Planning Organization does not endorse products or manufacturers. Trade or manufacturers' names may appear therein only because they are considered essential to the objective of this document.

The contents of this document reflect the views of the authors, who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the policies of the State and Federal departments of transportation.



TITLE VI ASSURANCE

The Saint Cloud Area Planning Organization (APO) hereby gives public notice that it is the policy of the APO to fully comply with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the APO receives Federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice by the APO has a right to file a formal complaint with the APO, MnDOT or the U.S. DOT. Any such complaint must be in writing and filed with the APO's Title VI Compliance Manager within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see the [Saint Cloud APO website](http://www.stcloudapo.org) (www.stcloudapo.org) or you can view a copy at our offices at 1040 County Road 4, Saint Cloud, MN 56303.

CIWAANKA VI EE XAQIJIINTA

Ururka Qorsheynta Deegaanka ee Cloud Cloud (APO) wuxuu halkan ku siinayaa ogeysiis dadweyne in ay tahay sharciga APO in ay si buuxda u hoggaansanto Cinwaanka VI ee Xuquuqda Madaniga ee 1964 iyo Sharciga Soo-celinta Xuquuqda Madaniga ee 1987, Amarka Fulinta 12898 ee ku saabsan Cadaaladda Deegaanka, Iyo qaynuunada iyo qawaaniinta la xiriira barnaamijyada iyo nashaadaadka. Cinwaanka VI wuxuu xaqiijinayaa in qofna, sabab asal, midab, ama asal qaran ah, laga reebi doonin kaqeybgalka, loo diidi doonin faa'iidooyinka, ama haddii kale lagula takoorin barnaamij kasta ama waxqabad ee APO ay ku hesho kaalmada maaliyadeed ee Federaalka . Qof kasta oo aaminsan inuu ka xanaaqay fal sharci darro ah oo takoor ay ku sameysay APO wuxuu xaq u leeyahay inuu dacwad rasmi ah u gudbiyo APO, MnDOT ama US DOT. Cabasho kasta oo kale waa inay ahaataa mid qoraal ah lagana xaraystaa maareeyaha u hoggaansamida cinwaankeeda ee 'APO' VI VI waa boqol iyo siddeetan (180) maalmood gudahood taarikhda dhacday markii la sheegay in ay dhacday midabtakoor. Macluumaad dheeri ah, ama si aad u hesho Foomka Cabashada Kala-Takoorida Cinwaan ee 'VI kalasooc Foom', fadlan ka eeg bogga internetka ee 'Cloud Cloud APO' (www.stcloudapo.org) ama waxaad ka arki kartaa nuqul xafiiskayaga 1040 County Road 4, Saint Cloud, MN 56303.

GARANTÍA DEL TÍTULO VI

La Organización de Planificación del Área de Saint Cloud (APO en inglés) da un aviso público con la presente de que es política de la APO el cumplir plenamente con el Título VI de la Ley de Derechos Civiles de 1964 y de la Ley de Restauración de Derechos Civiles de 1987, de la Orden Ejecutiva 12898 sobre la Justicia Ambiental, y los estatutos y reglamentos relacionados en todos los programas y actividades. El Título VI asegura que ninguna persona, por motivos de raza, color o nacionalidad, podrá quedar excluida de la participación en, se le podrán negar los beneficios de, o de algún modo podrá ser objeto de discriminación en virtud de cualquier programa o actividad por la cual la APO recibe asistencia financiera Federal. Cualquier persona

que cree que ha sido perjudicada por una práctica discriminatoria ilegal por la APO tiene el derecho de presentar un reclamo formal con la APO MnDOT o U.S. DOT. Cualquiera de estos reclamos debe ser por escrito y debe ser presentado ante el Gerente de Cumplimiento del Título VI de la APO dentro de los ciento ochenta (180) días naturales siguientes a la fecha en que la presunta ocurrencia discriminatoria. Para obtener más información, o para obtener un Formulario de Reclamo por Discriminación del Título VI, por favor, dirígete al [Sitio web de la APO de Saint Cloud](http://www.stcloudapo.org) (www.stcloudapo.org) o puedes ver una copia en nuestra oficina en 1040 County Road 4, Saint Cloud, MN 56303.

TITLE II ASSURANCE

The Saint Cloud Area Planning Organization (APO) hereby gives public notice that it is the policy of the APO to fully comply with the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act) and related statutes and regulations in all programs and activities. Title II of the Americans with Disabilities Act (ADA) requires all state and local government agencies to take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. Any person who believes they have been aggrieved by an unlawful discriminatory practice by the APO has a right to file a formal complaint with the APO, MnDOT, or the U.S. DOT. Any such complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available as a reasonable modification for persons with disabilities upon request. Complaints should be submitted by the complainant and/or his/her/their designee as soon as possible but no later than sixty (60) calendar days after the alleged discriminatory occurrence and should be filed with the APO's Executive Director. For more information, or to obtain a Discrimination Complaint Form, please see the [Saint Cloud APO website](http://www.stcloudapo.org) (www.stcloudapo.org) or you can view a copy at our offices at 1040 County Road 4, Saint Cloud, MN 56303.

CIWAANKA II EE XAQI IJINTA

Hay'adda Qorsheynta ee Saint Cloud Area Organisation (APO) waxay siisaa ogeysiis dadweyne inay tahay siyaasada APO inay si buuxda ugu hoggaansanto Sharciga Naafada Mareykanka ee 1990 (ADA) iyo Sharciga Baxnaaninta 1973 (Sharciga Baxnaaninta) iyo qawaaniinta iyo qawaaniinta la xiriira Dhammaan barnaamijyada iyo nashaadaadka. Qodobka II ee Sharciga Naafada Mareykanka (ADA) wuxuu u baahan yahay dhammaan hay'adaha gobolka iyo kuwa maxalliga ah inay qaadaan tillaabooyinka ku habboon si loo hubiyo in xiriirka lala yeesho codsadayaasha, ka qeybgalayaasha, iyo xubnaha bulshada naafada ah ay u la mid yihiin sida xiriirka lala yeesho kuwa kale. Qof kasta oo aaminsan inuu ka xanaaqay fal sharci darro ah oo takooris ah oo ay sameysay APO wuxuu xaq u leeyahay inuu dacwad rasmi ah u gudbiyo APO, MnDOT, ama US DOT. Cabasho kasta oo noocan oo kale ahi waa inay ahaataa mid qoraal ah oo ay kujirto macluumaad ku saabsan takoorida la soo sheegay sida magaca, cinwaanka, taleefan lambarka cabashada, iyo goobta, taariikhda, iyo faahfaahinta dhibaatada. Hab kale oo lagu xareeyo cabashada, sida wareysiyada shaqsiyeed ama cajalad duuban cabashada, ayaa loo heli doonaa sidii wax

looga badali karo macquul ahaan dadka naafada ah markii la codsado. Ashtakooyinka waa in ay soo gudbiyaan cabashada iyo / ama wakiilkiisa / wakiilkiisa sida ugu dhakhsaha badan ee suurtoogalka ah laakiin aan ka dambayn lixdan (60) maalmood taariikhi ah ka dib dhacdada la xiriirta midab kala sooca waana in lagu fayl gareeyaa Agaasimaha Fulinta APO. Macluumaad dheeri ah, ama si aad u hesho Foomka Cabashada Kala-Takoorida, fadlan eeg bogga internetka ee 'Cloud Cloud APO' (www.stcloudapo.org) ama waxaad ka arki kartaa nuqul xafiiskayaga 1040 County Road 4, Saint Cloud, MN 56303.

GARANTÍA DEL TÍTULO II

La Organización de Planificación del Área de Saint Cloud (APO en inglés) da un aviso público con la presente de que es política de la APO el cumplir plenamente con la Ley sobre los Estadounidenses con Discapacidad de 1990 (ADA en inglés) y con la Ley de Rehabilitación de 1973 (Ley de Rehabilitación) y con los estatutos y reglamentos en todos los programas y actividades. El Título II de la Ley sobre los Estadounidenses con Discapacidad de 1990 (ADA en inglés) requiere que todas las agencias de gobierno estatales y locales tomen las medidas adecuadas para asegurar que la comunicación con los aplicantes, participantes y miembros del público con discapacidades sea tan efectiva como la comunicación con otros. Cualquier persona que cree que ha sido perjudicada por una práctica discriminatoria ilegal por la APO tiene el derecho de presentar un reclamo formal con la APO MnDOT o U.S. DOT. Cualquiera de estos reclamos debe ser por escrito y debe contener información sobre la presunta discriminación tales como el nombre, la dirección, el número de teléfono del denunciante, y la ubicación, la fecha y la descripción del problema. Los medios alternativos de presentar un reclamo, tales como una entrevista personal o una grabación de audio del reclamo, estarán disponibles como una modificación razonable para las personas con discapacidades a petición. Los reclamos deben ser presentados por el denunciante y/o su persona designada tan pronto como sea posible pero no más tarde de sesenta (60) días naturales después de la presunta ocurrencia discriminatoria y deben ser presentados ante el Director Ejecutivo de la APO. Para obtener más información, o para obtener un Formulario de Reclamo por Discriminación, por favor, dirígete al [Sitio web de la APO de Saint Cloud](http://www.stcloudapo.org) (www.stcloudapo.org) o puedes ver una copia en nuestra oficina e 1040 County Road 4, Saint Cloud, MN 56303.

RESOLUTION 2020-10

Adoption of the 2020 Saint Cloud Area Planning Organization Stakeholder Engagement Plan

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**Resolution 2020-10
Adoption of the 2020 Saint Cloud Area Planning Organization
Stakeholder Engagement Plan**

WHEREAS, the Saint Cloud Area Planning Organization is the body responsible for making transportation policy decisions and for directing the transportation planning and funding programming within the Saint Cloud urbanized area; and

WHEREAS, the U.S. Department of Transportation requires each Metropolitan Planning Organization such as the Saint Cloud Area Planning Organization to carry out metropolitan transportation planning in their given urbanized area to prepare and maintain a 20-year transportation plan for that area; and

WHEREAS, the Saint Cloud Area Planning Organization, a Metropolitan Planning Organization, is a sub-recipient of Federal Highway Administration funds through the Minnesota Department of Transportation; and

WHEREAS, the Saint Cloud Area Planning Organization is committed to compliance with Title VI of the Civil Rights Act of 1964 in which discrimination on the basis of race, color, and national origin is prohibited in programs and activities receiving Federal financial assistance by Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Saint Cloud Area Planning Organization will provide meaningful access to services for persons with limited English proficiency; and

WHEREAS, all recipients and sub-recipients of Federal Highway Administration funds including Metropolitan Planning Organizations such as the Saint Cloud Area Planning Organization are required to have a Title VI program documenting compliance with Title VI regulations and in accordance with Title 49 CFR Section 21.9(b); and


WHEREAS, in accordance with the 2015 Fixing America's Surface Transportation (FAST) Act, the Saint Cloud Area Planning Organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan and all activities during the planning process; and

WHEREAS, the 2020 Saint Cloud Area Planning Organization draft Stakeholder Engagement Plan was opened to public and agency comment for a 45-day comment period, and comments have been transmitted to the Saint Cloud Area Planning Organization Policy Board and incorporated into the document as appropriate;

NOW, THEREFORE BE IT RESOLVED, that the Saint Cloud Area Planning Organization Policy Board approves the Stakeholder Engagement Plan for submission to the Minnesota Department of Transportation.



Mayor Rick Miller Date
Saint Cloud APO Chair



Brian Gibson, PTP Date
APO Executive Director

WORKING TOGETHER

A Plain-Language Summary of the Saint Cloud Area Planning Organization's Stakeholder Engagement Plan

During the late 1950s and early 1960s, the United States saw a huge push to complete the Eisenhower Interstate System. With the Federal Government providing large grants to states across the country to build these roadways, many state engineers – under pressure to minimize costs – made decisions about where the interstate highways would be built without any discussion with the residents who lived there or the local leaders of towns, cities, or counties that would be impacted by those decisions.

However, in 1962, President John F. Kennedy signed into law the Federal-Aid Highway Act which reshaped the transportation planning process. Now, as a condition to getting Federal transportation funding, project development in areas of over 50,000 residents must be based on a continuous and comprehensive urban transportation planning process that is done cooperatively between the states and local governments. Simply put, if Federal money is going to be involved in building (or maintaining) roadways, decisions need to be discussed and voices need to be heard.

To ensure that these discussions relating to transportation are done, the Federal-Aid Highway Act established what are known today as Metropolitan Planning Organizations (MPOs). In the metropolitan area of Saint Cloud, the MPO is the Saint Cloud Area Planning Organization (APO).

One of the key roles of the APO, as defined in Federal regulation, is to coordinate with the local cities and counties to develop a long-range (at a minimum 20-year) surface transportation plan known as the Metropolitan Transportation Plan or MTP. This transportation plan, along with other transportation planning documents, such as the short-term Transportation Improvement Program (TIP), are developed cooperatively with a variety of partners working together to improve our region's transportation system.

But public input is a key component of every good planning document.

The Stakeholder Engagement Plan – SEP – is the roadmap for APO staff, advisory committees, and decision-makers on how to engage and reach the community in a way that ensures all community members are given an equal and equitable opportunity to participate in the process.

The SEP is a one-stop-shop for the APO's public engagement process which satisfies several Federal requirements of MPOs including: the public participation plan, the Title VI plan, and the Limited English Proficiency (LEP) plan.

The APO is committed to coordinated planning – in a fair and mutually beneficial manner – on select issues transcending jurisdictional boundaries for the betterment of the entire Saint Cloud metropolitan planning area. To accomplish this mission, the APO relies heavily on ensuring that coordinated planning efforts involve meaningful public input and that input is a factor in the decision-making process behind the development of every plan and program the APO does.

While techniques on the handling of public participation are developed at the local MPO level, there are Federal and state requirements that dictate specific rules for MPOs to follow in order to help ensure everyone who wants to participate in the process is able.

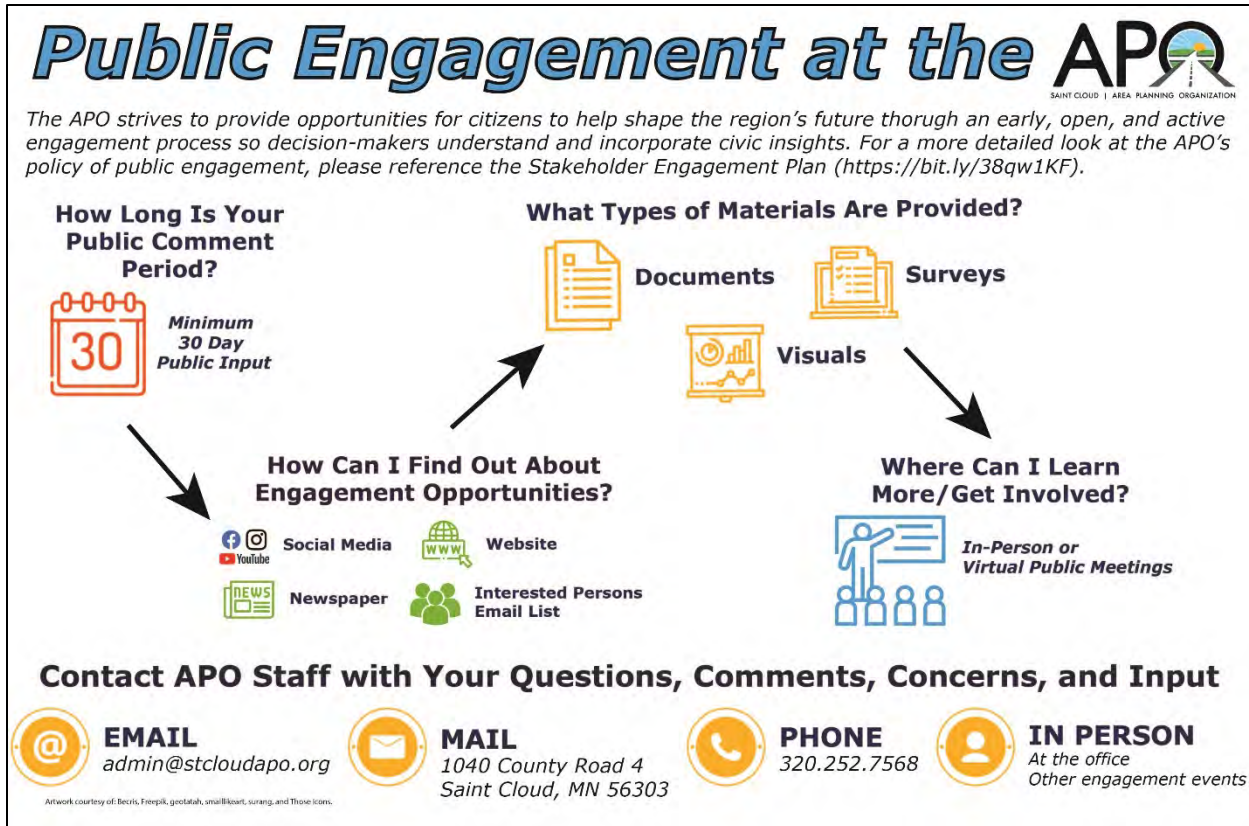
The policies of Title VI of the Civil Rights Act of 1964 along with Title II of the Americans with Disabilities Act (ADA) of 1990 prohibit the APO from discriminating against people on the basis of race, color, sex, national origin, age, or physical disability. Because the APO receives funding from the Federal government to carry out its transportation planning, the APO must comply with these – and other – regulations. Anyone who feels the APO has discriminated against them based on these regulations has a right to file a complaint. Specific complaint procedures can be found in Appendices B and C of the SEP.

Using these Federal and state requirements, the APO has developed three specific goals when it comes to getting the community involved in the regional transportation planning process:

1. **Opportunities for Involvement.** Provide early, accessible, and continuous opportunities for public involvement from a diversity of stakeholders and interested public.
2. **Access to Information.** Provide reasonable public access to technical and policy information used in the development of plans and projects.
3. **Review of Materials.** Provide a reasonable amount of time to review materials and comment prior to adoption of any plan or amendment.

A list of strategies has been developed for each of these goals and serves as a guide for APO staff on how to achieve meaningful participation. More information on this can be found in Chapter 3 of the SEP.

Providing the public an opportunity to review information is one thing. Breaking down complex information into an easily-understood form and letting the community know about it is another. The SEP details some of the public involvement techniques APO staff use to reach out to members of the community such as (but not limited to) public meetings, the news media, the APO website, social media, surveys, and ensuring accessible meeting locations. APO staff are continuously working to come up with new ways to reach out to people including exploring how virtual platforms will shape the future of community outreach.



A simplified graphic of the APO's public engagement strategies. Artwork courtesy of Becris, Freepik, geotatah, smalllikeart, surang, and Those Icons.

The SEP public engagement roadmap is consulted before a study or planning process is undertaken and is reviewed while a study is being developed up until the "final destination" has been reached. APO staff also does an annual self-evaluation on the quantity and quality of public engagement to help staff improve efforts to reach out to the community.

The purpose of public involvement is to make better decisions, create a better end product, and decrease the time required to implement transportation decisions by 1) facilitating a dialogue with a broad cross-section of citizens during the planning process, 2) organizing and recording information and other input for consideration and use by staff, planning partners, and the Board, and 3) informing citizens of the impact their input has on the development of regional policies and priorities.

The public engagement strategies identified earlier are put into practice at the APO by staff, advisory committees, and the Policy Board who work to develop planning documents such as the Federally-required long-range transportation plan (the MTP) and the short-term programming document (the TIP). Public engagement is also a critical component of other APO planning documents and consultant-led planning and corridor studies. A more detailed look at this process as it relates to planning documents can be found in Chapter 5.

Providing opportunities for input is important, but how does APO staff know if all people are being reached? As part of the Title IV section of the SEP, APO staff collect data from the U.S. Census Bureau and the Census's American Community Survey Five Year Estimates to map the demographic makeup of our community. Maps and analysis are compiled on people-of-color, households with low income, people with disabilities, languages spoken in

the home, access to a motor-vehicles, and age (65 and older and 18 and younger). By doing this, APO staff have a better understanding of who lives in our region and can work to make sure that all communities in our region have an equitable opportunity to provide their input and influence the decision-making process.

Our work with Title VI has included the development of the APO's interested stakeholder list – a list of organizations that work closely with a variety of people. The APO uses this list as entry point to start facilitating conversations about transportation planning with the community. For more information about how you or your organization can be part of this list, check out Chapter 7 of the SEP.

The LEP plan is the final component of the SEP. We know that English is not everyone's primary language and that some people have very limited English language skills. But just because someone cannot speak English well does not mean that their voice or opinions do not count. The LEP plan – found in Chapter 8 – documents strategies on how the APO will work to include these individuals in the transportation planning process by providing language resources like translation and interpreting (including ASL) services.

The SEP is a critical component of the APO's planning process. Through the combination of three Federally-required documents – the public participation plan, the Title VI plan, and the LEP plan – the SEP provides a holistic view of the APO process for engaging the community in an equal and equitable manner. Rooted in Federal and state guidance, the SEP outlines goals and techniques for the APO to implement to help facilitate community engagement. The document consults demographic data to ensure that all individuals in the community are being represented. The SEP outlines ways APO staff can work toward ensuring all those who want to participate in the process can do so.

In summary, the SEP provides the APO with a plan to develop, maintain, and grow community participation in the transportation planning process.

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GLOSSARY OF TERMS

Accessible Formats: Formats that are alternative to standard print or online materials that are accessible to people with disabilities. This may include large print, recorded audio and other electronic formats, and Braille.

Active Transportation: Any human-powered mode of transportation including bicycling, walking, and other means of self-propelled mobility.

Americans with Disabilities Act (ADA): Civil rights legislation passed in 1990 and effective July 1992 that sets design guidelines for accessibility to public facilities and public meetings for individuals with disabilities.

Active Transportation Advisory Committee (ATAC): The Active Transportation Advisory Committee consists of citizen volunteers representing the APO planning area who have a special interest in bicycle and pedestrian issues. The ATAC reviews transportation studies, plans, and projects from a citizen's perspective.

Continuing, Comprehensive, and Cooperative (3-C): A Federal mandate in accordance with the Federal-Aid Highway Act of 1962 that requires transportation projects in urbanized areas of 50,000 or more in population be based on a continuing, comprehensive urban transportation planning process undertaken cooperatively by the states and local governments.

Environmental Justice (EJ): Identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations in the United States. Each Federal agency, including Metropolitan Planning Organizations like the Saint Cloud Area Planning Organization, must comply with this executive order.

Federal Highway Administration (FHWA): A branch of the U.S. Department of Transportation that administers the Federal-Aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

Federal Transit Administration (FTA): A branch of the U.S. Department of Transportation that provides financial and technical assistance to local public transit systems and oversees safety measures for those systems.

Fixing America's Surface Transportation (FAST) Act: The FAST Act was signed into law on Dec. 4, 2015, by President Obama. The Act reauthorized the Federal-Aid Highway Program through fiscal year 2020, while consolidating the number of federal programs to focus resources on key national goals and reduce duplicative programs. The Act also emphasizes expedited project delivery.

Limited English Proficiency (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Metropolitan Planning Area (MPA): The geographic area over which a Metropolitan Planning Organization (MPO) carries out its planning activities. The MPA must include at least the U.S. Census-defined urban area, but may also include any additional urban or urbanizing areas and/or commuter travel sheds as deemed appropriate by the member jurisdictions of an MPO.

Metropolitan Planning Organization (MPO): An organization designated by agreement between the governor of a state, units of local governments of an urban area, and relevant agencies as being responsible for carrying out the terms of 23 USC Sec. 134. Any urban area of more than 50,000 residents must have an MPO. The Saint Cloud Area Planning Organization is the MPO for the Saint Cloud metropolitan area.

Metropolitan Transportation Plan (MTP): A transportation plan addressing no less than a 20-year planning horizon. The MTP includes both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system.

Minnesota Department of Transportation (MnDOT): The state department of transportation for Minnesota. MnDOT's mission is to plan, build, operate, and maintain a safe, accessible, efficient, and reliable multimodal transportation system that connects people to destinations and markets throughout the state, regionally, and around the world.

National Environmental Policy Act (NEPA): NEPA was signed into law on Jan. 1, 1970, by President Nixon. The Act is designed to encourage productive and enjoyable harmony between humans and their environment; promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humankind; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Older Americans Act (OAA): OAA was signed into law on July 14, 1965, by President Johnson. The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Saint Cloud Area Planning Organization (APO): The APO is an organization designated by agreement between the governor of Minnesota, local units of government, and relevant agencies as being responsible for carrying out the terms of 23 USC Sec. 134. The APO is the Metropolitan Planning Organization (MPO) for the Saint Cloud urban area.

Saint Cloud Metropolitan Transit Commission (MTC): MTC, more commonly known as Saint Cloud Metro Bus (or simply "Metro Bus") is the urban transit provider within the Saint Cloud Metropolitan Planning Area (MPA). Founded in 1969, Metro Bus provides fixed route, paratransit (Dial-a-Ride), and commuter bus services – via the Northstar Commuter Link to access the Northstar Commuter Rail train in the City of Big Lake – for the cities of Saint Cloud, Sartell, Sauk Rapids, and Waite Park.

Stakeholder: A stakeholder is any person or group that is affected by a transportation plan, program, or project, including those not aware they are affected. Stakeholders may also be any person or group that thinks they may be affected by a transportation plan, program, or project even if they are not actually affected. Examples of stakeholders include: non-governmental organizations, traditionally underserved communities, residents of affected geographic areas, commuters and tourists, transportation professionals, and government agencies.

Stakeholder Engagement Plan (SEP): The public participation plan of the Saint Cloud Area Planning Organization. Public participation plans are required by 23 CFR §450.316. This Stakeholder Engagement Plan is intended to fulfill the Saint Cloud APO's requirement for such a plan. In addition, the SEP includes the APO's Title VI and Limited English Proficiency (LEP) plans – both of which are also federally required.

Technical Advisory Committee (TAC): The Technical Advisory Committee consists of voting representatives from each of the APO's member jurisdictions along with representation from Saint Cloud Metro Bus and the Minnesota Department of Transportation (MnDOT). This committee – typically composed of planners and engineers – reviews plans and programs from a technical perspective and makes recommendations to the APO's decision-makers.

Title II: A portion of the Americans with Disabilities Act (ADA) of 1990 that prohibits the discrimination of a qualified individual with a disability, on the basis of said disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

Title VI: A portion of the Civil Rights Act of 1964 that prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance.

Transportation Improvement Program (TIP): The TIP is a comprehensive listing of the region's surface transportation projects – including transit, highway, local roadway, and bicycle and pedestrian investments – that receive federal or state funds or are regionally significant regardless of funding source. The TIP covers a four year time frame and all projects included in the TIP must be consistent with the Metropolitan Transportation Plan (MTP).

Unified Planning Work Program (UPWP): The UPWP is a federally required statement of work identifying the planning priorities and activities to be carried out by the APO staff. The UPWP includes the APO's annual budget and it identifies any special studies and consultant contracts for the fiscal year.

1 - INTRODUCTION

Background

This Stakeholder Engagement Plan (SEP) reinforces the Saint Cloud Area Planning Organization's (APO's) commitment to meaningful public involvement in its planning and programming efforts.

This document supersedes all previous versions of the SEP.

The APO will involve citizens, member jurisdictions, affected public agencies, representatives of transportation agency employees or unions, public and private providers of transportation, and other stakeholders who have a known interest in its planning and programming process.

It is the goal of the APO to ensure that no one who uses services provided by the organization or its member jurisdictions will be excluded from participation, denied benefits, or discriminated against while using these services on the basis of their race, color, or national origin in compliance with [Title VI of the Civil Rights Act of 1964](https://bit.ly/32vLYvL) (<https://bit.ly/32vLYvL>) nor based upon ability in accordance with [Title II of the Americans with Disabilities Act \(ADA\) of 1990](https://bit.ly/3f9UYwe) (<https://bit.ly/3f9UYwe>).

APO programs shall also adhere to the following executive orders:

- EO 12898: [Federal Action to Address Environmental Justice in Minority and Low-Income Populations](https://bit.ly/393I0y3) (<https://bit.ly/393I0y3>).
- EO 13166: [Improving Access to Services for Persons with Limited English Proficiency](https://bit.ly/2VoLqj) (<https://bit.ly/2VoLqj>).

Engaging stakeholders improves decision-making at all levels by incorporating technical and non-technical input. The SEP provides the vision and the process for engaging the full range of community constituents in regional decision-making. It allows for addressing public priorities and concerns, minimizing negative impacts, and improving public agency-to-community relationships.

Purpose

The APO's SEP provides detailed information regarding how the public will be involved in the APO's planning and programming processes, including: 1) the Metropolitan Transportation Plan (MTP), 2) the Transportation Improvement Program (TIP), and 3) the Unified Planning Work Program (UPWP). It also provides general guidance for all other planning products done by the APO, such as region-wide planning studies, corridor studies, and sub-area studies.

This document is based on evaluating previous public involvement efforts both within and outside the APO. The SEP complies with the 2015 Fixing America's Surface Transportation (FAST) Act provisions and was prepared in accordance with Federal Highway Administration (FHWA) regulations (23 CFR §450.316)

Authority

The Code of Federal Regulations (23 CFR §450.316) requires all Metropolitan Planning Organizations (MPOs) like the APO to develop and use a documented public participation plan that defines a process for providing citizens, affected public agencies, and others with

reasonable opportunities to be involved in the metropolitan transportation planning process. This SEP fulfills that requirement.

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance including organizations like the APO. [The Civil Rights Restoration Act of 1987](https://bit.ly/3918jnH) (https://bit.ly/3918jnH) broadened the scope of the Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs are federally assisted or not.

Further Title VI requirements and guidelines for MPOs and transit agencies are outlined in Federal Transit Administration (FTA) Circular 4702.1B “[Title VI Requirements and Guidelines for Federal Transit Administration Recipients](https://bit.ly/3a41IKp)” (https://bit.ly/3a41IKp). This document ensures the level and quality of public transportation service provided by FTA funded organizations is provided in a nondiscriminatory manner; promotes full and fair participation in public transportation decision-making without regard to race, color, or national origin; and ensures meaningful access to transit-related programs and activities by persons with limited English proficiency. While the APO is a subrecipient of Federal Highway Administration (FHWA) funding, the Title VI requirements of the APO are the same regardless of funding source.

Saint Cloud Area Planning Organization

The APO Urbanized Area is designated by the U.S. Census Bureau after every decennial census. Criteria for defining this area include population density and density of development. The APO, in conjunction with the Minnesota Department of Transportation (MnDOT), approves a 20-year planning boundary that includes not only the Census-defined urbanized area, but also considers expected urbanized growth within that time period.

Member jurisdictions include Benton County, Sherburne County, Stearns County, City of Saint Cloud, City of Saint Joseph, City of Sartell, City of Sauk Rapids, City of Waite Park, and LeSauk Township. Saint Cloud Metropolitan Transit Commission (MTC) – more commonly referred to as Saint Cloud Metro Bus – is also a member.

The cities of Rockville, Saint Augusta, and Saint Stephen along with Brockway Township, Haven Township, Minden Township, Saint Joseph Township, Saint Wendel Township, Sauk Rapids Township, and Watab Township are located within the designated APO 20-year planning boundary but are not formal member jurisdictions. Instead, these jurisdictions are represented by their respective counties.

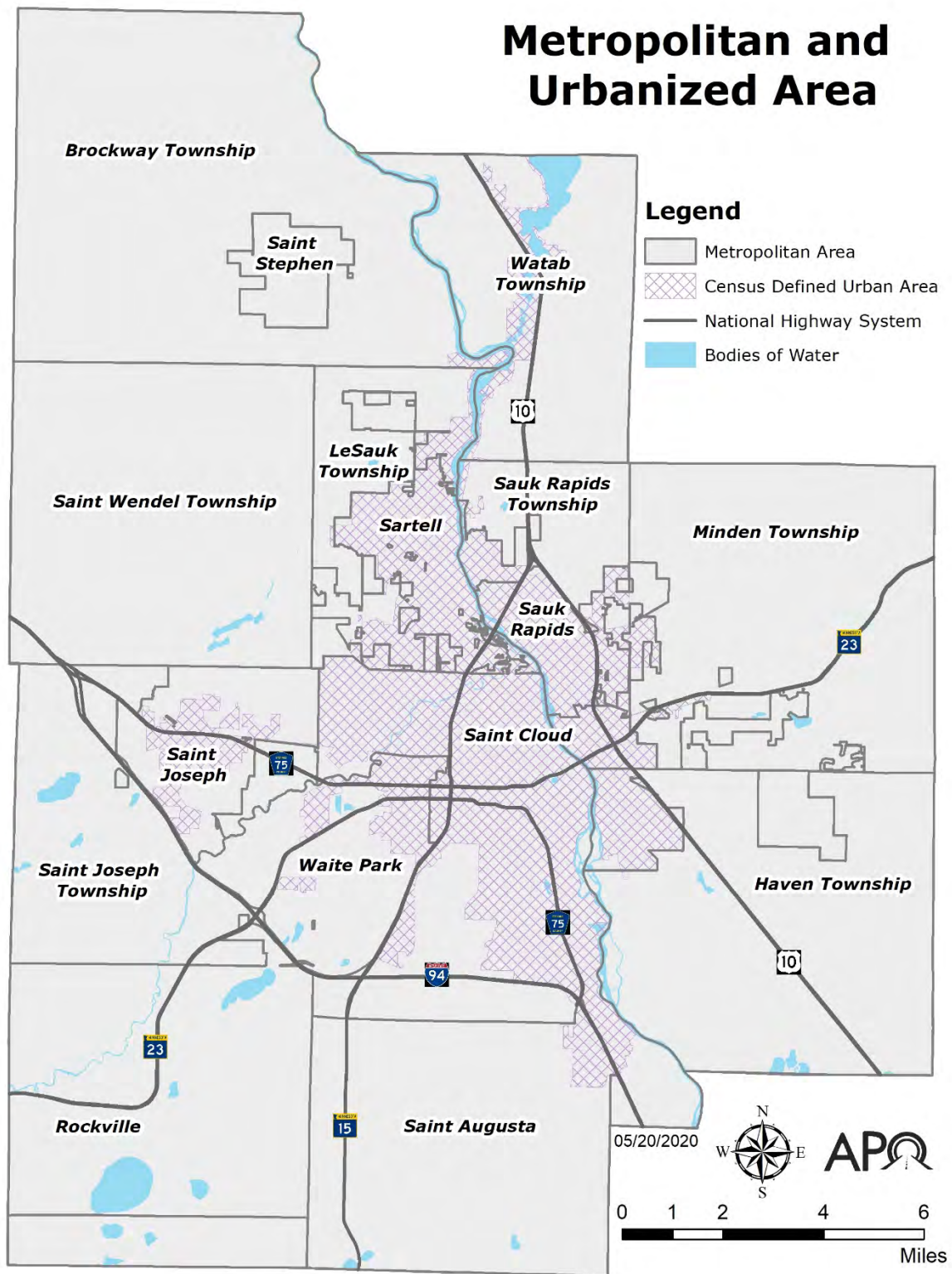


Figure 1: Map of the APO's planning area.

As a comprehensive, intergovernmental transportation planning agency for the Saint Cloud Metropolitan Planning Area (MPA), the APO receives local, state, and Federal funds to administer programs and transportation-related studies.

Organizational Structure

The APO is governed by a Policy Board which is the decision-making body of the APO. The Policy Board is responsible for the adoption of policies on all APO-related transportation matters and serves to provide guidance and direction to APO staff. The Policy Board is made up of elected officials and a senior-level manager from Saint Cloud Metro Bus. Policy Board meetings are generally held on the second Thursday of the month.

The Policy Board is advised by a Technical Advisory Committee (TAC), a committee comprised of members representing local and state planners, engineers, and transit operators for the APO's member agencies and jurisdictions. The TAC is responsible for guiding APO staff, reviewing plans and programs from a technical perspective, and making recommendations to APO's Policy Board. TAC meetings are generally held on the last Thursday of the month.

On issues related to active transportation – any human-powered mode of transportation including bicycling, walking, and other means of self-propelled mobility – TAC members are advised by an Active Transportation Advisory Committee (ATAC). This committee consists of citizen volunteers who have a special interest in active transportation issues. ATAC members review transportation studies, plans, and projects from the perspective of active transportation users and make recommendations to the APO's TAC. ATAC meetings are generally held three times a year. There is no regular meeting schedule.

All meeting materials are available on the [APO's website](http://www.stcloudapo.org) (www.stcloudapo.org) prior to the meeting dates and are distributed electronically to members and those who have expressed an interest to be on the email distribution list for each respective board/committee. At least one hard copy of a meeting's full agenda packet is made accessible to members of the public at each meeting.

Approved meeting minutes are also available on the website.

If a person requires a modification or accommodation, auxiliary aids, translation services, interpreter services, etc., in order to participate in a public meeting, including receiving agendas and/or attachments in an alternative format or language, they are asked to contact the APO at 320-252-7568 or at admin@stcloudapo.org at least seven days in advance of the meeting.

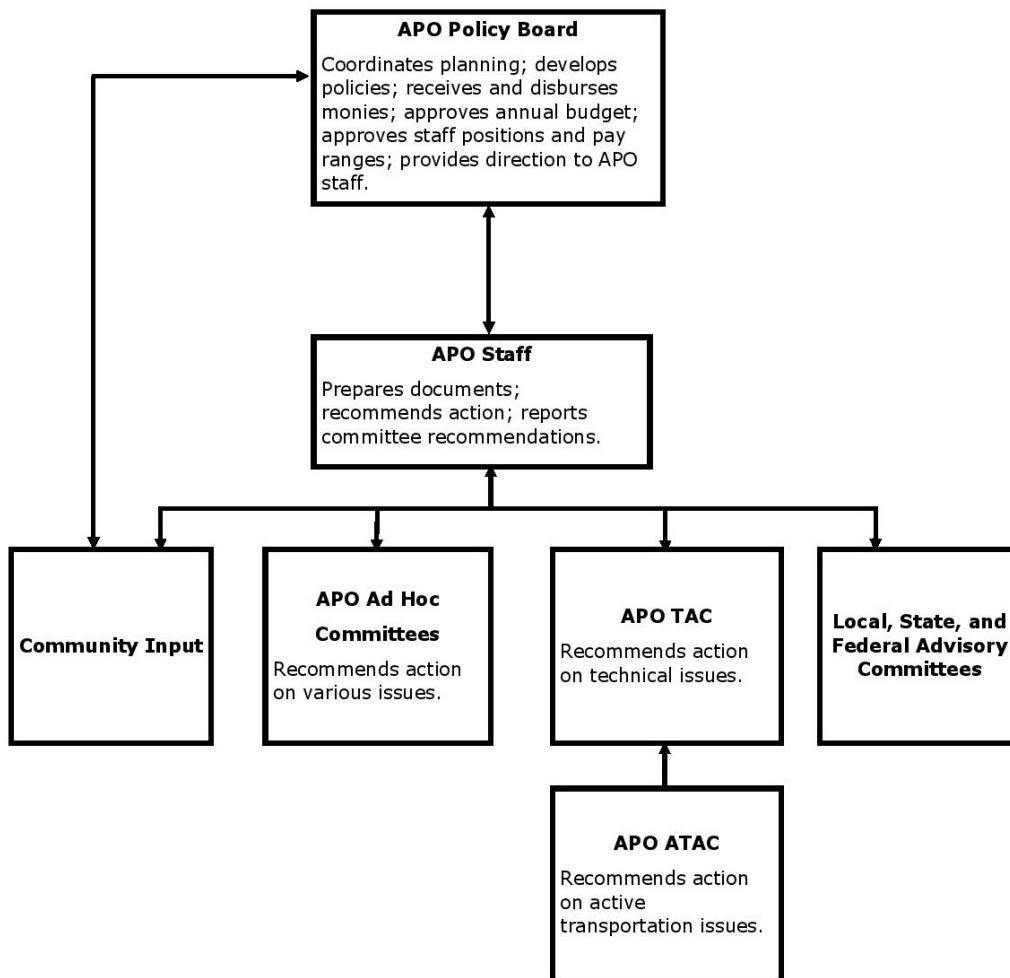


Figure 2: APO organizational chart

APO Mission Statement

The APO is committed to coordinated planning – in a fair and mutually beneficial manner – on select issues transcending jurisdictional boundaries for the betterment of the entire Saint Cloud MPA. This mission is accomplished through professional planning initiatives, the provision of objective information, and building collaborative partnerships that foster consensus.

The APO strives to be:

- Public service oriented by providing accountability to constituents and exhibiting the highest standards of ethical conduct.
- Creative problem solvers by anticipating potential challenges and developing creative solutions based on professional knowledge, public involvement, and collaboration with our partners.
- Continuous learners who constantly seek new information, knowledge, and skills to better serve the Saint Cloud MPA.

In the transportation planning process, the APO's role includes:

- Maintaining a continuing, comprehensive, and cooperative (3-C) certified transportation planning process.
- Coordinating the planning and implementation activities of local, regional, and state transportation agencies.
- Undertaking an effective stakeholder engagement process which ensures meaningful public input is part of the decision-making process behind plans and programs.
- Providing leadership both in setting transportation policy and in metropolitan system planning.
- Lending technical support in planning and operations to local governments.
- Planning for an intermodal transportation system that is economically efficient, environmentally sound, provides the foundation to compete in the global economy, and will move people and goods in an energy-efficient manner.



Figure 3: Members of the APO's Policy Board listening to a presentation by APO staff at the March 2020 meeting.

2 - FEDERAL AND STATE REQUIREMENTS AND REGULATIONS

Federal Policy

Federal statutes and regulations provide general guidelines for locally developed public involvement processes and procedures. The APO's SEP incorporates FHWA regulatory requirements (23 CFR 450.316).

