
Indiana Department of Transportation

**2013 FHWA Title VI
Implementation Plan Update and
Accomplishments and Goals Report**



INDIANA DEPARTMENT OF TRANSPORTATION

2013 TITLE VI PLAN UPDATE

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Prepared by:

Latosha N. Higgins

Title VI/ADA Program Manager

Economic Opportunity Division

100 North Senate Avenue

Room N750

Indianapolis, Indiana 46204-2216

Phone: (317) 234-6142

Facsimile: (317) 233-0891

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I. Introduction

This Title VI Plan Update and Accomplishments and Goals Report (Update) revises several portions of the last Update submitted to the Federal Highway Administration (FHWA). The Update is a part of the Indiana Department of Transportation's (INDOT) continual and ongoing effort to comply with civil rights regulations. The revisions reflect INDOT's intent to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Update, INDOT seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.¹

In 2013-2014, INDOT continued its annual pre-award certification and review process for the local public agencies (LPA) within the state using the Indiana Technical Application Portal (ITAP) and has included the survey results. This update also includes summaries of INDOT's annual assessments of its internal programs, outreach efforts and onsite compliance reviews of its subrecipients.

¹ INDOT's Title VI Program is the system of requirements INDOT developed to implement Title VI of the Civil Rights Act of 1964. References to Title VI requirements and regulations shall not be limited to Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes, regulations and directives and Indiana state law to the extent that they prohibit discrimination on the grounds of race, color, sex, age, disability, national origin or income status in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are: (1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR 21; the standard DOT Title VI assurances pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3); (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 CFR 25; Pub. L. 91-646); (3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601-3619); (4) 23 U.S.C. 109(h); (5) 23 U.S.C. 324; and (6) Subsequent Federal-Aid Highway Acts and related statutes. See 23 CFR 200.

II. INDOT's Mission Statement

INDOT will plan, build, maintain and operate a superior transportation system enhancing safety, mobility and economic growth.

III.INDOT's Responsibilities

INDOT has many responsibilities. Chief among these responsibilities is the maintenance of all interstates, U.S. routes and state roads that are in or cross through the state. INDOT is not responsible for the maintenance of county, city or town roads except in special circumstances.² INDOT maintains more than 11,000 centerline and 28,000 total lane miles. INDOT's responsibilities also include the implementation of construction projects that include the overseeing of the building of new roadways, resurfacing of others and the preservation of existing highways.

² See Indiana Code 8-23-1-16 and Indiana Code 8-23-1-17.

IV. INDOT's Title VI Mission Statement

INDOT will implement compliance with Title VI 49 CFR § 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color or national origin.

V. INDOT's Non-Discrimination Statement

INDOT values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, age, sex, disability, national origin or income status.

VI. Title VI Assurances

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Indiana Department of Transportation Title VI Assurances

The Indiana Department of Transportation (INDOT) (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race color, or national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program.

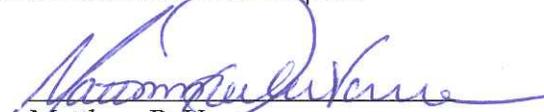
1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Indiana Department of Transportation (INDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, 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 Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient


 Matthew P. Voors,
 Chief Legal Counsel and
 Deputy Commissioner
 Indiana Department of Transportation

9/27/13
 Date

APPENDIX A

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

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor

may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, 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 and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the 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 Indiana Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Indiana Department of Transportation its successors and assigns.

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, and disability/handicap, and low income 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 Indiana Department of Transportation shall 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, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the 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 purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, disability/handicap, and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, sex, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

VII. Title VI Compliance Responsibilities

A. Commissioner

The Indiana Governor appoints INDOT's Commissioner. The Commissioner is responsible for organizing and administering INDOT.³

B. INDOT Deputy Commissioner and Chief Legal Counsel

The Deputy Commissioner manages the Economic Opportunity and Prequalifications, Internal Affairs and Legal Divisions of INDOT. As Chief Legal Counsel for INDOT, the Deputy Commissioner's responsibilities include, but are not limited to: providing legal advice and assistance to the divisions and districts within the agency, investigating the legality of agency actions and validity of public complaints, drafting proposed legislation and administrative rules, researching and interpreting the law, preparing legal opinions, and attending and testifying at legislative committee hearings.

C. Economic Opportunity Division Director

The Economic Opportunity and Prequalifications Director (Director) is responsible for overseeing all aspects of INDOT's Disadvantaged Business Enterprise (DBE) certification services, contract compliance efforts and its Title VI program. The Director works toward maximizing contracting opportunities for disadvantaged businesses on INDOT contracts and ensures compliance with the Equal Employment Opportunity (EEO) provisions as required by INDOT contract and federal law. The Director's responsibilities include ensuring INDOT's compliance with Title VI, including provisions related to Environmental Justice (EO 12898) and Limited English Proficiency (EO 13166). The Director ensures that INDOT provides appropriate managerial and technical assistance to DBE firms.

D. Title VI/ADA Program Manager

The Title VI/ADA Program Manager is responsible for the oversight and coordination of INDOT's compliance with Title VI and all related statutes, regulations, and directives. The Title VI/ADA Program Manager reports directly to the Director and has independent access to INDOT's Deputy Commissioner Chief Legal Counsel and Deputy Commissioner. General responsibilities of the Title VI/ADA Program Manger include, but are not limited to:

- Implementing INDOT's Title VI and Americans with Disabilities Act of 1990, (ADA) plans;
- Developing processes and procedures for the investigation of complaints filed under Title VI and the ADA;

³ Indiana Code 8-23-2-2.

- Developing and implementing INDOT’s Limited English Proficiency (LEP) Plan;
- Coordinating Title VI Program development with the special program areas directors and division managers;
- Providing technical assistance, guidance and advice on the Title VI Program;
- Establishing procedures for processing Title VI reviews;
- Conducting Title VI reviews of INDOT’s subrecipients, special interest programs and activities;
- Developing and conducting Title VI training;
- Preparing required reports;
- Participating in the design, development and dissemination of Title VI information to the public; and
- Annually updating INDOT’s Title VI Implementation Plan.