The principle objectives of the APO's SEP are outlined in detail below and are generally set forth pursuant to the requirements outlined in 23 CFR 450.316:

- To establish a consistent means of notification and involvement for the public;
- To actively seek input and involvement from a wide variety of individuals, groups, and organizations affected by the transportation system;
- To establish and facilitate effective public involvement early in the planning process, before key decisions are made and while there is ample opportunity to influence decisions;
- To promote informed and thoughtful public input in regards to the decision-making process by providing access to information in a timely manner;
- To fully document and consider public input;
- To utilize public involvement in the development of transportation plans, programs, and projects which are representative of local, regional, and state priorities/needs while incorporating a range of transportation options;
- To develop a public participation plan in consultation with interested parties and to update it periodically as necessary;
- To employ to the maximum extent practicable, visualization techniques, which may include: artist renderings, computer model images, computer simulations, drawings, flowcharts, maps, models, photo manipulation, scenario planning tools, simulated photos, sketches, videos, or visual preference surveys;
- To require a minimum public comment period of 45 days before the APO's SEP is adopted, revised, or updated;
- To provide for the early involvement of various transportation interest groups (e.g., traffic, people who cycle, pedestrians, rideshare, parking, transportation safety and enforcement agencies, rail operators, toll authorities, airport, private transportation providers, public officials, freight shippers, environmental resources, and permit agencies);
- To coordinate APO's SEP with statewide public participation plans to enhance public consideration and understanding of the issues, plans, and programs as well as to reduce redundancies and costs; and
- To evaluate, on a periodic basis, APO's SEP to verify that the process is open to all individuals with interest and that the procedures of this policy are being implemented and followed in accordance with federal regulation and that the objectives/criteria set forth therein is administered appropriately.

The [Fixing America's Surface Transportation \(FAST\) Act](https://www.fhwa.dot.gov/fastact/)

(<https://www.fhwa.dot.gov/fastact/>) was signed into law on Dec. 4, 2015, by President Obama. The Act reauthorized the Federal-Aid Highway Program through fiscal year 2020, while consolidating the number of federal programs in order to focus resources on key

national goals and reduce duplicative programs. The Act also emphasizes expedited project delivery.

The FAST Act continues the previous transportation act's (Moving Ahead for Progress in the 21st Century Act) commitment to public participation, directing MPOs like the APO to have a public participation plan that provides people, "affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan."

The FAST Act directs MPO public participation plans to "be developed in consultation with all interested parties," and "provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan."

It further directs MPOs "to the maximum extent practicable" to "hold any public meetings at convenient and accessible locations and times," to "employ visualization techniques to describe plans," and to "make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information."

Title VI

The APO strives to be consistent with Title VI of the Civil Rights Act of 1964 (23 USC 140, 23 CFR 200, and 49 CFR 21) which ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving federal assistance from the U.S. Department of Transportation. A more detailed look at Title VI including information on the APO's Title VI Coordinator, accessibility notifications, and compliant guidance can be found in Chapter 7 of this document.

National Environmental Policy Act (NEPA)

The [National Environmental Policy Act](http://epa.gov/nepa) (epa.gov/nepa), as amended in 1970, recognizes the need to protect the natural environment from profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances.

The Act requires agencies to undertake an assessment of the environmental effects of their proposed actions prior to making decisions. In cooperation with state and local governments, and other concerned public and private organizations, NEPA calls for the following:

"To use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

As an agency receiving funding by the Federal Government, MPOs such as the APO must review its present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the Act.

Environmental Justice (EJ)

EO 12898: [Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](https://www.federalregister.gov/documents/1994-08-17/12898-a-01-federal-actions-to-address-environmental-justice-in-minority-populations-and-low-income-populations) (<https://bit.ly/393l0y3>) further supports Title VI. The order reads:

“Each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

EO 12898 was signed into law by President Clinton in 1994.

MPOs like the APO are required to identify disproportionately high or adverse effects to these populations. The APO has established a process identifying significant EJ populations and incorporates an EJ analysis into its planning process to identify baseline information on EJ populations at a regional level. The APO analyzes the distribution of potential benefits and adverse impacts and identifies measures to mitigate adverse impacts.

During planning processes, the APO follows the three federally mandated EJ principles:

- Identify and appropriately address disproportionate adverse human health and environmental impacts on people-of-color and low-income populations;
- Ensure the full and fair participation by all potentially affected communities; and
- Prevent denial/delay/reduction of benefits for people-of-color and low-income populations.

Americans with Disabilities Act (ADA) of 1990

Under the [Americans with Disabilities Act \(ADA\) of 1990](https://www.federalregister.gov/documents/1990-03-14/5040-01-american-with-disabilities-act-ada-of-1990) (<https://bit.ly/2PqPna4>), a qualified individual with a disability is a person that 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such an impairment; or 3) is regarded as having such an impairment.

The Act includes provisions that ensure those with disabilities have accommodations included in transportation facility development, are able to access the sites where public participation activities occur, and are guaranteed access to information available at those forums.

Title II

Title II of the ADA of 1990 specifically states that “no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.”

This provision of ADA further details guidance on program accessibility including access to accessible facilities and ensuring communications with qualified individuals with a disability are as effective as communications with others. More information on Title II including information on the APO’s Title II Coordinator, accessibility notifications, and compliant guidance can be found in Chapter 7 of this document.

The APO strives to be consistent with the ADA by utilizing meeting facilities that comply with the requirements of the law. Specific public involvement activities related to ADA compliance include an ADA stakeholder list and notifications, ADA compliant meeting

facilities, and allowance of ample time for comment, including alternate formats of documents and feedback forms.

Older Americans Act of 1965

The [Older Americans Act](https://bit.ly/2CH95e8) (https://bit.ly/2CH95e8), as originally enacted, establishes a range of services designed to keep senior citizens as independent as possible through the development of community planning and social services. In regards to transportation, the OAA states the following objective:

“Efficient community services, including access to low-cost transportation, which provide a choice in supported living arrangements and social assistance in a coordinated manner and which are readily available when needed, with an emphasis on maintaining a continuum of care for vulnerable older individuals.”

The OAA prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance and works to ensure older Americans have the right to participate in and contribute to “meaningful activity within the widest range of civic, cultural, educational and training, and recreational opportunities.”

Other Federal Regulations

In addition, the APO strives to be consistent with EO 13116: [Improving Access to Services for Persons with Limited English Proficiency](https://bit.ly/2VoLqgj) (https://bit.ly/2VoLqgj). This order states that people who speak limited English should have meaningful access to federally-conducted and federally-funded programs and activities. It requires that all Federal agencies identify the need for services to those with limited English proficiency and develop and implement a system to provide those services so all persons can have meaningful access to services.

In order to comply with EO 13116, the APO has developed a Limited English Proficiency (LEP) plan to address the APO’s responsibilities as a recipient of Federal financial assistance. The plan has been prepared in accordance with Title VI and its discrimination on the basis of race, color, or national origin.

More information on the APO’s Limited English Proficiency Plan can be found in Section 8 of this document.

Minnesota Requirements

Minnesota Open Meeting Law

The Minnesota Open Meeting Law was originally enacted in Laws 1957, chapter 773, section 1. It is now codified in [Minnesota Statutes, Chapter 13D](https://bit.ly/3a85sJM) (https://bit.ly/3a85sJM). The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board’s decisions or to detect improper influences;
- To assure the public’s right to be informed; and
- To afford the public an opportunity to present its views to the public body.

The Minnesota Supreme Court has held that the open meeting law applies to all gatherings of members of a governing body, whether or not action is taken or contemplated, with the exception of advisory groups or committees that do not make decisions but instead recommend action by other decision-making bodies.

The open meeting law does not apply to chance or social gatherings of members of a public body. However, a quorum of a public body may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering.

The Minnesota Open Meeting Law requires that votes in open meetings be recorded and those notes – or minutes – be made available to the public. Meetings must be held in a public place within the jurisdictional boundary area.

All public bodies must:

- Keep schedules of regular meetings on file at their offices.
- Post notice of special meetings (meetings held at a time or place different for regular meetings) on their principal bulletin board. The public body must also either mail notice to people who have requested such mailings, or publish notice in the official newspaper, at least three days before the meeting.
- Make good faith efforts to notify news media that have filed written requests (with telephone numbers) for notice of emergency meetings called because of circumstances that require immediate consideration. Because of the nature of these meetings, a three day notice would not be feasible.

At least one copy of any printed material prepared by the public body and distributed or available to all members of the public body must also be made available in the meeting room for inspection by the public.

Closed meetings defined under the Minnesota Open Meeting Law can be applied to:

- Performance evaluations and disciplinary hearings of an individual who is subject to its authority.
 - The public body must summarize the conclusions of the evaluation at its next open meeting.
- Meetings discussing labor negotiations.
- Meetings addressing certain security issues.
 - Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- Meetings discussing certain issues relating to government property sales or purchases.
 - An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting.

Civil penalties and fees can be enforced for intentional violation of the open meeting law.

As a public governing body, the Minnesota Open Meeting Law is applicable to the APO.

Other Minnesota Regulations

While not a state agency, board, commission, department, or committee, the APO will not conduct public meetings on the day of the state primary or general election. This decision is in accordance with [Public Meetings Prohibited on Election Day](https://bit.ly/2Pqc1zq) (https://bit.ly/2Pqc1zq) documented in Minnesota State Statute 204C.03 Subd. 4.

3 - SEP GOALS AND STRATEGIES

Federal public participation regulations offer significant guidance to the APO as it strives to educate and engage the public in meaningful ways that allow for fully informed participation and engagement. As such, the APO has created a set of goals and corresponding strategies to aid in the public development and implementation of the SEP and other plan and program activities.

Goal 1: Opportunities for Involvement

Provide early, accessible, and continuous opportunities for public involvement from a diversity of stakeholders and interested public.

Strategies

- Develop, maintain, and periodically update a master contact database of area stakeholders to ensure all interested parties have a reasonable opportunity to engage in the transportation planning process.
- Maintain updates to the [APO website](http://www.stcloudapo.org) (www.stcloudapo.org) and appropriate social media platforms to include information relating to all planning products and public outreach events hosted by the APO.
- Advertise public meetings, open houses, and other public-centric affairs through appropriate means, to include social media, legal notices in the newspaper of record, press releases on the APO website, and the stakeholder contact database.
- Provide a minimum of 10 days' notice of upcoming public meetings to ensure opportunities for full participation and accommodations for persons with disabilities are met. The APO will make a good faith effort to provide services as requested such as interpreters (including ASL), enlarged print materials, and other services as needed.
- Host public meetings and events to proactively obtain public engagement at sites and times reasonably available, convenient, and accessible to potentially affected citizens. This includes transit accessibility.
- Provide – at a minimum – quarterly updates to individuals expressing interest in APO planning and programming documents who have provided their contact information to APO staff.
- Develop, maintain, and periodically update a demographic questionnaire to assist APO staffers in determining and adjusting the strategies used in engaging stakeholders from diverse backgrounds. This questionnaire will accompany any online or hard copy survey produced by APO staff.
- Additional strategies from the LEP Plan – found in Chapter 8 – may apply.

Goal 2: Access to Information

Provide reasonable public access to technical and policy information used in the development of plans and projects.

Strategies

- Maintain updates to the APO website to include electronic copies of information provided to the boards and advisory committees for decision-making purposes, as well as final copies of adopted documents, plans, or policy information.
- At all board and committee meetings, make at least one printed copy of all materials provided to the board or committee members available for public inspection.

- At least 10 days prior to all public input meetings, provide informational and source materials on the APO website so that members of the public may review the information before attending the meeting, and so that any person who cannot attend the meeting can still receive the information.
- Provide technical materials in a variety of formats that are easily understood whenever possible. This includes the use of simple, less jargon-filled language.
- Ensure materials posted to the APO website are accessible to all users of all abilities. This includes, but is not limited to: being screen reader friendly, images and non-text content having alternate text, all video with sound containing accurate closed captioning, all active hyperlinks denoted with underlined text, a color contrast ratio of at least 4.5:1 between all text and background, all text must be able to be resized up to 200% without negatively affecting the ability to read content or use functions, and images of text will be used sparingly (e.g. logos).
- Additional strategies from the LEP Plan – found in Chapter 8 – may apply.

Goal 3: Review of Materials

Provide a reasonable amount of time to review materials and comment prior to adoption of any plan or amendment.

Strategies

- Require adequate public notice of public involvement activities and time for public review and comment at key decision points.
 - A minimum public comment period of 30 days is required for the adoption of, or amendments to, the MTP, the TIP, and the Active Transportation Plan.
 - A minimum public comment period of 45 days is required for the adoption of, or amendments to, the SEP.
- Provide a reasonable variety of methods for public comment including, but not limited to, open public meetings, open houses, public hearings, printed comment forms, online comment forms, social media, online surveys, email, or U.S. mail.
- Include in the final document a review of public comments received and the final disposition of those comments.
- Summarize the public comments and their disposition for the APO Policy Board prior to the approval of the final document. If public comments substantially change a draft document, provide a second public comment period with a revised draft document that reflects the incorporated changes.

4 - PUBLIC INVOLVEMENT

Public participation is an on-going activity of the APO with numerous techniques occurring on a continuous basis. Public participation is also an integral part of one-time activities such as corridor studies and recurring activities such as the TIP and the MTP.

Public Involvement Techniques

This section contains descriptions of public participation tools currently used by the APO. Public involvement techniques will be routinely evaluated, and updated as appropriate, for effectiveness and efficiency in encouraging and engaging public participation in the APO planning process. Techniques or combinations of techniques may vary from plan to plan.

Public Meetings: These meetings generally function in coordination with transportation plan updates or planning studies with the overall intent of involving the public in the determination and consideration of identified issues and the development of project alternatives. All public meetings are announced to the public via social media and the APO website.

Advertising of Public Meetings: Notice of public involvement opportunities may include posting of notices in public places and direct notification of stakeholders identified in the process. The APO utilizes legal notices in the local newspaper of record to advertise public input opportunities on the documents and planning studies in their draft form prior to formal completion and/or adoption by the APO's Policy Board.

News Media: The APO notifies news media through general purpose meeting notifications for the Policy Board and project specific press releases. The APO may also submit letters to the editor to the newspaper of record on current trends in transportation that would have implications on the APO planning area. The APO maintains a current list of media contacts.

APO Website: The [APO website](http://www.stcloudapo.org) (www.stcloudapo.org) is utilized to advertise and accommodate the timely delivery of information to the public. Information inclusive of meeting agendas, notices, announcements, draft/final plans, minutes, maps, and studies are located on the website in formats accessible to the public.

Social Media: The APO utilizes appropriate social media avenues to post pertinent information and notices on a frequent basis. Information available on social media also provides another opportunity for the public to provide input to the APO's on-going planning process. Further details on the APO's social media policy can be found in Appendix D of this document.

Citizen Surveys: On a project specific basis, citizen surveys will be used to collect data and other relevant information. These surveys will be available both online and in hard copy. This information is generally documented within the transportation plan or study and is posted on the APO's website.

Visualization Techniques: This content-focused technique utilizes graphics such as maps, charts, graphs, pictures, renderings, and PowerPoint presentations to communicate relationships, trends, performance thresholds, deficiencies, issues, recommendations, and considerations to the public.

Interested Persons List: The APO will maintain a list of stakeholder contacts which includes a representation of citizens; affected public agencies; representatives of public

transportation employees; freight shippers; providers of freight transportation services; private providers of transportation; representatives of users of public transportation; representatives of users of pedestrian walkways and bicycle transportation facilities; representatives of people with disabilities, people-of-color, persons of low-income; and other interested parties. The list shall be used to correspond with stakeholders, provide updates through newsletters and announcements and notify stakeholder contacts of opportunities and events to be involved in the transportation planning process.

Speaking Engagements: APO staff members are available to provide general and project specific information as requested by interested community groups. Staff members also may perform public outreach to community and advocacy groups.

Ensuring Accessible Meetings: For meetings to be successful, everyone involved must have an equal opportunity to participate. Three components are key to presenting meetings that are accessible to people with disabilities: 1) where the meeting is held, 2) how the meeting room furniture is arranged, and 3) how the meeting information is communicated. APO staff shall use the guidance provided in [Accessible Information Exchange: Meeting on a Level Playing Field](https://www.ada.gov/business/accessiblemtg.htm) (<https://www.ada.gov/business/accessiblemtg.htm>). The APO also takes steps to ensure, whenever possible, that public meetings are held at locations and times accessible to public transit. When preparing for public meetings, APO staff shall make all reasonable good-faith efforts to provide auxiliary services if requested to do so.

Virtual Public Involvement

In the event of a health pandemic or an emergency declared under Minnesota Statute Chapter 12 which would prohibit in-person public engagement activities – the traditional platform APO staff uses to reach out to members of the community – APO staff will need to rely on electronic means as the primary way to seek public input. Those techniques include, but are not limited to, the electronic public involvement techniques mentioned in the previous section (APO website, social media, citizen surveys, and interested persons email list) and electronic and/or teleconference meetings.

While meetings and in-person engagement events may be limited to virtual platforms, the APO is still making information available in a variety of formats. APO staff will continue to post notices in the newspaper of record and will make paper copies of materials available for distribution. Comments from the public will continue to be accepted via phone or U.S. mail.

APO staff understand relying solely on virtual means of engagement has the potential to disenfranchise traditionally unrepresented populations. As such, APO staff is committed to exploring and possibly implementing new strategies and techniques – including a hybrid use of virtual and traditional public involvement strategies – to ensure all participants have the ability to participate in the transportation planning process if and when safe and cost-effective to do so.

The development of these techniques is constantly evolving and will be updated as this document is updated.

Public Engagement at the APO

The APO strives to provide opportunities for citizens to help shape the region's future through an early, open, and active engagement process so decision-makers understand and incorporate civic insights. For a more detailed look at the APO's policy of public engagement, please reference the Stakeholder Engagement Plan (<https://bit.ly/38qw1KF>).



Figure 4: A simplified graphic of the APO's public engagement strategies. Artwork courtesy of Becris, Freepik, geotatah, smalllikeart, surang, and Those Icons.

Measuring Success

For the APO, accountability includes a commitment to monitor and evaluate the effectiveness of the policies and practices toward achieving shared outcomes and a willingness to adjust course to improve performance if needed. The SEP will have both qualitative and quantitative measures that will be used throughout.

The following are some of the steps that the APO will take to measure and evaluate its public engagement on specific projects:

- **Before the Project**
 - At the beginning of each project-related planning effort, APO staff will perform an assessment of groups that will be directly affected or may have an interest. Audience assessments will specifically address groups that are historically underrepresented in planning efforts.
- **During the Project**
 - Participation from surveys and from other public engagement activities and events will be monitored and recorded. To the extent possible demographic data of public participants will also be solicited and recorded to assist in determining which communities and groups were actively engaged. There will also be follow up with participants relative to input and comments received.
- **Annually**
 - On an annual basis, staff will survey a sample of participants via SurveyMonkey or another online survey tool to assess the following qualitative elements:

- Were the methods and structure of the outreach effort engaging?
- Did participants feel their time and opinions were valued?
- Was their contribution documented in the final product?
- Would they participate in another APO outreach activity?
- APO staff will compile data collected during the public outreach session via sign-in sheets at in-person engagements. See Appendix E for an example.
- APO staff will also notate the number of individuals who participated in related discussions on the APO's social media platforms and online information-gathering sites.

APO staff will conduct a review of all public outreach efforts on an annual basis and will use information gathered to help modify any perceived deficiencies in public outreach strategies. This annual report will be made available on the APO website.



Figure 5: APO staff members doing a presentation for members of the Policy Board in March 2020.

5 - ENGAGEMENT TACTICS AND APO DOCUMENTS

The purpose of public involvement is to make better decisions, create a better end product, and decrease the time required to implement by 1) facilitating a dialogue with a broad cross-section of citizens in the planning process, 2) organizing and recording information and other input for consideration and use by staff, planning partners, and the Board, and 3) informing citizens of the impact their input has on the development of regional policies. Accordingly, the APO strives to provide opportunities for citizens to help shape the region's future through an early, open, and active engagement process so decision-makers understand and incorporate civic insights.

At critical points in the development of APO plans and studies, input will be sought from the public and interested persons regarding existing conditions/operations, identified needs/deficiencies, proposed strategies/policies, and identified projects/improvements.

Each outreach activity and the applicable results will be incorporated within the appendices of the respective document.

There are two key transportation initiatives of the APO that are specially called out in Federal law as needing early and continuing opportunities for public participation: development of the MTP and the TIP.

Development of the Metropolitan Transportation Plan (MTP) Requirements

The APO is required to adopt an MTP which outlines a short- and long-range list of transportation improvements (including policy considerations) regarding the surface transportation system for the Saint Cloud MPA. The MTP is updated every five years, or more frequently if necessary. At a minimum, the plan includes the following:

- Existing and proposed surface transportation facilities (including major roadways, transit, multimodal and intermodal facilities, pedestrian walkways/bicycle facilities, and intermodal connectors);
- Operational and management strategies;
- Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure;
- Transportation and transit enhancement activities;
- Financial plan and coordinated implementation matrix.

The full list of Federal requirements for the development of the MTP can be found in [23 CFR §450.324](https://bit.ly/2VsNBcf) (<https://bit.ly/2VsNBcf>).

Engagement Tactics for the MTP

Because of its comprehensive, long-term vision, the MTP provides the earliest and the best opportunity for interested persons and public agencies to influence APO's policy and investment priorities for transportation. It is at this stage where investment priorities and major planning-level concepts are established and broad, regional impacts of transportation on the public and the environment are addressed.

Input will be sought from the public and identified stakeholders early and often throughout the development of the MTP, including at critical points in the development of the plan.

The following parameters are used for engaging stakeholders in public input opportunities surrounding the development or update of the MTP:

- Public notice is posted no less than 10 days prior to a public meeting. A legal notice will be published in the St. Cloud Times, the newspaper of record for the planning area, posted on the APO website, posted on available social media outlets, and sent to those identified on the interested persons list.
- A period of no less than 30 days is provided during which public comments can be submitted.
- The public comment period will remain open at least seven calendar days following a public input meeting to give members of the public time to consider the information and provide their feedback.
- All materials made available at public meetings will also be made available electronically via the APO website in accessible formats so that persons who cannot attend a public meeting can still receive the information.
- Upon request, materials may also be provided in a language other than English if feasible and reasonable to do so.

The APO may use other additional forms of public notice including press releases, letters to the editor, and citizen surveys if deemed appropriate to disseminate public notice information regarding the MTP development or update.

At a minimum, the public notification for print and digital platforms will include the following information: a brief description of the anticipated planning process and actions to be taken; the MTP's purpose and effect on the region; a general schedule of the MTP's development or update; an explanation of the opportunities that will be available for public comment and participation; and an APO contact if further information is desired.

Availability of Draft Plan and Interim Support Materials

The APO shall make the draft MTP available to the public. At such time as a draft MTP is published, it will be available for public inspection at the APO office, 1040 County Road 4 in Saint Cloud, and on the APO's website in an accessible format. Printed copies of the draft MTP shall be mailed upon request. Translation of the draft MTP into additional languages may be completed upon request and if reasonable and feasible to do so.

Documenting and Addressing Public Input

With due consideration given to public comments or any other applicable information received from the previous procedural steps, the APO will prepare the final MTP. All comments received, either through the public involvement process or through the interagency consultation process, shall be documented in the final MTP, along with a report on the final disposition of every comment. Groups of similar comments may be addressed collectively rather than individually.

If public feedback results in substantive changes to the final draft MTP or if new substantive material which interested parties could not have reasonably foreseen is inserted into the document by staff, the Policy Board, or an advisory committee of the Board, APO staff will initiate a new round of public engagement (as described above) in order to present the new material for public scrutiny and feedback prior to final approval of the MTP. The final MTP will document the public involvement process, present a compilation of all public comments received, and demonstrate the APO's consideration to these comments.

Changing the MTP

Changes to the MTP are classified as technical corrections, administrative modifications, or amendments.

- **Technical Corrections:** Minor error corrections that do not change the substance of the MTP can be made by APO staff without public notice, TAC review, or Board approval. Examples of such errors include, but are not necessarily limited to, spelling, syntax, punctuation, verb agreement, and mathematical calculation errors as long as the correction of such errors does not substantially change the content of the MTP.
- **Administrative Modifications:** More than a technical correction, administrative modifications make minor changes to the content of the MTP, but do not require a coordinated review by FHWA or FTA, or a determination of conformity, if applicable, by these entities. Administrative modifications may be inclusive of, but not limited to, the following: descriptive material, traffic or demographic estimates or forecasts, numerical data, etc. No public notifications are required for administrative modifications. Administrative modifications require coordination with MnDOT. Administrative modifications shall be reviewed by the TAC and considered for approval by the APO Board.
- **Amendments:** Major changes to the MTP shall require an amendment. Amendments are inclusive of, but not necessarily limited to:
 - The addition or deletion of any project or group of projects including those that are regionally significant in nature;
 - Substantive alterations to the goals, objectives, policies, performance measures, and strategies of the MTP;
 - The addition of a project from the illustrative project list with a re-demonstration of fiscal constraint (i.e., a project for which no Federal funding had been previously identified);
 - A major change in the project cost and/or project phase initiation dates;
 - A major change in project design concept or design scope;
 - If the total estimated project costs for all projects exceeds the fiscal constraint threshold (i.e., the estimate of all revenue that is reasonably expected to be available to pay for projects).

An amendment to the MTP is subject to the requirements of the public involvement process outlined herein. The public notice requirements as outlined earlier in this section are followed for amendments to the MTP. Following the public input process, amendments are reviewed by the TAC and considered for approval by the Board.

Development of the Transportation Improvement Program (TIP)

Requirements

The TIP implements the policy and investment priorities adopted by the APO in the MTP. In this way, public comments made as part of the MTP are reflected in the TIP as well. The TIP is updated annually and is a coordinated listing of short-range transportation improvement projects anticipated to be undertaken in the next four-year period. All projects included in the TIP must be consistent with the MTP. The TIP is a listing of the region's surface transportation projects – including transit, highway, local roadway, bicycle and pedestrian

investments – that are scheduled to receive Federal or state funds, or are regionally significant regardless of funding source.

The TIP includes a financial plan that demonstrates there are sufficient revenues to ensure that the funds committed (or programmed) to the projects are available to implement the projects or project phases.

At a minimum, the TIP shall include the following:

- A list identifying all regionally significant projects requiring action by the FHWA or the FTA within the defined time period after the initial adoption of the TIP;
- A financial plan demonstrating how the approved TIP can be implemented and an indication of resources (public or private) that can be reasonably expected to be available in order to complete the projects;
- Identification of other financial alternatives/strategies to implement projects;
- An outline of project descriptions and applicable project phases.

The full list of Federal requirements for the development of the TIP can be found in [23 CFR §450.326](https://bit.ly/2PrUIxS) (<https://bit.ly/2PrUIxS>).

Engagement Tactics for the TIP

Following the development of the draft TIP, the document will be made available to the general public for their review and comment.

The following parameters are used for engaging stakeholders in public opportunities surrounding the development or amendment of the TIP:

- Public notice is posted no less than 10 days prior to a public meeting. A legal notice will be published in the St. Cloud Times, the newspaper of record for the planning area, posted on the APO website, posted on available social media outlets, and sent to those identified on the interested persons list.
- A period of no less than 30 days is provided for which public comments can be submitted.
- The public comment period will remain open at least seven calendar days following a public input meeting to give members of the public time to consider the information and provide their feedback.
- All materials made available at public meetings will also be made available electronically via the APO website in accessible formats so that persons who cannot attend a public meeting can still receive the information.
- Upon request, materials may also be provided in a language other than English if feasible and reasonable to do so.

The APO may use other additional forms of public notice including press releases, letters to the editor, and citizen surveys if deemed appropriate to disseminate public notice information regarding the TIP development or update.

At a minimum, the public notification will include the following information: a brief description of the anticipated planning process and actions to be taken; the TIP's purpose and effect on the region; a general schedule of the TIP's development or update; an explanation of the opportunities that will be available for public comment and participation; and an APO contact if further information is desired.

Availability of Draft TIP and Interim Support Materials

The APO shall make the draft TIP available to the public. At such time as a draft TIP is published, it will be available for public inspection at the APO office, 1040 County Road 4 in Saint Cloud, and on the APO's website in an accessible format. Print copies of the draft TIP can be mailed upon request. Translation of the draft TIP into additional languages may be completed upon request and if reasonable and feasible to do so.

Documenting and Addressing Public Input

With due consideration given to public comment or any other applicable information received from the previous procedural steps, the APO will prepare the final TIP. All comments received, either through the public involvement process or through the interagency consultation process, shall be documented in the final TIP, along with a report on the final disposition of every comment. Groups of similar comments may be addressed collectively rather than individually.

If public feedback results in substantive changes to the final draft TIP or if new substantive material which interested parties could not have reasonably foreseen is inserted into the document by staff, the Policy Board, or an advisory committee of the Board, APO staff will initiate a new round of public engagement (as described above) in order to present the new material for public scrutiny and feedback prior to final approval of the TIP. The final TIP will document the public involvement process, present a compilation of all public comments received, and demonstrate the APO's consideration to these comments.

Changing the TIP

Changes to the TIP are defined as either technical corrections, administrative modifications, or amendments. Any changes to the TIP through the use of technical corrections, administrative modifications, or amendments must be reported to MnDOT to be accurately reflected in the [State Transportation Improvement Program \(STIP\)](https://bit.ly/2PtICFt) (<https://bit.ly/2PtICFt>).

In order to align the development process of the APO's TIP with MnDOT's STIP, the APO has elected to base its policies on the amendment and administrative modifications policies outlined in the memo "[Minnesota Department of Transportation \(MnDOT\) Procedures for Amendments and Administrative Modifications to the Minnesota State Transportation Improvement Program \(STIP\)](https://bit.ly/3izKDfx)" (<https://bit.ly/3izKDfx>). For purposes of inclusion into the SEP, the guidance outlined in the aforementioned document for administrative modifications and amendments has been listed here and edited as it pertains to development of the APO's TIP.

- **Technical Corrections:** Minor error corrections that do not change the substance of the TIP can be made by APO staff without public notice, TAC review, or Board approval. Examples of such errors include, but are not necessarily limited to, spelling, syntax, punctuation, verb agreement, revision of a project description without change to scope or conflict with the environmental documents (i.e., clarifying project description, adding/removing project smart code or incidental work), project number changes to the TIP, and mathematical calculation errors as long as the correction of such errors does not substantially change the content of the TIP.
- **Administrative Modifications:** More than a minor error correction, administrative modifications make substantial changes to the content of the TIP, but do not require a coordinated review by FHWA or FTA, or a determination of conformity, if applicable, by these entities. No public notifications are required for administrative

modifications. Administrative modifications require coordination with MnDOT. Administrative modifications shall be reviewed by the TAC and considered for approval by the APO Board.

- o An increase or decrease in a project’s total programmed cost that falls within the ranges as listed in Figure 6, provided there is no change in scope. Of note, no TIP administrative modification is required for cost increase or decrease under 20% on FTA projects.
- o The increase or decrease in cost estimate meeting FHWA Administrative STIP Modification thresholds. Justification is required to maintain fiscal constraint. See Figure 6.
- o Changing a funding year which includes advance or deferring with no change to scope and cost (fiscal constraint justification required for advancing a project).
- o The addition of a state funded project to the TIP, which is not regionally significant.
- o Convert a non-federally funded project to a federally funded project with no change to cost or scope.
- o Combine a new non-federally funded project to an existing federally funded project provided the cost of the administrative modification is within the ranges as listed in Figure 6.
- o Add, remove, increase, or decrease Advance Construction (AC).
- o Removing a project currently programmed in the TIP.
- o Split or combine individually listed projects provided projects remain within the original planned location, no change in split/combine scope/cost, no shift in funding year, and logical termini maintained.
- o Changing federal funding from FTA funds to FHWA funds or vice versa. Fiscal constraint justification required.

STIP (and TIP) Total Project Estimate Cost	Administrative STIP Modification required if increase/decrease more than:
<\$1,000,000	No Administrative STIP/TIP Modification is required when a STIP/TIP total project estimate cost is less than \$1 million AND the proposed total cost estimate remains less than \$1 million.
\$1,000,001 to \$10,000,000	20%
\$10,000,001 to \$100,000,000	10%
>\$100,000,000	Processing an Administrative STIP/TIP Modification for high profile projects (greater than \$100 million), which the change impacts financial constraint, requires prior collaborative discussion between MnDOT and FHWA.

Figure 6: FHWA Administrative STIP Modification Thresholds. Of note, these guidelines also apply to the TIP.

- **Amendments:** Major changes to the TIP shall require an amendment.
 - o Add a new project.
 - o Revise a project scope such as changing the major work from bridge rehabilitation to replacement, resurface to reconstruct, removing or adding

- o additional work/bridge/lane/intersection/route; removing or adding a phase of work such as preliminary engineering/right-of-way construction.
- o The change impacts financial constraint, including total cost increases or decreases meeting the Formal STIP Amendment thresholds. See Figure 7. Of note an increase or decrease of 20% or greater for FTA funding projects triggers a TIP/STIP amendment.
- o Change a project limit/termini/length greater than 0.3 miles in any direction.
- o Impact air quality conformity.

STIP (and TIP) Total Project Estimate Cost	FHWA STIP (and TIP) Amendment required if increase/decrease more than:
<\$1,000,000	No STIP/TIP Amendment is required when the STIP/TIP total project estimate cost is less than \$1 million AND the proposed total estimate cost remains less than \$1 million.
\$1,000,001 to \$3,000,000	50%
\$3,000,001 to \$10,000,000	35%
\$10,000,001 to \$50,000,000	20%
\$50,000,001 to \$100,000,000	15%
>\$100,000,000	10%

Figure 7: FHWA STIP Amendment Thresholds. Of note, these guidelines also apply to the TIP.

An amendment to the TIP is also subject to the requirements of the public involvement process outlined herein. The public notice requirements as outlined earlier in this section are followed for amendments to the TIP. Following the public input process, amendments are reviewed by the TAC and considered for approval by the Board.

Other Federally Required APO Documents

Unified Planning Work Program

In order to ensure the timely planning and implementation of metropolitan transportation priorities identified in the MTP, the APO is required to adopt a Unified Planning Work Program. The UPWP is an annual document that serves as the organization’s operating budget; and identifies the planning studies, projects, and other planning work to be funded or undertaken by the APO. Public involvement in the development of the UPWP is not required by Federal law or regulation. However, since all meetings of the TAC and APO Board are open to the public, the development of the UPWP can be monitored as the draft document is created and subsequently presented to the TAC and the APO Board. The public will be provided an opportunity to comment in person at APO Board or advisory committee meetings.

Development of the UPWP occurs annually, so public comments on regional planning priorities are always welcome. Persons with comments or who are interested in the development of the UPWP are encouraged to call, mail, or email the APO Executive Director. The APO’s mailing address is 1040 County Road 4, Saint Cloud, Minnesota 56303, and the phone number is 320-252-7568.

The full list of Federal requirements for the development of the UPWP can be found in [23 CFR §450.308](https://www.ecfr.gov/current/title-49/chapter-I/subchapter-B/part-450/subpart-308) (<https://bit.ly/2Vo1GI0>).

Stakeholder Engagement Plan

The SEP is a document that combines the required public participation plan, the Title VI Plan, and the Limited English Proficiency (LEP) Plan together with consultation from interested parties and agency governance and operations. This document creates a one-stop-shop location for the public to reference. A draft SEP will go through a 45-day public comment period.

This comment period will include:

- Notifying the APO membership, interested parties, stakeholders, community organizations representing Title VI groups, ADA groups, and EJ groups, as well as federal resource agencies of the opportunity to comment on the plan.
- Posting the draft SEP online on the APO's website.
- Adding agenda information items to APO Board and committee meetings.
- Providing opportunities for public comment in person at APO Board or committee meetings.
- Posting information on social media.

APO Plans and Studies

Development of APO Planning Documents

In addition to the federally required documents the APO must produce; APO staff are often tasked with the development of other planning documents in relation to the aforementioned plans. Such planning documents are often specific in nature – such as those dealing with active transportation – and often serve to inform and guide the development of the APO's federally required documents such as the MTP.

Engagement Tactics for APO Planning Documents

Similar to the development of the MTP, providing interested persons and public agencies the opportunity to provide input throughout the development of various planning documents is vital to the development of investment priorities and major planning-level concepts within the Saint Cloud MPA.

The following parameters are used for engaging stakeholders in public input opportunities surrounding the development or update of APO planning documents:

- Public notice is posted no less than 10 days prior to a public meeting. A legal notice will be published in the St. Cloud Times, the newspaper of record for the planning area, posted on the APO website, posted on available social media outlets, and sent to those identified on the interested persons list.
- A period of no less than 30 days is provided for which public comments can be submitted.
- The public comment period will remain open at least seven calendar days following a public input meeting to give members of the public time to consider the information and provide their feedback.
- All materials made available at public meetings will also be made available electronically via the APO website in accessible formats so that persons who cannot attend a public meeting can still receive the information.
- Upon request, materials may also be provided in a language other than English if feasible and reasonable to do so.

The APO may use other additional forms of public notice including press releases, letters to the editor, and citizen surveys if deemed appropriate to disseminate public notice information regarding the development or update of various planning documents.

At a minimum, the public notification for print and digital platform's will include the following information: a brief description of the anticipated planning process and actions to be taken; the planning document's purpose and effect on the region; a general schedule of the plan's development or update; an explanation of the opportunities that will be available for public comment and participation; and an APO contact if further information is desired.

Availability of Draft Plan and Interim Support Materials

The APO shall make drafts of planning documents available to the public. At such time as a draft document is published, it will be available for public inspection at the APO office, 1040 County Road 4 in Saint Cloud, and on the APO's website in an accessible format. Printed copies of the draft document shall be mailed upon request. Translation of the draft documents into additional languages may be completed upon request and if reasonable and feasible to do so.

Documenting and Addressing Public Input

With due consideration given to public comments or any other applicable information received from the previous procedural steps, the APO will prepare the final planning document. All comments received, either through the public involvement process or through the interagency consultation process, shall be documented in the final plan, along with a report on the final disposition of every comment. Groups of similar comments may be addressed collectively rather than individually.

If public feedback results in substantive changes to the final plan or if new substantive material which interested parties could not have foreseen is inserted into the document by staff, the Policy Board, or an advisory committee of the Board, APO staff will initiate a new round of public engagement (as described above) in order to present the new material for public scrutiny and feedback prior to final approval of the document. The final plan will document the public involvement process, present a compilation of all public comments received, and demonstrate the APO's consideration to these comments.

Development of Corridor and Planning Studies

Often consultant-led and under the guidance of APO staff and other planning partners, corridor and other planning studies allow residents to look closely at and consider alternatives for a particular geographical area within the APO's planning area. Deciding to invest in a major infrastructure improvement is often a big undertaking, comprised of varying perspectives, concerns, costs, and potential impacts.

Facilities that carry a significant number of cars, trucks, buses, and trains are generally not perceived to be ideal neighbors, yet they are vital components of a healthy region. Decisions frequently reflect the dilemmas and tradeoffs between maintaining mobility and safety for people and goods, while minimizing costs and impacts (particularly on residential areas). Public policies have been established to promote cost-effective and contextually sensitive (including environmentally sensitive) improvements; however, social, physical, institutional, and financial factors must be weighed in each situation.

Engagement Tactics for Corridor and Planning Studies

Participation in corridor and planning related studies provides the most grassroots form of public involvement and engagement.

The following parameters are used for engaging stakeholders in public opportunities surrounding the development of corridor or planning studies:

- Public notice is posted no less than ten 10 days prior to a public input opportunity¹.
- All materials made available at public meetings will also be made available electronically via the APO website so that persons who cannot attend a public meeting can still receive the information.
- A period of no less than 30 days is provided for which public comments can be submitted on the draft document prior to it being finalized.
- The public comment period will remain open at least seven calendar days following a public input meeting to give members of the public time to consider the information and provide their feedback.

The public notice in the form of a legal notice will be published in the St. Cloud Times, the newspaper of record for the planning area, posted on the APO website, posted on available social media outlets, and sent to those identified on the interested persons list. Additional notifications will be circulated to any other relevant publications if applicable.

The APO may use other additional forms of public notice including press releases and letters to the editor as deemed appropriate to disseminate public notice information regarding the corridor or planning related studies.

At a minimum, the public notification will include the following information: a brief description of the anticipated planning process and actions to be taken; the corridor or planning related study's purpose and effect on the region; a general schedule of the study's development or update; an explanation of the opportunities that will be available for public comment and participation; and an APO contact if further information is desired.

Availability of Draft Corridor and Planning Related Studies

The APO shall make all significant materials developed throughout the process of the corridor and/or planning study, including the draft study document, available to the public for review and comment. Significant materials used in support of the study's development including the drafts will be posted to the APO website. At such time as a draft study is published, it will be available for public inspection at the APO office, 1040 County Road 4 in Saint Cloud, and on the APO's website.

¹ Public input opportunities may include (but shall not necessarily be limited to) traditional public input meetings, project open houses, planning charrettes and workshops, public exhibits and displays, public surveys, and others. Project managers will decide on a case-by-case basis how best to reach and engage stakeholders and the general public for each planning study.



Figure 8: APO staff presenting information to members of the Active Transportation Plan Development Committee at its March 2020 meeting.

6 – PROMOTING INCLUSIVE PARTICIPATION

Title VI and other related regulations (as noted in Chapter 2) regarding non-discrimination and which establish the mobility needs of communities historically underrepresented must be considered in the APO planning process at the plan development, program, and project level.

Historically underrepresented communities include those protected under Federal legislation such as Title VI, Environmental Justice, ADA, Title II, OAA, and Executive Order 13116 for limited English proficiency. The APO specifically defines the following demographic population subsets as being historically underrepresented:

- People-of-Color.
- Persons with low-income.
- People with disabilities.
- People with limited English-speaking capabilities.
- Households without access to a motor vehicle.
- Persons over the age of 65.
- Persons under the age of 18.

The APO facilitates consideration of historically underrepresented communities in its planning and programming activities primarily through the following activities:

- Collection and analysis of demographic data.
- Public involvement activities.
- Performing program and project analyses.

This portion of the SEP must be updated at a minimum of every three years.

As part of the APO's public involvement efforts, the APO seeks out locations and methods of engagement that facilitates and encourages participation from all residents.

Demographic Profile of the APO MPA

According to the U.S. Census Bureau's 2014-2018 American Community Survey (ACS) Five-Year Estimates, the APO's MPA has a 2018 population of 135,441, an increase of roughly 4% from the 2010 U.S. Census.

As part of the Title VI program, the APO closely monitors and tracks statistical demographic data on people-of-color, income level, persons with disabilities, languages spoken, zero vehicle households, and age of the population of the Saint Cloud MPA. In conjunction with Title VI, the Americans with Disabilities Act (ADA), EO 12898 on Environmental Justice (EJ), and EO 13116 on Limited English Proficiency, the APO is mindful of these populations throughout its planning process and strives to limit disproportionate adverse effects and ensure equitable access to transportation and transportation resources.

People-of-Color

Within the APO's planning area, roughly 16.7% of the population has identified as being a person of color according to 2014-2018 ACS data. People-of-color as defined by ACS includes individuals who identify as: Black/African American alone; American Indian and Alaska Native alone; Asian alone; Native Hawaiian and other Pacific Islander alone; some other race; or two or more races. For purposes of this analysis, APO staff have also included

individuals of Hispanic or Latino descent, regardless of race, under the people-of-color definition.

Between 2010 and 2018 the population of people-of-color within the APO's MPA has increased 4.9 percentage points or roughly 41.5%.

APO MPA	2010 Census Population	2014-2018 ACS Population Estimates	Percent Change
Total Population	130,225	135,441	4.0%
People-of-Color	15,358	22,563	46.9%
Percent of Population of People of Color	11.8%	16.7%	41.5%

Figure 9: A comparison of the people-of-color population within the Saint Cloud MPA between 2010 and 2018.

People who identify as Black/African American make up the largest share of the people-of-color population within the MPA (approximately 8.3%). This is followed by Asian alone and Hispanic or Latino both of which comprise 2.8% of the population.

Below is a breakdown of the people-of-color population of individual jurisdictions within the APO's planning area as reported by the 2014-2018 ACS Five-Year Estimates.

Jurisdiction	2014-2018 ACS Population Estimates	Percent of Population Who Are People-of-Color
Brockway Township	2,841	3.2%
Haven Township	2,148	7.0%
LeSauk Township	1,692	6.9%
Minden Township	1,661	0.7%
Rockville	2,533	11.6%
Sartell	17,076	10.1%
Sauk Rapids	13,528	8.4%
Sauk Rapids Township	512	4.1%
Saint Augusta	3,669	3.2%
Saint Cloud	67,513	23.3%
Saint Joseph	6,938	6.9%
Saint Joseph Township	1,435	1.3%
Saint Stephen	916	6.0%
Saint Wendel Township	2,179	2.1%
Waite Park	7,623	32.9%
Watab Township	3,177	2.3%
Total	135,441	16.7%

Figure 10: People-of-Color population of jurisdictions within the APO's planning area.

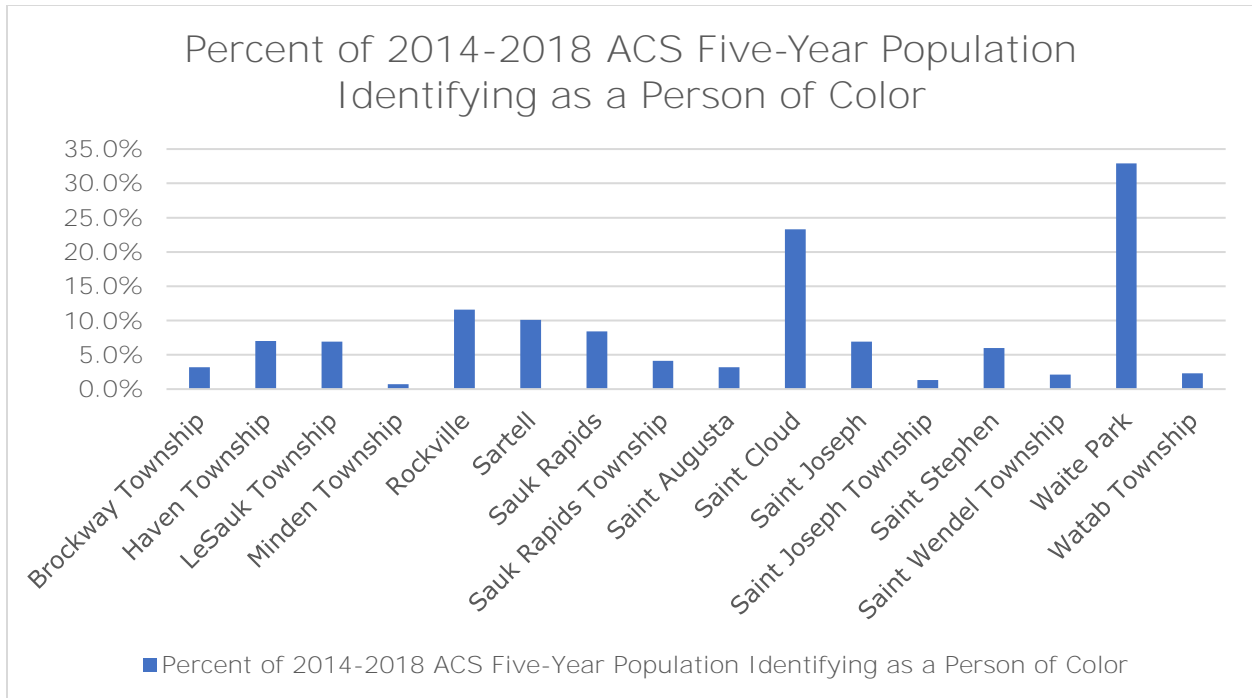


Figure 11: Percent of jurisdictional population within the APO's planning area identifying as a person of color.



Figure 12: Two people having a conversation over coffee.

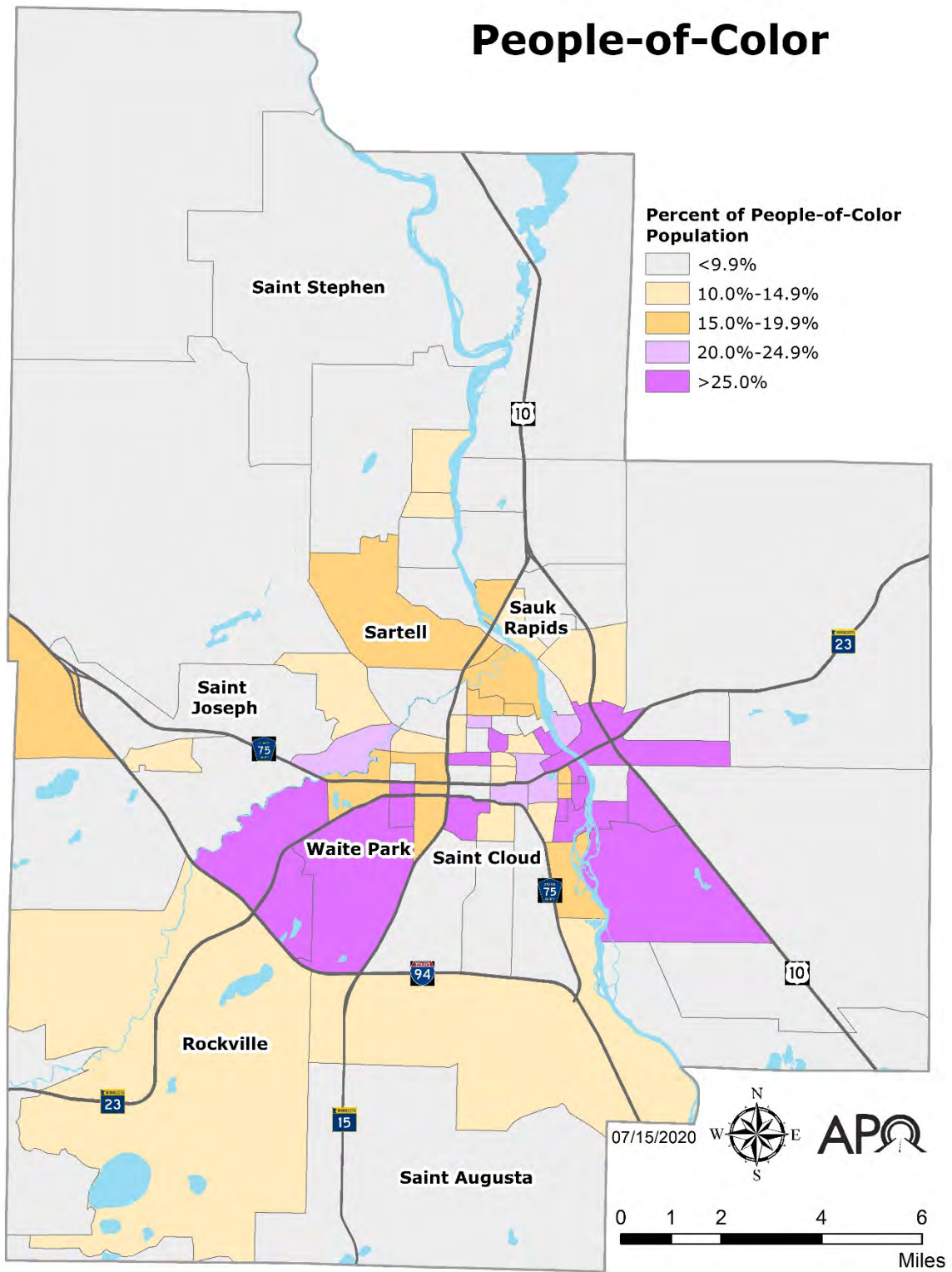


Figure 13: Percent of the people-of-color population of jurisdictions within the APO's planning boundary by Census block group. Data courtesy of U.S. Census Bureau's 2014-2018 ACS Five Year Estimates.

Low-Income Populations

According to the U.S. Census Bureau's 2014-2018 ACS Five Year Estimates, there are 52,390 households within the APO's MPA. Of that, approximately 14.8% of households are low-income.

In comparison to the 2006-2010 ACS Five Year Estimates, the number of households in poverty has dipped slightly in the MPA – down 0.9 percentage points or 5.7%.

APO MPA	2006-2010 ACS Population Estimates	2014-2018 ACS Population Estimates	Percent Change
Total Household Population	49,628	52,390	5.6%
Low-Income Households	7,807	7,756	-0.7%
Percent of Household Population with Low Income	15.7%	14.8%	-5.7%

Figure 14: A comparison of households with low-income within the Saint Cloud MPA between 2010 and 2018.

In comparison to its respective total household population, the City of Saint Cloud has the highest percentage of low-income households (19.6% of all total households). This is followed by the City of Sauk Rapids (16.8%) and the City of Saint Joseph (16.6%).

Below is a breakdown of the low-income household population of individual jurisdictions within the APO's planning area as reported by the 2014-2018 ACS Five Year Estimates.

Jurisdiction	2014-2018 ACS Household Population Estimates	Percent of Low-Income Households
Brockway Township	1,047	2.4%
Haven Township	767	6.5%
LeSauk Township	733	6.7%
Minden Township	699	8.3%
Rockville	1,011	5.3%
Sartell	6,541	5.8%
Sauk Rapids	5,480	16.8%
Sauk Rapids Township	243	0.8%
Saint Augusta	1,326	4.3%
Saint Cloud	26,264	19.6%
Saint Joseph	1,865	16.6%
Saint Joseph Township	543	3.5%
Saint Stephen	322	2.8%
Saint Wendel Township	876	5.4%
Waite Park	3,497	15.3%
Watab Township	1,176	8.4%
Total	52,390	14.8%

Figure 15: Low-income household population of jurisdictions within the APO's planning area.

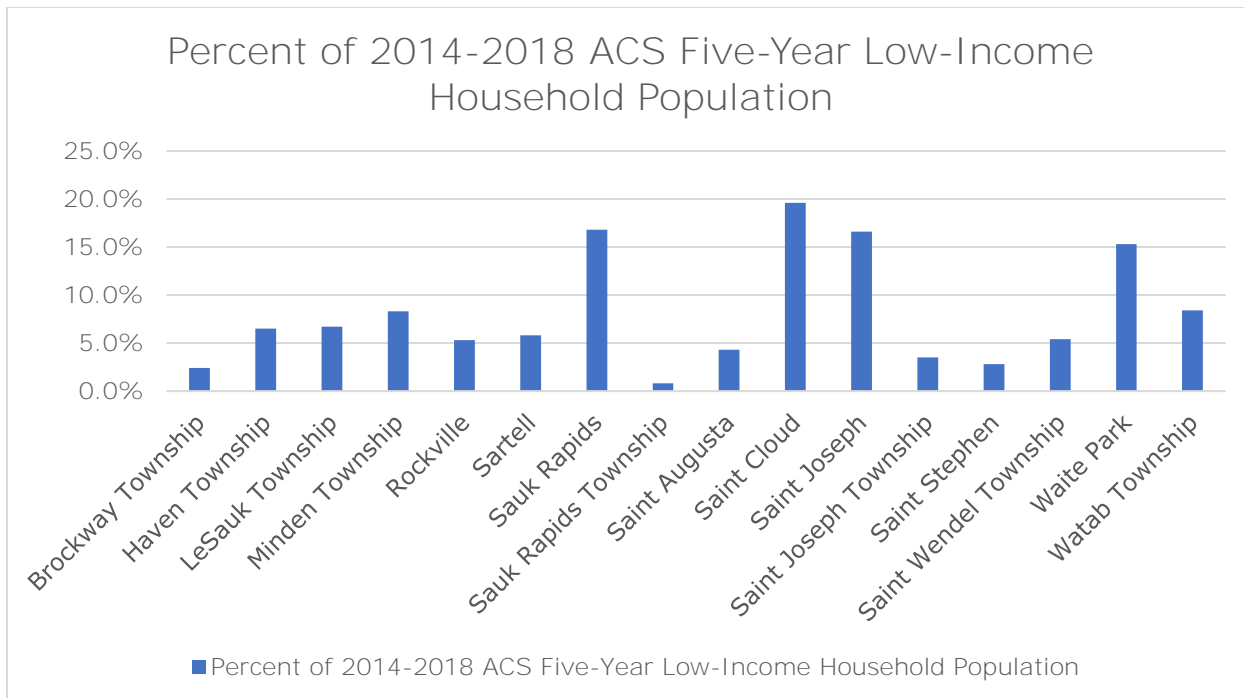


Figure 16: Percent of jurisdictional low-income household population within the APO's planning area.

\$13,064

Census-defined poverty threshold for a one-person household (under age 65, no kids)



\$12,043

Census-defined poverty threshold for a one-person household (65+, no kids)

Figure 17: Money income thresholds that determine poverty vary by family size and composition. Above are two samples of the way the Census defines low-income households. Stock art courtesy of Pause08. Data courtesy of U.S. Census.

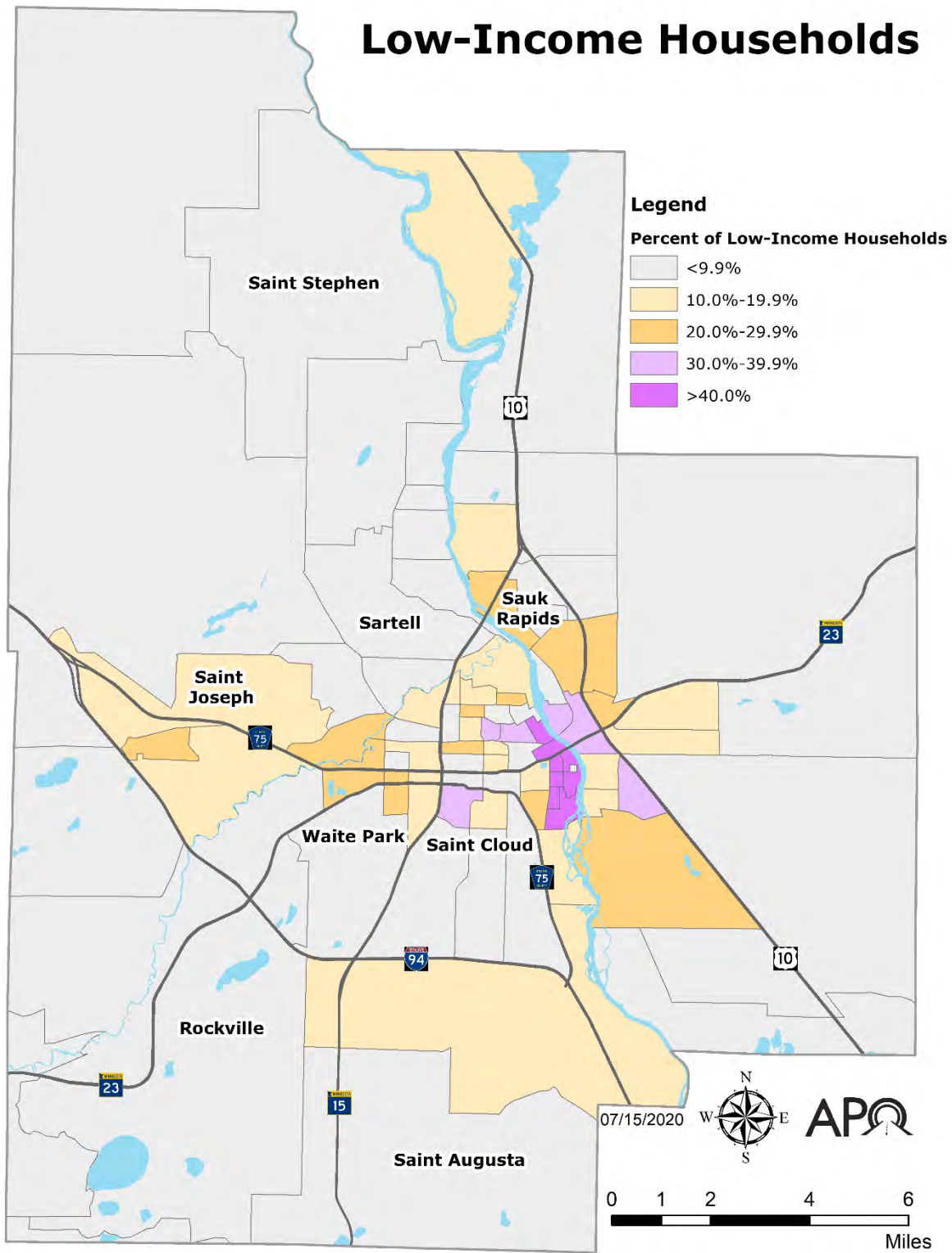


Figure 18: Percent of the low-income household population of jurisdictions within the APO's planning boundary by Census block group. Data courtesy of U.S. Census Bureau's 2014-2018 ACS Five Year Estimates.

People with Disabilities

In determining the population of people with disabilities, the U.S. Census Bureau excludes what they have defined as “institutionalized” populations. The U.S. Census Bureau defines institutionalized populations as persons living in military installations, correctional and penal institutions, dormitories of schools and universities, religious institutions, and hospitals.

That said, the Saint Cloud MPA has a non-institutionalized population of 133,102 according to the 2014-2018 ACS Five Year Estimates. Of that population, approximately 11.6% of individuals identified as having a disability. Due to a lack of 2010 Census information, a comparison cannot be made between the 2010 and 2018 populations.

Among jurisdictions within the APO’s planning area, Haven Township reports the largest percentage of its non-institutionalized population identifying as having a disability (14.2%). This is followed by the City of Waite Park (13.4%) and the City of Sauk Rapids (13.3%).

Below is a breakdown of the non-institutionalized population of people with disabilities for individual jurisdictions within the APO’s planning area as reported by the 2014-2018 ACS Five Year Estimates.

Jurisdiction	2014-2018 ACS Non-Institutionalized Population Estimates	Percent of Non-Institutionalized Population of People with Disabilities
Brockway Township	2,841	6.5%
Haven Township	2,148	14.2%
LeSauk Township	1,688	7.7%
Minden Township	1,661	12.3%
Rockville	2,533	6.6%
Sartell	16,926	9.3%
Sauk Rapids	13,293	13.3%
Sauk Rapids Township	512	10.7%
Saint Augusta	3,664	9.9%
Saint Cloud	65,603	12.4%
Saint Joseph	6,938	11.1%
Saint Joseph Township	1,435	7.8%
Saint Stephen	916	7.9%
Saint Wendel Township	2,179	10.6%
Waite Park	7,588	13.4%
Watab Township	3,177	10.4%
Total	133,102	11.6%

Figure 19: People with disabilities population of jurisdictions within the APO’s planning area.

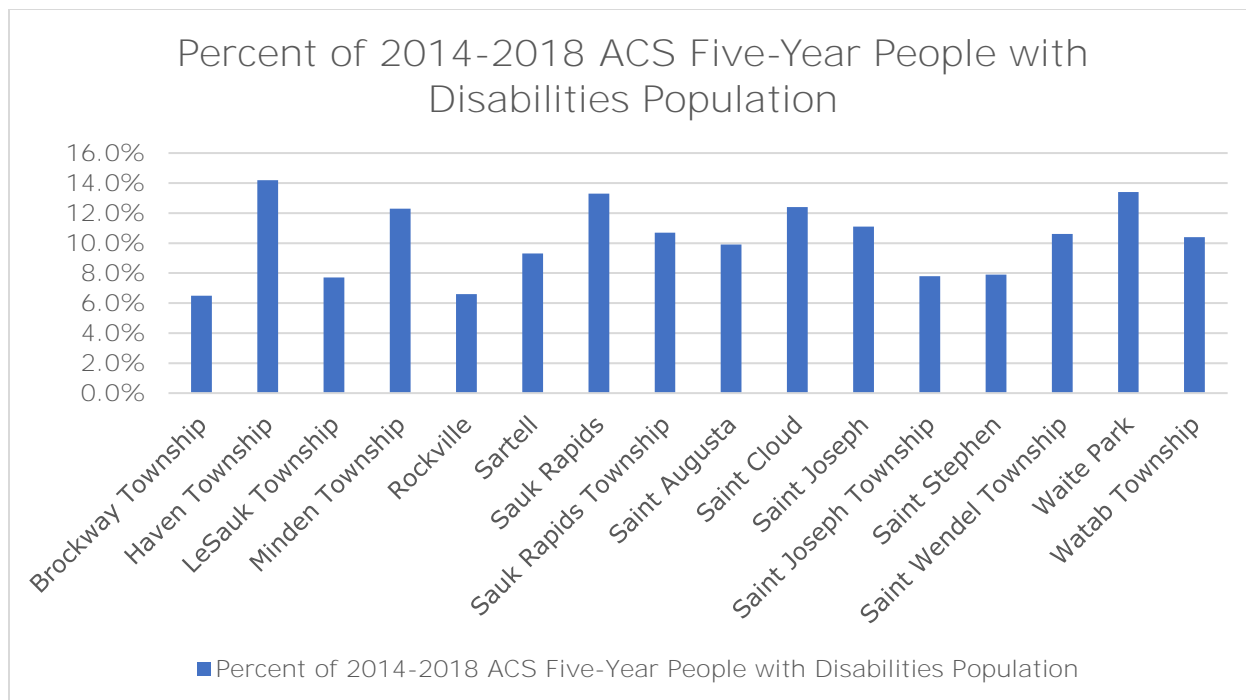


Figure 20: Percent of jurisdictional population within the APO’s planning area identifying as having a disability.

The data needed to map this population subset was not accessible to APO staff via the U.S. Census Bureau. Therefore, no map is available.

Languages Spoken

Out of the 52,390 households within the Saint Cloud MPA, approximately 89.1% are English-only speaking households. From the remaining 10.9% of households within the MPA that have languages other than English spoken in the home, approximately 2.8% are households that have limited English speaking skills according to the 2014-2018 ACS Five Year Estimates. Due to a lack of 2010 Census information, a comparison cannot be made between the 2010 and 2018 populations.

Among jurisdictions within the APO’s planning area, the City of Saint Cloud reports the largest percentage of its households having limited English speaking skills (4.6%). This is followed by the City of Waite Park (4.0%) and the City of Rockville (3.7%).

Below is a breakdown of households with limited English-speaking skills for individual jurisdictions within the APO’s planning area as reported by the 2014-2018 ACS Five Year Estimates.

Jurisdiction	2014-2018 ACS Household Population Estimates	Percent of Limited English-Speaking Households
Brockway Township	1,047	0.0%
Haven Township	767	0.0%
LeSauk Township	733	0.4%
Minden Township	699	0.0%
Rockville	1,011	3.7%
Sartell	6,541	0.1%
Sauk Rapids	5,480	0.4%
Sauk Rapids Township	243	0.0%
Saint Augusta	1,326	0.0%
Saint Cloud	26,264	4.6%
Saint Joseph	1,865	3.0%
Saint Joseph Township	543	0.0%
Saint Stephen	322	0.0%
Saint Wendel Township	876	0.0%
Waite Park	3,497	4.0%
Watab Township	1,176	0.0%
Total	52,390	2.8%

Figure 21: Limited English-speaking household population of jurisdictions within the APO's planning area.

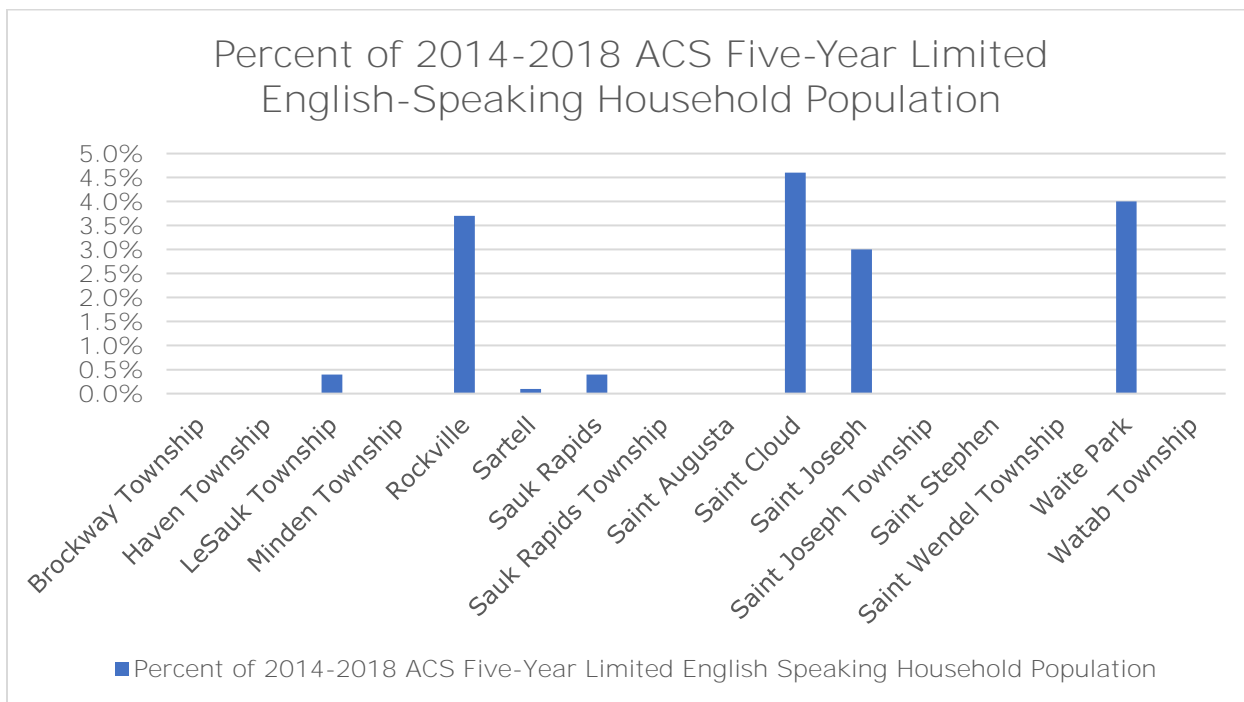


Figure 22: Percent of jurisdictional limited English-speaking household population within the APO's planning area.

Limited English Speaking Households

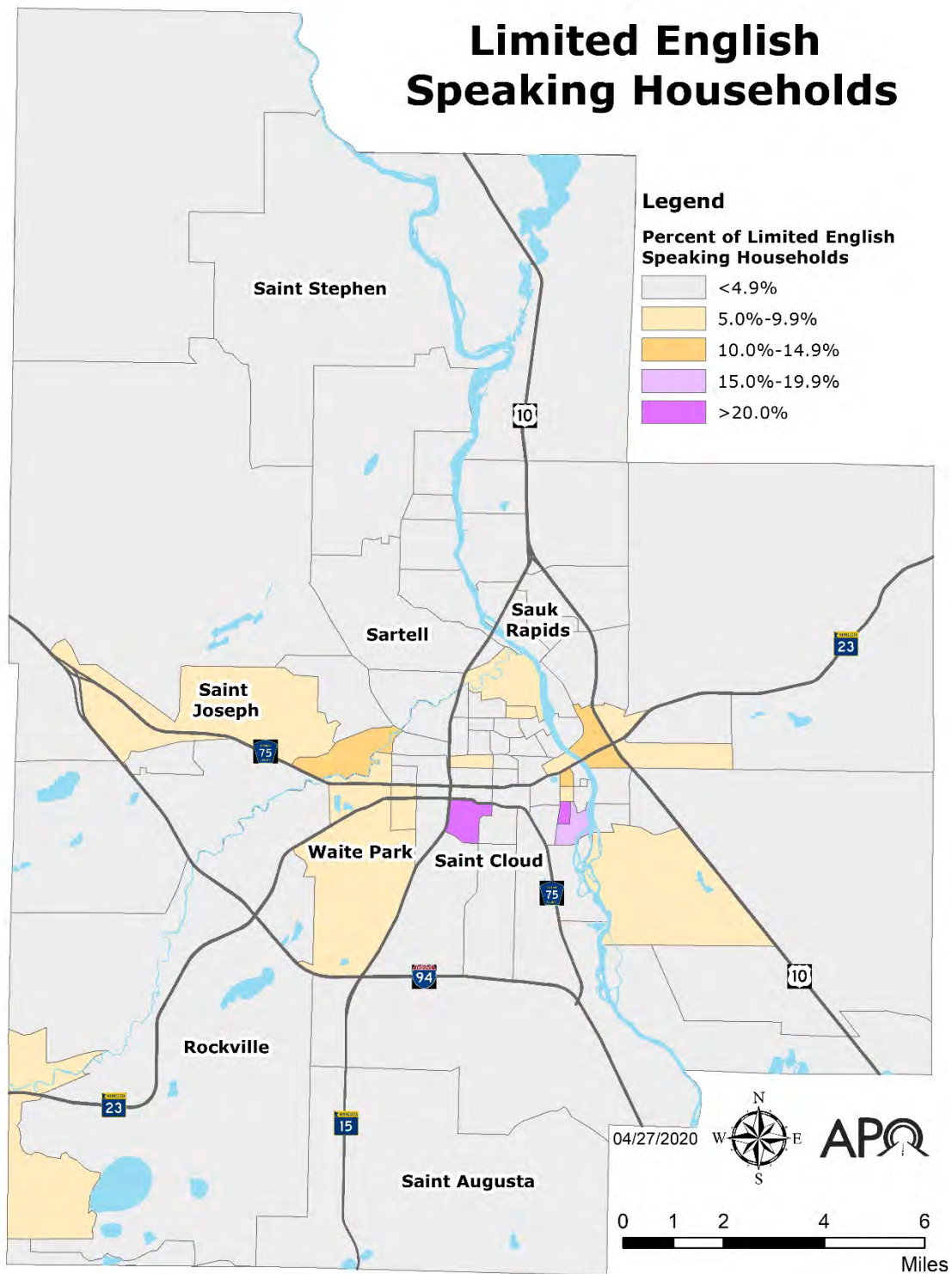


Figure 23: Percent of the limited English-speaking households of jurisdictions within the APO's planning boundary by Census block group. Data courtesy of U.S. Census Bureau's 2014-2018 ACS Five Year Estimates.

Zero Vehicle Households

According to the 2014-2018 ACS Five Year Estimates, approximately 6.9% of households within the MPA do not have access to a personal vehicle. This number has remained constant since 2010 (according to the 2006-2010 ACS Five Year Estimates).

APO MPA	2006-2010 ACS Population Estimates	2014-2018 ACS Population Estimates	Percent Change
Total Household Population	49,628	52,390	5.6%
Zero Vehicle Households	3,446	3,621	5.1%
Percent of Zero Vehicle Household Population	6.9%	6.9%	0.0%

Figure 24: A comparison of zero vehicle households within the Saint Cloud MPA between 2010 and 2018.

In comparison to its respective total household population, the City of Saint Cloud has the highest percentage of zero vehicle households (9.2% of all total households). This is followed by the City of Waite Park (8.1%) and the City of Sauk Rapids (7.8%).

Below is a breakdown of the zero vehicle household population of individual jurisdictions within the APO's planning area as reported by the 2014-2018 ACS Five Year Estimates.

Jurisdiction	2014-2018 ACS Household Population Estimates	Percent of Zero Vehicle Households
Brockway Township	1,047	1.1%
Haven Township	767	3.5%
LeSauk Township	733	1.5%
Minden Township	699	4.1%
Rockville	1,011	4.5%
Sartell	6,541	5.2%
Sauk Rapids	5,480	7.8%
Sauk Rapids Township	243	0.0%
Saint Augusta	1,326	1.4%
Saint Cloud	26,264	9.2%
Saint Joseph	1,865	0.0%
Saint Joseph Township	543	0.4%
Saint Stephen	322	0.0%
Saint Wendel Township	876	1.0%
Waite Park	3,497	8.1%
Watab Township	1,176	0.8%
Total	52,390	6.9%

Figure 25: Zero vehicle household population of jurisdictions within the APO's planning area.

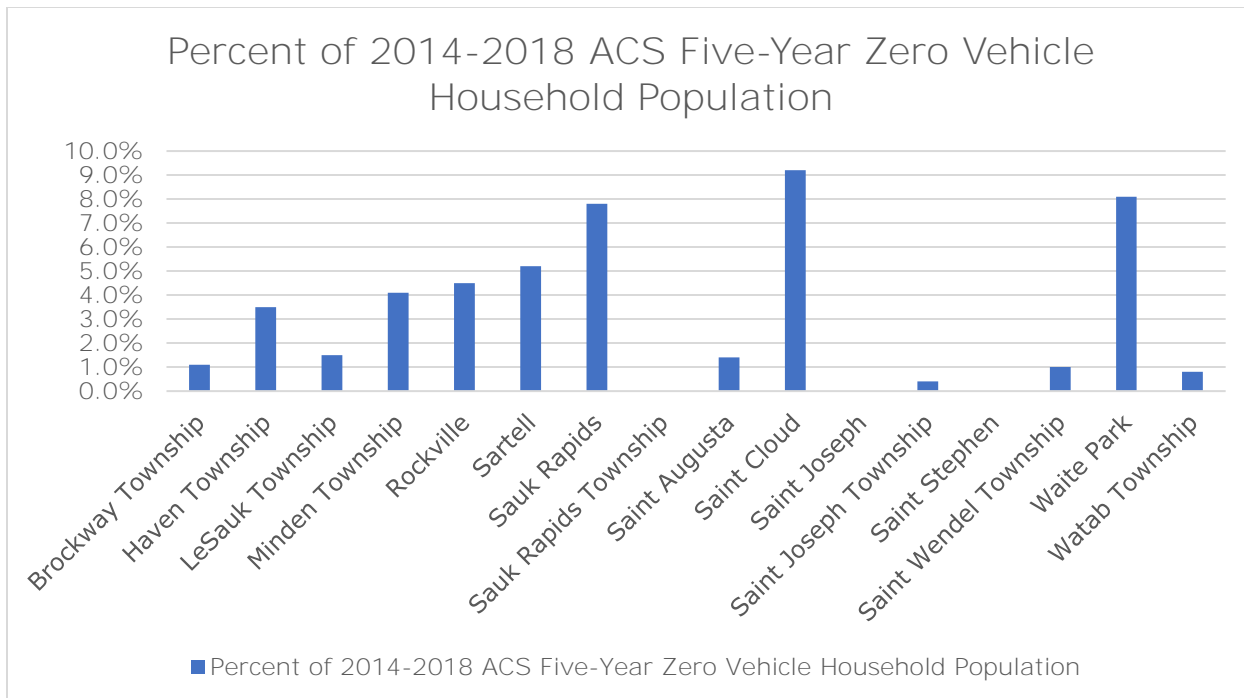


Figure 26: Percent of jurisdictional zero vehicle household population within the APO's planning area.

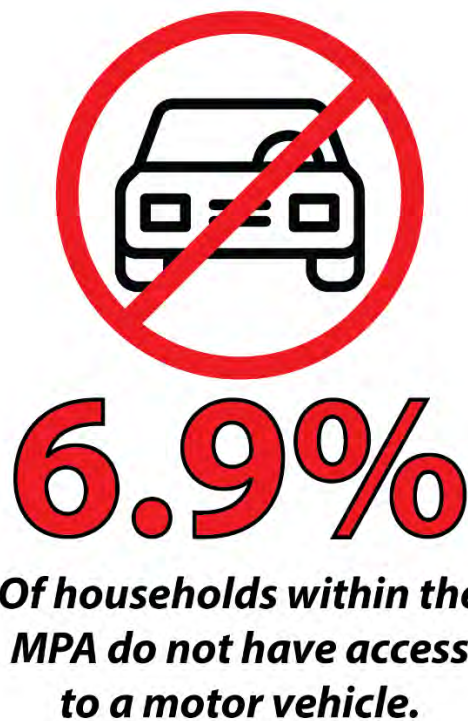


Figure 27: Out of the 52,390 households within the MPA, approximately 6.9% do not have access to a motor vehicle. Artwork courtesy of Kiranshastry.

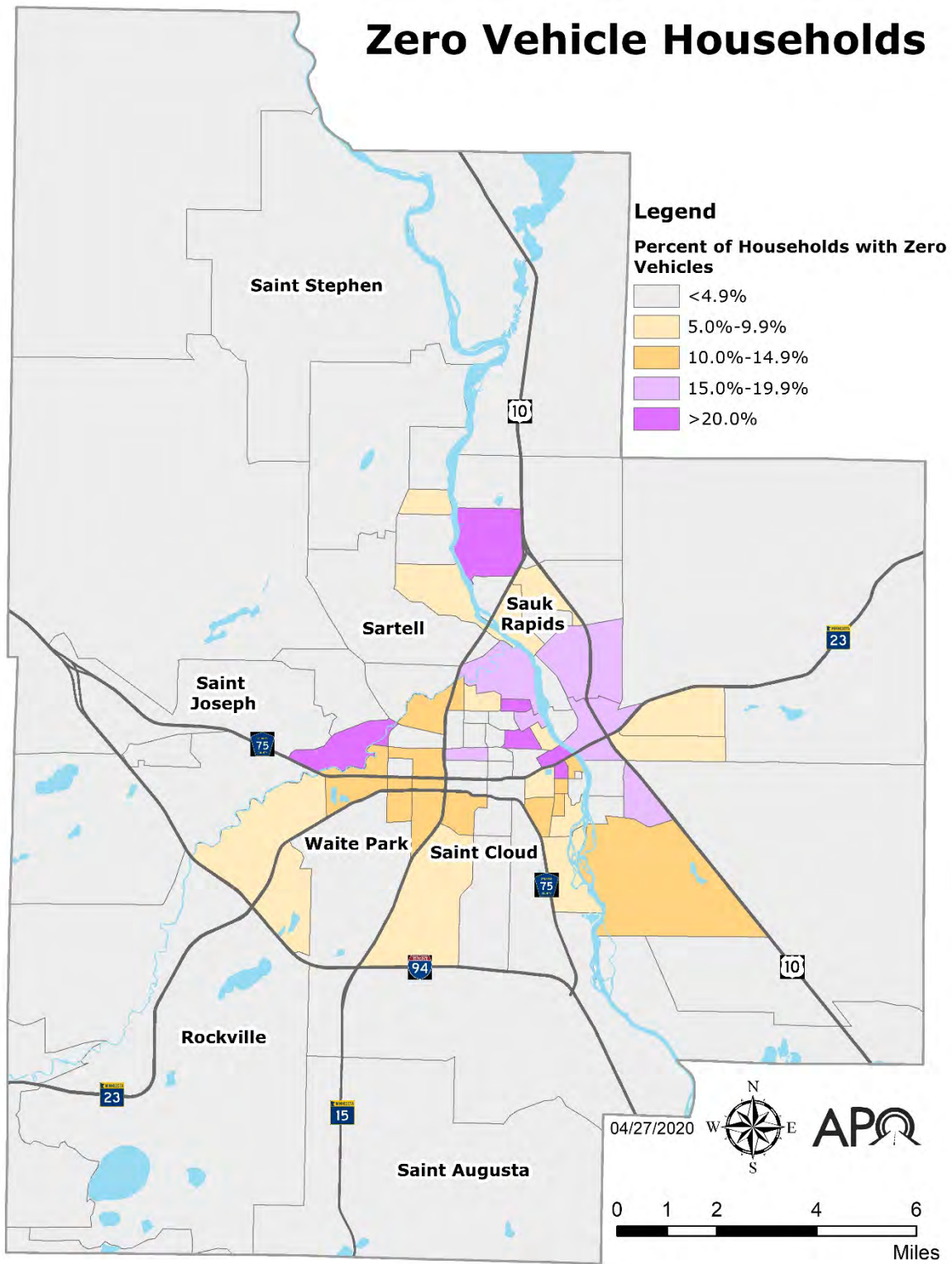


Figure 28: Percent of the zero vehicle households of jurisdictions within the APO's planning boundary by Census block group. Data courtesy of U.S. Census Bureau's 2014-2018 ACS Five Year Estimates.