E. Title VI/ADA Contract Compliance Specialist

The Title VI/ADA Contract Compliance Specialist reports directly to the Title VI/ADA Program Manager and assists the Title VI/ADA Program Manager in monitoring INDOT’S civil rights compliances efforts.

F. Title VI/ADA Liaisons & Interdisciplinary Team

1. Mission

The interdisciplinary team, composed of members from INDOT’s core program areas, has a four-part mission that includes the following:

- To use an interdisciplinary team approach to ensure compliance with Title VI and related nondiscrimination laws in the implementation of INDOT’s programs and activities;
- To remove programmatic and architectural barriers from INDOT’s programs and activities in accordance with the relevant nondiscrimination laws;
- To ensure meaningful access to INDOT’s services and programs to minorities, persons with limited English proficiencies and low-income persons; and

- To develop and continually review and update effective Title VI, ADA and LEP implementation plans for INDOT.

2. Methodology and Implementation

The Title VI/ADA Program Manager shall actively solicit input and participation from INDOT division program area contacts who shall serve as Title VI/ADA Liaisons on an interdisciplinary team focused on ensuring nondiscrimination in all of INDOT's programs and activities.

3. Title VI Liaison Responsibilities

The Title VI Liaisons shall:

- Foster awareness of INDOT's Title VI program and its requirements;
- Assist with conducting Title VI reviews of division program areas;
- Develop and maintain division procedures for the collection of statistical data (race, color, national origin, and sex) of participants in, and beneficiaries of INDOT programs, i.e. relocatees, impacted citizens and affected communities;
- Participate in the development, revision and implementation of the Title VI Plan Annual Update;
- Complete an annual division risk assessment for their respective division that identifies and prioritizes risk areas and the need to formulate mitigation strategies; and
- Prepare a yearly report of Title VI accomplishments for the past year and state goals for the next year and submit the report to the Title VI/ADA Program Manager by August 30.

**Indiana Department of Transportation
Commissioner
065001**

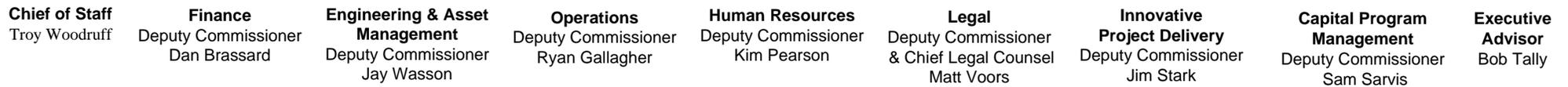
Revised 9/03/2013

**Indiana Department of
Transportation
Commissioner/EXBB**
10006382
Karl Browning
065001

Commissioner:
Total Headcount: 4

**Executive
Assistant/EXBB**
10057881
Mary Ann Jorns

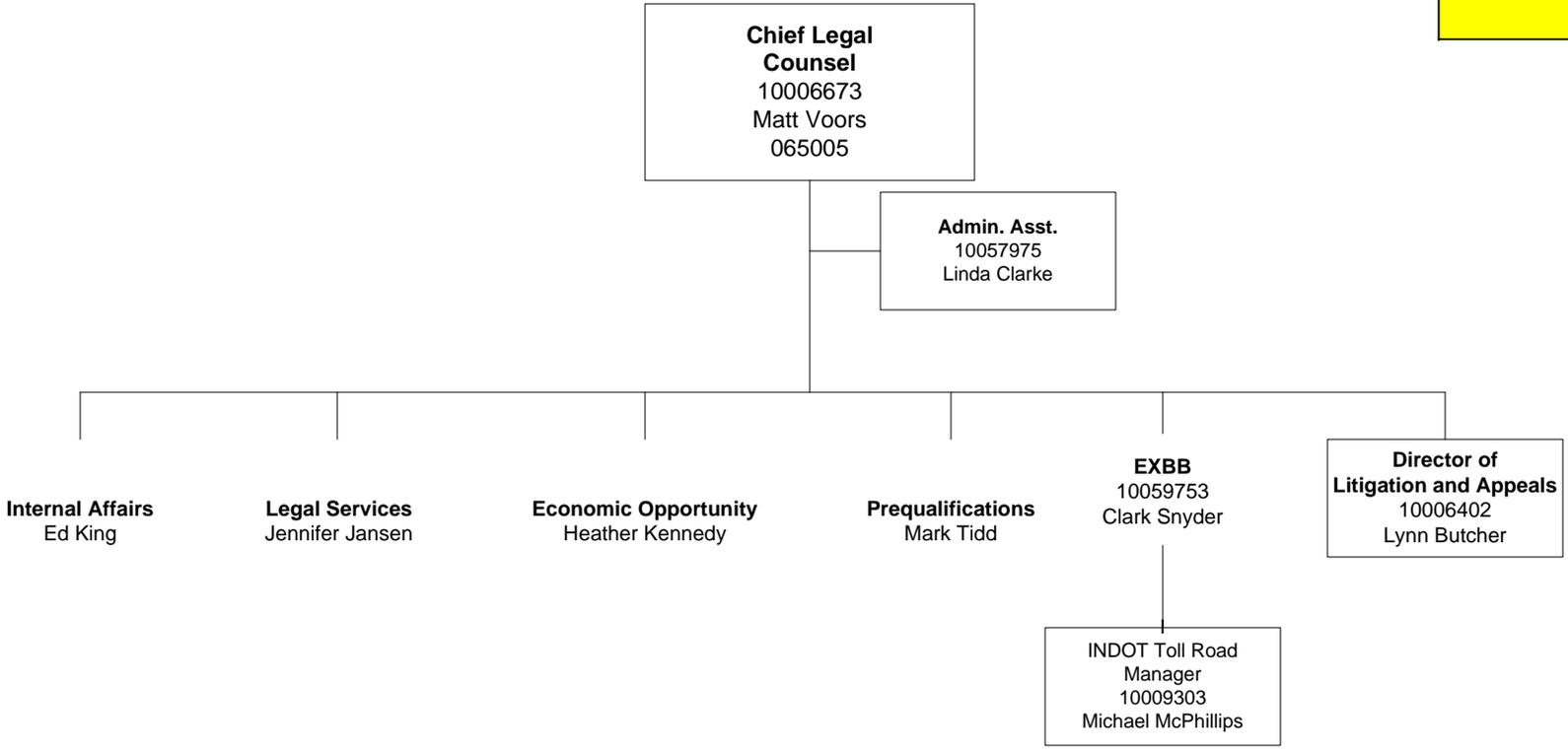
Admin. Assist.
10057931
Jenny Ziemer



Indiana Department of Transportation
Legal
065005

Revised 10/1/2013

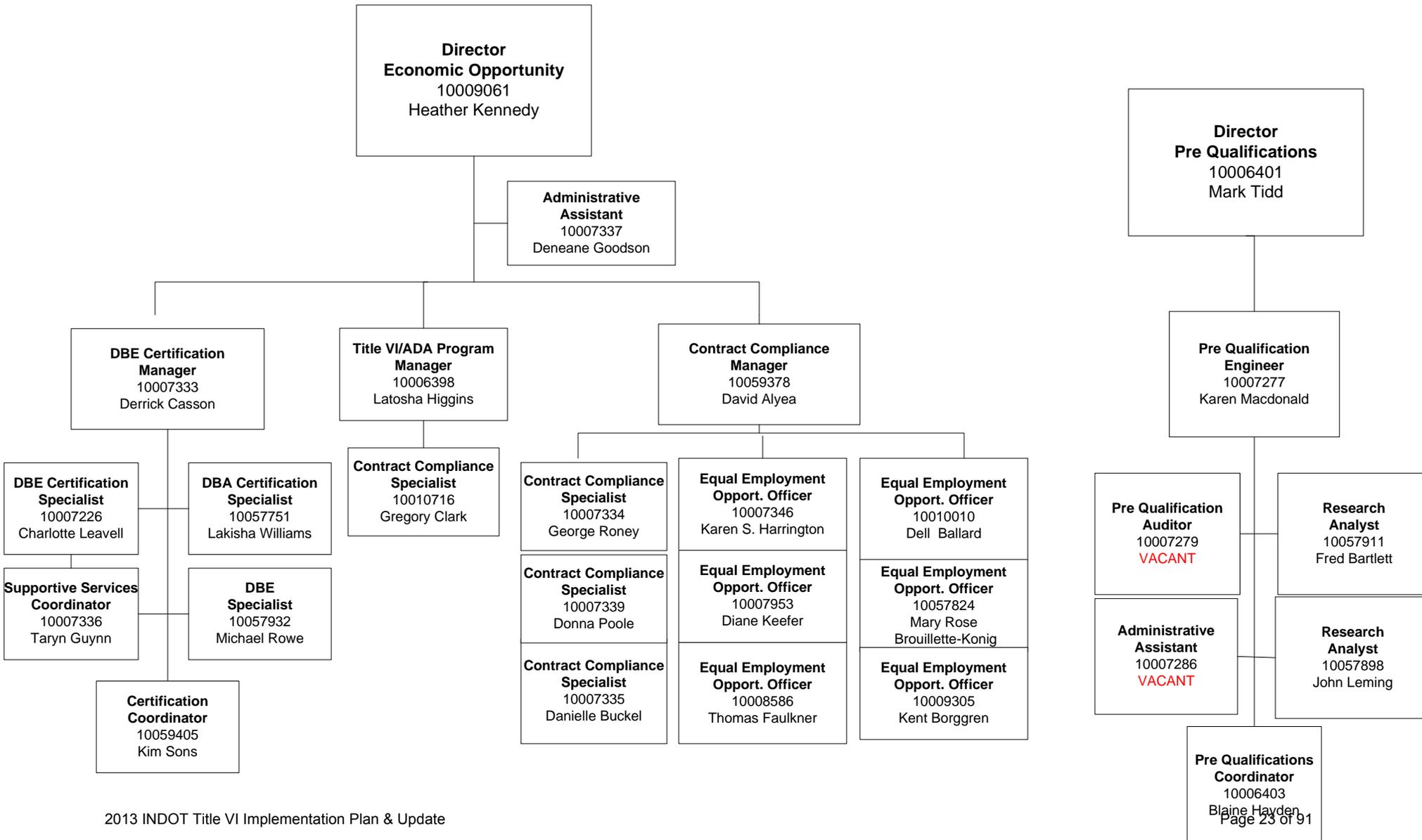
Legal
Total Current Headcount: 47
Total Current Vacancies: 3
Current Headcount: 2
Vacant:
Audit Examiner 10006414
PreQualis Auditor 10007279
Admin. Asst. 10007286