Persons Age 65 and Older

According to the 2014-2018 ACS Five Year Estimates, approximately one in 10 people within the Saint Cloud MPA are age 65 and older (12.7%). This is a slight uptick – 2 percentage points or 18.7% – from the 2010 Census.

APO MPA	2010 Census Population	2014-2018 ACS Population Estimates	Percent Change
Total Population	130,225	135,441	4.0%
Persons Age 65 and Older	13,943	17,156	23.0%
Percent of Population Age 65 and Older	10.7%	12.7%	18.7%

Figure 29: A comparison of the persons age 65 and older population within the Saint Cloud MPA between 2010 and 2018.

Within the planning area, Sauk Rapids Township has the largest percentage of its population age 65 and older (26.0%). This is followed by LeSauk Township (18.3%) and both Minden and Saint Wendel townships (16.6% each).

Below is a breakdown of the persons 65 and older population of individual jurisdictions within the APO's planning area as reported by the 2014-2018 ACS Five Year Estimates.

Jurisdiction	2014-2018 ACS Population Estimates	Percent of Population Age 65 and Older
Brockway Township	2,841	11.9%
Haven Township	2,148	15.4%
LeSauk Township	1,692	18.3%
Minden Township	1,661	16.6%
Rockville	2,533	14.8%
Sartell	17,076	11.4%
Sauk Rapids	13,528	11.6%
Sauk Rapids Township	512	26.0%
Saint Augusta	3,669	12.3%
Saint Cloud	67,513	12.3%
Saint Joseph	6,938	11.6%
Saint Joseph Township	1,435	13.0%
Saint Stephen	916	9.3%
Saint Wendel Township	2,179	16.6%
Waite Park	7,623	16.0%
Watab Township	3,177	14.0%
Total	135,441	12.7%

Figure 30: Persons age 65 and older population of jurisdictions within the APO's planning area.

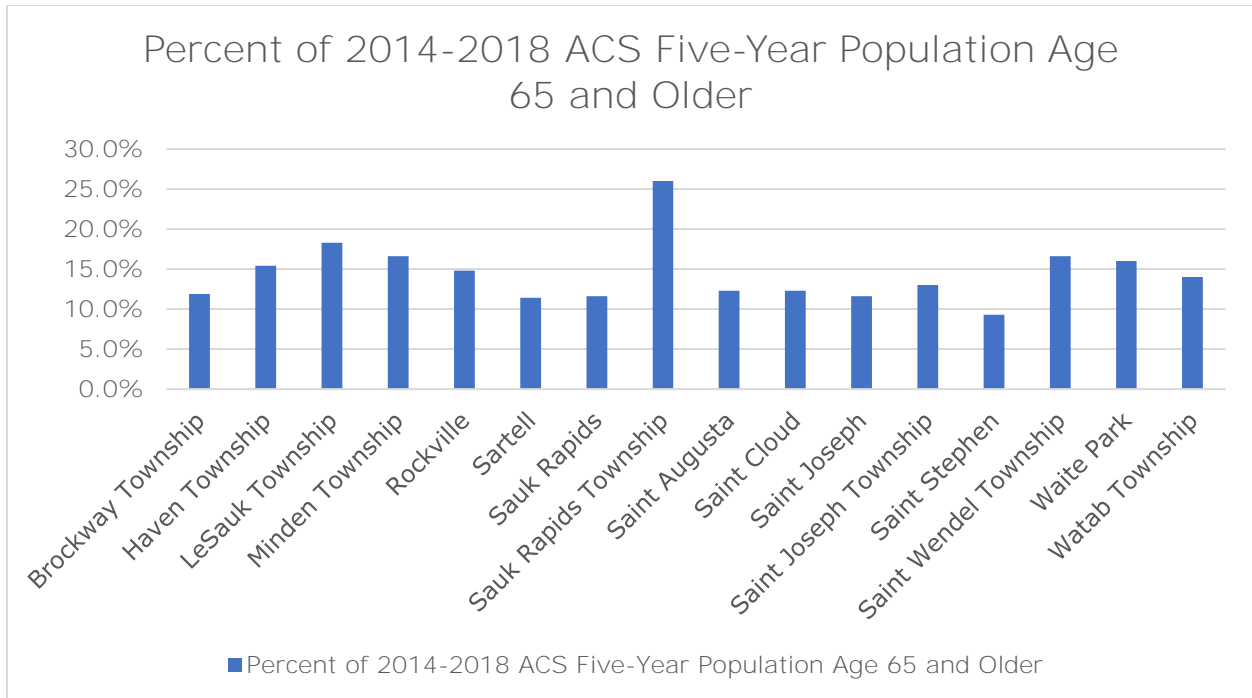


Figure 31: Percent of jurisdictional population within the APO’s planning area age 65 and older.



Figure 32: Two people walking with their bicycles.

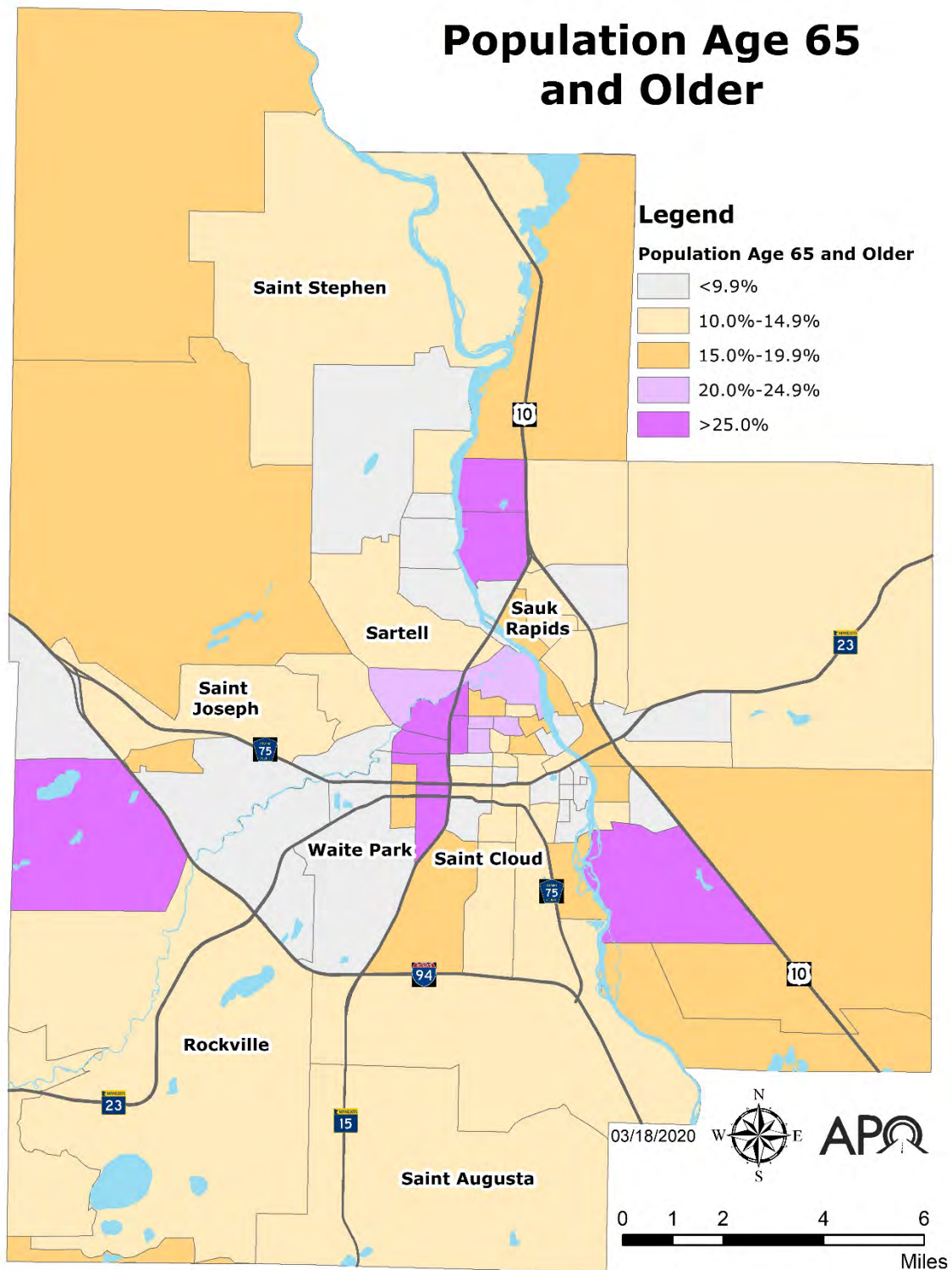


Figure 33: Percent of the population age 65 and older in jurisdictions within the APO's planning boundary by Census block group. Data courtesy of U.S. Census Bureau's 2014-2018 ACS Five Year Estimates.

Persons Age 18 and Younger

According to the 2014-2018 ACS Five Year Estimates, approximately one in five (22.2%) of people residing within the MPA are 18 and younger. This percentage has remained fairly consistent between 2010 and 2018.

APO MPA	2010 Census Population	2014-2018 ACS Population Estimates	Percent Change
Total Population	130,225	135,441	4.0%
Persons Age 18 and Younger	28,536	30,027	5.2%
Percent of Population Age 18 and Younger	21.9%	22.2%	1.4%

Figure 34: A comparison of the persons age 18 and younger population within the Saint Cloud MPA between 2010 and 2018.

Within the planning area, the City of Sartell has the largest percentage of its population age 18 and younger (29.1%). This is followed by the City of Sauk Rapids (26.2%) and the City of Saint Stephen (25.8%).

Below is a breakdown of the persons 18 and younger population of individual jurisdictions within the APO's planning area as reported by the 2014-2018 ACS Five Year Estimates.

Jurisdiction	2014-2018 ACS Population Estimates	Percent of Population Age 18 and Younger
Brockway Township	2,841	24.3%
Haven Township	2,148	22.9%
LeSauk Township	1,692	19.4%
Minden Township	1,661	22.1%
Rockville	2,533	22.5%
Sartell	17,076	29.1%
Sauk Rapids	13,528	26.2%
Sauk Rapids Township	512	13.1%
Saint Augusta	3,669	21.3%
Saint Cloud	67,513	19.5%
Saint Joseph	6,938	22.6%
Saint Joseph Township	1,435	24.7%
Saint Stephen	916	25.8%
Saint Wendel Township	2,179	18.2%
Waite Park	7,623	21.8%
Watab Township	3,177	25.3%
Total	135,441	22.2%

Figure 35: Persons age 18 and younger population of jurisdictions within the APO's planning area.

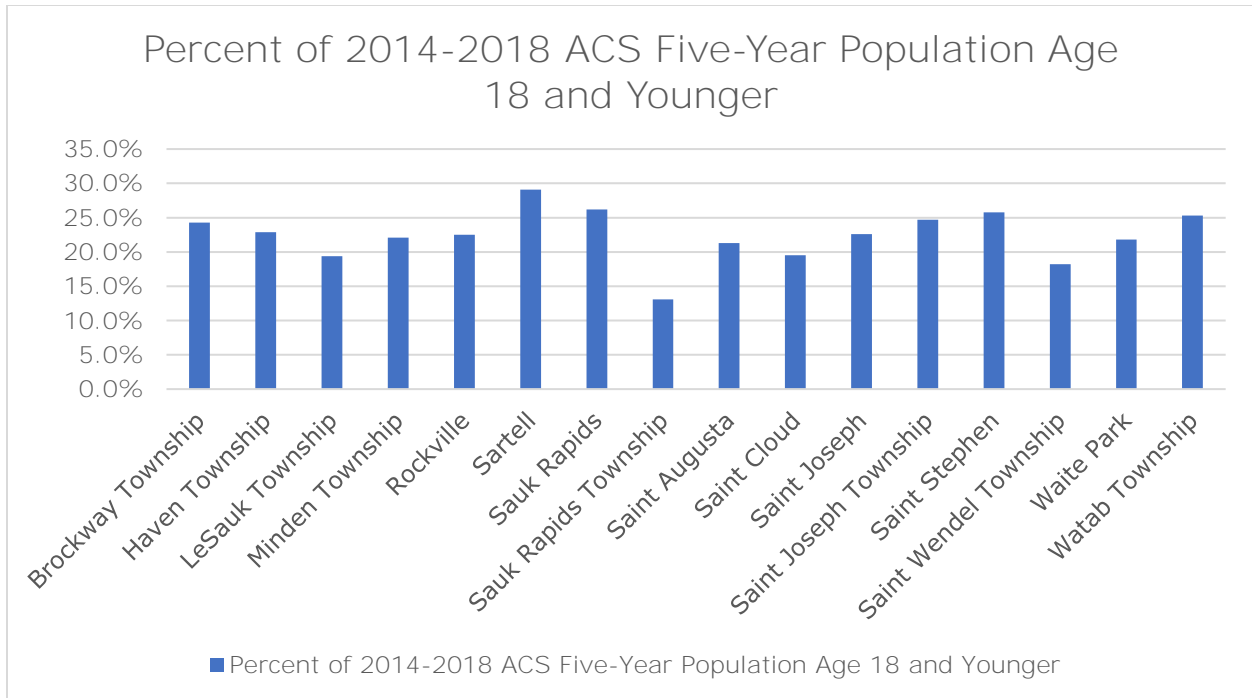


Figure 36: Percent of jurisdictional population within the APO's planning area age 18 and younger.



Figure 37: A group of teenagers posing for a photo.

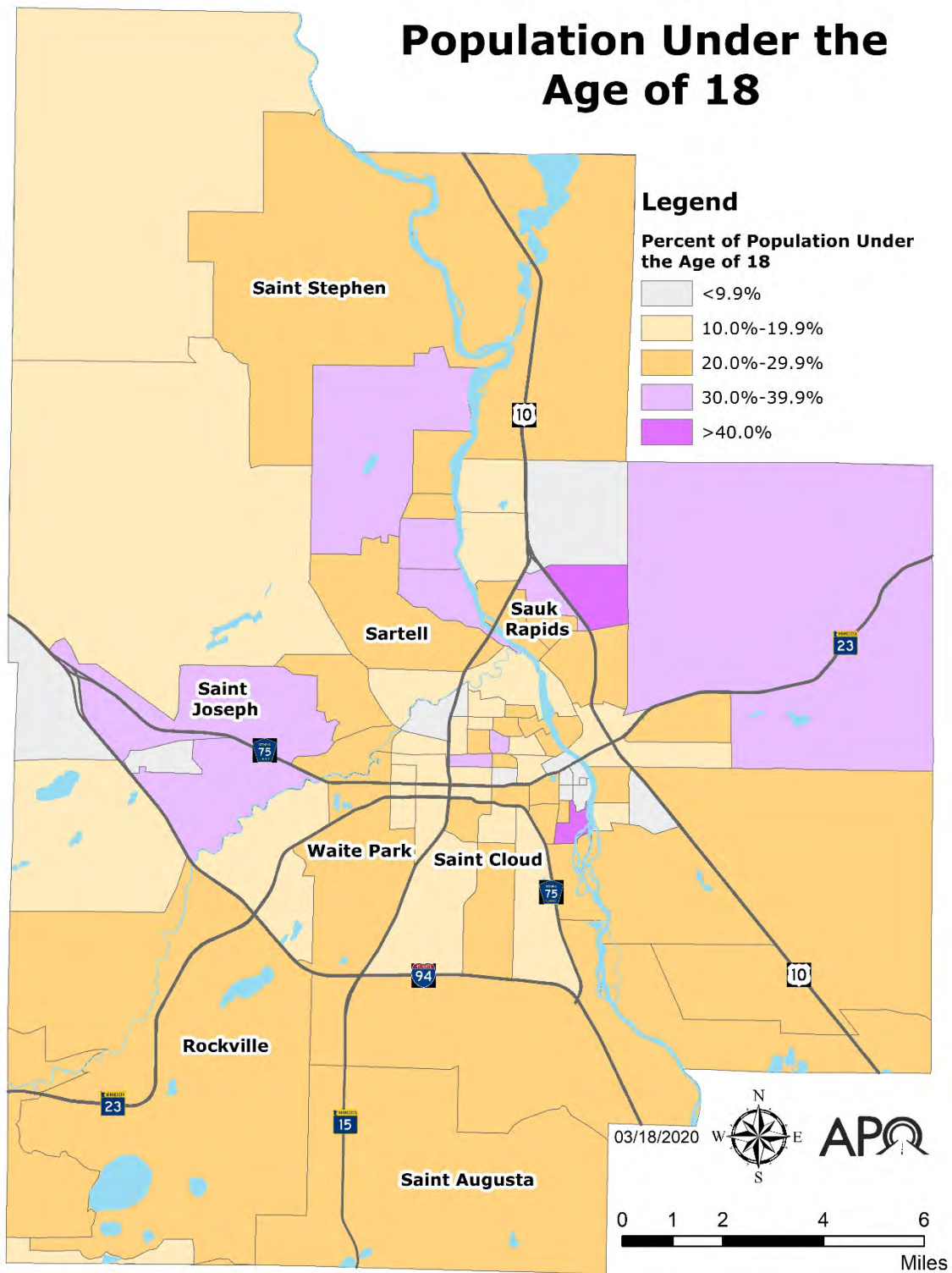


Figure 38: Percent of the population age 18 and younger in jurisdictions within the APO's planning boundary by Census block group. Data courtesy of U.S. Census Bureau's 2014-2018 ACS Five Year Estimates.

Board and Committee Composition

The APO understands that diverse representation on the Policy Board and its committees helps result in sound policy reflective of the needs of the entire population. [FTA Title VI Circular 4702.1B](https://bit.ly/3a41IKp) (<https://bit.ly/3a41IKp>) requires that for any recipient of Federal funds which has a transportation-related, non-elected planning board; advisory council or committee; or similar bodies, membership of these committees must be broken down by race and accompanied by a description of efforts made to encourage the participation of minorities on these committees.

The Policy Board is comprised of elected officials from Benton, Sherburne, and Stearns counties; cities of Saint Cloud, Saint Joseph, Sartell, Sauk Rapids, and Waite Park; LeSauk Township; and one senior-level management position from the urban transit provider (Metro Bus). Representation from individuals with diverse backgrounds is therefore mostly under the control of the electorate. However, when asking jurisdictions to appoint city council members/county commissioners to the Board, we encourage them to consider appointing minority members (in addition to having an interest in multimodal transportation planning activities). The APO places no restrictions on the appointment of representatives on the basis of race, color, national origin, gender, age, income status, or disability.

The Technical Advisory Committee (TAC) serve in an advisory capacity to the Policy Board. TAC representatives – typically engineers, planners, or administrators – are chosen by the member jurisdictions to represent them. The APO places no restrictions on the appointment of representatives on the basis of race, color, national origin, gender, age, income status, or disability.

The Active Transportation Advisory Committee (ATAC) is comprised of citizen volunteers who provide recommendations to the TAC and Policy Board. No formal committee structure – in terms of voting membership – has been established. Interested community members attend depending upon subject matter being discussed. Therefore, no demographic information has been collected. The APO places no restrictions on who can attend ATAC meetings on the basis of race, color, national origin, gender, age, income status, or disability.

Figures 39 and 40 are the results of a March 2020 racial and gender demographic composition survey of the APO's Policy Board and TAC representatives, respectively. Overall, staff received seven responses from the 12-person Policy Board and six responses from the 12 voting representatives of the TAC. These numbers will fluctuate – sometimes on an annual basis – based upon rotation of appointees from individual agencies/jurisdictions and other factors.

APO Board/Committee	White or Caucasian (non-Hispanic)	Black or African American	Hispanic or Latino	Asian or Asian American	American Indian/Alaska Native	Native Hawaiian/Pacific Islander	Two or More Races	No Response
Saint Cloud MPA 2014-2018 ACS Five Year Estimates	112,878	11,205	3,829	3,834	514	0	3,038	-
Policy Board	7	-	-	-	-	-	-	5
Technical Advisory Committee	6	-	-	-	-	-	1	6

Figure 39: Results of racial demographic composition survey of the APO's Policy Board and TAC representatives current as of March 2020.

APO Board/Committee	Male	Female	Non-Binary/Other	No Response
Saint Cloud MPA 2014-2018 ACS Five Year Estimates	67,953	67,488	-	-
Policy Board	4	2	-	5
Technical Advisory Committee	5	2	-	6

Figure 40: Gender demographic composition of the APO's Policy Board and TAC representatives current as of March 2020.

Environmental Justice Analysis

The APO is committed to continuing efforts to enhance its analytical capability for assessing impact distributions of transportation programs, policies, and projects in its transportation plans and the Transportation Improvement Program (TIP). The object of EO 12898 on Environmental Justice (EJ) is to ensure that Federal agencies and programs that receive Federal funding promote and enforce nondiscrimination as one way of achieving the overarching objective of EJ. FTA issued [FTA Circular 4703.1](https://bit.ly/3coMNLB) (https://bit.ly/3coMNLB) in 2012 to provide guidance on how recipients of Federal funding can integrate EJ principles into the transportation planning and programming process. This section provides a brief overview of the process that the APO follows to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on people-of-color and low-income populations.

Drawing from the framework established by Title VI of the Civil Rights Act of 1964, as well as the 1969 National Environmental Policy Act (NEPA), the U.S. Department of Transportation set forth the following three principles to ensure non-discriminatory practices in its federally funded activities:

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

While it is difficult to make significant improvements to transportation systems without causing impacts of one form or another, the concern is whether proposed projects disproportionately negatively affect the health or environments of minority or low-income

populations. In the past, the impacts on these groups were often overlooked as potential criteria for project evaluation.

An equity or EJ analysis is conducted for the TIP. This includes a qualitative analysis in which planned or programmed roadway infrastructure projects are overlaid or superimposed on a map highlighting the areas with concentrations of people-of-color and low-income populations to determine the extent to which these areas are negatively or positively impacted by projects.

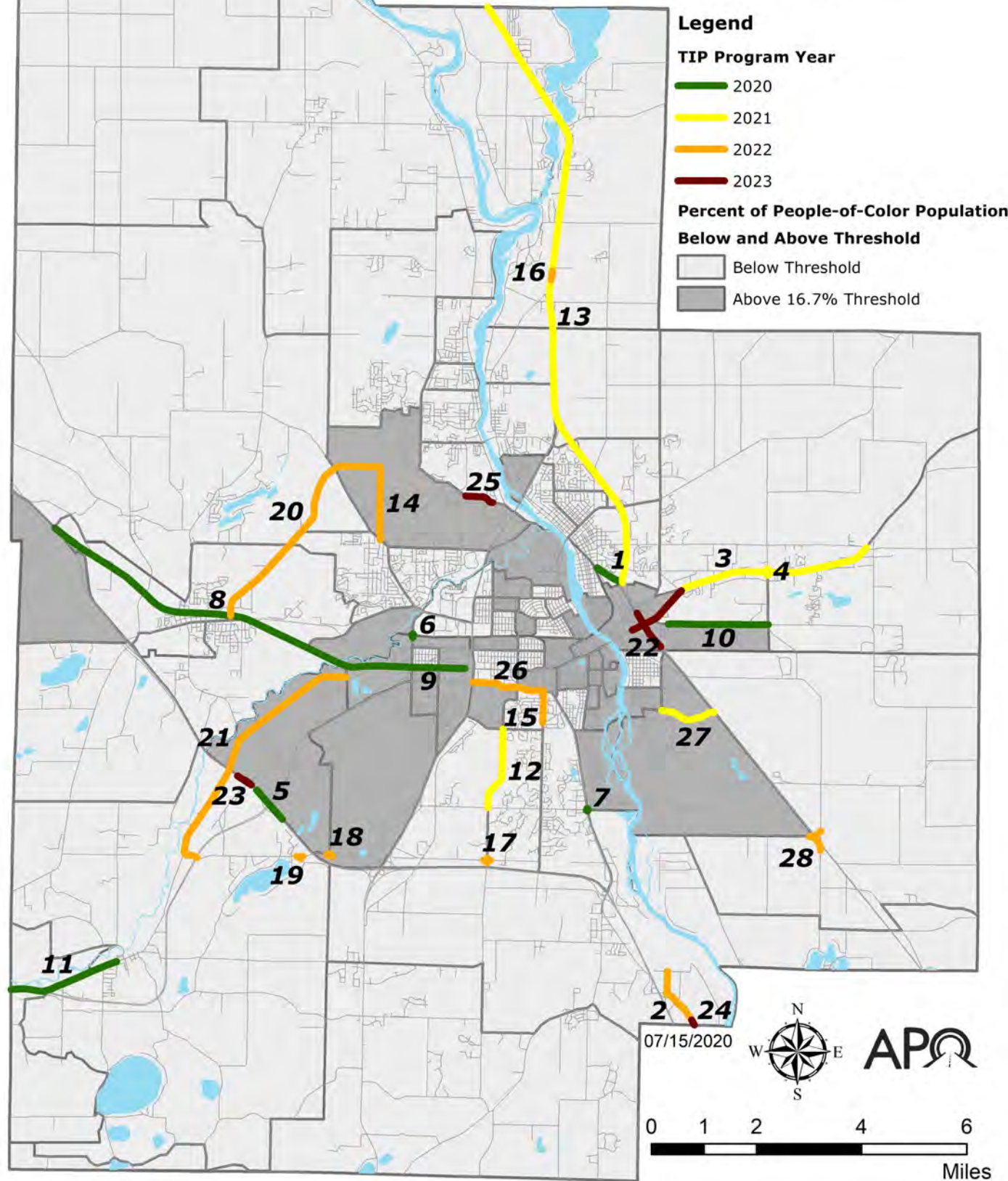
A project is defined as having the potential to have an adverse EJ effect if any portion of a project intersects with the defined boundaries of a Census block group with a high percentage of people-of-color population or a block group with a high percentage of population below the poverty level.

With the most recent Federally-approved APO TIP – [Fiscal Year 2020-2023](https://bit.ly/2Tug0w5) – (https://bit.ly/2Tug0w5) a total of 19 projects intersect, at least in part, with block groups with a high percentage of people-of-color populations. A total of 13 projects intersect with block groups with a high percentage of households living in poverty. These projects, identified in Figure 46 include several safety improvements and roadway reconstruction projects. Projects excluded from this list include transit projects which benefit nearly the entire APO planning area.



Figure 41: A photo of a building being demolished. In order to align with EO 12898, agencies and jurisdictions receiving Federal funds, including the APO, must take appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of people-of-color or low-income households to the greatest extent practicable and permitted by law.

Saint Cloud Area Planning Organization 2020-2023 TIP Projects Environmental Justice Review People-of-Color Population by Census Block Group

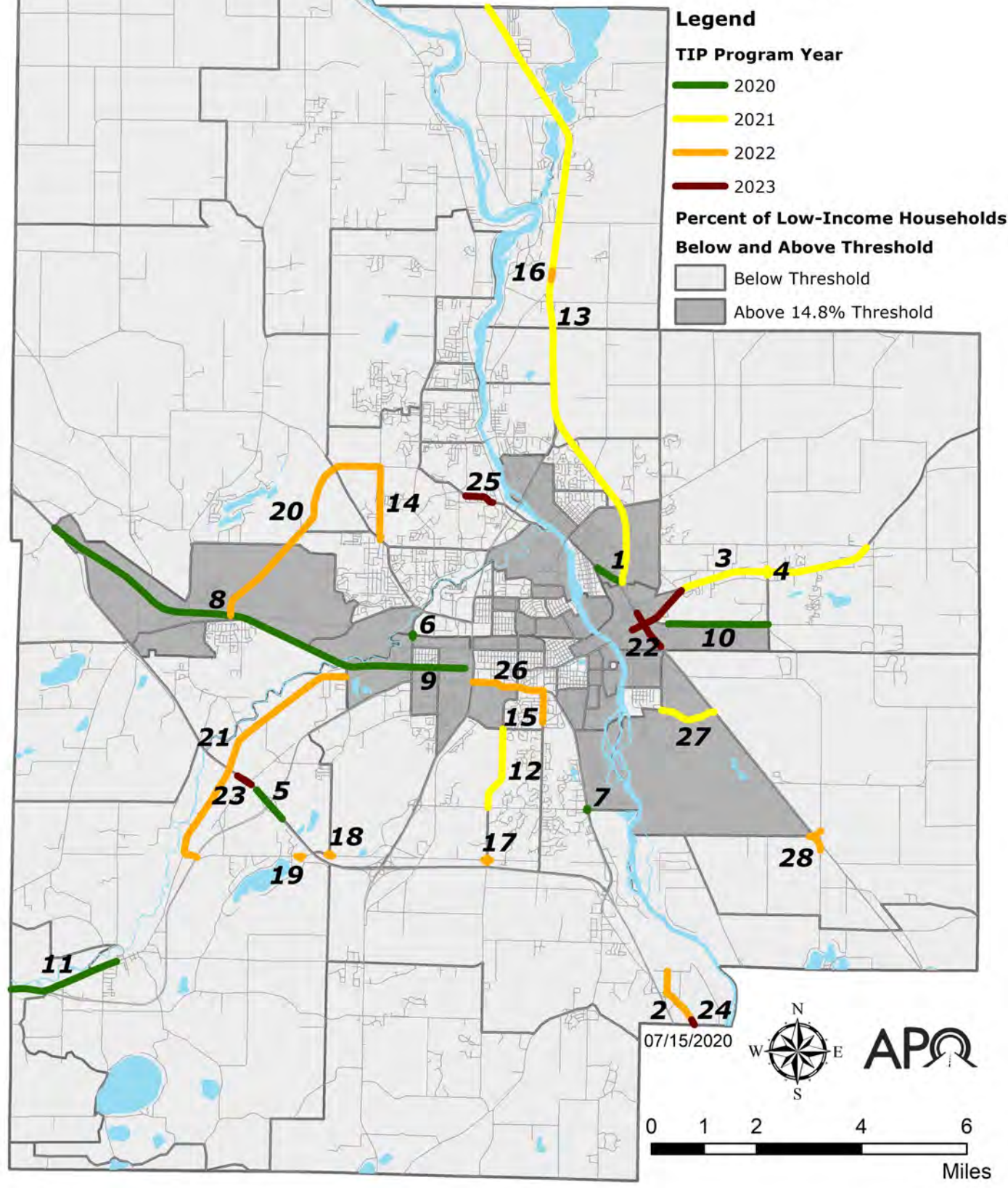


Project ID*	Fiscal Year	Sponsoring Jurisdiction/Agency	Route	Work Type
1*	2020	Sauk Rapids	MSAS 109 (Benton Drive)	Urban Reconstruction
2	2022	Saint Cloud	Beaver Island Trail	New Trail Construction
3/4	2021	MnDOT	MN 23	Mill and Overlay and Turn Lanes
5*	2020	MnDOT	I 94	Safety Improvements
6*	2020	MnDOT	CSAH 138/54th Ave. N	Railroad
7*	2020	Stearns County	CSAH 75	Turn Lanes
8*	2020	Stearns County	CSAH 75	Bituminous Overlay
9*	2020	Stearns County	CSAH 75	Concrete Pavement Rehabilitation
10*	2020	Benton County	CSAH 8	Edgeline Rumble Strips and Bituminous Reclamation
11	2020	Stearns County	ROCORI Trail	New Trail
12*	2021	Saint Cloud	MSAS 175 (CR 136)	Bituminous Reclamation
13*	2021	MnDOT	US 10	Guard Rails
14*	2022	Sartell	MSAS 113 (19th Ave.)	Reconstruction
15*	2022	Saint Cloud	MSAS 141 (Cooper Ave.)	Reconstruction
16	2022	MnDOT	US 10	Bridge Replacement
17, 18*, 19	2022	Stearns County	CSAH 136 (Oak Grove Road SW) and CR 122 (40th St. S) CSAH 6 and CSAH 137 CSAH 6 and CR 137	Lighting
20*/21*	2022	Stearns County	CSAH 133 CSAH 138	Signing
22*	2023	MnDOT	MN 23	Reconstruction
23*	2023	MnDOT	I 94	Bridge Replacement
24	2023	Stearns County	Beaver Island Trail	New Trail Construction
25*	2023	Sartell	Heritage Drive Trail	New Trail Construction
26*	2022	Stearns County	CSAH 75	Mill and Overlay
27*	2021	MnDOT	MN 301	Retaining Wall Preservation
28*	2022	MnDOT	County Road 65 (42nd Street)	Railroad

*Asterisks and bold font denotes projects that intersect, at least in part, with block groups with a high concentration of people-of-color.

Figure 42: Map of the APO's FY 2020-2023 TIP projects and the proximity to areas with a high concentration of people-of-color.

Saint Cloud Area Planning Organization 2020-2023 TIP Projects Environmental Justice Review Low Income Households by Census Block Group



Project ID*	Fiscal Year	Sponsoring Jurisdiction/Agency	Route	Work Type
1*	2020	Sauk Rapids	MSAS 109 (Benton Drive)	Urban Reconstruction
2	2022	Saint Cloud	Beaver Island Trail	New Trail Construction
3/4	2021	MnDOT	MN 23	Mill and Overlay and Turn Lanes
5	2020	MnDOT	I 94	Safety Improvements
6*	2020	MnDOT	CSAH 138/54th Ave. N	Railroad
7*	2020	Stearns County	CSAH 75	Turn Lanes
8*	2020	Stearns County	CSAH 75	Bituminous Overlay
9*	2020	Stearns County	CSAH 75	Concrete Pavement Rehabilitation
10*	2020	Benton County	CSAH 8	Edgeline Rumble Strips and Bituminous Reclamation
11	2020	Stearns County	ROCORI Trail	New Trail
12*	2021	Saint Cloud	MSAS 175 (CR 136)	Bituminous Reclamation
13*	2021	MnDOT	US 10	Guard Rails
14	2022	Sartell	MSAS 113 (19th Ave.)	Reconstruction
15	2022	Saint Cloud	MSAS 141 (Cooper Ave.)	Reconstruction
16	2022	MnDOT	US 10	Bridge Replacement
17-19	2022	Stearns County	CSAH 136 (Oak Grove Road SW) and CR 122 (40th St. S) CSAH 6 and CSAH 137 CSAH 6 and CR 137	Lighting
20*/21	2022	Stearns County	CSAH 133 CSAH 138	Signing
22*	2023	MnDOT	MN 23	Reconstruction
23	2023	MnDOT	I 94	Bridge Replacement
24	2023	Stearns County	Beaver Island Trail	New Trail Construction
25	2023	Sartell	Heritage Drive Trail	New Trail Construction
26*	2022	Stearns County	CSAH 75	Mill and Overlay
27*	2021	MnDOT	MN 301	Retaining Wall Preservation
28*	2022	MnDOT	County Road 65 (42nd Street)	Railroad

*Asterisks and bold font denotes projects that intersect, at least in part, with block groups with a high concentration of low-income households.

Figure 43: Map of the APO's FY 2020-2023 TIP projects and the proximity to areas with a high concentration of low-income households.

	Population	Population Percentage	TIP Investment	Percentage of TIP Investment
People-of-Color Population	22,536	16.7%	\$57,575,665	88%
Non-People-of-Color Population	112,878	83.3%	\$8,151,863	12%
Total	135,441	100%	\$65,727,528	100%

Figure 44: People-of-color population within the APO planning area and TIP project investments within the APO area excluding transit projects. Population data courtesy of U.S. Census Bureau, 2014-2018 American Community Survey Five Year Estimates. TIP data courtesy of Saint Cloud APO.

	Households	Household Percentage	TIP Investment	Percentage of TIP Investment
Households with Low-Income	7,756	14.8%	\$41,466,624	63%
Non-Low-Income Households	44,634	85.2%	\$24,260,904	37%
Total	52,390	100%	\$65,727,528	100%

Figure 45: Low-income households within the APO planning area and TIP project investments within the APO area excluding transit projects. Household data courtesy of U.S. Census Bureau, 2014-2018 American Community Survey Five Year Estimates. TIP data courtesy of Saint Cloud APO.

As is evident in the charts above, a majority of TIP investment projects occur within Census block groups identified as having populations above the respective thresholds for people-of-color and low-income populations. These projects, however, primarily focus on safety improvements and/or system preservation for the transportation network. Both of these styles of projects have lasting benefits for the entire region. While construction could have adverse impacts on populations living within close proximity of the project – i.e., delays, detours, noise, and dust – once complete, the projects are anticipated to result in positive benefits such as increased capacity, lower commute times, increased safety, and the addition of bicycle and pedestrian facilities to neighborhoods. It will fall upon the agencies and jurisdictions implementing the project to work toward mitigating and/or minimizing adverse impacts of project construction to both the traveling public and neighborhood areas.

The following pages contain a list of the FY 2020-2023 APO TIP projects that are likely to impact Census block groups within the APO planning area with a higher concentration of people-of-color and/or low-income households.

TIP ID	Route System	Fiscal Year	Agency	Project Description	Estimated Project Total*	Local/State Match Required*	Minority Area	Low-Income Area
1	MSAS 109	2020	SAUK RAPIDS	SAUK RAPIDS MSAS 109, FROM SUMMIT AVE S TO US 10, IN SAUK RAPIDS, RECONSTRUCTION BENTON DR INCL ROADWAY, SIDEWALK, DRAINAGE AND LIGHTING	\$2,528,678	\$903,975	YES	YES
5	I 94	2020	MNDOT	I-94, AT MN 23 INTERCHANGE SOUTH OF WAITE PARK, INTERCHANGE SAFETY REVISIONS	\$2,200,000	\$0	YES	NO
6	RR	2020	MNDOT	NLR RR, INSTALL GATES AT CSAH 138, 54 TH AVE N IN WAITE PARK STEARNS COUNTY	\$240,000	\$24,000	YES	YES
7	CSAH 75	2020	STEARNS COUNTY	CSAH 75, FROM 0.1 MILES S OF 33 RD ST S TO 0.1 MILES N OF 33 RD ST S IN ST. CLOUD, INTERSECTION IMPROVEMENTS (AC PROJECT, PAYBACK 1 OF 2)	\$0	\$0	YES	YES
8	CSAH 75	2020	STEARNS COUNTY	STEARNS CSAH 75, FROM OLD COLLEGEVILLE ROAD TO CSAH 81 IN STEARNS COUNTY, RESURFACING (AC PROJECT, PAYBACK 2 OF 3)	\$0	\$0	YES	YES
9	CSAH 75	2020	STEARNS COUNTY	STEARNS CSAH 75, FROM 15 TH AVE IN WAITE PARK TO PARK AVE IN ST CLOUD ALONG DIVISION ST. REHABILITATE CONCRETE PAVEMENT (AC PROJECT PAYBACK 2022)	\$1,715,056	\$458,880	YES	YES
10	CSAH 8	2020	BENTON COUNTY	BENTON CSAH 8, FROM 0.6 MILES EAST OF MN 23 TO BENTON CR 47 IN ST. CLOUD, RUMBLE STRIPE (TIED TO SP 005-608-009)	\$5,250	\$525	YES	YES

TIP ID	Route System	Fiscal Year	Agency	Project Description	Estimated Project Total*	Local/State Match Required*	Minority Area	Low-Income Area
10	CSAH 8	2020	BENTON COUNTY	BENTON CSAH 8, FROM 0.6 MILES EAST OF MN 23 TO BENTON CR 47 IN ST. CLOUD, RECLAMATION (TIED TO SP 005-070-007)	\$650,000	\$258,848	YES	YES
11	PED/BIKE	2021	STEARNS COUNTY	CONSTRUCT PHASE 3 OF THE ROCORI TRAIL ALONG RR CORRIDOR FROM COLD SPRING TO ROCKVILLE	\$1,663,863	\$851,593	NO	NO
12	MSAS 175	2021	SAINT CLOUD	ST. CLOUD MSAS 175 – CR 136 FROM 22 ND ST SOUTH TO 33 RD ST SOUTH, RECONSTRUCTION	\$1,400,000	\$557,518	YES	YES
3,4	MN 23	2021	MNDOT	MN 23, FROM 0.1 MI W OF CR 1 TO MN 95, MILL AND OVERLAY, INCLUDE CONSTRUCT REDUCED CONFLICT INTERSECTION AT BENTON CSAH 8 EAST OF ST. CLOUD (HSIP PROJECT)	\$500,000	\$50,000	NO	NO
3,4	MN 23	2021	MNDOT	MN 23, FROM 0.1 MI W OF CR 1 TO MN 95, MILL AND OVERLAY, INCLUDE CONSTRUCT REDUCED CONFLICT INTERSECTION AT BENTON CSAH 8 EAST OF ST. CLOUD	\$3,027,000	\$605,400	NO	NO
13	US 10	2021	MNDOT	US 10, INSTALL MEDIAN CABLE BARRIER GUARDRAIL FROM N OF ST. CLOUD TO RICE (HSIP PROJECT)	\$1,750,000	\$175,000	YES	YES
27	MN 301	2021	MNDOT	RESTORE FAILING RETAINING WALLS ALONG MN 301 ADJACENT TO ST. CLOUD STATE REFORMATORY. IMPROVE DRAINAGE, MAINTAINABILITY AND SAFETY ADJACENT TO WALL	\$800,000	\$800,000	YES	YES

TIP ID	Route System	Fiscal Year	Agency	Project Description	Estimated Project Total*	Local/State Match Required*	Minority Area	Low-Income Area
14	MSAS 113	2022	SARTELL	SARTELL 19 TH AVE, FROM STEARNS CSAH 4 TO STEARNS CSAH 133, RECONSTRUCTION (AC PROJECT, PAYBACK IN 2023)	\$4,799,920	\$2,710,000	YES	NO
2	PED/BIKE	2022	SAINT CLOUD	CONSTRUCT BEAVER ISLAND TRAIL PHASE 8 FROM THE EXISTING TRAIL AT ST CLOUD'S WASTE WATER TREATMENT FACILITY TO THE SOUTH ST CLOUD CITY LIMITS	\$600,000	\$120,000	NO	NO
15	MSAS 141	2022	SAINT CLOUD	ST. CLOUD MSAS 141 (COOPER AVE), FROM TRAVERSE ROAD TO STEARNS CSAH 75, RECONSTRUCTION WITH BICYCLE LANES AND SIDEWALK	\$2,500,000	\$1,042,920	YES	NO
16	US 10	2022	MNDOT	US 10, REPLACE BRIDGE #3666 OVER STREAM WITH BOX CULVERT 0.2 MI NW OF BENTON CSAH 33	\$621,000	\$124,200	NO	NO
28	RR	2022	MNDOT	REPLACE EXISTING SIGNAL SYSTEM WITH NEW FLASHING LIGHTS AND GATES AT CR 65, 42 ND ST, HAVEN TOWNSHIP, SHERBURNE COUNTY	\$300,000	\$30,000	YES	YES
17, 18, 19	LOCAL 999	2022	STEARNS COUNTY	RURAL INTERSECTION LIGHTING AT VARIOUS STEARNS CO ROAD INTERSECTIONS	\$96,000	\$9,600	YES	NO
20, 21	LOCAL 999	2022	STEARNS COUNTY	CHEVRON CURVE SIGNING ALONG VARIOUS STEARNS CO ROADS	\$240,000	\$24,000	YES	YES
26	CSAH 75	2022	STEARNS COUNTY	STEARNS CSAH 75, FROM TH 15 TO COOPER AVE MILL & OVERLAY (PAYBACK IN 2023)	\$1,537,640	\$922,584	YES	YES
22	MN 23	2023	MNDOT	MN 23, AT US 10 INTERCHANGE IN ST. CLOUD, RECONSTRUCT MN	\$30,300,000	\$6,060,000	YES	YES

TIP ID	Route System	Fiscal Year	Agency	Project Description	Estimated Project Total*	Local/State Match Required*	Minority Area	Low-Income Area
				23 FROM 0.1 MI W OF LINCOLN AVE TO 0.1 MI W OF CR 1; RECONSTRUCT US 10 FROM 0.2 MI W OF ST. GERMAIN TO 0.1 MI N OF 15 TH AVE SE; REPLACE BRIDGES OVER US 10, BR #9021 WITH BR #05019 AND BR #9022 WITH BR #05018; INCLUDES MULTIMODAL IMPROVEMENTS (AC PROJECT, PAYBACK IN 2024)				
23	I 94	2023	MNDOT	I-94, REPLACE BRIDGE NOS. 73875 AND 73876 OVER BNSF RR 0.6 MI W OF MN 23 INTERCHANGE	\$6,054,000	\$605,400	YES	NO
24	PED/BIKE	2023	STEARNS COUNTY	BEAVER ISLAND TRAIL EXTENSION	\$1,740,000	\$1,340,000	NO	NO
25	PED/BIKE	2023	SARTELL	HERITAGE DRIVE CONNECTIVITY AND ENHANCEMENTS	\$459,121	\$91,824	YES	NO
	TOTAL				\$65,427,528	\$17,736,267	19 YES 6 NO	13 YES 12 NO

*Note: Estimated project total and local/state match required for advance construction projects are not reflected due to these costs being allocated in previous years.

Figure 46: A list of FY 2020-2023 APO TIP projects that are likely to impact Census block groups within the APO planning area with a higher concentration of minority and/or low-income individuals.

7 – TITLE VI AND TITLE II PROVISIONS

Title VI

Title VI Coordinator Responsibilities

The APO's Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the APO's compliance with Title VI regulations. Complaint processing procedures against the APO for alleged violation of Title VI regulations can be found in Appendix B of this document.

Title VI Coordinator's responsibilities are as follows:

1. Process the disposition of Title VI complaints received by the APO.
2. Collect statistical data of participants in and beneficiaries of state highway programs, e.g. affected citizens and impacted communities.
3. Review APO program directives. Where applicable, include Title VI language and related requirements.
4. Provide notice to APO staff of any known available training related to Title VI.
5. Post a copy of the Title VI Plan on the APO website. Post the Title VI Plan on the employee bulletin board and bulletin boards near the front desk at the APO worksite. Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
6. Prepare a yearly report of Title VI accomplishments and goals.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and take corrective action to help eliminate discrimination.
9. Establish procedures to promptly resolve identified Title VI deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

The person responsible for ensuring the APO's compliance with Title VI regulations is the APO Executive Director, Brian Gibson. However, he may delegate specific monitoring or compliance tasks to staff members. Any member of the public may contact the APO's Executive Director Brian Gibson to discuss Title VI compliance by one of the following means:

- By Mail: 1040 County Road 4, Saint Cloud, MN 56303
- By Phone: (320) 252-7568
- By Email: admin@stcloudapo.org

The APO is responsible for ensuring the Title VI compliance of its sub-recipients in accordance with the 2012 FTA Circular C 4702.1B "[Title VI Requirements and Guidelines for Federal Transit Administration Recipients](https://bit.ly/3a4I1Kp)" (<https://bit.ly/3a4I1Kp>). Guidance contained in this circular also applies to FHWA subrecipients such as the APO. The APO shall document that they pass through Federal funds under any Federally-funded program to sub-recipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

Scope of Title VI Complaints

The scope of Title VI covers all external APO activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to compete for or obtain a contract with the APO for the furnishing of goods and/or services. Examples include advertising for proposals; prequalification or qualification; proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic hardships, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

How to File a Formal Title VI Complaint

The APO assures that no person shall, on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259) be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any agency-sponsored program or activity.

An individual, or his/her/their representative, who believes that he/she/they has been subject to discrimination prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence. A copy of the APO's Title VI complaint form can be found in Appendix B of this document, on the APO's website, or at the APO's office found at the address listed above.

As of July 2020, the APO has had no formal Title VI complaints filed against the organization.

Title II

Title II Coordinator Responsibilities

The APO's Title II Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the APO's compliance with Title II regulations. Complaint processing procedures against the APO for alleged violation of Title II regulations can be found in Appendix C of this document.

Title II Coordinator's responsibilities are as follows:

1. Process the disposition of Title II complaints received by the APO.
2. Review APO program directives. Where applicable, include Title II language and related requirements.
3. Provide notice to APO staff of any known available training related to Title II.
4. Identify and take corrective action to help eliminate discrimination.
5. Establish procedures to promptly resolve identified Title II deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

The person responsible for ensuring the APO's compliance with Title II regulations is the APO Executive Director, Brian Gibson. However, he may delegate specific monitoring or compliance tasks to staff members. Any member of the public may contact the APO's Executive Director Brian Gibson to discuss Title II compliance by one of the following means:

- By Mail: 1040 County Road 4, Saint Cloud, MN 56303.
- By Phone: (320) 252-7568.
- By Email: admin@stcloudapo.org

Scope of Title II Complaints

The scope of Title II covers all external APO activities. As a planning organization, the primary ways in which the APO interacts with the public is through the development of planning studies, and Board and Committee meetings which are open to the public.

During the development of planning studies, the public may be asked to review documents or other materials pertinent to the study and then provide their comments, ideas, and feedback to the APO staff. It is important that the materials provided be accessible to all citizens, and that the mechanism(s) by which the public provide their feedback also be accessible. Examples may include the need to mail out physical copies of a document to those who do not have access to the internet, getting documents and materials translated to other languages as needed, ensuring that documents and materials have enough contrast to be visible and that text fonts are not so small or complex as to be difficult to read, and providing a variety of methods by which the public can provide their feedback.

When deliberative and/or decision-making meetings are open to the public, it is important that the meeting locations are physically accessible, such as having ramps or lifts as an alternative to stairs, having doorways meeting ADA width standards, the presence of accessible restrooms, and aisles that are wide enough to accommodate wheelchairs and power chairs. It is also important that the information be presented in ways that are accessible, which may include the need for live interpretive services, having assistive listening devices available, and using high-contrast text on presentation slides.

An individual who believes that he/she/they or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself/herself/theirself or by an authorized representative, file a complaint.

ADA Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Saint Cloud Area Planning Organization (APO). This Grievance Procedure does not explain the process for employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available as a reasonable modification for persons with disabilities upon request. Please contact the APO's Executive Director Brian Gibson to request a reasonable modification of this grievance procedure.

The complaint should be submitted by the complainant and/or his/her/their designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Saint Cloud Area Planning Organization
Title II Coordinator
1040 County Road 4
Saint Cloud, MN 56303
320-252-7568

A copy of the APO's Title II complaint form can be found in Appendix C of this document, on the APO's website, or at the APO's office found at the address listed above.

As of July 2020, the APO has had no formal Title II complaints filed against the organization.

Notice to the Public

Title VI Notice to the Public

The paragraph below is inserted into all significant publications that are distributed to the public, such as future versions and updates of the MTP. This notification has been translated into Somali and Spanish to assist in informing LEP populations in accordance with the Safe Harbor Provision.

The Saint Cloud Area Planning Organization (APO) hereby gives public notice that it is the policy of the APO to fully comply with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the APO receives Federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice by the APO has a right to file a formal complaint with the APO, MnDOT or the U.S. DOT. Any such complaint must be in writing and filed with the APO's Title VI Compliance Manager within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see the [Saint Cloud APO website](http://www.stcloudapo.org) (www.stcloudapo.org), or you can view a copy at our offices at 1040 County Road 4, Saint Cloud, MN 56303.

Somali Translation:

Ururka Qorsheynta Deegaanka ee Cloud Cloud (APO) wuxuu halkan ku siinayaa ogeysiis dadweyne in ay tahay sharciga APO in ay si buuxda u hoggaansanto Cinwaanka VI ee Xuquuqda Madaniga ee 1964 iyo Sharciga Soo-celinta Xuquuqda Madaniga ee 1987, Amarka Fulinta 12898 ee ku saabsan Cadaaladda Deegaanka, Iyo qaynuunada iyo qawaaniinta la xiriira barnaamijyada iyo nashaadaadka. Cinwaanka VI wuxuu xaqiijinayaa in qofna, sabab asal, midab, ama asal qaran ah, laga reebi doonin kaqeybgalka, loo diidi doonin faa'iidooyinka, ama haddii kale lagula takoorin barnaamij kasta ama waxqabad ee APO ay ku hesho kaalmada maaliyadeed ee Federaalka . Qof kasta oo aaminsan inuu ka xanaaqay fal sharci darro ah oo takoor ay ku sameysay APO wuxuu xaq u leeyahay inuu dacwad rasmi ah u gudbiyo APO, MnDOT ama US DOT. Cabasho kasta oo kale waa inay ahaataa mid qoraal ah lagana xaraystaa maareeyaha u hoggaansamida cinwaankeeda ee 'APO' VI VI waa boqol iyo siddeetan (180) maalmood gudahood taarikhda dhacday markii la sheegay in ay dhacday midabtakoor. Macluumaad dheeri ah, ama si aad u hesho Foomka Cabashada Kala-Takoorida Cinwaan ee 'VI kalasooc Foom', fadlan ka eeg bogga internetka ee 'Cloud Cloud APO' (www.stcloudapo.org)

ama waxaad ka arki kartaa nuqul xafiiskayaga 1040 County Road 4, Saint Cloud, MN 56303.

Spanish Translation:

La Organización de Planificación del Área de Saint Cloud (APO en inglés) da un aviso público con la presente de que es política de la APO el cumplir plenamente con el Título VI de la Ley de Derechos Civiles de 1964 y de la Ley de Restauración de Derechos Civiles de 1987, de la Orden Ejecutiva 12898 sobre la Justicia Ambiental, y los estatutos y reglamentos relacionados en todos los programas y actividades. El Título VI asegura que ninguna persona, por motivos de raza, color o nacionalidad, podrá quedar excluida de la participación en, se le podrán negar los beneficios de, o de algún modo podrá ser objeto de discriminación en virtud de cualquier programa o actividad por la cual la APO recibe asistencia financiera Federal. Cualquier persona que cree que ha sido perjudicada por una práctica discriminatoria ilegal por la APO tiene el derecho de presentar un reclamo formal con la APO MnDOT o U.S. DOT. Cualquiera de estos reclamos debe ser por escrito y debe ser presentado ante el Gerente de Cumplimiento del Título VI de la APO dentro de los ciento ochenta (180) días naturales siguientes a la fecha en que la presunta ocurrencia discriminatoria. Para obtener más información, o para obtener un Formulario de Reclamo por Discriminación del Título VI, por favor, dirígete al [Sitio web de la APO de Saint Cloud](http://www.stcloudapo.org) (www.stcloudapo.org) o puedes ver una copia en nuestra oficina en 1040 County Road 4, Saint Cloud, MN 56303.

Title II Notice to the Public

The paragraph below is inserted into all significant publications that are distributed to the public, such as future versions and updates of the MTP. This notification has been translated into Somali and Spanish to assist in informing LEP populations in accordance with the Safe Harbor Provision.

The Saint Cloud Area Planning Organization (APO) hereby gives public notice that it is the policy of the APO to fully comply with the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act) and related statutes and regulations in all programs and activities. Title II of the Americans with Disabilities Act (ADA) requires all state and local government agencies to take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. Any person who believes they have been aggrieved by an unlawful discriminatory practice by the APO has a right to file a formal complaint with the APO, MnDOT, or the U.S. DOT. Any such complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available as a reasonable modification for persons with disabilities upon request. Complaints should be submitted by the complainant and/or his/her/their designee as soon as possible but no later than sixty (60) calendar days after the alleged discriminatory occurrence and should be filed with the APO's Executive Director. For more information, or to obtain a Discrimination Complaint

Form, please see the [Saint Cloud APO website](http://www.stcloudapo.org) (www.stcloudapo.org) or you can view a copy at our offices at 1040 County Road 4, Saint Cloud, MN 56303.

Somali Translation:

Hay'adda Qorsheynta ee Saint Cloud Area Organisation (APO) waxay siisaa ogeysiis dadweyne inay tahay siyaasada APO inay si buuxda ugu hoggaansanto Sharciga Naafada Mareykanka ee 1990 (ADA) iyo Sharciga Baxnaaninta 1973 (Sharciga Baxnaaninta) iyo qawaaniinta iyo qawaaniinta la xiriira Dhammaan barnaamijyada iyo nashaadaadka. Qodobka II ee Sharciga Naafada Mareykanka (ADA) wuxuu u baahan yahay dhammaan hay'adaha gobolka iyo kuwa maxalliga ah inay qaadaan tillaabooyinka ku habboon si loo hubiyo in xiriirka lala yeesho codsadaayaasha, ka qeybgalayaasha, iyo xubnaha bulshada naafada ah ay u la mid yihiin sida xiriirka lala yeesho kuwa kale. Qof kasta oo aaminsan inuu ka xanaaqay fal sharci darro ah oo takooris ah oo ay sameysay APO wuxuu xaq u leeyahay inuu dacwad rasmi ah u gudbiyo APO, MnDOT, ama US DOT. Cabasho kasta oo noocan oo kale ahi waa inay ahaataa mid qoraal ah oo ay kujirto macluumaad ku saabsan takoorida la soo sheegay sida magaca, cinwaanka, taleefan lambarka cabashada, iyo goobta, taariikhda, iyo faahfaahinta dhibaataada. Hab kale oo lagu xareeyo cabashada, sida wareysiyada shaqsiyeed ama cajalad duuban cabashada, ayaa loo heli doonaa sidii wax looga badali karo macquul ahaan dadka naafada ah markii la codsado. Ashtakooyinka waa in ay soo gudbiyaan cabashada iyo / ama wakiilkiisa / wakiilkiisa sida ugu dhakhsaha badan ee suurtoogalka ah laakiin aan ka dambayn lixdan (60) maalmood taariikhi ah ka dib dhacdada la xiriirta midab kala sooca waana in lagu fayl gareeyaa Agaasimaha Fulinta APO. Macluumaad dheeri ah, ama si aad u hesho Foomka Cabashada Kala-Takoorida, fadlan eeg bogga internetka ee 'Cloud Cloud APO' (www.stcloudapo.org) ama waxaad ka arki kartaa nuqul xafiiskayaga 1040 County Road 4, Saint Cloud, MN 56303.

Spanish Translation:

La Organización de Planificación del Área de Saint Cloud (APO en inglés) da un aviso público con la presente de que es política de la APO el cumplir plenamente con la Ley sobre los Estadounidenses con Discapacidad de 1990 (ADA en inglés) y con la Ley de Rehabilitación de 1973 (Ley de Rehabilitación) y con los estatutos y reglamentos en todos los programas y actividades. El Título II de la Ley sobre los Estadounidenses con Discapacidad de 1990 (ADA en inglés) requiere que todas las agencias de gobierno estatales y locales tomen las medidas adecuadas para asegurar que la comunicación con los aplicantes, participantes y miembros del público con discapacidades sea tan efectiva como la comunicación con otros. Cualquier persona que cree que Cualquier persona que cree que ha sido perjudicada por una práctica discriminatoria ilegal por la APO tiene el derecho de presentar un reclamo formal con la APO MnDOT o U.S. DOT. Cualquiera de estos reclamos debe ser por escrito y debe contener información sobre la presunta discriminación tales como el nombre, la dirección, el número de teléfono del denunciante, y la ubicación, la fecha y la descripción del problema. Los medios alternativos de presentar un reclamo, tales como una entrevista personal o una grabación de audio del reclamo, estarán disponibles como una modificación razonable para las personas con discapacidades a petición. Los reclamos deben ser presentados por el denunciante y/o su persona designada tan pronto como sea posible pero no más tarde de sesenta (60) días naturales después de la presunta ocurrencia discriminatoria y deben ser presentados

ante el Director Ejecutivo de la APO. Para obtener más información, o para obtener un Formulario de Reclamo por Discriminación, por favor, dirígete al [Sitio web de la APO de Saint Cloud](http://www.stcloudapo.org) (www.stcloudapo.org) o puedes ver una copia en nuestra oficina e 1040 County Road 4, Saint Cloud, MN 56303.

Agenda and Website Accessibility Notice

The following paragraph is found:

- On the bottom of every agenda distributed to the public by the APO.
- On the APO's website under the [Get Involved](https://stcloudapo.org/get-involved/) (<https://stcloudapo.org/get-involved/>) dropdown.
- Displayed at the APO Office near the desk of the administrative assistant and within the APO's conference room.
- Displayed near the sign-in form at all in-person meetings and in-person engagement events.

This notification has been translated into Somali and Spanish to assist in informing LEP populations in accordance with the Safe Harbor Provision.

The Saint Cloud Area Planning Organization (APO) fully complies with the Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, Executive Order 12898, Executive Order 13116 and related statutes and regulations. The APO is accessible to all persons of all abilities. A person who requires a modification or accommodation, auxiliary aids, translation services, interpreter services, etc., in order to participate in a public meeting, including receiving this agenda and/or attachments in an alternative format, or language please contact the APO at 320-252-7568 or at admin@stcloudapo.org at least seven (7) days in advance of the meeting.

Somali Translation:

Ururka Qorsheynta Deegaanka ee Cloud Cloud (APO) wuxuu si buuxda u waafaqsanahay Cinwaanka VI ee Xuquuqda Xuquuqda Rayidka ee 1964, Cinwaanka II ee Sharciga Naafada Mareykanka ee 1990, Amarka Fulinta 12898, Amarka Fulinta 13116 iyo qawaaniinta iyo qawaaniinta la xiriira. APO waa u furan tahay dhammaan dadka awooda oo dhan. Qofka u baahan dib-u-habeyn ama dejin, caawimaad gargaar ah, adeegyo turjumaad, adeegyo turjubaan, iwm, si uu uga qeyb galo kulan dadweyne, oo ay ku jiraan helitaanka ajendahaan iyo / ama ku lifaaqan qaab kale, ama luqadda fadlan la xiriir APO. 320-252- 7568 ama at admin@stcloudapo.org ugu yaraan toddobo (7) maalmood kahor kulanka.

Spanish Translation:

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alternativo, por favor, contacta a la APO al número de teléfono 320-252-7568 o al admin@stcloudapo.org al menos siete (7) días antes de la reunión.

Other ADA and Accessibility Provisions

In order to reach those that utilize specialized software to help magnify documents (electronic or print), all written APO correspondence shall be styled with Veranda font with a font size ranging between 10 and 14. The APO will also abide by the [Minnesota IT Services' Office of Accessibility](https://bit.ly/38kwkov) (<https://bit.ly/38kwkov>) guidelines pertaining to documents, procurement of accessible IT products and services, meetings, multimedia, social media, and website and phone application development.

Procedures for Identifying and Considering Needs of Title VI/Title II

Through each of its planning activities, the APO strives to include as many stakeholders as possible to ensure every individual an opportunity to ask questions or submit comments. As such, the APO has developed an interested stakeholder list comprised of agencies and organizations that work specifically with traditionally underserved populations such as people-of-color, individuals with low-income, individuals with disabilities, limited English proficient individuals, and elderly populations.

Below is a sample of that interested stakeholder list.

People-of-Color

- Create CommUNITY.
- #UniteCloud.
- Central Minnesota Community Empowerment Organization.
- Promise Neighborhood of Central Minnesota.
- African Women's Alliance.
- Islamic Center of St. Cloud.
- Saint Cloud National Association for the Advancement of Colored People.
- Hands Across the World.
- African-American Males Forum.
- National Asian Pacific American Women's Forum.
- Saint Cloud State University American Indian Center.
- C.A.R.E. Team SCSU.

Low-Income

- Sherburne County Health and Human Services.
- Stearns County Human Services.
- Benton County Human Services.
- Catholic Charities of the Diocese of Saint Cloud.
- Career Solutions.
- Avivo.
- Project Connect.
- Lutheran Social Services.
- Saint Cloud Salvation Army.
- Place of Hope Ministries.

Disability

- WACOSA.

- Disabled American Veterans (DAV)
- Rise Inc.
- Independent Lifestyles.
- The Arc Midstate.
- United Cerebral Palsy of Central Minnesota.
- Opportunity Services.

Elderly

- Central Minnesota Council on Aging.
- Central Minnesota Senior Foundation.
- City of Saint Cloud Aging Services.

General

- St. Cloud Area Human Service Council.
- Anna Marie’s Alliance.
- Tri-CAP.
- United Way of Central Minnesota.
- Benton County Veteran Services Office.
- Care Cab.
- Tri-CAP.
- Elite Taxi.
- Stearns County Veteran Service Office.
- Sherburne County Veteran Service Office.
- Saint Cloud Metro Bus.
- Greater St. Cloud Development Corp.
- Saint Cloud Rotaract.

This list will be updated and expanded as needed.

If you or an organization you are associated with would like to be added to the APO’s interested stakeholder list, please provide your name and contact information to APO staff electronically (admin@stcloudapo.org), by phone (320-252-7568), or in-person/by mail at 1040 County Road 4, St. Cloud, MN 56303.

All contractors or subcontractors performing work for the Saint Cloud APO will be required to follow the Title VI guidelines. Such assurance will be made at time of establishing the contract.

8 - LIMITED ENGLISH PROFICIENCY PLAN

Plan Summary

The APO has developed its LEP plan to identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined in Executive Order 13166, persons with limited English language proficiency are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify persons with limited English language proficiency of available assistance.

In order to prepare this plan, the APO used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of persons with limited English language proficiency in the Saint Cloud MPA who may be served by the APO.
2. The frequency with which persons with limited English language proficiency come in contact with APO programs or services.
3. The nature and importance of programs or services provided by the APO to the LEP population.
4. The interpretation services available to the APO and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is in the following section.

Meaningful Access: Four-Factor Analysis

Factor 1: Demography

The number or proportion of persons with limited English language proficiency in the service area who may be served or are likely to require APO services.

Of note, the most complete set of data provided is the 2011-2015 ACS Five Year Estimates.

The U.S. Census Bureau 2011-2015 ACS Five Year Estimates have determined 10,491 individuals within the Saint Cloud APO planning area over age 5 speak a language other than English at home. That is equivalent to 8.5% of the population age 5 and older. Of this, the ACS data has estimated 3,922 of those individuals – or 3.2% of the population over 5 years of age – speak English less than “very well”. This is below both the state’s (4.4%) and nation’s (8.6%) thresholds for people who speak English less than “very well.”

Geographic Area	2015 ACS Population	2015 Population (5+) Who Speak English Less Than “Very Well”	Percent of Total Population
United States	269,603,003	25,410,766	8.6%
Minnesota	5,069,910	224,803	4.4%
Saint Cloud MPA	122,849	3,922	3.2%

Figure 47: A geographic breakdown of the 2015 population over age 5 who speak English less than “very well.” Data courtesy of the 2011-2015 American Community Survey Five Year Estimates.

Among persons speaking English “less than very well” within the MPA, the most common languages according to the ACS data are African languages (1,501 people or 1.2%); Spanish or Spanish Creole (880 people or 0.7%); and Vietnamese (439 people or 0.4%).

U.S. DOT has adopted the Safe Harbor Provision which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision applies to eligible LEP language groups that constitute 5% or 1,000 persons, whichever is less of the total population of persons eligible to be served or likely to be affected or encountered.

Based on the 5% or 1,000 person rule, African languages falls under the Safe Harbor Provision. In consultation with the Saint Cloud area’s urban transit provider, Saint Cloud Metro Bus, it was determined that Somali was the African language they commonly observe among their LEP transit users.

Factor 2: Frequency

The frequency with which persons with limited English language proficiency come into contact with APO services or programs.

The APO staff reviewed the frequency with which its Board, committee members, staff, and contractors have or could have contact with persons with limited English language proficiency. This includes documenting phone inquiries or office visits. To date, the APO has had no requests for interpreters and no requests for translated documents. The APO Board, committee members, staff, and contractors, or sub-recipients have had very little contact with persons with limited English language proficiency.

However, the APO does have the following paragraph translated into Somali and Spanish to assist in informing LEP populations in accordance with the Safe Harbor Provision.

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This paragraph is found:

- On the bottom of every agenda distributed to the public by the APO.
- On the APO's website under the [Get Involved](https://stcloudapo.org/get-involved/) (https://stcloudapo.org/get-involved/) dropdown.
- Displayed at the APO Office near the desk of the administrative assistant and within the APO's conference room.
- Displayed near the sign-in form at all in-person meetings and in-person engagement events.

Factor 3: Importance

The nature and importance of services and programs provided by the APO to the LEP population.

The APO is responsible for metropolitan multimodal transportation planning and programming in the region. The organization uses a continuous, comprehensive, and cooperative planning process that identifies the region's transportation needs and sets priorities for the future.

Based off the 2011-2015 ACS Five-Year Estimates, approximately 91.5% of the Saint Cloud MPA population over the age of 5 speaks only English. Of the remaining 8.5% of the population that speaks a language other than English, 5.3% can speak English well and 3.2% speak English less than very well. As stated above, a sizable portion of the MPA's population who speaks English "less than very well" speak an African language.

The APO Policy Board, staff, and contractors are most likely to contact persons with limited English language proficiency through public meetings and other general public involvement opportunities.

While involvement in APO planning activities by citizens is voluntary and not considered a vital, immediate, or emergency direct service, the APO is committed to ensuring all persons interested in APO activities have equal and equitable access to do so.

As stated in Chapter 3, the APO's goals for public involvement include:

1. Opportunities for Involvement: Provide early, accessible, and continuous opportunities for public involvement from a diversity of stakeholders and interested public.
2. Access to Information: Provide reasonable public access to technical and policy information used in the development of plans and projects.

3. Review of Materials: Provide a reasonable amount of time to review materials and comment prior to adoption of any plan or amendment.

In pursuit of these goals, the APO is committed to ensuring materials are accessible to those whose who speak English “less than very well.” Outlined in Chapter 7, the APO provides notice to the public of how translation and/or interpretive services can be provided to review APO documents (including agendas) and participate in APO planning activities.

The APO also evaluates the impacts of proposed transportation investments on historically underrepresented populations as part of the planning and programming process consistent with Title VI, Executive Order 12898, and other Federal guidance. The impacts of Federally-funded transportation investments in the Saint Cloud MPA are monitored and assessed annually in the APO’s TIP. Chapter 6 provides this specific analysis on the APO’s most recent, Federally-approved TIP.

Factor 4: Resources

The resources available to the APO and overall costs to provide LEP assistance

Given the small size of the LEP population within the APO planning area and the financial constraints, full multi-language translations of large planning documents or agenda packets are not warranted. The APO will consider any such requests on a case-by-case basis as they arise. In addition, should the need arise, the APO has reviewed its available resources that could be used for providing LEP assistance and that information is on file at the APO office. Please see Appendix G for a sample listing of available resources.

Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be identified as a person with limited English language proficiency and may be entitled to language assistance with respect to the APO’s programs and services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language, and/or translation, which means the written transfer of a message from one language into another language.

APO staff may notify and identify a person with limited English language proficiency who needs language assistance by:

- Posting notice in a conspicuous and accessible place in the APO office of the LEP plan and the availability of interpretation or translation services free of charge in languages persons with limited English language proficiency would understand.
- Posting the APO’s LEP plan on the APO website.
- Greeting visitors and participants as they arrive at the APO office or APO-sponsored meetings or events. By informally engaging participants in conversation or by using language identification cards, it is possible to gauge each attendee’s ability to speak and understand English. Although translation may not be available at the time, it will help identify future needs.
- Providing “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises. Examples of “I Speak” cards can be found in Appendix F of this document.
- APO staff will be surveyed annually as part of the annual monitoring process.

- Publishing advanced public notice of the event including information on procuring a translator or interpreter.

Language Assistance Measures

Although there is a low percentage of individuals in the Saint Cloud MPA with limited English proficiency, that is, persons who speak English “less than very well,” the APO will strive to:

1. Take reasonable steps to provide the opportunity for meaningful access to clients who have difficulty communicating in English.
2. Provide the following resources to clients who have difficulty communicating in English:
 - Interpretive services for public meetings, if advance notice is provided to the APO and such services are available.
 - Translated versions (or provide for interpretation of relevant sections) of all documents/publications upon request, within a reasonable time frame and if resources permit.

Additionally, the APO includes the following paragraph – which is translated into both Somali and Spanish in accordance with the Safe Harbor Provision – at the bottom of every agenda distributed to the public by the APO; on the APO’s website under the [Get Involved](https://stcloudapo.org/get-involved/) (<https://stcloudapo.org/get-involved/>) dropdown; displayed at the APO office near the desk of the administrative assistant and within the APO’s conference room; and displayed near the sign-in form at all in-person meetings and in-person engagement events:

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Spanish Translation:

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APO es accesible para todas las personas de todas las capacidades. Una persona que requiere una modificación o acomodación, ayudas auxiliares, servicios de traducción, servicios de interpretación, etc., para poder participar en una reunión pública, incluyendo recibir esta agenda y/o archivos adjuntos en un formato o idioma alternativo, por favor, contacta a la APO al número de teléfono 320-252-7568 o al admin@stcloudapo.org al menos siete (7) días antes de la reunión.

Translation of Documents

The APO weighed the cost and benefits of translating documents for potential groups of persons with limited English language proficiency. Considering the expense of translating the documents, the likelihood of frequent changes in documents, and other relevant factors, the APO will consider the translation of documents (or portions thereof) on a case-by-case basis, as requested.

Translation resources have been identified and are kept on file at the APO. Please see Appendix G for a sample listing of available resources. [Google's Translate program](http://translate.google.com) (<http://translate.google.com>), can also provide users with HTML content in other languages. This resource is an imperfect system, but has a potential to provide enough information for an individual or group of persons with limited English language proficiency to gain an initial understanding of APO documents. However, when and if the need arises for LEP outreach related to APO programs and services, the APO will coordinate with counties, cities, townships, and other planning partners in the APO planning area to determine an appropriate course of action in regards to existing interpretive and outreach resources available.

Staff Training

The APO will take steps to ensure staff has appropriate training and resources available to assist LEP individuals. The following training will be provided to all staff on an annual basis and upon new hire employee orientation:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services available and offered to the public.
- Use of the "I Speak" cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

Appendix H identifies the LEP training and certificate of completion along with the LEP training log. This training log is incorporated into the SEP annual report. By developing the certification and log, the APO will easily identify that it is compliant with training on an annual basis.

Contractors/Consultants

All contractors or subcontractors performing work for the Saint Cloud APO will be required to follow the LEP guidelines. Such assurance will be made at time of establishing the contract.

Monitoring

The APO will review the LEP Plan annually with its self-certification procedure per [23 CFR 450.336](https://www.ecfr.gov/current/title-23-chapter-I-subchapter-B-section-401.336) (<https://bit.ly/2uQ1xIE>). The plan will be updated as needed. An annual review and update will include the following:

- The number of documented persons with limited English language proficiency contacts encountered annually.
- How the needs of persons with limited English language proficiency have been addressed.
- Determination of the current LEP population in the service area.
- Determination whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the APO's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the APO fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of individuals with limited English language proficiency.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

Dissemination of the Saint Cloud APO LEP Plan

The APO will make good faith efforts to notify the public that a LEP plan and language assistance is available through the following means:

- Post signs at conspicuous and accessible locations notifying persons with limited English language proficiency of the LEP Plan and how to access language services in languages LEP persons would understand.
- Include as part of public notices and related materials that persons needing interpretative service need to contact the APO.
- Include as part of the APO website.
- Post in the front desk area of the APO offices, employee bulletin board, and bulletin boards in the common area and conference room.
- Display notices at Board, TAC, and ATAC meetings.

9 - CONCLUSION

The APO recognizes its obligation under the FAST Act to foster community participation in plan and program development and to fulfill metropolitan needs for multimodal planning. The APO maintains a commitment of sharing information and seeking public involvement prior to making decisions. Accordingly, all staff and participants are encouraged to make recommendations for improving the APO public involvement process and the SEP.



Figure 48: APO staff members doing a presentation for members of the Policy Board in March 2020.

APPENDIX A: ASSURANCES

The Saint Cloud Area Planning Organization, herein referred to as the “Recipient,” **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States 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.
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) – prohibits discrimination on the basis of sex.
- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681 *et seq.*) – prohibits discrimination on the basis of sex in education programs or activities.
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) – prohibits discrimination on the basis of disability.
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) – prohibits discrimination on the basis of age.
- Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101 *et seq.*) – prohibits discrimination on the basis of disability.
- 49 CFR Part 21 (titled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964*).
- 49 CFR Part 27 (titled *Non-discrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*).
- 49 CFR Part 28 (titled *Enforcement of Non-Discrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation*).
- 49 CFR Part 37 (titled *Transportation Services for Individuals with Disabilities (ADA)*).
- 28 CFR Part 35 (titled *Discrimination on the Basis of Disability in State and Local Government Services*).
- 28 CFR section 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.

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

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 CFR § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The Saint Cloud Area Planning Organization, 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) other nondiscrimination requirements and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement will be awarded without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency.

3. The Recipient will insert the clauses of Assurance Attachments 1 and 5 of this Assurance in every contract or agreement subject to the Acts and Regulations.
4. The Recipient will insert the clauses of Assurance Attachment 2 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 received Federal financial assistance in the form of, 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 Assurance Attachments 3 and 4 of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. The period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, the Saint Cloud Area Planning Organization 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 investigation 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.

The Saint Cloud Area Planning Organization 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. This ASSURANCE is binding on the Saint Cloud Area Planning Organization, 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.



Mayor Rick Miller
Chair, Saint Cloud APO Policy Board



Date

Assurance Attachment 1

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. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, 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 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, national origin, sex, age, disability, income-level, or LEP.

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 Act, 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 Non-Compliance:** In the event of a contractor's non-compliance 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.

Assurance Attachment 2
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 Saint Cloud Area Planning Organization as authorized by law and upon the condition that the Saint Cloud Area Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal-Aid for Highways and the policies and procedures and procedures prescribed by Federal Highway Administration of the U.S. Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (herein referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Saint Cloud Area Planning Organization 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 the Saint Cloud Area Planning Organization 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 Saint Cloud Area Planning Organization, its successors and assigns.

The Saint Cloud Area Planning Organization, 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, national origin, sex, age, disability, income-level, or limited English proficiency 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 Saint Cloud Area Planning Organization 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, 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 U.S. Department of Transportation 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 effectuate the purpose of Title VI.)

Assurance Attachment 3

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 Saint Cloud Area Planning Organization 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 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 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, national origin, sex, age, disability, income-level, or limited English proficiency 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, the Saint Cloud Area Planning Organization 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 Saint Cloud Area Planning Organization will have the right to enter or re-enter the lands and facilities thereon, and be the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Saint Cloud Area Planning Organization and its assigns.*

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

Assurance Attachment 4
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Saint Cloud Area Planning Organization 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 grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency 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, national origin, sex, age, disability, income-level, or limited English proficiency 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, the Saint Cloud Area Planning Organization 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, the Saint Cloud Area Planning Organization will there upon revert to and vest in and become the absolute property of the Saint Cloud Area Planning Organization and its assigns.*

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

Assurance Attachment 5

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 authorizes; including but not limited to:

- 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 – as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) – prohibits unfair treatment of person 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 the discrimination on the basis of disability; and 49 CFR Part 27.
- The Age Discrimination Act of 1975, (42 U.S.C. § 6101 *et seq.*), as amended – prohibits the 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, creed, color, national origin, or sex.
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), (“...*which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”).
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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 non-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.*) as implemented by 49 C.F.R. § 25.1 *et seq.*

APPENDIX B

Title VI Complaint Procedure and Form

Scope of Title VI Complaints

The scope of Title VI covers all external APO activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to compete for or obtain a contract with the APO for the furnishing of goods and/or services. Examples include advertising for proposals; prequalification or qualification; proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

Formal Title VI Complaint Procedure

The APO Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the APO, its recipients, sub-recipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

The APO uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by it. These procedures include but are not limited to:

1. Any person or groups of person who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with the APO. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of the APO's programs for it to be considered and processed as an allegation of a discriminatory practice.
2. The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. The APO's Title VI Complaint Form **must** be used. A copy of this form can be found in Appendix C of this document.
3. The complaint may also be filed with the U.S. Department of Transportation, Office of the Secretary, 1200 New Jersey Ave. SE (S-33), Washington, D.C. 20590. The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. DOT.
4. Immediately, upon receipt of a Title VI complaint, the APO will determine a course of action. Possible courses of action include:
 - Title VI complaints filed against the APO are referred to MnDOT for processing. MnDOT notifies the U.S. DOT Division Office of the complaint.
 - Title VI complaints filed against the APO's subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by the APO in

accordance with the U.S. DOT approved complaint procedures. MnDOT is available to provide assistance.

- i. A copy of the complaint, together with a copy of the APO report of the investigation and recommendations, are forwarded to the U.S. DOT within 60 days of the date the complaint was received by the APO.
- ii. A copy of the complaint, together with a copy of the APO report of the investigation and recommendations, are provided to MnDOT's Office of Civil Rights, MS 170, 395 John Ireland Blvd., St. Paul, MN 55155, for informational purposes only.
- iii. The U.S. DOT makes the final agency decision.
5. The APO reviews and determines the appropriate action regarding every complaint. The APO will recommend to the U.S. DOT, with a copy to MnDOT, not to proceed with or continue a complaint investigation if:
 - The complaint is, on its face, without merit.
 - The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. If an investigation is to be initiated, the APO determines the method of investigation and who will conduct the investigation.
7. The entire investigation process, including the submission of the final report of the investigation and recommendations to the U.S. DOT, with a copy to MnDOT, is to be carried out in a period not to exceed 60 calendar days from the date the original complaint was received by the APO.
8. The APO acknowledges receipt of the allegation(s) within 10 working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
 - The basis for the complaint.
 - A brief statement of the allegation(s) over which the APO has jurisdiction.
 - A brief statement of the APO jurisdiction over the recipient to investigate the complaint; and
 - An indication of when the parties will be contacted.
 - Depending on the nature of the complaint, the complaint will be referred to the following for final decision:
 - i. U.S. DOT.
 - ii. U.S. Department of Justice (DOJ)
9. The APO also notifies the FHWA Division Office and/or FTA Region 5 Office, with a copy to MnDOT within 10 calendar days of receipt of the allegations. The following information is included in the notification to the U.S. DOT:
 - Name, address, and phone number of the complainant.
 - Name(s) and address(es) of persons alleged to have been involved in the act.
 - Basis of alleged discrimination (i.e., race, color, national origin).
 - Date of the alleged discriminatory act(s).
 - Date complaint was received by the APO.
 - A brief statement concerning the nature of the complaint.
 - Other agencies (Federal, state, or local) with which the complaint has been filed.

- An explanation of the actions the APO proposed to take to resolve the issues raised in the complaint.
10. The investigation consists of an in-depth, personal interview with the complainant(s). Information gathered in this interview includes but is not limited to: identification of each complainant by race, color, national origin; name of the complainant; a complete statement concerning the nature of the complaint, including names, dates, places, and incidents in the complaint; the date the complaint was filed; and any other pertinent information the investigator(s) feel is relevant to the complaint. The interview(s) is recorded, either on an audio tape or by an investigator taking notes. The investigator(s) arrange for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.
 11. Following the interviews, the investigator(s) develops a report of the investigation and recommendations based on the facts. The report contains the investigator's(s') findings, conclusions concerning each issue raised in the complaint, and recommendations for corrective action. The report is the last document prepared by the investigator(s). Any other actions taken as a result of the investigator's(s') findings and conclusions are the responsibility of APO management.
 12. The complainant receives a letter from the APO detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the final determination is made by the U.S. DOT.
 13. The APO forwards the report of the investigation and recommendations to the U.S. DOT, with a copy to MnDOT. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, and any other pertinent information.
 14. The U.S. DOT makes the final agency decision.



SAINT CLOUD AREA PLANNING ORGANIZATION TITLE VI COMPLAINT FORM

The Saint Cloud Area Planning Organization (APO) assures that no person shall, on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259) be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any agency-sponsored program or activity.

An individual, or his/her/their representative, who believes that he/she/they has been subject to discrimination prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence.