**Indiana Department of Transportation
Economic Opportunity & Pre Qualifications
065118**

Revised 10/1/2013

Economic Opportunity & Pre Qualifications
Current Headcount: 25
VACANT: 2



4. Interdisciplinary Team Members

Table 1: INDOT Title VI/ADA Interdisciplinary Team

| Name | Title/Division | Phone | Email |
|---------------------------------|---|--------------|--|
| Adams, Scott | Director/ Real Estate | 317-232-5000 | scadams@indot.in.gov |
| Albers, Mark | Local Programs Manager Crawfordsville District | 765-361-5224 | malbers@indot.in.gov |
| Bales, Ron | Senior Environmental Manager Environmental Services | 317-233-2093 | rbales@indot.in.gov |
| Buckel, Larry | Manager Multi-Modal Planning & Policy/Transit | 317-232-5292 | lbuckel@indot.in.gov |
| Cales, Michael | Program Director LPA/MPO & Grant Administration | 317-232-5021 | mcales@indot.in.gov |
| Cales, Robert | Director Legal/Contract Administration | 317-233-4794 | rcales@indot.in.gov |
| Clanton, Jeff | Contract Manager Contract Administration | 317-233-4198 | jclanton@indot.in.gov |
| Clark, Jr., Rickie | Manager Communications - Office of Public Involvement | 317-232-6601 | rclark@indot.in.gov |
| Devocelle, Heather | Director Employee Development | 317-234-3848 | hdevocelle@indot.in.gov |
| Giller, Teresa | Attorney Legal Department | 317-232-6734 | tgiller@indot.in.gov |
| Land, Walter | Supervisor Project Management | 317-233-3699 | wland@indot.in.gov |
| Sullivan, Jeff | Director Human Resources/State Personnel Department | 317-234-8558 | jsullivan@indot.in.gov |
| McGrannahan- Roberson, Linda | Director Executive Communications | 317-234-7175 | lmcgrannahan@indot.in.gov |
| Miller, Mark | Director Construction Management & District Support | 317-232-5456 | mrmiller@indot.in.gov |

| Name | Title/Division | Phone | Email |
|-----------------|--|--------------|--|
| Stone, Jewell | Environmental Scoping Manager Greenfield District | 317-467-3491 | Jstone@indot.in.gov |
| Vacant | LaPorte District | Vacant | Vacant |
| Phillips, Mary | Business Administration Research & Development | 765-463-1521 | mphillips@indot.in.gov |
| Shattuck, Brian | Highway Engineer Facilities Management | 317-847-3969 | bshattuck@indot.in.gov |
| Schmidt, Dirk | Traffic Investigations Engineer Fort Wayne District | 260-969-8287 | Dschmidt1@indot.in.gov |
| Stoops, Ernie | Highway Engineer Supervisor Vincennes District | 819-895-7390 | estoops@indot.in.gov |
| Ude, Jim | Planning and Program Director Seymour District | 812-524-3729 | jude@indot.in.gov |
| Wilson, Jaron | Highway Engineer Greenfield District | 317-234-1182 | jawilson1@indot.in.gov |
| Wright, John | Director Highway Design & Technical Support | 317-232-5147 | jwright@indot.in.gov |

5. Title VI/ADA Liaison Working Groups

The working groups are subcommittees created as needed by the members of the Title VI/ADA interdisciplinary group to assist with the actual implementation of INDOT's Title VI Program goals.

The working group members may also participate in resolving Title VI, ADA and Section 504 issues. Additionally, they may occasionally complete surveys for their respective program areas and projects at the direction of the Title VI/ADA Program Manager.

G. INDOT Divisions, Program Areas and Districts

Each division within INDOT and all of its departments and program areas are responsible for the following under Title VI:

- Collecting and analyzing data on minority and low income populations to determine the potential impact of proposed plans, programs and projects;
- Ensuring all contract documents contain the appropriate Title VI provisions;

- Consulting with the EOD when Title VI complaints are received or issues arise during a public hearing/meeting;
- Ensuring that all people are treated equitably regardless of race, color, national origin, sex, age, disability, ancestry, religion or income status;
- Monitoring Title VI accomplishments, notifying the EOD of problem areas and summarizing activities for inclusion in the Title VI Plan Update;
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;
- Ensuring that all business pertaining to the selection, negotiation and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin, sex, age, disability, or income status;
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts;
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and
- Providing information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

H. INDOT Division and Core Program Area Reporting

To assist INDOT in complying with 23 CFR 200.9(b) (10), all core division and program areas must submit an annual report to the Title VI/ADA Program Manager to be used as an assessment tool to determine whether the division/program area is in compliance with Title VI and to ascertain instances where the Title VI/ADA Program Manager may provide training and technical assistance to help the division/program area achieve its Title VI goals and maintain compliance. Furthermore, the Title VI/ADA Program Manager will review the data collection procedures for each division/program area periodically to ensure compliance with INDOT's Title VI Program requirements. Title VI/ADA Liaison should prepare the report and submit it annually on August 30.

The following information should be included in each annual report submitted:

- Demographic information collected during the delivery of services;
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non - discrimination statement;

- A description of the steps taken to ensure meaningful access to programs, activities and services to LEP persons;
- An explanation of whether staff is knowledgeable of INDOT's LEP policies and procedures;
- A description of any additional costs the division incurred during the year related to providing LEP assistance. The description must include the dollar amount;
- An analysis of whether existing assistance meets the LEP needs of those served by the division/program;
- A description of the current communication needs of LEP persons;
- Information regarding whether the sources of and arrangements for LEP assistance are still current and viable; and
- A description of Title VI training attended by division personnel, including a roster of attendees, dates and locations of the training and information regarding the sponsoring organization.

I. Summary of 2013 Assessments

In 2013, INDOT evaluated all six districts and the following core program areas for compliance with Title VI and its related nondiscrimination laws via a desk audit that involved each district and core program self reporting on their individual compliance efforts.

- Communications Division, which includes the Customer Service Center and the Office of Public Involvement
- Contracts Administration
- Construction Management
- Employee Development
- Environmental Services
- Facilities Management
- Highway Design Services
- Human Resources and Recruiting, which is house in the Indiana State Personnel Department
- LPA and MPO
- Office of Transit
- Real Estate
- Research and Development

The assessment revealed that INDOT needs to continue educating of its internal personnel regarding their Title VI responsibilities and engage its interdisciplinary team more frequently to ensure INDOT is accurately documenting its Title VI compliance efforts.

1. Communications Division

The Communications Division is responsible for: INDOT's:

- Website design and updates;
- Developing a public involvement policy for INDOT that adheres to federal requirements, coordinate and facilitate public involvement activities to adhere to the spirit of public participation in transportation decision making, produce and update as needed agency public involvement procedure;
- Responding to customer inquiries via telephone email, letter, or walk in;
- Creating and distributing the employee newsletter, employee intranet, external annual report, web content writing, and agency videography;
- Writing and developing of presentations for the Commissioner to present to external audiences; and
- Designing, producing, print mounting, laminating and delivering electronic and hard communication solutions.