Personal Information

(Type or write the requested information below)

Name:

Address:

Phone Number:

Preferred Email:

Preferred Method of Contact:

Best Time to Contact You:

Are you filing this complaint on your own behalf?

Yes

No

*If you answered **YES** to the last question, please go to the next section. If not, please answer the next three questions.*

Please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:



Please confirm that you have obtained the permission of the aggrieved part if you are filing on behalf of a third party.

Yes

No

Basis of the Discrimination

I believe the discrimination I experienced was based on (check all that apply):

Race

Disability

Color

Income Status

National Origin

Other (please explain) Click or tap here to enter text.

Sex

Age

Have you previously filed a Title VI complaint with this agency (Yes or No)?

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court (Yes or No)?

*If you answered **YES** to the last question, please complete the following information. If not, please go to the next section.*

Where has this complaint been filed? Please check all that apply AND provide the name of the respective agency/court in which you have filed.

Federal Agency.

Federal Court.

State Agency.

State Court.

Local Agency.



Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency Address:

Phone:

Information of Agency or Contractor that Allegedly Discriminated

Date discrimination occurred:

Name of agency/contractor complaint is against:

Agency/contractor address:

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



Tell Us What Happened

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If additional space is needed, please attach extra sheet(s).

What is Your Desired Outcome?

Briefly explain how you would like this matter resolved.



Verification

By signing this document, I, the submitter for this form, warrant the truthfulness of the information provided.

Signature:

Date:

Please submit this form in person or at the address below, or mail this form to:

Saint Cloud Area Planning Organization
Title VI Coordinator
1040 County Road 4
Saint Cloud, MN 56303

Notice of Rights

The purpose and intended use of the requested information is to assist APO staff and designees to evaluate and respond to accessibility concerns regarding APO building facilities, programs, or services.

Authorized persons or agencies with whom this information may be shared include APO officials, staff or designee(s).

Furnishing the above information is voluntary, but refusal to supply the requested information will mean APO staff may be unable to respond to or evaluate your request.

Complaints filed with the Federal Highway Administration

Discrimination complaints based on race, color, national origin, may be filed with the Federal Highway Administration's Office of Civil Rights via phone at 202-366-0693 or via email at fhwa.titlevicomplaints@dot.gov. Complaints can also be filed via U.S. Mail to:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. Department of Transportation.



Habka Cabashada Cinwaanka VI iyo Foomka Baaxadda Cabashada Cinwaanka VI

Baaxadda cinwaanka Cinwaanka VI wuxuu daboolayaa dhammaan howlaha APO ee dibedda. Saamaynta xun ee ka dhalata cabashooyinka Cinwaanka VI waxay ka soo bixi karaan ilo badan, oo ay ku jiraan xayeysiinta, iibinta, iyo qandaraasyada.

Dacwaduhu waxay ka imaan karaan shakhsiyaad ama shirkado sheeganaya inayna u tartami karin ama ay qandaraas la galaan shirkadda APO ee keenida alaabada iyo / ama adeegyada. Tusaalooyinka waxaa ka mid ah xayeysiinta soo jeedinta; U qalmitaan ama shahaadooyin; Soo jeedinno iyo abaalmarinno; Xulista qandaraasleyaal, qandaraasleyaal, alaab-qeybiyeyaal iyo qalab, lesone-yaasha, iibiyaasha, lataliyayaasha, qiimeeyeyaasha, jaamacadaha, iwm.

Cabashadu waxay ka imaan kartaa natijada saamaynta mashruuca ee shakhsiyaadka ama kooxaha. Tusaale ahaan, bulshada iyo dhaqaalaha, taraafikada, buuqa, tayada hawada, galaangalka, shilalka, iyo ku guul darreysiga joogteynta xarumaha.

Habka Cabashada Rasmiga ah ee VI

Nidaamka APO Cinwaanka VI wuxuu xaqiijinayaa inuusan qof ama koox dad ah, iyadoo sabab looga dhigaayo midab, midab, ama asal qaran, laga reebi doonin ka qeybqaadashada, loo diidi doonin faa'iidooyinka, ama haddii kale lagu qaadi karin takooris barnaamij kasta iyo dhammaan barnaamijyada. , adeegyada, ama nashaadaadyada ay maamusho APO, kuwa qaata, kuwa qaata-hoosaadka, iyo qandaraasleyaasha. Intaas waxaa sii dheer, Amarka Fulinta 12898 (Caddaaladda Deegaanka) ayaa mamnuuca takoorka ku saleysan heerka dakhliga.

APO waxay adeegsanaysaa faahfaahinta soo socota, habsocodyada gudaha ee si dhakhso leh looga baaraandegayo dhammaan cabashooyinka Cinwaanka VI ee ay toos u hesho. Nidaamyadan waxaa ka mid ah laakiin aan ku xaddidnayn:

1. Oof kasta ama koox shaqsiyadeed oo rumeysan inay ka xanaaqeen fal sharci darro ah oo ku saabsan takooris sharci daro ah cinwaanka Cinwaanka VI ayaa shaqsiyan, ama loo mari karaa wakiil sharci oo sharciyeysan, sameysan kara oo saxeexa cabashada una gudbin kara cabashada APO. Eedeymaha la helay ma aha inay isticmaalaan ereyada furaha 'cabasho,' 'xuquuqda madaniga,' 'takooris', ama u dhigma u dhow. Waa ku filan tahay haddii eedeymaha noocaas ah ay muujinayaan nooc kasta oo ka mid ah ula dhaqanka aan kala sooc lahayn ee mid ama in ka badan oo ka mid ah barnaamijyada APO ee loogu talagalay in loo tixgeliyo loona socodsiiyo sidii eedayn ku saabsan dhaqan xumeyn.

2. Cabashada waa in la gudbiyaa, qoraal ahaan, ugu dambeyn 180 maalmood kalandar taariikhda takoorida la sheegay. Foomka Cabashada Cinwaanka ee APO waa in la adeegsadaa. Nuqul foomkan ah waxaa laga heli karaa Lifaafa C ee dukumiintigan.

3. Dacwada waxaa sidoo kale lagu xareyn karaa Xafiiska Xuquuqda Aadanaha ee Federal Highway Administration (FHWA's) ee Xuquuqda Madaniga taleefanka 202-366-0693 ama emaylka fhwa.titlevicomplaints@dot.gov. Cabashooyinka waxaa sidoo kale lagu xareyn karaa boostada Mareykanka illaa: Maamulka Wadada Sare ee Federalka, Waaxda Gaadiidka ee Mareykanka, Xafiiska Xuquuqda Madaniga, 1200 New Jersey Avenue SE, 8th Floor E81-105, Washington, DC 20590. Cabashada waa in la fayl gareeyaa ugu dambeyn 180 Maalmo kadib taariikhda takoorida la sheegtey, haddii aan waqtiga la fayl gareynin uusan sii kordhin Xoghayaha Xoghayaha DOT Mareykanka.

4. Isla markiiba, markay helaan cabashada Cinwaanka VI, APO waxay go aansan doontaa hal tallaabo. Koorsooyinka suurta galka ah ee ficil waxaa ka mid ah:
 - Cabashooyinka cinwaanka VI ee loo gudbiyey APO waxaa loo gudbiyaa MnDOT si loo socodsiiyo. MnDOT waxay u sheegtaa xafiiska Qaybta Minnesota FHWA cabashada.
 - Dacwadaha cinwaanka 'VI' ee laga xareeyay qiimeeyayaasha APO (tusaale ahaan, qandaraasleyaasha, qandaraasleyaasha, alaabada iyo qalabka, soosaarayaasha, iibiyaasha, lataliyayaasha, qiimeeyayaasha, jaamacadaha, iwm.) Waxaa maamuleysa APO iyadoo la raacayo habraaca cabashooyinka la oggolaaday ee US DOT. MnDOT waxaa loo heli karaa in lagu bixiyo caawimaad.
 - i. Nuqul ka mid ah cabashada, oo ay weheliso nuqul ka mid ah warbixinta APO ee baaritaanka iyo talooyinka, ayaa loo gudbiyaa US DOT gudaheeda 60 maalmood laga bilaabo taariikhda cabashada ay heshay APO.
 - ii. Nuqul ah cabashada, oo ay weheliso nuqul ka mid ah warbixinta APO ee baaritaanka iyo talo soo jeedinta, waxaa la siiyaa xafiiska MnDOT ee Xuquuqda Madaniga, MS 170, 395 John Ireland Blvd., St. Paul, MN 55155, ujeedooyin macluumaad keliya.
 - iii. Xafiiska Qaybta FHWA ee Minnesota ayaa sameeya go'aanka hay'adda ugu dambaysa.



5. APO waxay dib-u-eegeysaa oo go'aamisaa tallaabada ku habboon ee la xiriirta cabasho kasta. APO waxay kugula talineysaa FHWA Minnesota Division Office, oo nuqul la siinayo MnDOT, inaysan sii wadin ama sii wadin baaritaanka cabashada haddii:

- Dacwada ayaa wajigeeda, iyada oo aan loo qalmin.
- Isla eedeymaha iyo arrimaha cabashada waxaa looga hadlay baaritaan dhowaan la xiray ama go'aanadii maxkamadda federaalka ee hore.
- Diidmada cabashadda ama qaybta dhaawacday diidmada wadashaqaynta (ay ka mid tahay diidmada bixinta rukhsadda siidaynta ama aqoonsigeeda) ayaa suurta gal ka dhigtay in baadhitaan dheeraad ah la sameeyo.

6. Haddii baaritaan la bilaabay, APO ayaa go'aamisa habka baaritaanka iyo cidda qaban doonta baaritaanka.

7. Howlaha baaritaanka oo dhan, oo ay ku jiraan gudbinta warbixintii ugu dambeysay ee baaritaanka iyo talooyinka xafiiska FHWA Minnesota Division Office, oo ay nuqul u tahay MnDOT, waa in lagu qabtaa muddo aan ka badneyn 60 maalmood taariikhda taariikhda. Ashtakadii asalka ahayd waxaa heshay APO.

8. APO waxay qiraysaa in la helay eedeeynta (yada) 10 maalmood gudahood. Cabashada waxaa la ogeysiinayaa talaabada la soo jeediyay in la qaado si looga baaraandego eedeeynta (yaasha). Warqadda ogeysiiska waxaa ku jira:

- Aasaaska dacwada.
- Qoraal kooban oo eedeeynta (yada) ah oo ay APO awood u leedahay.
- Qoraal kooban oo ku saabsan xaddiga awoodda APO ee ku saabsan qaataha si loo baaro kuwa raacsan; Iyo
- Tilmaam marka labada dhinac lala xiriiri doono.
- Waxay kuxirantahay nooca cabashada, cabashada waxaa loo gudbin doonaa waxyaabaha soo socda si go'aanka kama dambeysta ah:

i. Xafiiska Qeybta FHWA ee Minnesota

ii. Waaxda Caddaaladda Mareykanka (DOJ)

9. APO waxay sidoo kale ogaysiineysaa FHWA Minnesota Division Office iyo / ama FTA Gobolka 5 Office, oo ay nuqul la leedahay MnDOT 10 maalmood gudahood laga bilaabo maalinta la helo eedeymaha. Macluumaadka soo socda waxaa lagu soo dallacsiiyay ogeysiiska loo yaqaan US DOT:

- Magaca, cinwaanka, iyo nambarka taleefoonka cabashada.
- Magaca (yada) iyo cinwaanka (yada) dadka lagu eedeeyay inay ku lug lahaayeen falka.
- Asalka takoorida la sheegay (i.e., midabka, midabka, asalka wadanka).



- Taariikhda ficillada (yada) la sheegtey ee takooridda.
- Taariikhda cabashada ay heshay APO.
- Qoraal kooban oo ku saabsan nooca cabashada.
- Hay'ado kale (Federaal, gobol, ama deegaan) oo cabashada la xareeyay.
- Sharaxaad ku saabsan tillaabooyinka ay APO soo jeedisay in la qaado si loo xalliyo arrimaha cabashada.

10. Baadhitaanku wuxuu ka kooban yahay qoto-dheer, wareysi shaqsiyeed ee lala yeesho qofka dacwoonaya. Macluumaadka lagu soo uruuriyay wareysigan waxaa ka mid ah laakiin aan ku xaddidnayn: aqoonsashada cabasho kasta ee isir, midab, asal qaran; Magaca cabashada; Warbixin dhammaystiran oo ku saabsan nooca cabashada, oo ay ku jiraan magacyada, taariikhaha, meelaha, iyo dhacdooyinka cabashada; Taariikhda cabashada la xareeyay; Iyo wixii macluumaad kale ee la xiriira ee baaraha (yaasha) ay dareemaan inay ku habboon yihiin cabashada. Wareysiga (yaasha) waxaa lagu duubi doonaa cajalad maqal ah ama baaraha wax qora. Baadhuhu (hayada) ayaa u habeeya qofka cabanaya inuu akhriyo, u sameeyo isbeddelo muhiim ah, oo uu saxeexo qoraalka wareysiga ama qoraalada wareysiga.

11. Ka dib wareysiyada, baaraha (yaasha) ayaa sameynaya warbixin baaritaanka iyo talooyinka ku saleysan xaqiiqada. Warbixinta waxaa ku jira natiijooyinka baaraha (baaraha), gunaanadyada la xiriira arin kasta ee cabashada lagu soo qaado, iyo talooyinka talaabada sixitaanka. Warbixintu waa dukumiinti ugu dambaysay ee uu diyaariyay baarayaasha (yaasha). Ficil kasta oo kale oo la qaado natiijada natiijada baaraha iyo gabagabadiisa waa mas'uuliyada maaraynta APO.

12. Qofka cabanaya wuxuu helaa warqad ka socota APO oo faahfaahinaysa natiijooyinka iyo wixii talooyin ah ee ku saabsan tallaabada sixitaanka ee la qaadayo iyadoo lagu saleynayo xaqiiqada. Dhamaan arrimaha cabashada ayaa laga hadlay. Qofka cabashada sameynaya waxaa la ogeysiinayaa in go'aanka ugu dambeeyo uu gaarayo Qeybta FHWA Minnesota Division Office.

13. APO waxay u gudbisaa warbixinta baaritaanka iyo talooyinka xafiiska FHWA Minnesota Division Office, oo ay nuqul ka tahay MnDOT. Marka lagu daro warbixinta waa koobiga cabashada, nuqulada dhammaan dukumiintiyada la xiriira cabashada, taariikhda cabashada la xareeyay, taariikhda baaritaanka la dhameeyay, iyo macluumaad kasta oo la xiriira.

14. Xafiiska Qaybta FHWA ee Minnesota ayaa sameeya go'aanka hay'adda ugu dambeyska ah.





URURKA QORSHAYNTA DEEGAANKA EE SAINT CLOUD FORMKA CIWANKA CABASHADDA VI

Ururka Qorsheynta Deegaanka ee Saint Cloud (APO) wuxuu dammaanad qaadayaa in qofna uusan ku saleysanayn sinji, midab, ama asal qaran sida uu soo saaray cinwaanka VI ee Xuquuqda Rayidka ee 1964 iyo Sharciga Soo-celinta Xuquuqda Madaniga ee 1987 (PL 100.259) In laga reebaa kaqeybgalka, loo diido faa'iidooyinka, ama haddii kale takooris lagula kaco barnaamij kasta oo ay magic hayad ku soo qabanqaabiso ama waxqabad.

Shakhsiga, ama wakiilkiisa / wakiiladooda, oo aaminsan in isaga / iyada / lagula kacay takoorid ay mamnuucday Cinwaanka VI iyo qodobbada kale ee takoorida, waxay xaq u leeyihiin inay fayl garaystaan cabasho. Cabashooyinka ayaa loo baahan yahay in lagu xareeyo 180 maalmood gudahood laga bilaabo maalinta la sheegay inay dhacday.

Warbixin shaqsiyeed

(Ku qor macluumaadka la codsaday hoos)

Magaca:

Cinwaanka:

Lambarka taleefanka:

Email la doorbiday:

Habka Xiriirka La Doorbidayo:

Waqtiga ugu Fiican ee lagula Soo Xiriiryo:

Miyaad adiga laftaada xereyneysaa ashtakadan?

O Haa

O Maya

Haddii aad ku jawaabtay HAA su'aasha ugu dambaysa, fadlan tag qaybta xigta. Haddii kale, fadlan ka jawaab saddexda su'aalood ee soo socda.

Magaca:

Fadlan sheeg magaca iyo xiriirka qofka aad ka cabanayso:

Fadlan sharax sababta aad u xaraysay qolo saddexaad:



Fadlan xaqiiji inaad heshay rukhsadda qaybta cabashada haddii aad gudbineyso adigoo ku matalaya dhinac saddexaad.

Haa

Maya

Aasaaska Takoorka

Waxaan rumeysanahay takoorka aan la kulmay inuu ku saleysan yahay (calaamee dhamaan inta quseysa):

- Jinsiyad
- Midab
- Asalka Qaranka
- Jinsi
- Da 'da
- Naafanimada
- Xaaladda Dakhliga

Mid kale (fadlan sharrax) Guji ama dhagsii halkan si aad u qorto qoraalka.

Miyaad horay ugu gudbisay hay'ada 'cinwaankq VI (haa ama Maya) '?

Miyaad gudbisay cabashadan mid kale oo ah Federaal, Gobol, ama hay'ad maxalli ah, ama maxkamad federaal ama Gobol kasta (Haa ama Maya)?

*Haddii aad ku jawaabtay **HAA** su'aasha ugu dambaysa, fadlan buuxi macluumaadka soo socda. Haddaysan ahayn, fadlan tag qaybta xigta*

Halkee laga gudbiyay cabashadan? Fadlan calaamee dhamaan inta quseysa oo soo sheeg magaca hayada / maxkamadda oo aad ka xareysay.

Hay'adda Federaalka.

Maxkamadda Federaalka.



Wakaaladda Gobolka.

Maxkamadda Gobolka.

Hay'adda Maxalli ah.

Fadlan bixi macluumaad ku saabsan qofka lala xiriirayo ee wakaaladda / maxkamadda halka cabashada laga xareeyay.

Magaca:

Cinwaanka:

Cinwaanka Hay'adda:

Telefoon:

Macluumaadka Hay'adda ama Qandaraaslaha ee la tagooray

Taariikh takoorid dhacday:

Magaca hay'adda / qandaraaslaha cabashada ay ka soo horjeedda:

cinwaanka Hay'adda / qandaraaslaha:

Magac(yada) iyo shaqada nooca(yada) shaqsiyaadka (shakhsiyaadka) ee la sheegay in la takooro:



Noo sheeg waxa dhacay

U sharax sida ugu macquulsan wixii dhacay iyo sababta aad u aaminsan tahay in lagu faquuqay. Qeex dhammaan dadka ku lugta lahaa. Ku dar magaca iyo macluumaadka la xiriira ee qofka (dadka) ku takooray (haddii la yaqaan) iyo sidoo kale magacyada iyo macluumaadka xiriirka goobjooge kasta. Haddii boos dheeraad ah loo baahan yahay, fadlan ku soo lifaaq xaashi (yada) dheeraad ah.

Waa maxay Natiijada aad U Baahantahay?

Si kooban u sharax sida aad jeceshahay in arintan loo xaliyo.



Xaqiijinta

Saxiixida dukumintigan, Aniga, soo-gudbiyaha foomkan, waxaan dammaanad ka qaadayaa runta in macluumaadka la bixiyay.

Saxiixa

Taariikhda

Fadlan ku soo gudbi foomkan shaqsi ahaan ama adreska hoosta ku yaal, ama iimayl ugu dir foomkan:

Ururka Qorsheynta ee Degmada Saint Cloud

Isuduwaha cinwaanka VI

1040 County Wadada 4

Saint Cloud, MN 56303

Xuquuqda Ogeysiista

Ujeedada iyo adeegsiga loogu talagalay macluumaadka la codsaday ayaa ah in laga caawiyo shaqaalaha APO iyo dadka loo xushay si ay u qiimeeyaan ugana jawaabaan walaacyada marin u helka la xiriira tas-hiilaadka dhismayaasha APO, barnaamijyada, ama adeegyada.

Dadka idman ama wakaaladaha laga yaabo inay la wadaagaan macluumaadkan waxaa ka mid ah saraakiisha APO, shaqaale ama qof loo xilsaaray.

Soo gudbinta macluumaadka kore waa ikhtiyaari, laakiin diidmada bixinta macluumaadka la codsaday waxay la macno tahay in shaqaalaha APO ay awoodi waayaan inay ka jawaabaan ama qiimeeyaan dalabkaaga.

Dacwadaha waxaa laga gudbiyay Maamulka Wadada Sare ee Federaalka

Cabashooyinka takoorida ee ku saleysan isirka, midabka, halka asal ahaan ka soo jeedaan, waxaa laga xareyn karaa Xafiiska Xuquuqda Aadanaha ee 'Federal Highway Maamulka' Xafiiska Xuquuqda Madaniga taleefanka 202-366-0693 ama emayl ku soo dir fhwa.titlevicomplaints@dot.gov. Cabashooyinka waxaa sidoo kale lagu xareyn karaa boostada Mareykanka ..

Maamulka Wadooyinka Faderaalka

Waaxda Gaadiidka Mareykanka

Xafiiska Xuquuqda Madaniga



1200 Wadada New Jersey, SE

Dabaqa 8aad E81-105

Washington, DC 20590

Dacwada waa in la gudbiyaa, qoraal ahaan, ugu dambeyn 180 maalmood kadib taariikhda takoorida la sheegay, ilaa waqtiga xereynta uusan kordhinin Xoghayaha Waaxda Gaadiidka Mareykanka.



Procedimiento de Reclamo y Formulario del Título VI

Alcance de los Reclamos del Título VI

El alcance del Título II cubre todas las actividades externas de APO. Los efectos adversos que resultan en los reclamos del Título VI pueden surgir de muchas fuentes, incluyendo la publicidad, la licitación y los contratos.

Los reclamos pueden originarse de individuos o firmas que alegan la incapacidad de competir para, o de obtener un contrato con, la APO para el suministro de bienes y/o servicios. Los ejemplos incluyen la publicidad para propuestas; precalificación o calificación; propuestas y premios; selección de los contratistas, de los subcontratistas, de los proveedores de materiales y equipos, de los arrendadores, de los vendedores, de los consultores, de los tasadores de tarifas, de las universidades, etc.

Los reclamos pueden originarse como resultado de impactos del proyecto en individuos o grupos. Por ejemplo, sociales y economía, tráfico, ruido, calidad del aire, acceso, accidentes y la incapacidad para mantener instalaciones.

Procedimiento de Reclamo Formal del Título VI

La Política del Título VI de la APO asegura que ninguna persona o grupo de personas, por motivos de raza, color o nacionalidad, podrá quedar excluida de la participación en, se le podrán negar los beneficios de, o de algún modo podrá ser objeto de discriminación en virtud de cualquiera y todos los programas, servicios o actividades administradas por la APO, por sus receptores, sus subreceptores y sus contratistas. Por otra parte, la Orden Ejecutiva 12898 (Justicia Ambiental) prohíbe la discriminación basada en el nivel de ingresos.

La APO usa los siguientes procedimientos internos detallados para un rápido procesamiento de todos los reclamos del Título VI recibidos directamente por ellos. Estos procedimientos incluyen, pero no se limitan a:

1. Cualquier persona o grupo de personas que creen que han sido perjudicadas por una práctica discriminatoria ilegal con arreglo al Título VI de la Ley de Derechos Civiles puede, de manera individual o a través de un representante autorizado legalmente, hacer y firmar un reclamo y presentar el reclamo con la APO. Las alegaciones recibidas no tienen que usar las palabras clave "reclamo", "derechos civiles", "discriminación", o sus equivalentes más cercanos. Es suficiente si tal alegación implica cualquier forma de tratamiento inequitativo en uno o más de los programas de la APO para que sea considerada y procesada como una alegación de una práctica discriminatoria.
2. El reclamo **debe** ser presentado por escrito no más tarde de 180 días después de la fecha en que ocurrió la presunta discriminación. El Formulario de Reclamo del Título VI de la APO **debe** ser usado. Una copia de este formulario puede ser encontrada en el Anexo C de este documento.
3. El reclamo también puede ser presentado ante la Oficina de Derechos Civiles de la Administración Federal de Carreteras (FHWA) por teléfono al número 202-366-0693 o por email a fhwa.titlevicomplaints@dot.gov. Los reclamos también pueden ser



- enviados a través del Correo Postal de los Estados Unidos a: Federal Highway Administration, U.S. Department of Transportation, Office of Civil Rights, 1200 New Jersey Avenue SE, 8th Floor E81-105, Washington, D.C. 20590. El reclamo **debe** ser no más tarde de 180 días después de la fecha en que ocurrió la presunta discriminación, a menos que el momento para hacer la presentación sea extendido por la Secretaría del Departamento de Transporte de los Estados Unidos de América.
4. De inmediato, a la recepción de un reclamo del Título VI, la APO determinará un plan de acción. Los planes de acción posibles incluyen:
 - Los reclamos del Título VI presentados contra la APO se remiten al MnDOT para ser procesados. El MnDOT le notifica a la Oficina de la División de Minnesota de la FHWA sobre el reclamo.
 - Los reclamos del Título VI presentados contra los subreceptores de la APO (por ejemplo, contratistas, subcontratistas, proveedores de materiales y equipos, arrendadores, vendedores, tasadores de tarifas, universidades, etc.) son procesados por la APO de acuerdo con los procedimientos de reclamos aprobados por el U.S. DOT. El MnDOT se encuentra disponible para prestar asistencia.
 - i. Una copia del reclamo, junto con una copia del informe de la APO y las recomendaciones, se remiten al U.S. DOT dentro de los 60 días siguientes a que el reclamo sea recibido por la APO.
 - ii. Una copia del reclamo, junto con una copia del informe de la investigación de la APO y las recomendaciones, serán entregadas a la Oficina de Derechos Civiles del MnDOT en MS 170, 395 John Ireland Blvd., St. Paul, MN 55155, sólo para fines informativos.
 - iii. La Oficina de la División de Minnesota de la FHWA Minnesota toma la decisión final de la agencia.
 5. La APO revisa y determina la acción apropiada con respecto a cada reclamo. La APO le recomendará a la Oficina de la División de la FHWA, con una copia al MnDOT, no seguir adelante con o continuar la investigación de un reclamo si:
 - El reclamo, a primera vista, carece de fundamento.
 - Las mismas alegaciones y problemas del reclamo han sido tratados en una investigación recientemente cerrada o por la decisión previa del tribunal federal.
 - La negativa del denunciante o de la parte perjudicada a cooperar (incluyendo la negativa a dar permiso para revelar su identidad) ha hecho que sea imposible investigar más a fondo.
 6. Si se debe iniciar una investigación, la APO determinará el método de investigación y quién va a llevar a cabo la investigación.
 7. Todo el proceso de investigación, incluyendo la presentación del informe final de la investigación y las recomendaciones para la Oficina de la División de Minnesota de la FHWA, junto con una copia para el MnDOT, debe llevarse a cabo en un período que no exceda los 60 días naturales a partir de la fecha en que el reclamo original fue recibido por la APO.
 8. La APO reconoce la recepción de las alegaciones dentro de los 10 días hábiles siguientes. Al denunciante se le notifica sobre la acción propuesta que debe llevarse a cabo para proceder con las alegaciones. La carta de notificación contiene:
 - La base para el reclamo.



- Una breve declaración de las alegaciones sobre la cual tiene jurisdicción la APO.
 - Una breve declaración de la jurisdicción de la APO sobre la recepción para investigar del denunciante; y
 - Un indicio de cuándo las partes serán contactadas.
 - Dependiendo de la naturaleza del reclamo, el reclamo será remitido para una decisión final a los siguientes organismos:
 - i. Oficina de la División de Minnesota de la FHWA
 - ii. Departamento de Justicia de los Estados Unidos de América (DOJ)
9. La APO también le notifica a la Oficina de la División de Minnesota de la FHWA y/o la Oficina de la Región 5 de FTA, junto con una copia para el MnDOT dentro de los 10 días naturales siguientes de la recepción de las alegaciones. La siguiente información está incluida en la notificación al U.S. DOT:
- Nombre, dirección y número de teléfono del denunciante.
 - Nombre(s) y dirección(es) de las presuntas personas que han estado involucradas en este acto.
 - Base de la presunta discriminación (por ejemplo, raza, color, nacionalidad).
 - Fecha de los presuntos actos discriminatorios.
 - Fecha en que el reclamo fue recibido por la APO.
 - Una declaración breve con respecto a la naturaleza del reclamo.
 - Otras agencias (federal, estatal o local) ante las cuales ha sido presentado el reclamo.
 - Una explicación de las acciones que la APO propone tomar para resolver los problemas planteados en el reclamo.
10. La investigación consiste en una entrevista personal a fondo con el denunciante o denunciantes. La información recogida en esta entrevista incluye, pero no se limita a: la identificación de cada denunciante por raza, color, nacionalidad; el nombre del denunciante; una declaración completa con respecto a la naturaleza del reclamo, incluyendo nombres, fechas, lugares e incidentes en el reclamo; la fecha en que el reclamo fue presentado; y cualquier otra información pertinente que el investigador sienta que es relevante para el reclamo. La entrevista o entrevistas son grabadas, ya sea con una cinta de audio o con la toma de notas por parte del investigador. El investigador se encarga de que el denunciante lea, haga los cambios necesarios y firma la transcripción de la entrevista o las notas de la entrevista.
11. Siguiendo las entrevistas, el investigador desarrolla un informe de la investigación y las recomendaciones basado en los hechos. El informe contiene los hallazgos y las conclusiones con respecto a cada problema planteado en el reclamo, y las recomendaciones para las acciones correctivas. El informe es el último documento preparado por el investigador. Cualquier otra acción tomada como resultado de los hallazgos y las conclusiones del investigador son la responsabilidad de la administración de la APO.
12. El denunciante recibe una carta de la APO detallando los hallazgos y cualquier recomendación para las acciones correctivas que serán tomadas basadas en los hechos. Todos los problemas en el reclamo son examinados. Al denunciante se le informa que la determinación final es hecha por la Oficina de la División de Minnesota de la FHWA.



13. La APO le remite el informe de la investigación y las recomendaciones a la Oficina de la División de Minnesota de la FHWA, junto con una copia al MnDOT. Incluida con el informe hay una copia del informe, copias de toda la documentación pertinente para el reclamo, la fecha en que el reclamo fue presentado, y cualquier otra información pertinente.
14. La Oficina de la División de Minnesota de la FHWA toma la decisión final de la agencia.



ORGANIZACIÓN DE PLANIFICACIÓN DEL ÁREA DE SAINT CLOUD TÍTULO VI FORMULARIO DE RECLAMOS

La Organización de Planificación del Área (APO en inglés) de Saint Cloud asegura que ninguna persona, por motivos de raza, color o nacionalidad según lo dispuesto por el Título VI de la Ley de Derechos Civiles de 1964 y de la Ley de Restauración de Derechos Civiles de 1987 (PL 100.259), podrá quedar excluida de la participación en, se le podrán negar los beneficios de, o de algún modo podrá ser objeto de discriminación en virtud de cualquier programa o actividad patrocinados por la Agencia.

Un individuo, o su representante, que cree que él/ella/ellos han sido víctimas de una discriminación prohibida por el Título VI y por otras disposiciones sobre la no discriminación, tiene el derecho de presentar un reclamo. Los reclamos deben ser presentados dentro de los 180 días naturales siguientes a la presunta ocurrencia.

Información Personal

(Escribe la información solicitada abajo en letras legibles)

Nombre:

Dirección:

Número de Teléfono:

Email Preferido:

Método de Contacto Preferido:

Mejor Momento para Contactarte:

¿Estás llenando este reclamo en tu propio nombre?

Sí

No

*Si tu respuesta a la última pregunta fue **SÍ**, por favor, dirígete a la siguiente sección. Si no, por favor, responde las siguientes tres preguntas.*

Por favor, proporciona el nombre y la relación con la persona por la cual estás haciendo el reclamo:

Por favor, explica por qué has hecho la presentación por un tercero:



Por favor, confirma que has obtenido el permiso de la parte perjudicada si estás presentando este reclamo en nombre de un tercero.

- Sí
- No

Base de la Discriminación

Yo creo que la discriminación que sufrí se basó en (marca todas las que apliquen):

- Raza
- Color
- Nacionalidad
- Sexo
- Edad
- Discapacidad
- Nivel de Ingresos
- Otro (por favor, especifica) Haz clic o toca aquí para escribir.

¿Has presentado anteriormente un reclamo del Título VI con esta agencia (Sí o No)?

¿Has presentado este reclamo con cualquier otra agencia Federal, Estatal o local, o con cualquier tribunal Federal o Estatal (Sí o No)?

*Si tu respuesta a la última pregunta fue **SÍ**, por favor llena la siguiente información. Si no, por favor, dirígete a la siguiente sección.*

¿Dónde ha sido presentado este reclamo? Por favor, marca todas las que aplican Y proporciona el nombre de la respectiva agencia/tribunal donde lo has presentado.

- Agencia Federal.
- Tribunal Federal.
- Agencia Estatal.
- Tribunal Estatal.
- Agencia Local.



Por favor, proporciona la información sobre una persona de contacto en la agencia/tribunal donde el reclamo fue presentado.

Nombre:

Título:

Dirección de la Agencia:

Teléfono:

Información de la Agencia o Contratista que Presuntamente Discriminó

Fecha en que la discriminación ocurrió:

Nombre de la agencia/contratista en contra de quién es el reclamo:

Dirección del organismo/contratista:

Nombre(s) y título(s) de trabajo del individuo o individuos que presuntamente discriminaron:



Cuéntanos lo que sucedió

Explica de la manera más clara posible lo que sucedió y por qué crees que fuiste víctima de discriminación. Describe a todas las personas que estuvieron involucradas. Incluye los nombres y la información de contacto del programa o de los programas y/o de la persona o de las personas que te discriminó/discriminaron (si lo conoce), así como también los nombres y la información de contacto de cualquier testigo. Si necesitas espacio adicional, por favor, adjunta la(s) hoja(s) extra.

¿Cuál es tu resultado deseado?

Explica de manera breve cómo te gustaría que se resolviera este problema.



Verificación

Al firmar este documento, yo, la persona que presente este formulario, garantizo la veracidad de la información proporcionada.

Firma:

Fecha:

Por favor, presenta este formulario en persona o en la dirección mencionada abajo, o envía este formulario a:

Saint Cloud Area Planning Organization
Title VI Coordinator
1040 County Road 4
Saint Cloud, MN 56303

Notificación de Derechos

El propósito y el uso previsto para la información solicitada es de ayudar al personal y a las personas designadas de APO a evaluar y responder a los problemas de accesibilidad con respecto a las instalaciones de edificios, programas o servicios de APO.

Las agencias o personas autorizadas con quienes esta información puede ser compartida incluye a los oficiales, el personal o las personas designadas de APO.

Suministrar la información solicitada arriba es de carácter voluntario, pero negarse a proporcionar la información solicitada significa que el personal de APO puede ser incapaz de responder o evaluar tu solicitud.

Los reclamos presentados con la Administración Federal de Carreteras

Los reclamos por discriminación basados en la raza, color o nacionalidad pueden ser presentados con la Oficina de Derechos Civiles de la Administración Federal de Carreteras por teléfono al número 202-366-0693 o por email al fhwa.adacomplaints@dot.gov. Los reclamos también pueden ser enviados a través del Correo Postal de los Estados Unidos a:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

El reclamo **debe** ser presentado por escrito no más tarde de 180 días después de la fecha en que ocurrió la presunta discriminación, a menos que el momento para hacer la



presentación sea extendido por la Secretaría del Departamento de Transporte de los Estados Unidos de América.

APPENDIX C

Title II Grievance Procedure and Form

Scope of Title II Complaints

The scope of Title II covers all external APO activities. As a planning organization, the primary ways in which the APO interacts with the public is through the development of planning studies, and Board and Committee meetings which are open to the public.

During the development of planning studies, the public may be asked to review documents or other materials pertinent to the study and then provide their comments, ideas, and feedback to the APO staff. It is important that the materials provided be accessible to all citizens, and that the mechanism(s) by which the public provide their feedback also be accessible. Examples may include the need to mail out physical copies of a document to those who do not have access to the internet, getting documents and materials translated to other languages as needed, ensuring that documents and materials have enough contrast to be visible and that text fonts are not so small or complex as to be difficult to read, and providing a variety of methods by which the public can provide their feedback.

When deliberative and/or decision-making meetings are open to the public, it is important that the meeting locations are physically accessible, such as having ramps or lifts as an alternative to stairs, having doorways meeting ADA width standards, the presence of accessible restrooms, and aisles that are wide enough to accommodate wheelchairs and power chairs. It is also important that the information be presented in ways that are accessible, which may include the need for live interpretive services, having assistive listening devices available, and using high-contrast text on presentation slides.

An individual who believes that he/she/they or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself/herself/theirself or by an authorized representative, file a complaint.

ADA Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Saint Cloud Area Planning Organization (APO). This Grievance Procedure does not explain the process for employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available as a reasonable modification for persons with disabilities upon request. Please contact the APO's Executive Director to request a reasonable modification of this grievance procedure.

The complaint should be submitted by the complainant and/or his/her/their designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Saint Cloud Area Planning Organization
Title II Coordinator
1040 County Road 4

Saint Cloud, MN 56303
320-252-7568

The APO Executive Director will promptly confirm receipt of the complaint and provide suggested times to discuss the complaint and possible resolutions with the complainant. The suggested times provided by the APO Executive Director will fall within 15 calendar days of receipt of the complaint. Within 15 calendar days of discussing the complaint and possible resolutions with the complainant, the APO Executive Director will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. This written response will take one of two forms:

1. **Substantive Written Response:** If the APO has been able to gather sufficient information, the written response will explain the position of the APO and offer options for substantive resolution of the complaint.
2. **Interim Written Response:** The APO will provide for prompt and equitable resolution of complaints alleging violations of the ADA and/or Rehabilitation Act. Sometimes, equitable resolutions of a complaint will require investigation that takes more time. If the APO has not been able to gather sufficient information within 15 calendar days of contacting the complainant, the written response will explain what additional information the APO is still attempting to gather and will provide an estimate of the time it will take for the APO to provide a substantive written response explaining its position. When an interim written response is provided, the APO will promptly follow up at a later date with a substantive written response explaining the position of the APO and offering options for substantive resolution of the complaint.

Appeal of substantive written response: If the substantive written response by the APO Executive Director explaining the position of the APO and offering options for substantive resolution of the complaint does not satisfactorily resolve the issue, the complainant and/or his/her/their designee may appeal the decision. Appeals must be received by the APO no later than 18 calendar days of the date the substantive written response was mailed, emailed, or faxed. Appeals will be heard by the Federal Highway Administration (FHWA) Minnesota Division Office. Appeal requests must be mailed to:

Minnesota Division
Federal Highway Administration
380 Jackson Street, Suite 500
St. Paul, MN 55101

Alternative means of making an appeal request, such as a phone call, personal interview, or a tape recording, will be made available as a reasonable modification upon request.

As part of the appeals process individuals involved in the initial investigation are not part of the final determination except to provide clarifying information regarding the initial investigation process.

Within 15 calendar days after receipt of the appeal, the FHWA representative will contact the complainant to discuss the appeal request and possible resolutions. Within 15 calendar days after the FHWA representative contacts the complainant, they will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.



SAINT CLOUD AREA PLANNING ORGANIZATION TITLE II COMPLAINT FORM

The Saint Cloud Area Planning Organization (APO) assures that no person shall, on the grounds of disability as provided by Title II of the Americans with Disabilities Act (ADA) of 1990 or Section 504 of the Rehabilitation Act of 1973 be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any agency-sponsored program or activity.

An individual, or his/her/their representative, who believes that he/she/they has been subject to discrimination prohibited by Title II and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 60 calendar days of the alleged occurrence.

Personal Information

(Type or write the requested information below)

Name:

Address:

Phone Number:

Preferred Email:

Preferred Method of Contact:

Best Time to Contact You:

Are you filing this complaint on your own behalf?

Yes

No

*If you answered **YES** to the last question, please go to the next section. If not, please answer the next three questions.*

Please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:



Please confirm that you have obtained the permission of the aggrieved part if you are filing on behalf of a third party.

Yes

No

Information of Agency, or Contractor that Allegedly Discriminated

Date discrimination occurred:

Name of agency/contractor complaint is against:

Agency/contractor address:

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



Tell Us What Happened

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the program(s) and/or person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If additional space is needed, please attach extra sheet(s).

Verification

By signing this document, I, the submitter for this form, warrant the truthfulness of the information provided.

Signature:

Date:

Please submit this form in person or at the address below, or mail this form to:

Saint Cloud Area Planning Organization
Title II Coordinator
1040 County Road 4
Saint Cloud, MN 56303



Notice of Rights

The purpose and intended use of the requested information is to assist APO staff and designees to evaluate and respond to accessibility concerns regarding APO building facilities, programs, or services.

Authorized persons or agencies with whom this information may be shared include APO officials, staff or designee(s).

Furnishing the above information is voluntary, but refusal to supply the requested information will mean APO staff may be unable to respond to or evaluate your request.

Complaints filed with the Federal Highway Administration

Discrimination complaints based on race, color, national origin, may be filed with the Federal Highway Administration's Office of Civil Rights via phone at 202-366-0693 or via email at fhwa.adacomplaints@dot.gov. Complaints can also be filed via U.S. Mail to:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. Department of Transportation.

Complaints filed with the Minnesota Department of Human Rights

Discrimination complaints based on disability may be filed with the Minnesota Department of Human Rights. Complaint forms can be accessed online at <https://mn.gov/mdhr/intake/consultationinquiryform/> or complainants may call 1-833-454-0148 to speak with an investigator.

Habka Cabashada Cinwaanka II iyo Foomka

Baaxadda Cabashada Cinwaanka II

Baaxadda Cinwaanka II ayaa ka hadlayaa dhammaan howlaha APO ee dibedda. Urur qorshayn ahaan, dariiqooyinka ugu horreeya ee ay APO la macaamilaan dadweynaha waa iyada oo loo marayo horumarinta daraasadaha qorshaynta, iyo kulamada guddiga shirka guddigana wuu u furan yahay dadweynaha.

Inta lagu gudajiro samaynta daraasadaha qorshaynta, dadweynaha waxaa laga codsan karaa inay dib u eegaan dokumentiyada ama agabyada kale ee ku habboon daraasadda ka dibna ay ka dhiiban karaan ra'yigooda, fikradahooda, iyo jawaab-celinta shaqaalaha APO. Waa muhiim in agabyada la soosaaray ay noqdaan kuwo ay heli karaan dhammaan muwaadiniinta, iyo in farsamooyinka (yada) ay dadweynuhu ku bixiyaan jawaab-celinta ay sidoo kale noqdaan kuwo la heli karo. Tusaalooyinka waxaa ka mid noqon kara baahida loo qabo in la diro nuqulada jirka ee dukumintiga kuwa aan marinin internetka, helitaanka dukumiintiyada iyo qalab loogu tarjumay luqado kale markii loo baahdo, iyadoo la hubinayo in dukumiintiyada iyo alaabada ay leeyihiin isbarbardhig ku filan oo la arki karo iyo qoraalka qoraalka mana aha kuwo aad u yar ama aad u adag tahay in la akhriyo, iyo bixinta habab kala duwan oo dadweynuhu ku bixin karaan jawaab-celintooda.

Markay tahay wax fidin iyo / ama kulamada go'aan qaadashadu ay u furan yihiin dadweynaha, waxaa muhiim ah in meelaha lagu kulmo ay yihiin kuwo jir ahaan la heli karo, sida lahaanshaha isboorista ama wiishashka bedelka jaranjarada, yeelashada halbeega ballaarinta cabirka ADA, joogitaanka musqulaha la heli karo, iyo jaranjarooyin ballaadhan oo ku habboon oo lagu qaadi karo kuraasta curyaamiinta iyo kuraasta awoodda. Waxa kale oo muhiim ah in macluumaadka lagu soo bandhigo qaabab la heli karo, oo ay ka mid noqon karto baahida adeegyada turjumaanka tooska ah, helitaanka aaladda dhegeysiga caawimaadda leh, iyo adeegsiga qoraalka isbarbar dhiga ee bogagga bandhigga.

Oofka aaminsan in isaga / iyada ama koox gaar ah oo shakhsiyaad ah ay hey'ad dowladeed ku kacday takoor ku saleysan naafanimada darteed, iskiis / nafteeda / iskood ama wakiil ah ayaa u dacwoon kara.

Habka Cabashada ee ADA

Hannaanka cabashada waxaa loo aasaasay inuu buuxiyo shuruudaha Sharciga Naafada Mareykanka ee 1990 (ADA) iyo Sharciga Dhaqancelinta 1973 (Sharciga Baxnaaninta). Waxaa adeegsan kara qof kasta oo raba inuu fayl garaysto cabasho ku saabsan kalasooc ku saleysan naafanimada xagga bixinta adeegyada, nashaadaadka, barnaamijyada, ama gargaarada ay bixiso Ururka Qorsheynta ee Degmada Cloud Cloud (APO). Hannaanka cabashada ma sharraxayo habka loo maro cabashooyinka la xiriira shaqada ee takoorka naafanimada.

Dacwada waa inay ahaataa mid qoraal ah oo ay kujirto macluumaad kusaabsan takoorida laqarayo sida magaca, cinwaanka, nambarka taleefoonka cabashada iyo goobta, taariikhda, iyo sharaxa dhibaataada. Hab kale oo lagu xareeyo cabashada, sida wareysiyada shaqsiyeed ama cajalad duuban cabashada, waxaa loo heli doonaa sidii wax looga badali karo macquul

ahaan dadka naafada ah markii la codsado. Fadlan la xiriir Agaasimaha Fulinta ee APO si aad u codsato wax ka beddel macquul ah oo ku saabsan nidaamkan cabashada.

Cabashada waa in ay soo gudbiyaa dacwoodaha iyo / ama wakiilkiisa / wakiilkiisa sida ugu dhaqsaha badan, laakiin aan ka dambayn 60 maalmood kalandarka kadib xadgudubka la sheegay in:

Ururka Qorsheynta ee Degmada Saint Cloud

Isuduwaha Cinwaanka II

1040 County Wadada 4 aad

Saint Cloud, MN 56303

320-252-7568

Agaasimaha Fulinta APO ayaa si dhakhso leh u xaqiijin doona helitaanka cabashada oo bixin doona wakhtiyo la soo jeediyay si looga wada hadlo cabashada iyo xallinta suurtagalnimada cabashada. Waqtiyada la soo jeediyey ee uu soo bandhigo Agaasimaha Fulinta APO wuxuu dhici doonaa 15 maalmood gudahood taariikhda helitaanka cabashada. Muddo 15 maalmood gudahooda ah markii laga doodayo cabashada iyo xallinta suurta galnimada cabashooyinka, Agaasimaha Fulinta APO wuxuu kaga jawaabayaa qoraal, iyo meeshii ku habboon, qaab loo heli karo cabashada, sida daabacaadda weyn, Braille, ama cajalad maqal ah. Jawaabta qoran waxay ka qaadan doontaa laba qaab midkood:

1. **Jawaab Qoraal ah oo la taaban karo:** Haddii APO ay awood u yeelato inay aruuriso macluumaad ku filan, jawaabta qoran waxay sharxi doontaa mowqifka APO waxayna soo bandhigeysaa xulashooyinka xallinta cabashada.
2. **Jawaabta Qoraalka ee Ku-meelgaadhka ah:** APO waxay bixin doontaa xallin deg deg ah oo loo siman yahay ee cabashooyinka ku saabsan ku xadgudubka sharciga ADA iyo / ama Sharciga Baxnaaninta. Mararka qaarkood, xallinta caddaalad ee cabashada waxay u baahan doontaa baaritaan waqti badan qaata. Haddii APO aysan awoodin inay aruuriso macluumaad ku filan 15 maalmood gudahooda markay la soo xiriirtay cabashada, jawaabta qoran waxay sharxi doontaa wixii macluumaad dheeri ah ee APO ay wali isku dayeyso inay soo aruuriso waxayna bixin doontaa qiyaasta waqtiga ay ku qaadaneyso APO inay Bixiyaan jawaab celin macno leh oo sharraxaysa mawqifkeeda. Markii la bixiyo jawaab qoraal ku-meel-gaar ah, APO waxay si dhakhso leh ula socon doontaa taariikh dambe iyada oo jawaab celin la taaban karo ay sharxi doonto booska APO oo ay soo bandhigi doonto xulashooyinka xallinta cabashada.

Rafcaan ka qaadashada jawaab celin macquul ah: Haddii jawaabcelin macquul ah oo qoraal ah oo ka timaado Agaasimaha Fulinta APO ee sharraxay mowqifka APO iyo bixinta xulashooyinka xallinta cabashadda uusan si buuxda u xallin karin arrinta, cabashadaha iyo / ama wakiilkiisa / wakiilkiisa ayaa rafcaan ka qaadan kara go'aanka. Rafcaannada waa in ay helaan APO ugu dambeyn 18 maalmood taariikhda taariikhda jawaabta qoran ee muhiimka ah lagu diray boostada, emaylka, ama fakis lagu diro. Rafcaannada waxaa dhegeysan doona



Waaxda Fudud ee Maamulka Dhexe ee FHWA (FHWA) Qeybta Minnesota. Codsiyada rafcaanka waa in loo diraa:

Qeybta Minnesota

Maamulka Wadooyinka

Faderaalka 380 Jackson Street,

Suite 500

St. Paul, MN 55101

Hab kale oo lagu codsado codsi rafcaan, sida wicitaan taleefanka, wareysiga shaqsiyeed, ama duubista cajalad lagu duubo, ayaa loo heli doonaa sidii wax looga badali karo macquul ahaan markii la codsado.

Iyada oo qayb ka ah nidaamka rafcaanka shaqsiyaadka ku lug leh baaritaanka bilowga ah kama tirsana go'aanka kama dambeysta ah marka laga reebo in la bixiyo macluumaad caddeyn ah oo la xiriira geedi socodka baaritaanka bilowga ah.

Muddo 15 maalmood gudahooda kadib helista rafcaanka, wakiilka FHWA wuxuu la xiriiri doonaa qofka cabanaya si uu ugala hadlo codsiga rafcaanka iyo xalka suurtagalka ah. Muddo 15 maalmood gudahooda kadib marka wakiilka FHWA uu la xiriiro cabashooyinka, waxay kaga jawaabi doonaan qoraal, iyo meeshii ku habboon, qaab loo heli karo dacwoodaha, oo lagu xallinayo cabashada ugu dambaysa.



FOOMKA QORSHAYAASHA CABASHADA EE QAYBTA II EE AAGGA SAINT CLOUD

Ururka Qorsheynta ee Degmada Cloud Cloud (APO) wuxuu dammaanad qaadayaa in qofna sababi karin naafanimada darteed sida uu soo saaray cinwaanka II ee Sharciga Naafada Mareykanka (ADA) ee 1990 ama Qeybta 504 ee Sharciga Dhaqancelinta ee 1973 laga reebay ka qeybgalka , loo diido dheefaha, ama haddii kale laguula kacay takooris barnaamij kasta oo ay soo qaban-qaabisay hay'ad ama hawlo.

Shakhsiga, ama wakiilkiisa / wakiiladooda, oo aaminsan in isaga / iyada / ay ku muteysteen takoorid mamnuuc ka ah cinwaanka II iyo qodobada kale ee takoorida, waxay xaq u leeyihiin inay dacwad ka xareeyaan. Dacwooyinka waxaa loo baahan yahay in lagu xereeyo 60 maalmood gudahooda markay dhacdo dhacday.

Warbixin shaqsiyeed

(Ku qor ama ku qor macluumaadka la codsaday hoosta)

Magaca:

Cinwaanka:

Lambarka taleefanka:

Email la doorbiday:

Habka Xiriirka La Doorbidayo:

Waqtiga ugu Fiican ee Iagula Soo Xiriiryo:

Miyaad adiga laftaada xereyneysaa ashtakadan?

Haa

Maya

Haddii aad ku jawaabtay HAA su'aasha ugu dambeysa, fadlan u gudub qeybta xigta Haddii aysan ahayn, fadlan ka jawaab

Fadlan sheeg magaca iyo xiriirka qofka aad u dacwoonayso:



Fadlan sharax sababta aad ugu buuxisay qolo saddexaad:

Fadlan xaqiiji inaad heshay rukhsadda qaybta xanaaqday haddii aad buuxinayso

Haa

Maya

**Macluumaadka Hay'adda, ama Qandaraasleheel Jeediyay Takoorida
Taariikhda Midab Takoorida**

**Macluumaadka Hay'adda, ama Qandaraasleheel Jeediyay Takoorida
Taariikhda Midab Takoorida**

Magaca hay'adda / qandaraaslaha cabashada ayaa ka soo horjeedda:

Hay'adda / qandaraaslaha cinwaanka:

**Magacyada iyo cinwaanada shaqada ee shakhsiyaadka la sheegay in la
takooro:**



Noo sheeg waxa dhacay

U sharax sida ugu macquulsan wixii dhacay iyo sababta aad u aaminsan tahay in laguula dhaqmay. Qeex dhammaan dadka ku lugta lahaa. Ku dar magaca iyo macluumaadka lala xiriirayo ee barnaamijka (yada) iyo / ama shakhsiyaadka (dadka) ku takooray adiga (haddii la yaqaan) iyo sidoo kale magacyada iyo macluumaadka xiriirka goobjooge kasta. Haddii boos dheeraad ah loo baahan yahay, fadlan ku soo lifaaq xaashiyaha (yada) dheeraad ah.

xaqiiqsasho.

Saxiixida dukumintigan, Aniga, soo-gudbinta foomkan, waxaan dammaanad ka qaadayaa runta in macluumaadka la bixiyay.

Saxeex:

Taareekh:

Fadlan ku soo gudbi foomkan shaqsi ahaan ama adreska hoosta ku yaal, ama u dir foomkan:

Ururka Qorsheynta ee Degmada Cloud Cloud

Isuduwaha Cinwaanka II

1040 County Wadada 4

Saint Cloud, MN 56303

Ogeysiiska Xuquuqda

Ujeedada iyo adeegsiga loogu talagalay macluumaadka la codsaday ayaa ah in laga caawiyo shaqaalaha APO iyo dadka loo xushay si ay u qiimeeyaan ugana jawaabaan walaacyada marin u helka la xiriira tas-hiilaadka dhismayaasha APO, barnaamijyada, ama adeegyada.

Dadka idman ama wakaaladaha laga yaabo inay la wadaagaan macluumaadkan waxaa ka mid ah saraakiisha APO, shaqaale ama qof loo xiisaaray.

Soo gudbinta macluumaadka kore waa ikhtiyaari, laakiin diidmada bixinta macluumaadka la codsaday waxay la macno tahay in shaqaalaha APO ay awoodi waayaan inay ka jawaabaan ama qiimeeyaan dalabkaaga.

Dacwadaha waxaa laga gudbiyay Maamulka Wadada Sare ee Federaalka

Cabashooyinka takoorida ee ku saleysan isirka, midabka, halka asal ahaan ka soo jeedaan, waxaa laga xareyn karaa Xafiiska Xuquuqda Aadanaha ee 'Federal Highway Maamulka'



Xafiiska Xuquuqda Madaniga taleefanka 202-366-0693 ama iimayl ku soo dir fhwa.adacomplaints@dot.gov. Cabashooyinka waxaa sidoo kale lagu xareyn karaa boostada Mareykanka ..

Maamulka Wadooyinka Faderaalka
Waaxda Gaadiidka Mareykanka
Xafiiska Xuquuqda Madaniga
1200 Wadada New Jersey, SE
Dabaqa 8aad E81-105
Washington, DC 20590

Dacwada waa in la gudbiyaa, qoraal ahaan, ugu dambeyn 180 maalmood kadib taariikhda takoorida la sheegay, ilaa waqtiga xereynta uusan kordhinin Xoghayaha Waaxda Gaadiidka Mareykanka.

Dacwadaha waxaa laga xareeyay Waaxda Xuquuqda Aadanaha ee Minnesota

Cabashooyinka takoorida ee ku saleysan naafanimada waxaa loo gudbin karaa Waaxda Xuquuqda Aadanaha ee Minnesota. Foomamka cabashada waxaa laga heli karaa khadka tooska ah ee <https://mn.gov/mdhr/intake/consultationinquiryform/> ama kuwa cabanaya waxay soo wici karaan 1-833-454-0148 si ay ula hadlaan baaraha.

Procedimiento de Quejas y Formulario del Título II

Alcance de los Reclamos del Título II

El alcance del Título II cubre todas las actividades externas de APO. Como una organización de planificación, las formas principales en que APO interactúa con el público es a través del desarrollo de los estudios de planificación y de las reuniones de la Junta y del comité que se encuentran abiertas al público.

Durante el desarrollo de los estudios de planificación, se le puede pedir al público que revise documentos u otros materiales pertinentes para el estudio, y luego proporcionar sus comentarios, ideas y opiniones al personal de APO. Es importante que los materiales proporcionados sean accesibles para todos los ciudadanos, y que el mecanismo o los mecanismos por medio de los cuales el público proporciona su opinión también sean accesibles. Los ejemplos pueden incluir la necesidad de enviar copias físicas de un documento a aquellas personas que no tienen acceso a internet, hacer que los documentos y materiales traducidos a otros idiomas cuando sea necesario, asegurar que los documentos y los materiales tengan suficiente contraste para ser visibles y que las fuentes de texto no sean tan pequeñas o complejas como para que se dificulte su lectura, y ofrecer una variedad de métodos mediante los cuales el público pueda proporcionar sus opiniones.

Cuando las reuniones deliberativas y/o de tomas de decisiones estén abiertas para el público, es importante que la ubicación de la reunión sea físicamente accesible, por ejemplo: que tenga rampas o ascensores como alternativa a las escaleras, que tenga puertas que estén en cumplimiento con los estándares de anchura de la ADA, la presencia de baños accesibles, y pasillos que sean lo suficientemente amplios para ajustarse a las sillas de ruedas y sillas eléctricas. También es importante que la información se presente en maneras que sean accesibles, lo que puede incluir la necesidad de servicios de interpretación en vivo, tener aparatos de asistencia auditiva disponibles, y usar texto con alto contraste en la presentación de diapositivas.

Un individuo que cree que él/ella/ellos o que una clase específica de individuos ha sido víctima de discriminación en base a la discapacidad por una entidad pública puede, por su propia cuenta o a través de un representante autorizado, presentar un reclamo.

Procedimiento de Quejas de la ADA

Este Procedimiento de Quejas se estableció para cumplir con los requisitos de la Ley sobre los Estadounidenses con Discapacidades de 1990 (ADA en inglés) y de la Ley de Rehabilitación de 1973 (Ley de Rehabilitación). Puede ser usado por cualquier persona que desee presentar un reclamo alegando discriminación basada en discapacidad en la prestación de servicios, actividades, programas o beneficios por la Organización de Planificación del Área de Saint Cloud (APO en inglés). Este Procedimiento de Quejas no explica el proceso para los reclamos relacionados con el empleo de discriminación por discapacidad.

El reclamo debe ser presentado por escrito y debe contener información sobre la presunta discriminación tales como el nombre, la dirección, el número de teléfono del denunciante y la ubicación, la fecha y la descripción del problema. Los medios alternativos para presentar el reclamo, tales como entrevistas personales o grabaciones del reclamo, estarán



disponibles como una modificación razonable para las personas con discapacidades a petición.

El reclamo debe ser presentado por el denunciante y/o su persona designada tan pronto como sea posible, pero no más tardar de 60 días naturales después de la presunta violación, a:

Saint Cloud Area Planning Organization
Title II Coordinator
1040 County Road 4
Saint Cloud, MN 56303
320-252-7568

El Director Ejecutivo de la APO va a confirmar sin demora la recepción del reclamo y va a sugerir un momento para discutir el reclamo y las posibles soluciones con el denunciante. Los momentos sugeridos por el Director Ejecutivo de la APO caerá dentro de los 15 días naturales siguientes a la recepción del reclamo. Dentro de los 15 días naturales siguientes de discutir el reclamo y las posibles soluciones con el denunciante, el Director Ejecutivo de la APO responderá por escrito y, en su caso, en un formato accesible para el denunciante, como usando letras de gran tamaño, braille o cintas de audio. Esta respuesta escrita tomará una de las dos formas siguientes:

1. **Respuesta por Escrito Sustantiva:** Si la APO ha sido capaz de reunir suficiente información, la respuesta por escrito explicará la postura de la APO y va a ofrecer opciones para una resolución sustantiva del reclamo.
2. **Respuesta por Escrito Provisional:** La APO va a proporcionar una solución rápida y equitativa de los reclamos por presuntas violaciones de la ADA y/o de la Ley de Rehabilitación. A veces, las soluciones equitativas de un reclamo requerirán una investigación que tome más tiempo. Si la APO no ha sido capaz de recoger suficiente información dentro de los 15 días naturales siguientes de contactar al denunciante, la respuesta por escrito explicará qué información adicional que la APO aún está intentando recoger y proporcionará un estimado del tiempo que le tomará a la APO proporcionar una respuesta por escrito sustantiva explicando su postura. Cuando se proporciona una respuesta por escrito provisional, la APO hará un seguimiento rápido más adelante con una respuesta por escrito sustantiva explicando la postura de la APO y ofreciendo opciones para una solución sustantiva del reclamo.

Apelación a una respuesta por escrito sustantiva: Si la respuesta por escrito sustantiva dada por el Director Ejecutivo de la APO explicando la postura de la APO y ofreciendo opciones para una solución sustantiva del reclamo no resuelve el problema de manera satisfactoria, el denunciante y/o su persona designada puede apelar a la decisión. Las apelaciones deben ser recibidas por la APO no más tarde de los 18 días naturales siguientes de la fecha en que la respuesta por escrito sustantiva fue enviada por correo, por correo o por fax. Las apelaciones serán escuchadas por la Oficina de la División de Minnesota de la Administración Federal de Carreteras (FHWA en inglés). Las solicitudes de apelación deben ser enviadas a:

Minnesota Division
Federal Highway Administration



380 Jackson Street, Suite 500
St. Paul, MN 55101

Los medios alternativos de hacer una solicitud de apelación, tales como una llamada telefónica, una entrevista personal o una grabación de audio, estarán disponibles como una modificación razonable a petición.

Como parte del proceso de apelaciones, los individuos involucrados en la investigación inicial no son parte de la resolución definitiva, excepto para proporcionar información aclaratoria con respecto al proceso inicial de investigación.

Dentro de los 15 días naturales siguientes a la recepción de la apelación, el representante de la FHWA va a contactar al denunciante para discutir la solicitud de apelación y las posibles soluciones. Dentro de los 15 días naturales después de que el representante de la FHWA contacte al denunciante, se responderá por escrito y, en su caso, en un formato accesible para el denunciante, con una solución definitiva del reclamo.



ORGANIZACIÓN DE PLANIFICACIÓN DEL ÁREA DE SAINT CLOUD TÍTULO II FORMULARIO DE RECLAMOS

La Organización de Planificación del Área (APO en inglés) de Saint Cloud asegura que ninguna persona, por motivos de discapacidad según lo dispuesto por el Título II de la Ley sobre Estadounidenses con Discapacidades de 1990 (ADA en inglés) o por la Sección 504 de la Ley de Rehabilitación de 1973, podrá quedar excluida de la participación en, se le podrán negar los beneficios de, o de algún modo podrá ser objeto de discriminación en virtud de cualquier programa o actividad patrocinados por la Agencia.

Un individuo, o su representante, que cree que él/ella/ellos han sido víctimas de una discriminación prohibida por el Título II y por otras disposiciones sobre la no discriminación, tiene el derecho de presentar un reclamo. Los reclamos deben ser presentados dentro de los 60 días naturales siguientes a la presunta ocurrencia.

Información Personal

(Escribe la información solicitada abajo en letras legibles)

Nombre:

Dirección:

Número de Teléfono:

Email Preferido:

Método de Contacto Preferido:

Mejor Momento para Contactarte:

¿Estás llenando este reclamo en tu propio nombre?

Sí

No

*Si tu respuesta a la última pregunta fue **SÍ**, por favor, dirígete a la siguiente sección. Si no, por favor, responde las siguientes tres preguntas.*

Por favor, proporciona el nombre y la relación con la persona por la cual estás haciendo el reclamo:

Por favor, explica por qué has hecho la presentación por un tercero:



Por favor, confirma que has obtenido el permiso de la parte perjudicada si estás presentando este reclamo en nombre de un tercero.

Sí

No

Información de la Agencia o Contratista que Presuntamente Discriminó

Fecha en que la discriminación ocurrió:

Nombre de la agencia/contratista en contra de quién es el reclamo:

Dirección del organismo/contratista:

Nombre(s) y título(s) de trabajo del individuo o individuos que presuntamente discriminaron:



Cuéntanos lo que sucedió

Explica de la manera más clara posible lo que sucedió y por qué crees que fuiste víctima de discriminación. Describe a todas las personas que estuvieron involucradas. Incluye los nombres y la información de contacto del programa o de los programas y/o de la persona o de las personas que te discriminó/discriminaron (si lo conoce), así como también los nombres y la información de contacto de cualquier testigo. Si necesitas espacio adicional, por favor, adjunta la(s) hoja(s) extra.

Verificación

Al firmar este documento, yo, la persona que presente este formulario, garantizo la veracidad de la información proporcionada.

Firma:

Fecha:

Por favor, presenta este formulario en persona o en la dirección mencionada abajo, o envía este formulario a:



Saint Cloud Area Planning Organization
Title II Coordinator
1040 County Road 4
Saint Cloud, MN 56303

Notificación de Derechos

El propósito y el uso previsto para la información solicitada es de ayudar al personal y a las personas designadas de APO a evaluar y responder a los problemas de accesibilidad con respecto a las instalaciones de edificios, programas o servicios de APO.

Las agencias o personas autorizadas con quienes esta información puede ser compartida incluye a los oficiales, el personal o las personas designadas de APO.

Suministrar la información solicitada arriba es de carácter voluntario, pero negarse a proporcionar la información solicitada significa que el personal de APO puede ser incapaz de responder o evaluar tu solicitud.

Los reclamos presentados con la Administración Federal de Carreteras

Los reclamos por discriminación basados en la raza, color o nacionalidad pueden ser presentados con la Oficina de Derechos Civiles de la Administración Federal de Carreteras por teléfono al número 202-366-0693 o por email al fhwa.adacomplaints@dot.gov. Los reclamos también pueden ser enviados a través del Correo Postal de los Estados Unidos a:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

El reclamo **debe** ser presentado por escrito no más tarde de 180 días después de la fecha en que ocurrió la presunta discriminación, a menos que el momento para hacer la presentación sea extendido por la Secretaría del Departamento de Transporte de los Estados Unidos de América.

Reclamos presentados al Departamento de Derechos Humanos de Minnesota

Los reclamos de discriminación basados en la discapacidad pueden ser presentados con el Departamento de Derechos Humanos de Minnesota. Se puede acceder a los formularios de reclamos online en <https://mn.gov/mdhr/intake/consultationinquiryform/> o los denunciante pueden llamar al número 1-833-454-0148 para hablar con un investigador.

APPENDIX D

Saint Cloud APO Social Media Plan

The Saint Cloud Area Planning Organization (APO) is a comprehensive, intergovernmental transportation planning agency for the Saint Cloud metropolitan area. The organization is committed to coordinating long-range planning, in a fair and mutually beneficial manner, on selected issues transcending jurisdictional boundaries for the betterment of the entire Saint Cloud area. The APO provides technical assistance to members and facilitates problem solving through constant, cooperative, intergovernmental communication.

In accordance with 23 CFR 450.316, as part of the APO's public outreach efforts to solicit comments and discussion on pertinent transportation issues, information must be available in electronically accessible formats. Through the use of social media, the APO is further able to comply with these federally mandated regulations.

The Saint Cloud APO operates and maintains its social media sites as a way to provide information about APO programs, projects, issues, events, and activities. It is the intent the APO will utilize social media to interact with residents and gain insight into the important issues facing the Saint Cloud metropolitan area. This effort is in addition to the comments and interaction that currently occurs through the [organization's website](http://www.stcloudapo.org) (www.stcloudapo.org), [surveys, and other public engagement activities](#). Information for social media will be provided in simple, easily understood language.

Social media sites that may be used are (but not limited to): Facebook, YouTube, Instagram, and LinkedIn.

Disclaimer

Comments expressed in this social media plan or on the Saint Cloud APO's social media sites do not necessarily reflect the opinions and positions of the Saint Cloud APO, its individual members, or its administrators, officers, or employees. The Saint Cloud APO reserves the right to remove or hide a comment that is in violation of the APO's policy, without prior notification. The Saint Cloud APO does not endorse any content, viewpoint, product, or service linked from its social media sites and shall not be held liable for any losses caused by reliance on the accuracy, reliability, or timeliness of shared information.

In addition to information provided by the APO, the social media sites may contain comments and opinions from unrelated third parties which are being provided as a convenience to the public and for informational purposes only. These comments or opinions do not constitute an endorsement or an approval by the APO of any of the views or comments posted on the APO's website. Furthermore, the APO bears no responsibility for the accuracy or legality of these materials.

Communications with the APO, whether through social media, email, or traditional mail are subject to Minn. Stat. Chapter 13, the Minnesota Government Data Practices Act. The APO takes public comments seriously and will consider all comments received. Removal of data from a social media post does not mean that the comments were not given appropriate consideration.

Internal Terms of Use

Purpose

This document defines the social networking and social media policy for the Saint Cloud Area Planning Organization. To address the fast-changing landscape of the way MPA residents communicate and obtain information online, the APO aims to use social media tools in conjunction with traditional outreach methods to reach a broader audience. The APO encourages the use of social media to further the goals, vision, and mission of the APO. The APO also seeks to maintain immediate, open, honest dialogue with members of the public through the use of social media platforms. This policy establishes guidelines for the use of social media.

Professional Use

All official APO-related communication through social media, Web 2.0 (sites that allow users to interact and collaborate with each other in a social media dialogue as creators of user-generated content in a virtual community), and social networking outlets should remain professional in nature and should always be conducted in a professional manner. Employees must not use official agency social media, Web 2.0, or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

APO employees should be mindful that inappropriate usage of official agency social media, Web 2.0, and social networking sites can be grounds for corrective action from APO management. Only individuals authorized by the APO Executive Director may publish content to the APO's social media platforms.

Oversight and Enforcement

Employees representing the APO through social media outlets or participating in social media features on agency websites must maintain a high level of ethical demeanor and professional modesty. Failure to do so is grounds for revoking the privilege to participate in APO social media sites or other social media features. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy; and avoid jargon and obscure terminology. Special care must be used to limit the usage of acronyms.

APO employees recognize the content and messages they post on social media websites are public and may be cited as official statements from the organization and subject to Minnesota Government Data Practices Act.

APO social media sites shall only be used by the organization employees for APO professional use only not for their personal use or for the personal use of the public. APO employees and the public may not publish information on agency social media sites that includes:

- Confidential information.
- Copyright violations.
- Profanity, racist, sexist, or derogatory contents or comments.
- Partisan political views.
- Commercial endorsements.
- Spam comments.

External Terms of Use

Limited Public Forum

All social media sites used by the APO are designated as Limited Public Forums. The APO welcomes a person's right to express their opinion and encourages participants to keep comments relevant to the topic in question. Posting of any content on any social media site used by the APO, by any visitor, follower, subscriber, or fan constitutes acceptance of the terms of use described here in this policy.

Comments and Interactions

Public comments on APO-generated content should be limited to comments related to the posted topic. APO social media channels are not the proper place to express opinions or beliefs not directly related to subjects/areas in which the APO conducts its business (i.e., transportation policies and programs). If comments left on our social media postings are constructive, we view those posts as an opportunity to discuss, clear up misunderstandings, or otherwise work through whatever issues the person is having. We encourage comments on content shared via our social media channels, as all viewpoints are welcome, but citizen participation must be constructive. We reserve the right to make editorial decisions regarding submitted comments, including but not limited to, the removal of comments.

The APO uses social media platforms to inform residents and stakeholders about important relevant issues and to solicit public input on draft plans, policies, and other products of the APO. Public comments on posts made by the APO are highly encouraged. Individual users are fully responsible for anything they post in comments including links, videos/photos and other material.

The APO Executive Director reserves the right to remove comments and/or block users if users engage in the following behaviors:

- Threats of violence or other potentially criminal behavior.
- Hate speech.
- Profanity, obscenity, or vulgarity.
- Nudity in pictures or videos.
- Defamation to a person or people.
- Name calling and/or personal attacks.
- Comments that are promotional in nature.
- Comments that infringe on copyright.
- Spam comments.

The number of daily posts to the Saint Cloud APO social media page(s) will vary. Responses to comments will occur 8 a.m. to 4:30 p.m. CST/CDT Monday through Friday with the exception of holidays.

User Privacy

The APO does not collect or store the personal information of social media users except when required by law. Social media sites such as Facebook or Twitter may have their own privacy policies that may differ from the APO's.

This policy statement is subject to amendment or modification at any time to ensure its continued use is consistent with its intended purpose. Questions or concerns regarding APO presence on various social media channels should be directed to the APO Executive Director.

APPENDIX E

Event Sign-in Sheet

Form is on the following page



INTERESTED PERSONS LIST

Sign-up to receive periodic updates on transportation issues. The APO will not sell or share your info with anyone else.

Name	City of Residence	Email Address

APPENDIX F

“I Speak” Cards

To be able to communicate with LEP persons, Saint Cloud APO staff will make the following language identification flashcards available at public meetings and other community input events.

Developed by the U.S. Census Bureau, these cards have the phrase, “Mark this box if you read or speak (insert name of language)” translated into 38 languages. They were designed for use by government and nongovernment agencies to identify the primary language of LEP individuals during face-to-face contacts.

Once a language is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

In addition, given the growing population of Somali-language speakers within the APO’s planning area, APO staff have also included cards indicating the need for a Somali interpreter as part of the Language Identification Flashcards. This translation was provided by the Minnesota Department of Human Services.

This information can be found on the following pages.

- | | |
|---|------------------------|
| <input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> Մարդկանք ենք նշում կատարեք այս քանակությունը, եթե խոսում կամ կարդում եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بنید. | 12. Farsi |

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérta vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Waxaan u baahnahay turjubaan
Somali ah.

I need a Somali interpreter.

Waxaan u baahnahay turjubaan
Somali ah.

I need a Somali interpreter.

Waxaan u baahnahay turjubaan
Somali ah.

I need a Somali interpreter.

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Waxaan u baahnahay turjubaan
Somali ah.

I need a Somali interpreter.

Waxaan u baahnahay turjubaan
Somali ah.

I need a Somali interpreter.

APPENDIX G

Interpretive and Translation Services

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be identified as a person with limited English language proficiency and may be entitled to language assistance with respect to the APO's programs and services. Language assistance can include interpretation, which means oral or spoken transfer of a message for one language into another language, and/or translation, which means the written transfer of a message from one language into another language.

As part of the APO's Limited English Proficiency (LEP) Plan, APO staff must retain on file a list of available interpretive and translation services which can be called upon in order to provide the necessary service requested by a person with limited English proficiency.

The following is a list of available resources APO staff can call upon for interpreters and/or translations. Of note, this list is not all encompassing nor does being listed (or not listed) guarantee the APO will utilize these businesses in pursuit of interpreter or translation services.

Interpreter Services

The Bridge World Language Center, Inc.

110 Second Street S
Suite 213
Waite Park, MN 56387
320-259-9239 (8 a.m. to 4:30 p.m. Monday through Friday)
320-260-6572 (after hours)
www.bridgelanguage.com

Language Banc

1625 Park Ave.
Minneapolis, MN 55404
888-588-1904
www.thelanguagebanc.com

Arch Language Network

22 Wilson Ave NE
Suite 19
Saint Cloud, MN 56304
320-200-1100
www.archlanguage.com

Global Translations

913 East Franklin Ave.
Suite 207
Minneapolis, MN 55404
1-877-722-1244 or 612-722-1244
www.globaltranslations.com

ASL Interpreting Services Inc.

5801 Duluth Street
Suite 106
Minneapolis, MN 55422
763-478-8963
www.aslis.com

Clarity Interpreting Services LLC

1346 West Arrowhead Road
Suite 328
Duluth, MN 55811
218-340-6526
www.clarity4all.com

Intelligere

10000 Highway 55
Suite 400
Plymouth, MN 55441
877-859-8800
www.intelligeresolutions.com

Translation Services**Minnesota Translations**

445 Minnesota Street
Suite 1500
St. Paul, MN 55101
651-689-3446
www.minnesotatranslations.com

The Bridge World Language Center, Inc.

110 Second Street S
Suite 213
Waite Park, MN 56387
320-259-9239 (8 a.m. to 4:30 p.m. Monday through Friday)
320-260-6572 (after hours)
www.bridgelanguage.com

United Translation Services LLC

6385 Old Shady Oak Road
Suite 250
Eden Prairie, MN 55344
952-688-8166
www.unitedtranslations.com

Global Translations

913 East Franklin Ave.
Suite 207
Minneapolis, MN 55404
1-877-722-1244 or 612-722-1244
www.globaltranslations.com

JR Language Translation Services, Inc.

333 Washington Avenue N

Suite 300

Minneapolis, MN 55401

866-389-5036

www.jrlanguage.com

Language Banc

1625 Park Ave.

Minneapolis, MN 55404

888-588-1904

www.thelanguagebanc.com

TransPerfect

150 South Fifth Street

Suite 1480

Minneapolis, MN 55402

612-341-0202

www.transperfect.com

APPENDIX H

LEP Training and Certificate of Completion

Forms are on the following pages.

2020 Limited English Proficiency (LEP) Training and Certificate of Completion

As a direct recipient of Federal assistance, the Minnesota Department of Transportation (MnDOT) is required to comply with Title VI laws, related statues, and regulations. It is necessary that any agency receiving Federal and/or state financial assistance from MnDOT receive training on U.S. Department of Transportation (DOT) and Federal Highway Administration (FHWA) Limited English Proficiency laws and regulations on an annual basis.

As a sub-recipient of MnDOT’s Federal funds, the Saint Cloud Area Planning Organization (APO) is required to comply with Title VI and related nondiscrimination laws and regulations, which includes Limited English Proficiency assistance. Employees of the APO are required to complete one hour of Title VI training each year.

APO employees shall review the following module in order to fulfill their LEP training requirements for 2020:

MODULE 1 – Communicating Effectively with Limited English Proficient Members of the Public (50 minutes): <https://bit.ly/3jrwtNB>

This video training series, in production since 2013, is part of a training toolkit designed to educate Federal personnel on interacting with limited English proficient individuals. It was developed in response to the Attorney General’s February 2011 memorandum to all Federal agencies, calling upon them to ensure that limited English proficient individuals can access Federal Government programs and services under Executive Order 13166. The training series is intended to help establish consistent and legally sound practices across the government when engaging in communications with limited English proficient individuals.

More information can be found at www.LEP.gov

Declaration of Employee: I have completed annual LEP training on _____ (date) as required by the Saint Cloud Area Planning Organization and the Minnesota Department of Transportation. I have also received information on:

- Title VI Policy and LEP responsibilities.
- The use and location of language identification cards.
- Language assistance services available and where the resources can be found.
- How to document language assistance requests.
- How to handle potential Title VI/LEP complaints.

Printed Name and Title: _____

Signature: _____ Date: _____

APO LEP Training Log

Year	Executive Director	Senior Transportation Planner	Associate Transportation Planner	Transportation Planning Technician	Administrative Assistant	Transportation Planner
2020						
2021						
2022						
2023						
2024						
2025						
2026						

APPENDIX I

PUBLIC INPUT

In compliance with Federal regulations outlined in 23 CFR §450.316, the Saint Cloud Area Planning Organization’s Stakeholder Engagement Plan (SEP) was open to public review for a period of 45 calendar days starting on Aug. 19, 2020.

Notification of this open comment period was published in the St. Cloud Times, the [APO website](http://www.stcloudapo.org) (www.stcloudapo.org), and on the [APO’s Facebook page](https://www.facebook.com/stcloudapo/) (www.facebook.com/stcloudapo/). Copies of the SEP were also emailed to a list of stakeholders including MnDOT, APO Policy Board members, APO Technical Advisory Committee members, and Saint Cloud Metropolitan Transit Commission (Saint Cloud Metro Bus). In addition, APO staff distributed copies of the draft SEP to area organizations identified as working closely with traditionally underserved populations such as people-of-color, individuals with low-income, individuals with disabilities, limited English proficient individuals, and elderly populations. APO staff also distributed copies of the draft SEP via email to those individuals who had expressed interest in being involved with APO planning and programming activities.

APO staff received the following comments on the draft SEP:

Date Received	Source	Comment	Disposition
Aug. 19, 2020	Email	<p>“My only comment is, WOW . . . 190 pages. Does it really need to be this long. Is there some requirement to have all this data in this document?</p> <p>Maybe an Executive Summary would be a good idea.</p>	<p>Yes, we know that this document contains three Federally-required documents that Metropolitan Planning Organizations (like the APO) are required to develop and maintain: the public participation plan, the Title VI plan, and the Limited English Proficiency (LEP) plan. A lot of the reason for the length is to ensure that we are meeting all of our necessary requirements for these documents.</p> <p>Within the plan we do have a plain-language summary (pages 7-10) that explains what the document contains calling out specific chapters or sections if the reader is interested in learning more.</p> <p>Hope that helps clarify things a bit.</p>

RECEIVED
BY AB DATE 8/24/20

Times MEDIA
St. Cloud Times | sctimes.com
PART OF THE USA TODAY NETWORK

AFFIDAVIT OF PUBLICATION
[FORM Rev. 7/16]

of Affidavits 1

ST CLOUD AREA PLANNING ORGNZTN
1040 COUNTY ROAD 4

SAINT CLOUD, MN, 56303

Account Number STC-00061958 **Ad Number** 0004334444 **This is not an invoice**
RE: NOTIFICATION OF PUBLIC INPUT OPPORTUNITY: SAINT CLOUD AREA PLANNING ORGANIZATION (APO)

I, being first duly sworn, on oath states as follows:

1. I am the publisher of the St. Cloud Times, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

08/19/2020
Etc.
P.O # 08/19/20

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06 <<https://www.revisor.mn.gov/statutes/?id=331A.06>>, is as follows:

1.70 daily / \$2.25 Sunday per agate line

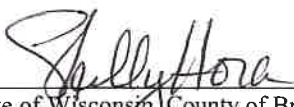
5. [NEW] Mortgage Foreclosure Notices [Effective 7/1/15]. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Stearns County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.



LEGAL CLERK

Subscribed and sworn to before me
on this 19 th day of August, 2020



State of Wisconsin, County of Brown Notary Public
8-25-23

Notary Expires

SHELLY HORA
Notary Public
State of Wisconsin

NOTES ON REVISED AFFIDAVIT FORM

The 2015 Legislature enacted amendments to the Minnesota law which governs mortgage foreclosure by advertisement. Those amendments appear in Chapter 14 of the 2015 session laws. They are effective on July 1, 2015.

Most importantly, a new statute was added (§580.033) that specifies where a notice of foreclosure should be published, something that was ambiguous under prior law. This statute also requires that affidavits of publication issued by a newspaper must contain certain language related to the published foreclosure notice.

The affidavit of publication form above includes (in paragraph 5) the language called for by the new statute. The form also complies with the general requirements for affidavits of publication found in Minnesota Statute, §331.07. The form is drafted so that it can be used for any published notice, not just mortgage foreclosure notices; in other words, you don't need to use a different form for other kinds of notices.