TITLE VI/ADA LIAISON(S)

Linda McGrannahan-Roberson – Communications Director

a) Communications - Customer Service Center

RESPONSIBILITIES

The Customer Service Center (CSC) within the Communications Division responds to, coordinates and manages all outside customer inquiries relating to Indiana transportation.

ASSESSMENT SUMMARY

The CSC did not have any external customers request language services during the reporting period. Additionally, the CSC did not receive any relay calls during this reporting period.

During the reporting period, Communications successfully achieved the following goals as they related to the CSC and INDOT's website:

- Trained Customer service representatives on the correct procedure to follow when a person requests an interpreter.
- Posted the State of Indiana website policy where it can be easily found.
- Developed internal controls and policies to ensure that website content is not added to the website until it has been made accessible.
- Added text based versions of documents at the same time as PDF versions.

- Developed a specific written plan including timeframes for making all of INDOT's existing web content accessible

b) Communications - Office of Public Involvement

TITLE VI/ADA LIAISON(S)

Rickie Clark, Jr. – Manager

RESPONSIBILITIES

The Office of Public Involvement (OPI) is within the Communications Division. It promotes proactive public involvement activities for INDOT projects and ensures compliance with the National Environmental Policy Act (NEPA) federal regulation pertaining to public involvement in project development.

The role of INDOT's OPI is to ensure compliance with state and federal laws and regulations pertaining to public involvement in transportation decision-making. Compliance with federal laws connected to the NEPA is required to receive federal funds for transportation improvement projects in INDOT's production schedule.

Any project receiving or planning to receive federal funds as part of the funding mechanism is subject to a minimum level of public involvement, which must be documented and certified by the OPI for the project to proceed to the next stage of development. Public involvement activities may include public hearings, public meetings and project newsletters/correspondence mailed directly to property owners and project stakeholders, internet /electronic notification and paid legal advertising.

INDOT publishes legal notices in newspapers throughout the state to: (1) announce a planned improvement project or a public hearing, (2) inform the community where project related documents and preliminary design plans are available for public review, (3) solicit public comment on the proposed project, and (4) inform individuals with disabilities of the right to request an accommodation if needed so that the individual can participate in the public involvement process.

INDOT publishes legal notices in the most widely circulated papers within a project area and in non-traditional and/or minority papers within a project area where applicable. Each year the OPI purchases an Indiana Media Directory to identify, determine and coordinate legal notice publishing in Indiana newspapers and periodicals. INDOT determines when to publish legal notices in non-traditional and/or minority papers on a case-by-case basis depending on the availability of such publications within a project area when applicable.

In addition to the above and through coordination and consultation with the project team (project manager, design and environmental, others) and upon assessing the project scope and level of impact, the OPI publishes legal notices in non-traditional and/or minority papers statewide on a project specific basis.

OPI performs the public involvement tasks for most INDOT projects. Frequently, for large-scale projects, a consultant is used and the public involvement tasks are included in the scope of the work performed by the consultant. OPI notifies consultants and professional service providers doing business with INDOT of INDOT's policies by using its public involvement listserv to communicate information.

Often, OPI will ask the consultant to perform public involvement activities to assist INDOT in areas of resources and support. When INDOT uses a consultant to perform the public involvement tasks for a project, the INDOT project manager for the project monitors and evaluates the consultant's performance. Additionally, to ensure that the consultants charged with performing the public involvement tasks complete the work satisfactorily, an OPI staff member's signature is required for all LPA and state projects to certify the completion of all public involvement tasks.

Additionally, the OPI uses listservs maintained by other INDOT divisions such as Environmental Services, Design and Local Public Agencies to communicate information to the consultant and professional service providers doing business with INDOT.

ASSESSMENT SUMMARY

Collection of Demographic Information

OPI collected demographic information regarding the race, national origin, gender, disability status and age of the public during its delivery of services using the Voluntary Title VI Public Involvement Survey, which it makes available at public meetings and hearings. Additionally, OPI included the survey in all of its mailings to property owners and project stakeholders that it routinely sends out in conjunction with the public involvement process for a project. The Form is also available on the OPI web page for interested persons to print and submit to INDOT at their convenience. OPI received eight public involvement surveys during the reporting period.

Limited English Proficiency Services

The OPI did not receive any language requests during the reporting period.

Interpreter, Auxiliary Aides and Services

In 2013, OPI developed a standard operating procedure for processing requests for language services and requests for reasonable accommodations. A copy of the standard operating procedure is available on the INDOT website at <http://www.in.gov/indot/2366.htm>.

OPI also has a policy for responding to requests from the public for documents in Braille, large print, audio recording or accessible electronic format (such as email, CD or any other format that can be accessed with screen reader software.) OPI works with the State of Indiana's Family & Social Services Administration Division of Aging and Disability to arrange the provision of auxiliary aids and services through their list of providers.

Public Involvement Activities

During the reporting period, INDOT organized 15 public involvement events (hearings, meetings and open houses). The record reveals more than 750 people attended these events.

All legal notices of open houses, public meetings and hearings contained a statement that materials are available in an alternative format upon request. Additionally, all legal notices included information advising the public how to make a request for a reasonable accommodation.

The assessment revealed areas for improvement in the area of making INDOT's programs accessible for persons with disabilities. As such, Communications goals for 2013-2014 include:

- Coordinating with the Title VI/ADA Program Manager to present the website improvement plan to the ADA Community Advisory Working Group to receive feedback on the accessibility of the website;
- Posting the website improvement plan on the INDOT website;
- Incorporating the website improvement plan into INDOT's ADA Transition Plan;
- Providing audio descriptions of images (including changes in setting, gestures and other details) to make videos accessible to people who are blind or have low vision;
- Providing text captions synchronized with video images to make videos and audio tracks accessible to people who are deaf or hard of hearing;
- Developing a process to inform employees, contractors and consultants of INDOT'S website accessibility procedures and policies;
- Developing a plan for providing alternate ways of accessing web-based information, programs, activities and services for people with disabilities who cannot use a computer and for persons without internet or computer access;
- Testing the INDOT website for accessibility;
- Scheduling employees responsible for the website content and design to attend ADA and/or Section 508 training regarding effective communication; and
- Developing additional methods for encouraging the public to complete the public involvement surveys, including but not limited to ensure the announcement regarding the presence of the is made at the beginning and end of each INDOT event.

2. Contract Administration

TITLE VI/ADA LIAISON(S)

Robert Cales - Director Contract Administration (Construction)

Jeff Clanton - Contracts Manager (Professional Services)

RESPONSIBILITIES

Contract Administration is responsible for acquiring contractors for both construction (low bid) and consultants for professional services (qualification based).

INDOT reviews all federal-aid contracts and where subcontracting opportunities exist, INDOT sets DBE contract goals to increase minority and female participation in contracts with INDOT. Additionally, INDOT includes contract DBE goals in the advertisement of contracts.

The Contract Administration Division includes the Title VI Assurances and nondiscrimination language in all federal aid contracts.

ASSESSMENT SUMMARY

During the reporting period, Contract Administration encouraged the use of smaller project specific contracts and reduced the number of large on call contracts to provide increased opportunities for small firms bidding on INDOT projects.

From October 1, 2012 through September 11, 2013, the INDOT awarded 364 construction contracts. Of the 364 contracts awarded, 26 were to DBEs. INDOT awarded 26 contracts to DBE's as prime contracts.

Contract Administration conducted 202 negotiations for professional services contracts, 11 of which were with DBE, MBE or WBE firms. Four DBE, MBE and/or WBE firms received notice to proceed. INDOT did not have any failed negotiations from October 1, 2012 through September 12, 2013. INDOT used 24 DBEs as subconsultants and 33 MBE or WBE firms as subconsultants.

INDOT used the following DBE, MBE and WBE firms on more than one contract during the reporting period.

Table 2: DBE, MBE and WBE firms with Multiple INDOT Contracts

| Consultant/Service Provider | Number of Contracts as a Prime | Number of Contracts as a Subconsultant |
|--|---------------------------------------|---|
| ASC Group, Inc. | 0 | 9 |
| Courtland Title & Escrow, Inc. | 0 | 4 |
| Dyer Environmental services | 0 | 11 |
| Parsons Cunningham & Shartle Engineers, Inc. | 0 | 14 |
| Shrewsberry & Associates, Inc. | 0 | 14 |
| Siva Corrosion Services, Inc. | 0 | 10 |
| Stephen J. Christian & Associates, PC | 8 | 27 |
| VS Engineering, Inc. | 0 | 20 |

Of the DBE, MBE and WBE firms used on professional services contracts six DBE firms were new to doing business with INDOT during the reporting period.

Table 3: DBEs New to Doing Business with INDOT

| Consultant/Service Provider | Total Number of Contracts | Number of Contracts as a Prime | Number of Contracts as a Subconsultant |
|---|----------------------------------|---------------------------------------|---|
| Ark Engineering Services, Inc. | 2 | 0 | 2 |
| Belmont Laboratories | 2 | 0 | 2 |
| AAC Environmental Consulting, LLC | 1 | 0 | 1 |
| Journey Engineering, LLC | 1 | 0 | 1 |
| Metropolitan Abstracting Consultants, LLC | 1 | 0 | 1 |
| Quality Environmental Professionals, Inc. | 1 | 0 | 1 |

The division regularly responded calls and emails from the public regarding doing business with INDOT.

The assessment revealed several areas for improvement. As such, Contract Administration goals for 2013-2014 include:

- Actively monitoring its own public outreach activities, such as educational trainings and providing technical assistances to consultants and contractors doing business with INDOT and the public to ensure an equitable distribution of the benefit to all persons;
- Updating that contract data system to collect data regarding all amounts paid to DBE consultants and professional service providers as reported on consultant invoices by September 30, 2014; and
- Providing instruction and training to all consultants and business to ensure that they accurately report all payments made to all DBEs on all invoices submitted to INDOT for payment.

3. Construction Management

TITLE VI/ADA LIAISON(S)

Mark Miller – Director of Construction Management

RESPONSIBILITIES

INDOT's Construction Management Division is responsible for all construction activity on U.S. routes, state roads and interstates in the State of Indiana. This includes, but is not limited to, grading, sloping, placing culverts, paving or construction of new roadway, bridge maintenance and interchange modifications.

The Construction Division works with the district construction offices and EEO Officers to resolve problems on construction contracts. The division provides oversight of the statewide construction programs by setting policies and maintaining the technical manuals used by consultants. The division does not participate in the consultant selection process or direct hiring of technicians.

ASSESSMENT SUMMARY

Construction Management did not complete self-assessment of its Title VI compliance activities.

4. District Assessments

RESPONSIBILITIES

While acting in accordance with policies set by central office, the districts operate as stand-alone business units. The districts make decisions based on how outcomes might affect the overall efficient and effective delivery of services to the district's customers.

INDOT has six districts: Crawfordsville, Greenfield, Fort Wayne, LaPorte, Seymour and Vincennes. A District Deputy Commissioner who reports to the Operations Deputy Commissioner manages each district. Each district organizes and manages highway construction, maintenance, traffic, development and testing for the unique needs of the communities it serves. Engineers and inspectors work out of these district offices and report daily to construction sites. Within its six districts, INDOT has 31 subdistricts and 119 units to cover the maintenance of all the highways under its authority within the state borders. Operations Managers oversee the subdistricts with Department Managers, Supervisors and employees to carry out the district's mission.

ASSESSMENT SUMMARY

Limited English Proficiency

Each district provides an interpreter as needed if the constituent has a limited ability to read, write, speak or understand English.

Each district reported that they post the INDOT nondiscrimination notice in their district office.

The assessment revealed relevant staff needs training on INDOT's Title VI and ADA responsibilities. The assessment responses also revealed none of the districts were knowledgeable about Title VI. Each district erroneously reported information regarding equal employment opportunity and affirmative action compliance efforts.