NOTIFICATION OF PUBLIC INPUT OPPORTUNITY: SAINT CLOUD AREA PLANNING ORGANIZATION (APO) STAKEHOLDER ENGAGEMENT PLAN UPDATE

The Saint Cloud Area Planning Organization (APO) is proposing updates to its Stakeholder Engagement Plan (SEP).

This document details the process the APO will use to involve citizens; member jurisdictions; affected public agencies; representatives of transportation agency employees or unions; public and private providers of transportation; and other parties in a transparent decision-making process. The SEP provides detailed information regarding how the public will be involved in the APO's planning and programming processes. This document also contains the APO's Title VI and Limited English Proficiency (LEP) plan.

The draft SEP will be available for review from Wednesday, Aug. 19, 2020, to Saturday, Oct. 3, 2020, at the following locations: APO Office: 1040 County Road 4, St. Cloud and the APO website (www.stcloudapo.org). Physical copies of the draft SEP are also available via mail. Please submit your request in writing to Saint Cloud APO, Attention Vicki Johnson at the above mailing address.

The public is invited to review the SEP document and submit any comments by Saturday, Oct. 3, 2020. Comments can be submitted to Vicki Johnson via phone (320-252-7568 ext. 203), email (ikeegu@stcloudapo.org), or by mail.

APPENDIX J

Federal Clauses

Fly America Requirements

Applicability – all contracts involving transportation of persons or property, by air between the U.S. and/or places outside the U.S. These requirements do not apply to micro-purchases (\$3,500 or less, except for construction contracts over \$2,000).

Contractor shall comply with 49 USC 40118 (the “Fly America” Act) in accordance with General Services Administration regulations 41 CFR 301-10, stating that recipients and subrecipients of Federal funds and their contractors are required to use US Flag air carriers for US Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a US flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. Contractor shall include the requirements of this section in all subcontracts that may involve international air transportation.

Seismic Safety

Construction of new buildings or additions to existing buildings. These requirements do not apply to micro-purchases (\$3,500 or less, except for construction contracts over \$2,000). Contractor agrees that any new building or addition to an existing building shall be designated and constructed in accordance with the standards required in USDOT Seismic Safety Regulations 49 CFR 41 and shall certify compliance to the extent required by the regulation. Contractor shall also ensure that all work performed under this contract, including work performed by subcontractors, complies with the standards required by 49 CFR 41 and the certification of compliance issues on the project.

Energy Conservation

All Contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000). Contractor shall comply with mandatory standards and policies relating to energy efficiency, stated in the state energy conservation plan issued in compliance with the Energy Policy & Conservation Act.

Clean Water

Applicability – All Contracts and Subcontracts over \$150,000. Contractor shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. Contractor shall report each violation to the recipient and understands and agrees that the recipient shall, in turn, report each violation as required to FTA and the appropriate EPA Regional Office. Contractor shall include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with FTA assistance.

Lobbying

Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts over \$150,000

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.] – Contractors who apply or bid for an award of \$150,000 or more shall file the certification required by 49 CFR part 20, “New Restrictions on Lobbying.” Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contracts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

Access to Records and Reports

Applicability – As shown below. These requirements do not apply to micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

The following access to records requirements apply to this Contract:

1. Where the purchaser is not a State but a local government and is an FTA recipient or subgrantee of FTA recipient in accordance with 49 CFR 18.36(i), contractor shall provide the purchaser, the FTA, the US Comptroller General or their authorized representatives access to any books, documents, papers and contractor records which are pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor shall also, pursuant to 49 CFR 633.17, provide authorized FTA representatives, including any PMO contractor, access to contractor’s records and construction sites pertaining to a capital project, defined at 49 USC 5302(a)1, which is receiving FTA assistance through the programs described at 49 USC 5307, 5309 or 5311.
2. Where the purchaser is a State and is an FTA recipient or a subgrantee of FTA recipient in accordance with 49 CFR 633.17, contractor shall provide the purchaser, authorized FTA representatives, including any PMO Contractor, access to contractor’s records and construction sites pertaining to a capital project, defined at 49 USC 5302(a)1, which receives FTA assistance through the programs described at 49 USC 5307, 5309 or 5311. By definition, a capital project excludes contracts of less than the simplified acquisition threshold currently set at \$150,000.
3. Where the purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is an FTA recipient or a subgrantee of FTA recipient in accordance with 49 CFR 19.48, contractor shall provide the purchaser, the FTA, the US Comptroller General or their authorized representatives, access to any books, documents, papers and records of the contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.
4. Where a purchaser which is an FTA recipient or a subgrantee of FTA recipient in accordance with 49 USC 5325(a) enters into a contract for a capital project or improvement (defined at 49 USC 5302(a)1) through other than competitive bidding, contractor shall make available records related to the contract to the purchaser, the Secretary of USDOT and the US Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. Contractor shall permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. Contractor shall maintain all books, records, accounts and reports required under this contract for a period of not less than three (3) years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case contractor agrees to maintain same until the recipient, FTA Administrator, US Comptroller General, or any of their authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Re: 49 CFR 18.39(i)(11).

FTA does not require the inclusion of these requirements in subcontracts.

Federal Changes

All Contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

Contractor shall comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between the purchaser and FTA, as they may be amended or promulgated from time to time during the term of the contract. Contractor's failure to comply shall constitute a material breach of the contract.

Clean Air

Applicability – All contracts over \$150,000.

1. Contractor shall comply with all applicable standards, orders or regulations pursuant to the Clean Air Act, 42 USC 7401 et seq. Contractor shall report each violation to the recipient and understands and agrees that the recipient will, in turn, report each violation as required to FTA and the appropriate EPA Regional Office.

2. Contractor shall include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with FTA assistance.

No Government Obligation to Third Parties

Applicability – All contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

(1) The recipient and contractor acknowledge and agree that, notwithstanding any concurrence by the US Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the US Government, the US Government is not a party to this contract and shall not be subject to any obligations or liabilities to the recipient, the contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) Contractor agrees to include the above clause in each subcontract financed in whole or in part with FTA assistance. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Program Fraud and False or Fraudulent Statements or Related Acts

Applicability – All contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

(1) Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC 3801 et seq. and USDOT regulations, "Program Fraud Civil Remedies," 49 CFR 31, apply to its actions pertaining to this project. Upon execution of the underlying contract, contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submittal, or certification, the US Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act (1986) on contractor to the extent the US Government deems appropriate.

(2) If contractor makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submittal, or certification to the US Government under a contract connected with a project that is financed in whole or in part with FTA assistance under the authority of 49 USC 5307, the Government reserves the right to impose the penalties of 18 USC 1001 and 49 USC 5307(n)(1) on contractor, to the extent the US Government deems appropriate.

(3) Contractor shall include the above two clauses in each subcontract financed in whole or in part with FTA assistance. The clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Termination

Applicability – All Contracts over \$10,000, except contracts with nonprofit organizations and institutions of higher learning, where the threshold is \$150,000

a. Termination for Convenience (General Provision) the recipient may terminate this contract, in whole or in part, at any time by written notice to contractor when it is the recipient's best interest. Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. Contractor shall promptly submit its termination claim to the recipient. If contractor is in possession of any of the recipient's property, contractor shall account for same, and dispose of it as the recipient directs.

b. Termination for Default [Breach or Cause] (General Provision) If contractor does not deliver items in accordance with the contract delivery schedule, or if the contract is for services, and contractor fails to perform in the manner called for in the contract, or if contractor fails to comply with any other provisions of the contract, the recipient may terminate this contract for default. Termination shall be effected by serving a notice of termination to contractor setting forth the manner in which contractor is in default. Contractor shall only be paid the contract price for supplies delivered and accepted, or for services performed in accordance with the manner of performance set forth in the contract.

If it is later determined by the recipient that the contractor had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of contractor, the recipient, after setting up a new delivery of performance schedule, may allow contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) the recipient in its sole discretion may, in the case of a termination for breach or default, allow contractor an appropriately short period of time in which to cure the defect. In such case, the notice of termination shall state the time

period in which cure is permitted and other appropriate conditions. If contractor fails to remedy to the recipient's satisfaction the breach or default or any of the terms, covenants, or conditions of this Contract within ten (10) days after receipt by contractor or written notice from the recipient setting forth the nature of said breach or default, the recipient shall have the right to terminate the Contract without any further obligation to contractor. Any such termination for default shall not in any way operate to preclude the recipient from also pursuing all available remedies against contractor and its sureties for said breach or default.

d. Waiver of Remedies for any Breach In the event that the recipient elects to waive its remedies for any breach by contractor of any covenant, term or condition of this Contract, such waiver by the recipient shall not limit its remedies for any succeeding breach of that or of any other term, covenant, or condition of this Contract.

e. Termination for Convenience (Professional or Transit Service Contracts) the recipient, by written notice, may terminate this contract, in whole or in part, when it is the recipient's interest. If the contract is terminated, the recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Services) If contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the contractor fails to comply with any other provisions of this contract, the recipient may terminate this contract for default. The recipient shall terminate by delivering to contractor a notice of termination specifying the nature of default. Contractor shall only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that contractor was not in default, the rights and obligations of the parties shall be the same as if termination had been issued for the recipient's convenience.

g. Termination for Default (Transportation Services) If contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if contractor fails to comply with any other provisions of this contract, the recipient may terminate this contract for default. The recipient shall terminate by delivering to contractor a notice of termination specifying the nature of default. Contractor shall only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while contractor has possession of the recipient goods, contractor shall, as directed by the recipient, protect and preserve the goods until surrendered to the recipient or its agent. Contractor and the recipient shall agree on payment for the preservation and protection of goods. Failure to agree on an amount shall be resolved under the Dispute clause. If, after termination for failure to fulfill contract obligations, it is determined that the contractor was not in default, the rights and obligations of the parties shall be the same as if termination had been issued for the recipient's convenience.

h. Termination for Default (Construction) If contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified, or any extension, or fails to complete the work within this time, or if contractor

fails to comply with any other provisions of this contract, the recipient may terminate this contract for default. The recipient shall terminate by delivering to contractor a notice of termination specifying the nature of default. In this event, the recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. Contractor and its sureties shall be liable for any damage to the recipient resulting from contractor's refusal or failure to complete the work within specified time, whether or not contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the recipient in completing the work.

Contractor's right to proceed shall not be terminated nor shall contractor be charged with damages under this clause if:

1. Delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of contractor. Examples of such causes include: acts of God, acts of the recipient, acts of another contractor in the performance of a contract with the recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. Contractor, within 10 days from the beginning of any delay, notifies the recipient in writing of the causes of delay. If in the recipient's judgment, delay is excusable, the time for completing the work shall be extended. The recipient's judgment shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of contractor's right to proceed, it is determined that contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if termination had been issued for the recipient's convenience.

i. Termination for Convenience or Default (Architect & Engineering) the recipient may terminate this contract in whole or in part, for the recipient's convenience or because of contractor's failure to fulfill contract obligations. The recipient shall terminate by delivering to contractor a notice of termination specifying the nature, extent, and effective date of termination. Upon receipt of the notice, contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the recipient all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process. If termination is for the recipient's convenience, it shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services. If termination is for contractor's failure to fulfill contract obligations, the recipient may complete the work by contract or otherwise and contractor shall be liable for any additional cost incurred by the recipient.

If, after termination for failure to fulfill contract obligations, it is determined that contractor was not in default, the rights and obligations of the parties shall be the same as if termination had been issued for the recipient's convenience.

j. Termination for Convenience or Default (Cost-Type Contracts) the recipient may terminate this contract, or any portion of it, by serving a notice of termination on contractor. The notice shall state whether termination is for convenience of the recipient or for default of contractor. If termination is for default, the notice shall state the manner in which contractor has failed to perform the requirements of the contract. Contractor shall account for any property in its possession paid for from funds received from the recipient, or property supplied to contractor by the recipient. If termination is for default, the recipient

may fix the fee, if the contract provides for a fee, to be paid to contractor in proportion to the value, if any, of work performed up to the time of termination. Contractor shall promptly submit its termination claim to the recipient and the parties shall negotiate the termination settlement to be paid to contractor. If termination is for the recipient's convenience, contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the recipient determines that contractor has an excusable reason for not performing, such as a strike, fire, flood, events which are not the fault of and are beyond the control of contractor, the recipient, after setting up a new work schedule, may allow contractor to continue work, or treat the termination as a termination for convenience.

Government Wide Debarment and Suspension (Non Procurement)

The Recipient agrees to the following: (1) It will comply with the requirements of 2 C.F.R. part 180, subpart C, as adopted and supplemented by U.S. DOT regulations at 2 C.F.R. part 1200, which includes the following: (a) It will not enter into any arrangement to participate in the development or implementation of the Project with any Third Party Participant that is debarred or suspended except as authorized by: 1 U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 C.F.R. part 1200, 2 U.S. OMB, "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 C.F.R. part 180, including any amendments thereto, and 3 Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, (b) It will review the U.S. GSA "System for Award Management," <http://https.www.sam.gov.proxy1.semalt.design> if required by U.S. DOT regulations, 2 C.F.R. part 1200, and (c) It will include, and require each of its Third Party Participants to include, a similar provision in each lower tier covered transaction, ensuring that each lower tier Third Party Participant: 1 Will comply with Federal debarment and suspension requirements, and 2 Reviews the "System for Award Management" at <http://https.www.sam.gov.proxy1.semalt.design> if necessary to comply with U.S. DOT regulations, 2 C.F.R. part 1200, and (2) If the Recipient suspends, debars, or takes any similar action against a Third Party Participant or individual, the Recipient will provide immediate written notice to the: (a) FTA Regional Counsel for the Region in which the Recipient is located or implements the Project, (b) FTA Project Manager if the Project is administered by an FTA Headquarters Office, or (c) FTA Chief Counsel,

Contracts Involving Federal Privacy Act Requirements

When a grantee maintains files on drug and alcohol enforcement activities for FTA, and those files are organized so that information could be retrieved by personal identifier, the Privacy Act requirements apply to all contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

The following requirements apply to the Contractor and its employees that administer any system of records on behalf of the Federal Government under any contract:

(1) The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. § 552a. Among other things, the Contractor agrees to obtain the express consent of the Federal Government before the Contractor or its employees operate a system of records on behalf of the Federal Government. The Contractor understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of the

Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract.

(2) The Contractor also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by FTA.

Civil Rights Requirements

Applicability – All contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

The following requirements apply to the underlying contract:

The Recipient understands and agrees that it must comply with applicable Federal civil rights laws and regulations, and follow applicable Federal guidance, except as the Federal Government determines otherwise in writing. Therefore, unless a Recipient or Program, including and Indian Tribe or the Tribal Transit Program, is specifically exempted from a civil rights statute, FTA requires compliance with that civil rights statute, including compliance with equity in service:

a. Nondiscrimination in Federal Public Transportation Programs. The Recipient agrees to, and assures that each Third Party Participant will, comply with Federal transit law, 49 U.S.C. § 5332 (FTA's "Nondiscrimination" statute):

(1) FTA's "Nondiscrimination" statute prohibits discrimination on the basis of: (a) Race, (b) Color, (c) Religion, (d) National origin, (e) Sex, (f) Disability, (g) Age, or (h) Gender identity and (2) The FTA "Nondiscrimination" statute's prohibition against discrimination includes: (a) Exclusion from participation, (b) Denial of program benefits, or (c) Discrimination, including discrimination in employment or business opportunity, (3) Except as FTA determines otherwise in writing: (a) General. Follow: 1 The most recent edition of FTA Circular 4702.1, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," to the extent consistent with applicable Federal laws, regulations, and guidance, and

2 Other applicable Federal guidance that may be issues, but (b) Exception for the Tribal Transit Program. FTA does not require an Indian Tribe to comply with FTA program-specific guidelines for Title VI when administering its projects funded under the Tribal Transit Program,

b. Nondiscrimination – Title VI of the Civil Rights Act. The Recipient agrees to, and assures that each Third Party Participant will: (1) Prohibit discrimination based on: (a) Race, (b) Color, or (c) National origin, (2) Comply with: (a) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq., (b) U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964." 49 C.F.R. part 21, and (c) Federal transit law, specifically 49 U.S.C. § 5332, as stated in the preceding section a, and (3) Except as FTA determines otherwise in writing, follow: (a) The most recent edition of FTA Circular 4702.1, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," to the extent consistent with applicable Federal laws, regulations, and guidance. (b) U.S. DOJ, "Guidelines for the enforcement of Title VI, Civil Rights Act of 1964," 28 C.F.R. § 50.3, and (c) Other applicable Federal guidance that may be issues.

c. Equal Employment Opportunity. (1) Federal Requirements and Guidance. The Recipient agrees to, and assures that each Third Party Participant will, prohibit discrimination on the basis of race, color, religion, sex, or national origin, and: (a) Comply with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., (b) Facilitate compliance with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order No. 11246, Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note, (c) Comply with Federal transit law, specifically 49 U.S.C. § 5332, as stated in section a, and (d) Comply with other applicable EEO laws and regulations, as provided in Federal guidance, including laws and regulations prohibiting discrimination on the basis of disability, except as the Federal Government determines otherwise in writing, (2) General. The Recipient agrees to: (a) Ensure that applicants for employment are employed and employees are treated during employment without discrimination on the basis of their: 1 Race, 2 Color, 3 Religion, 4 Sex, 5 Disability, 6 Age, or 7 National origin, (b) Take affirmative action that includes, but is not limited to: 1 Recruitment advertising, 2 Recruitment, 3 Employment, 4 Rates of pay, 5 Other forms of compensation, 6 Selection for training, including apprenticeship, 7 Upgrading, 8 Transfers, 9 Demotions, 10 Layoffs, and 11 Terminations, but (b) Indian Tribe. Title VII of the Civil Rights Act of 1964, as amended, exempts Indian Tribes under the definition of "Employer".

(3) Equal Employment Opportunity Requirements for Construction Activities. In addition to the foregoing, when undertaking "construction" as recognized by the U.S. Department of Labor (U.S. DOL), the Recipient agrees to comply, and assures the compliance of each Third Party Participant, with: (a) U.S. DOL regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. chapter 60, and (b) Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order No. 11246, Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note,

d. Disadvantaged Business Enterprise. To the extent authorized by applicable Federal law, the Recipient agrees to facilitate, and assures that each Third Party Participant will facilitate, participation by small business concerns owned and controlled by socially and economically disadvantaged individuals, also referred to as "Disadvantaged Business Enterprises" (DBEs), in the Project as follows: 1) Requirements. The Recipient agrees to comply with: (a) Section 1101 (b) of MAP-21, 23 U.S.C. § 101 note, (b) U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. part 26, and (c) Federal transit law, specifically 49 U.S.C. § 5332, as stated in section a, (2) Assurance. As required by 49 C.F.R. § 26.13(a), (b) DBE Program Requirements. Recipients receiving planning, capital and/or operating assistance that will award prime third party contracts exceeding \$250,000 in a Federal fiscal year must: 1 Have a DBE program meeting the requirements of 49 C.F.R. part 26, 2 Implement a DBE program approved by FTA, and 3 Establish an annual DBE participation goal, (c) Special Requirements for a Transit Vehicle Manufacturer. The Recipient understands and agrees that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, must certify that it has complied with the requirements of 49 C.F.R. part 26, (d) the Recipient provides assurance that: The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 C.F.R. part 26. The Recipient shall take all necessary and reasonable steps under 49 C.F.R. part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The Recipient's DBE program, as required by 49 C.F.R. part 26

as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 C.F.R. part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 et seq.,

(2) Exception for the Tribal Transit Program. FTA exempts Indian tribes from the Disadvantaged Business Enterprise regulations at 49 C.F.R. part 26 under MAP-21 and previous legislation,

e. Nondiscrimination on the Basis of Sex. The Recipient agrees to comply with Federal prohibitions against discrimination on the basis of sex, including: (1) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq., (2) U.S. DOT regulations “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 C.F.R. part 25, and (3) Federal transit law, specifically 49 U.S.C. § 5332, as stated in section a,

f. Nondiscrimination on the Basis of Age. The Recipient agrees to comply with Federal prohibitions against discrimination on the basis of age, including (1) The Age Discrimination in Employment Act (ADEA), 29 U.S.C. § § 621 – 634, which prohibits discrimination on the basis of age, (2) U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, “Age Discrimination in Employment Act,” 29 C.F.R. part 1625, which implements the ADEA, (3) The Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 et seq., which prohibits discrimination against individuals on the basis of age in the administration of programs or activities receiving Federal funds, (4) U.S. Health and Human Services regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance,” 45 C.F.R. part 90, which implements the Age Discrimination Act of 1975, and (5) Federal transit law, specifically 49 U.S.C. § 5332, as stated in section a,

g. Nondiscrimination on the Basis of Disability. The Recipient agrees to comply with the following Federal prohibitions pertaining to discrimination against seniors or individuals with disabilities: (1) Federal laws, including: (a) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which prohibits discrimination on the basis of disability in the administration of federally funded programs or activities, (b) the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities, 1. General Titles I, II, and III of the ADA apply to FTA Recipients, but 2 Indian Tribes. While Titles II and III of the ADA apply to Indian Tribes, Title I of the ADA exempts Indian Tribes from the definition of “employer,” (c) The Architectural Barriers Act of 1968, as amended, 42 U.S.C. § 4151 et seq., which requires that building and public accommodations be accessible to individuals with disabilities, (d) Federal transit law, specifically 49 U.S.C. § 5332, which now includes disability as a prohibited basis for discrimination, and (e) Other applicable laws and amendments pertaining to access for elderly individuals or individuals with disabilities, (2) Federal regulations, including: (a) U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 C.F.R. part 37, (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 C.F.R. part 27, (c) U.S. DOT regulations, “Transportation for Individuals with Disabilities: Passenger Vessels,” 49 C.F.R. part 39, (d) Joint U.S. Architectural and Transportation Barriers Compliance Board (U.S. ATBCB) and

U.S. DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. part 1192 and 49 C.F.R. part 38, (e) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. part 35, (f) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. part 36, (g) U.S. EEOC, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. part 1630, (h) U.S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for Persons with Disabilities," 47 C.F.R. part 64, Subpart F, (i) U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. part 1194, and (j) FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. part 609, and (3) Other applicable Federal civil rights and nondiscrimination guidance,

h. Drug or Alcohol Abuse – Confidentiality and Other Civil Rights Protections. The Recipient agrees to comply with the confidentiality and civil rights protections of: (1) The Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101 et seq., (2) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. § 4541 et seq., and (3) The Public Health Service Act, as amended, 42 U.S.C. § § 290dd – 290dd-2,

i. Access to Services for People with Limited English Proficiency. Except as the Federal Government determines otherwise in writing, the Recipient agrees to promote accessibility of public transportation services to people whose understanding of English is limited by following: 1) Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000, 42 U.S.C. § 2000d-1 note, and (2) U.S. DOT Notice, "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons," 70 Fed. Reg. 74087, December 14, 2005,

j. Other Nondiscrimination Laws. Except as the Federal Government determines otherwise in writing, the Recipient agrees to: (1) Comply with other applicable Federal nondiscrimination laws and regulations, and (2) Follow Federal guidance prohibiting discrimination.

k. Remedies. Remedies for failure to comply with applicable Federal Civil Rights laws and Federal regulations may be enforced as provided in those Federal laws or Federal regulations.

Breaches and Dispute Resolution

All contracts over \$150,000

Disputes arising in the performance of this contract which are not resolved by agreement of the parties shall be decided in writing by the recipient's authorized representative. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, contractor mails or otherwise furnishes a written appeal to the recipient's CEO. In connection with such appeal, contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the recipient's CEO shall be binding upon contractor and contractor shall abide by the decision. FTA has a vested interest in the settlement of any violation of Federal law including the the False Claims Act, 31 U.S.C. § 3729.

Performance During Dispute – Unless otherwise directed by the recipient, contractor shall continue performance under this contract while matters in dispute are being resolved.

Claims for Damages – Should either party to the contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents, or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within ten days after the first observance of such injury or damage.

Remedies – Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the recipient and contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the residing State.

Rights of Remedies – Duties and obligations imposed by the contract documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the recipient or contractor shall constitute a waiver of any right or duty afforded any of them under the contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

Patent and Rights in Data

Contracts Involving Experimental, Developmental, or Research Work (\$3,500 or less, except for construction contracts over \$2,000).

Patent Rights

A. General. The Recipient agrees that:

(1) Depending on the nature of the Project, the Federal Government may acquire patent rights when the Recipient or Third Party Participant produces a patented or patentable: (a) Invention, (b) Improvement, or (c) Discover, (2) The Federal Government's rights arise when the patent or patentable information is: (a) Conceived under the Project, or (b) Reduced to practice under the Project, and (3) When a patent is issued or patented information becomes available as described in Patent Rights section A(2), the Recipient agrees to: (a) Notify FTA immediately, and (b) Provide a detailed report satisfactory to FTA,

B. Federal Rights. The Recipient agrees that:

(1) Its rights and responsibilities, and the rights and responsibilities of each Third Party Participant, in that federally funded invention, improvement, or discovery will be determined as provided by applicable Federal laws, regulations, and guidance, including any waiver thereof, and (2) Unless the Federal Government determines otherwise in writing, irrespective of the Recipient's status or the status of any Third Party Participant as a large business, a small business, a State government, a State instrumentality, a local government, an Indian tribe, a nonprofit organization, an institution of higher education, or an individual, the Recipient agrees to transmit the Federal Government's patent rights to FTA as specified in (a) 35 U.S.C. § 200 et seq., and (b) U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. part 401, and

C. License Fees and Royalties. As permitted by 49 C.F.R. parts 18 and 19:

(1) License fees and royalties for patents, patent applications, and inventions derived from the Project are program income, and (2) The Recipient has no obligation to the Federal Government with respect to those license fees or royalties, except: (a) For compliance with 35 U.S.C. § 200 et seq., which applies to patent rights developed under a federally funded research-type project, and (b) As FTA determines otherwise in writing.

Rights in Data and Copyrights

A. Definition of "Subject Data." Means recorded information: (1) Copyright. Whether or not copyrighted, and (2) Delivery. That is delivered or specified to be delivered under the Underlying Agreement,

B. Examples of "Subject Data." Examples of "subject data": (1) Include, but are not limited to: (a) Computer software, (b) Standards, (c) Specifications, (d) Engineering drawings and associated lists, (e) Process sheets, (f) Manuals, (g) Technical reports, (h) Catalog item identifications, and (i) Related information, but (2) Do not include: (a) Financial reports, (b) Cost analyses, or (c) Other similar information used for Project administration,

C. General Federal Restrictions. The following restrictions apply to all subject data first produced in the performance of the Recipient's Project supported by the Underlying Agreement: (1) Prohibitions. The Recipient may not: (a) Publish or reproduce any subject data in whole or in part, or in any manner or form, or (b) Permit others to do so, but (2) Exceptions. The prohibitions of Rights in Data and Copyrights C(1) do not apply to: (a) Publications or reproductions for the Recipient's own internal use, (b) An institution of higher learning, (c) The portion of subject data that the Federal Government has previously released or approved for release to the public, or (d) The portion of data that has the Federal Government's prior written consent for release,

D. Federal Rights in Data and Copyrights. The Recipient agrees that: (1) License Rights. The Recipient must provide a license to its "subject data" to the Federal Government, which license is: (a) Royalty-free, (b) Non-exclusive, and (c) Irrevocable, (2) Uses. The Federal Government's license must permit the Federal Government to take the following actions provided those actions are taken for Federal Government purposes: (a) Reproduce the subject data, (b) Publish the subject data, (c) Otherwise use the subject data, and (d) Permit other entities or individuals to use the subject data, and

E. Special Federal Rights in Data for Research, Development, Demonstration, Deployment, and Special Studies Projects. In general, FTA's purpose in providing Federal funds for a research, development demonstration, deployment, or special studies Project is to increase transportation knowledge, rather than limit the benefits of the Project to the Recipient and its Third Party Participants, therefore, the Recipient agrees that: (1) Publicly Available Report. When the Project is completed, it must provide a Project report that FTA may publish or make available for publication on the Internet, (2) Other Reports. It must provide other reports pertaining to the Project that FTA may request, (3) Availability of Subject Data. FTA may make available to any FTA Recipient or any of its Third Party Participants at any tier of the Project, either FTA's copyright license to the subject data or a copy of the subject data, except as the Federal Government determines otherwise in writing, (4) Identification of Information. It must identify clearly any specific confidential, privileged, or proprietary information submitted to FTA, (5) Incomplete Project. If the Project is not completed for any reason whatsoever, all data developed under the Project becomes "subject data" and must be delivered as the Federal Government may direct, but (6)

Exception. Rights in Data and Copyrights Section E does not apply to an adaption of automatic data processing equipment or program that is both: (a) For the Recipient's use, and (b) Acquired with FTA capital program funding,

F. License Fees and Royalties. As permitted by 49 C.F.R. parts 18 and 19: (1) License fees and royalties for copyrighted material or trademarks derived from Project are program income, and (2) The Recipient has no obligation to the Federal Government with respect to those license fees or royalties, except: (a) For compliance with 35 U.S.C. § 200 et seq., which applies to patent rights developed under a federally funded research-type project, and (b) As FTA determines otherwise in writing,

G. Hold Harmless. Upon request by the Federal Government, the Recipient agrees that: (1) Violation by Recipient. (a) If it willfully or intentionally violates any: 1 Proprietary rights, 2 Copyrights, or 3 Right of privacy, and (b) Its violation occurs from any of the following uses of Project data: 1 Publication, 2 Translation, 3 Reproduction, 4 Delivery, 5 Use, or 6 Disposition, then (c) It will indemnify, save, and hold harmless against any liability, including costs and expenses of: 1 The Federal Government's officers acting within the scope of their official duties,

2 The Federal Government's employees acting within the scope of their official duties, and 3 Federal Government's agents acting within the scope of their official duties, but (2) Exceptions. The Recipient will not be required to indemnify the Federal Government for any liability described in Rights in Data and Copyrights section G(1) if: (a) Violation by Federal Officers, Employees or Agents. The violation is caused by the wrongful acts of Federal employees or agents, or (b) State law. If indemnification is prohibited or limited by applicable State law,

H. Restrictions on Access to Patent Rights. Nothing in this Rights in Data and Copyrights section pertaining to rights in date either: (1) Implies a license to the Federal Government under any patent, or (2) May be construed to affect the scope of any license or other right otherwise granted to the Federal Government under any patent,

I. Data Developed Without Federal Funding or Support. The Recipient understands and agrees that in certain circumstances it may need to provide data developed without any Federal funding or support to FTA. Nevertheless: (1) Protections. Rights in Data and Copyrights Sections A, B, C, and D generally do not apply to data developed without Federal funding, even though that data may have been used in connection with the Project, and (2) Identification of Information. The Recipient understands and agrees that the Federal Government will not be able to protect data developed without Federal funding from unauthorized disclosure unless that data is clearly marked "Proprietary" or "Confidential," and

J. Requirements to Release Data. The Recipient understands and agrees that the Federal Government may be required to release Project data and information the Recipient submits to the Federal Government as required by:

(1) The Freedom of Information Act, 5 U.S.C. § 552,

(2) Another applicable Federal law requiring access to Project records, (3) U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," specifically 49 C.F.R. § 19.36(d), or

(4) Other applicable Federal regulations and guidance pertaining to access to Project records.

Disadvantaged Business Enterprises

Contracts over \$3,500 awarded on the basis of a bid or proposal offering to use DBEs

- a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The recipient's overall goal for DBE participation is listed elsewhere. If a separate contract goal for DBE participation has been established for this procurement, it is listed elsewhere.
- b. The contractor shall not discriminate on the basis of race, color, religion, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the municipal corporation deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).
- c. If a separate contract goal has been established, Bidders/offerors are required to document sufficient DBE participation to meet these goals, or alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53.
- d. If no separate contract goal has been established, the successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.
- e. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the recipient. In addition, the contractor may not hold retainage from its subcontractors or must return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed or must return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the recipient and contractor's receipt of the partial retainage payment related to the subcontractor's work.
- f. The contractor must promptly notify the recipient whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of the recipient.

Prompt payment

Applicability – All contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each

payment the prime contract receives from the Recipient. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Recipient. This clause applies to both DBE and non-DBE subcontracts.

Incorporation of Federal Transit Administration (FTA) Terms

All contracts except micro-purchases (\$3,500 or less, except for construction contracts over \$2,000)

The preceding provisions include, in part, certain Standard Terms & Conditions required by USDOT, whether or not expressly stated in the preceding contract provisions. All USDOT-required contractual provisions, as stated in FTA Circular 4220.1F, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The contractor shall not perform any act, fail to perform any act, or refuse to comply with any request that would cause the recipient to be in violation of FTA terms and conditions.

Other Federal Requirements

The following requirements are not federal clauses.

Full and Open Competition

In accordance with 49 U.S.C. §5325(a) all procurement transactions shall be conducted in a manner that provides full and open competition.

Prohibition Against Exclusionary or Discriminatory Specifications

Apart from inconsistent requirements imposed by Federal statute or regulations, the contractor shall comply with the requirements of 49 USC 5323(h)(2) by refraining from using any FTA assistance to support procurements using exclusionary or discriminatory specifications.

Conformance with ITS National Architecture

Contractor shall conform, to the extent applicable, to the National Intelligent Transportation Standards architecture as required by SAFETEA-LU Section 5307(c), 23 U.S.C Section 512 and as amended by MAP-21 23 U.S.C. § 517(d), note and follow the provisions of FTA Notice, "FTA National Architecture Policy on Transit Projects," 66 Fed. Reg. 1455 etseq., January 8, 2001, and any other implementing directives FTA may issue at a later date, except to the extent FTA determines otherwise in writing.

Access Requirements for Persons with Disabilities

Contractor shall comply with 49 USC 5301(d), stating Federal policy that the elderly and persons with disabilities have the same rights as other persons to use mass transportation services and facilities and that special efforts shall be made in planning and designing those services and facilities to implement that policy. Contractor shall also comply with all applicable requirements of Sec. 504 of the Rehabilitation Act (1973), as amended, 29 USC 794, which prohibits discrimination on the basis of handicaps, and the Americans with Disabilities Act of 1990 (ADA), as amended, 42 USC 12101 et seq., which requires that accessible facilities and services be made available to persons with disabilities, including any subsequent amendments thereto.

Notification of Federal Participation

To the extent required by law, in the announcement of any third party contract award for goods and services (including construction services) having an aggregate value of \$500,000 or more, contractor shall specify the amount of Federal assistance to be used in financing that acquisition of goods and services and to express that amount of Federal assistance as a percentage of the total cost of the third party contract.

Interest of Members of Delegates to Congress

No members of, or delegates to, the US Congress shall be admitted to any share or part of this contract nor to any benefit arising therefrom.

Ineligible Contractors and Subcontractors

Any name appearing upon the Comptroller General's list of ineligible contractors for federally-assisted contracts shall be ineligible to act as a subcontractor for contractor pursuant to this contract. If contractor is on the Comptroller General's list of ineligible contractors for federally financed or assisted construction, the recipient shall cancel, terminate or suspend this contract.

Other Contract Requirements

To the extent not inconsistent with the foregoing Federal requirements, this contract shall also include those provisions attached hereto, and shall comply with the recipient's Procurement Guidelines, available upon request from the recipient.

Compliance with Federal Regulations

Any contract entered pursuant to this solicitation shall contain the following provisions: All USDOT-required contractual provisions, as set forth in FTA Circular 4220.1F, are incorporated by reference. Anything to the contrary herein notwithstanding, FTA mandated terms shall control in the event of a conflict with other provisions contained in this Agreement. Contractor shall not perform any act, fail to perform any act, or refuse to comply with any grantee request that would cause the recipient to be in violation of FTA terms and conditions. Contractor shall comply with all applicable FTA regulations, policies, procedures and directives, including, without limitation, those listed directly or incorporated by reference in the Master Agreement between the recipient and FTA, as may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Real Property

Any contract entered into shall contain the following provisions: Contractor shall at all times comply with all applicable statutes and USDOT regulations, policies, procedures and directives governing the acquisition, use and disposal of real property, including, but not limited to 49 CFR 18.31-18.34, 49 CFR 19.30-19.37, 49 CFR Part 24, 49 CFR 5326 as amended by FAST Act, 49 CFR part 18 or 19, 49 USC 5334, applicable FTA Circular 5010, and FTA Master Agreement, as they may be amended or promulgated during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Access to Services for Persons with Limited English Proficiency

To the extent applicable and except to the extent that FTA determines otherwise in writing, the Recipient agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d 1 note,

and with the provisions of U.S. DOT Notice "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 70 Fed. Reg. 74087, December 14, 2005.

Environmental Justice

Except as the Federal Government determines otherwise in writing, the Recipient agrees to promote environmental justice by following: (1)

Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994, 42 U.S.C. § 4321 note, as well as facilitating compliance with that Executive Order, and (2) DOT Order 5610.2, "Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 62 Fed. Reg. 18377, April 15, 1997, and (3) The most recent and applicable edition of FTA Circular 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," August 15, 2012, to the extent consistent with applicable Federal laws, regulations, and guidance.

Environmental Protections

Compliance is required with any applicable Federal laws imposing environmental and resource conservation requirements for the project. Some, but not all, of the major Federal laws that may affect the project include: the National Environmental Policy Act of 1969; the Clean Air Act; the Resource Conservation and Recovery Act; the comprehensive Environmental response, Compensation and Liability Act; as well as environmental provisions with Title 23 U.S.C., and 49 U.C. chapter 53. The U.S. EPA, FHWA, and other federal agencies may issue other federal regulations and directives that may affect the project. Compliance is required with any applicable Federal laws and regulations in effect now or that become effective in the future.

Geographic Information and Related Spatial Data

Any project activities involving spatial data or geographic information systems activities financed with Federal assistance are required to be consistent with the National Spatial Data Infrastructure promulgated by the Federal Geographic Data Committee, except to the extent that FTA determines otherwise in writing.

Geographic Preference

All project activities must be advertised without geographic preference, (except in A/E under certain circumstances, preference for hiring veterans on transit construction projects and geographic-based hiring preferences as proposes to be amended 2 CFR Part 1201).

Organizational Conflicts of Interest

The Recipient agrees that it will not enter into a procurement that involves a real or apparent organizational conflict of interest described as follows: (1) When It Occurs. An organizational conflict of interest occurs when the Project work, without appropriate restrictions on certain future activities, results in an unfair competitive advantage: (a) To that Third Party Participant or another Third Party Participant performing the Project work, and (b) That impairs that Third Party Participant's objectivity in performing the Project work, or (2) Other. An organizational conflict of interest may involve other situations resulting in fundamentally unfair competitive conditions, (3) Disclosure Requirements. Consistent with FTA policies, the Recipient must disclose to FTA, and each of its Subrecipients must disclose to the Recipient: (a) Any instances of organizational conflict of

interest, or (b) Violations of federal criminal law, involving fraud, bribery, or gratuity violations potentially affecting the federal award, and (4) Failure to Disclose. Failure to make required disclosures can result in remedies for noncompliance, including debarment or suspension.

Federal Single Audit Requirements for State Administered Federally Aid Funded Projects Only

Non Federal entities that expend \$750,000 or more in a year in Federal awards from all sources are required to comply with the Federal Single Audit Act provisions contained in U.S. Office of Management and Budget (OMB) Circular No. A 133, "Audits of States, Local Governments, and Non Profit Organizations" (replaced with 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" effective December 26, 2014 as applicable). Non Federal entities that expend Federal awards from a single source may provide a program specific audit, as defined in the Circular. Non Federal entities that expend less than the amount above in a year in Federal awards from all sources are exempt from Federal audit requirements for that year, except as noted in Sec. 215(a) of OMB Circular A-133 Subpart B – Audits, records must be available for review or audit by appropriate officials of the cognizant Federal agency the New York State Department of Transportation, the New York State Comptrollers Office and the U.S. Governmental Accountability Office (GAO). Non Federal entities are required to submit a copy of all audits, as described above, within 30 days of issuance of audit report, but no later than 9 months after the end entity's fiscal year, to the New York State Department of Transportation, Contract Audit Bureau, 50 Wolf Road, Albany, NY 12232. Unless a time extension has been granted by the cognizant Federal Agency and has been filed with the New York State Department of Transportation's Contract Audit Bureau, failure to comply with the requirements of OMB Circular A-133 may result in suspension or termination of Federal award payments.

Veterans Preference

Veterans Preference. As provided by 49 U.S.C. § 5325(k), to the extent practicable, the Recipient agrees and assures that each of its Subrecipients:

- (1) Will give a hiring preference to veterans, as defined in 5 U.S.C. § 2108, who have the skills and abilities required to perform construction work required under a third party contract in connection with a Capital Project supported with federal assistance appropriated or made available for 49 U.S.C. chapter 53, and
- (2) Will not require an employer to give a preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, female, an individual with as disability, or a former employee.

Safe Operation of Motor Vehicles

The Contractor is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company rented vehicles, or personally operated vehicles. The terms "company-owned" and "company-leased" refer to vehicles owned or leased either by the Contractor or AGENCY.

The Contractor agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a

vehicle Contractor owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the work performed under this agreement.

Catalog of Federal Domestic Assistance (CFDA) Identification Number

The municipal project sponsor is required to identify in its accounts all Federal awards received and expended, and the Federal programs under which they are received. Federal program and award identification shall include, as applicable, the CFDA title and number, award number and year, name of the Federal agency, and name of the pass through entity.

CFDA number for the Federal Transportation Administration

Nonurbanized Area Formula (Section 5311) is 20.509. A Recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," (replaced with 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" effective December 26, 2014 as applicable) agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Forms (SF-SAC) required by OMB Circular A-133. The Recipient agrees to accomplish this by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part II on the SF-SAC.