As such, the goals for 2013-2014 for each district include:

- Engaging in ongoing data collection and analysis of statistical data regarding district Title VI compliance efforts;
- Re-evaluating whether the individual tasked with serving as the Title VI/ADA liaison is the appropriate person based on the duties he or she is currently has and the extra responsibilities in serving as the Title VI/ADA liaison;
- Ensuring that relevant staff responsible for Title VI compliance at the district level attend Title VI and ADA training;
- Developing methods at the district level to collect and analyze data regarding the district approval of plan changes and supplements agreements between DBE and non-DBEs.

Such data shall include the total number of plan changes requested and a breakdown by indicating which requests were granted and whether a DBE or non-DBE submitted the request; and

- Ensuring that the district Title VI/ADA liaison completes the annual assessment by the August 30 deadline.

Table 4: INDOT District Title VI/ADA Liaisons

| DISTRICT TITLE VI/ADA LIASIONS | | | |
|---------------------------------------|---|-------------------------------------|---|
| District | Title VI/ADA Liaison | District Deputy Commissioner | Contact |
| Crawfordsville | Mark Albers – Local Programs Manager | Alan Plunkett | 41 West 300 North Crawfordsville, IN 47933 Phone: (765) 362-9484 Email: westcentralindiana@indot.in.gov www.crawfordsville.indot.in.gov |
| Fort Wayne | Dirk Allen Schmidt – Traffic Investigations Engineer (Aug. 2012-Present) | Todd Johnson (May 2012-Pres.) | 5333 Hatfield Road Fort Wayne, IN 46808 Phone: (260) 484-9541 Email: NEinformation@indot.in.gov www.fortwayne.indot.in.gov |
| Greenfield | Jewell Stone Environmental Scoping manager | Brandye Hendrickson | 32 South Broadway Greenfield, IN 46140 Phone: (317) 462-7751 Email: eastcentralin@indot.in.gov www.greenfield.indot.in.gov |
| LaPorte | Vacant | Bob Alderman | 315 East Boyd Boulevard LaPorte, IN 46350 Phone: (219) 362-6125 Email: LaPorteDistrictCommunications@indot.in.gov www.laporte.indot.in.gov |
| Seymour | Jim Ude - Planning/Production Director | Kathy Eaton- McKalip | 185 Agrico Lane Seymour, IN 47274 Phone: (877) 305-7611 secommunications@indot.in.gov www.seymour.indot.in.gov |

| DISTRICT TITLE VI/ADA LIASIONS | | | |
|---------------------------------------|--|-------------------------------------|---|
| District | Title VI/ADA Liaison | District Deputy Commissioner | Contact |
| Vincennes | Ernie Stoops – Highway Engineer Supervisor | Russell A. Fowler | 3650 South U.S. Highway 41 Vincennes, IN 47591 Phone: (812) 882-8330 Email: Swinccommunications@indot.in.gov www.vincennes.indot.in.gov |

5. Employee Development Division

TITLE VI/ADA LIAISON(S)

Heather Devocelle – Employee Development Director

RESPONSIBILITIES

The mission of Employee Development is to promote the professional growth of our employees through innovative initiatives that support INDOT strategic goals and contribute to the current and future success of the entire INDOT family. General responsibilities include training, succession and career planning, employee recognition, leadership development, professional licensing and furthering the development of our employees.

ASSESSMENT SUMMARY

The assessment revealed several areas for improvement. As such, Employee Development’s goals for 2013-2014 include:

- Ensuring that all relevant staff attend Title VI and ADA training;
- Coordinating with Construction Management and other related divisions to develop a strategy to proactively outreach to minorities and women to encourage their participation in the CPT program;
- Documenting all outreach efforts to increase the participation of minorities and females in INDOT’s programs and activities that Employee Development assists in administering; and
- Ensuring that the Public Involvement Survey or other demographic data collection tool is for all trainings that involve external constituents seeking to benefit for participating in INDOT programs.

6. Environmental Services Division

TITLE VI/ADA LIAISON(S)

Ronald (Ron) Bales – Senior Environmental Manager

RESPONSIBILITIES

The goal of the office Environmental Services is to ensure that INDOT identifies and addresses environmental needs during the development process of its projects. Environmental Services has three sections: Cultural Resources, Ecology and Waterway Permitting and Environmental Policy.

ASSESSMENT SUMMARY

During the reporting period, the OES prepared three pre-draft Environmental Impact Statements (EIS) for the following projects: Iliana Corridor, the Louisville Southern Indiana Ohio River Bridges Project and the I-69 Project. The comments ranged from issues regarding community cohesion, possible impacts to populations of environmental justice concern, public outreach/community involvement, the need for interpreters and the type of demographic data used.

7. Facilities Management

TITLE VI/ADA LIAISON(S)

Brian Shattuck – Highway Engineer

RESPONSIBILITIES

Facilities Management plans, constructs and maintains INDOT structural facility inventory. This includes district offices and labs, salt buildings, maintenance buildings (units and sub-district buildings), rest areas and welcome centers and weight stations.

ASSESSMENT SUMMARY

The Assessment revealed that Facilities Management does not actively monitor facilities to ensure that INDOT's Nondiscrimination is properly posted in an accessible location.

The assessment revealed several areas for improvement. As such, Facilities Management's goals for 2013-2014 include:

- Proactively monitoring all public facilities to ensure INDOT's Notice of Nondiscrimination is prominently displayed in an accessible location in all facilities; and
- Ensuring that all relevant staff attend Title VI and ADA training.

8. Highway Design Services

TITLE VI/ADA LIAISON(S)

John Wright – Director of Roads

RESPONSIBILITIES

The goal of Highway Design Services is to set road design policy, assist with roadway standard. Review all LPA and state plans for conformance to standards both in house and within districts. The in-house staff is also tasked with producing as many roadways projects as possible.

ASSESSMENT SUMMARY

Nine staff members participated in a day and half training course sponsored by INDOT and FHWA entitled “Designing Pedestrian Facilities for Accessibility.” Additionally, the division coordinated with the Title VI/ADA Program Manager to develop and implement a review of INDOT’s public rights of way for ADA compliance under the current standards and proposed public rights of way accessibility standards.

The assessment revealed several areas for improvement. As such, Highway Design Services goals for 2013-2014 include:

- Coordinating or participating in public outreach, education or training to consultant designers to solicit increased participation from minorities and females;
and
- Developing and implementing appropriate design memoranda, design standards, standard drawings, specification and ADA policies consistent with the current ADA Standard and the Proposed Public Rights of Way Guidance, which is a best practice.

9. Human Resources & Recruiting

TITLE VI/ADA LIAISON(S)

Jeff Sullivan – Human Resources Director

RESPONSIBILITIES

The Human Resources (HR) Department, which is part of the Indiana State Personnel Department, is responsible for recruiting a diverse pool of qualified candidates to fill INDOT vacancies. INDOT’s recruitment efforts include, but are not limited to, attending targeted job fairs such as the Indiana Black Expo.

ASSESSMENT SUMMARY

Collection of Demographic Information

HR collects demographic information to prepare affirmative action monitoring reports and to develop an annual affirmative action plan.

Limited English Proficiency

HR did not receive any language services requests during the reporting period.

Public Outreach Activities

During the reporting period, HR engaged in the following recruitment efforts:

1. Attended career fairs at the following schools:

University of Evansville
Purdue University
Lincoln College of Technology
Indiana State University
University of Louisville
Trine University
Valparaiso University
Indiana University
IUPUI

2. Advertised in the following newspapers for positions:

Fort Wayne Journal
Corydon Democrat
New Albany Tribune
Salem Leader and Democrat

3. Participated in the Indiana Black Expo

The assessment revealed several areas for improvement. As such, HR's goals for 2013-2014 include:

- Actively soliciting qualified minorities and female candidates by using diverse media outlets, including minority media;
- Ensuring advertisement of employment opportunities and job fairs are placed with minority media outlets when appropriate;

- Contacting a diverse group of colleges and universities in the state and surrounding area for job opportunities and recruitment;
- Recording and monitoring requests for reasonable accommodation;
- Providing ongoing training to staff regarding INDOT's policy on nondiscrimination based on disability; and
- Collecting demographic data during public outreach activities using the INDOT Public Involvement Survey or any other means reasonably calculated to lead to the successful collection of data.

10. LPA and MPO Division

TITLE VI/ADA LIAISON(S)

Michael Cales- Program Director

RESPONSIBILITIES

The LPA/MPO Division assists Local Public Agencies (LPA) and Metropolitan Planning Organizations (MPO) in carrying out local transportation projects.

ASSESSMENT SUMMARY

The Division assisted the Title VI/ADA Program Manager in implementing the LPA Annual Pre-Award Certification and Assurance compliance review process.

The assessment revealed several areas for improvement. As such, the LPA and MPO Division goals for 2013-2014 include:

- Develop a process for monitoring MPO and LPA procedures and efforts to obtain public involvement in planning from persons with disabilities, low income populations and minorities;
- Ensuring relevant staff attend Title VI and ADA training;
- Developing a process for monitoring MPO and LPA procedures and efforts to obtain public involvement in planning from persons with disabilities, low income populations and minorities; and
- Coordinating with Title VI/ADA Program Manager to provide technical assistance and training to LPA's and MPOs regarding their Title VI and ADA responsibilities.

11. Office of Transit

TITLE VI/ADA LIAISON(S)

Larry Buckel- Manager

RESPONSIBILITIES

INDOT's Office of Transit provides financial and technical assistance to 66 public transit systems across the state, which results in support for more than 36 million passenger trips annually. INDOT additionally provides financial assistance to over 100 specialized transportation providers around the state. INDOT's role in the state's public transit system is mainly financial – administering millions of dollars through funds including the Public Mass Transportation Fund (PMTF), Rural Transit Program, Commuter Rail Service Fund and the Specialized Transit Fund.

INDOT considers public transit to be an essential service that supports local and state goals for safety, mobility, economic growth, energy conservation and quality of life.

ASSESSMENT SUMMARY

During the reporting period, Transit shared a boilerplate FTA Title VI Plan with its subgrantees/subrecipients. Transit then reviewed and approved each subgrantees/subrecipients FTA Title VI Plan.

Transits goals for 2013-2014 include:

- Placing an increased emphasis on Title VI and ADA during the grant compliance reviews;
- Providing Title VI and ADA training to relevant staff; and
- Actively engaging in monitoring its subrecipients

12. Real Estate

TITLE VI/ADA LIAISON(S)

Scott Adams- Director of Real Estate

RESPONSIBILITIES

The Real Estate Division is responsible for processing all monetary claim vouchers for land purchases and relocation entitlements. Additionally, the Real Estate Division also provides Property Management Services. The Real Estate Division consists of the following three sections, acquisition, relocation and property management services.

a) Acquisition

During the acquisition process, the Real Estate Division seeks to include women and minority appraisers in the process. As such, INDOT reviews each right of way contract and where subcontracting opportunities exist, INDOT sets a contract goal for DBE right of way agents to be part of the right of way team. The Real Estate Division uses appraisers included on INDOT's pre-qualified Appraiser's List. Furthermore, because right of way service fees are set amounts, there is no discrepancy in fees between the different appraisers no matter their race, gender, income level, etc.

b) Relocation

The Real Estate Division offers each displaced person relocation assistance services to locate a suitable replacement property. Real Estate Division staff and representatives explain relocation services and payments based on each person's eligibility.

c) Property Management Services

During the comparable sales and rental properties process, each agent is required to locate a comparable property based on the Indiana Code (IC), Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), and Code of Federal Regulations (CFR), which meets Functional Equivalent standards. The URA and CFR require that agents provide minority persons reasonable opportunity to relocate to decent, safe and sanitary (DS&S) housing not located in an area of high minority concentration.

ASSESSMENT SUMMARY

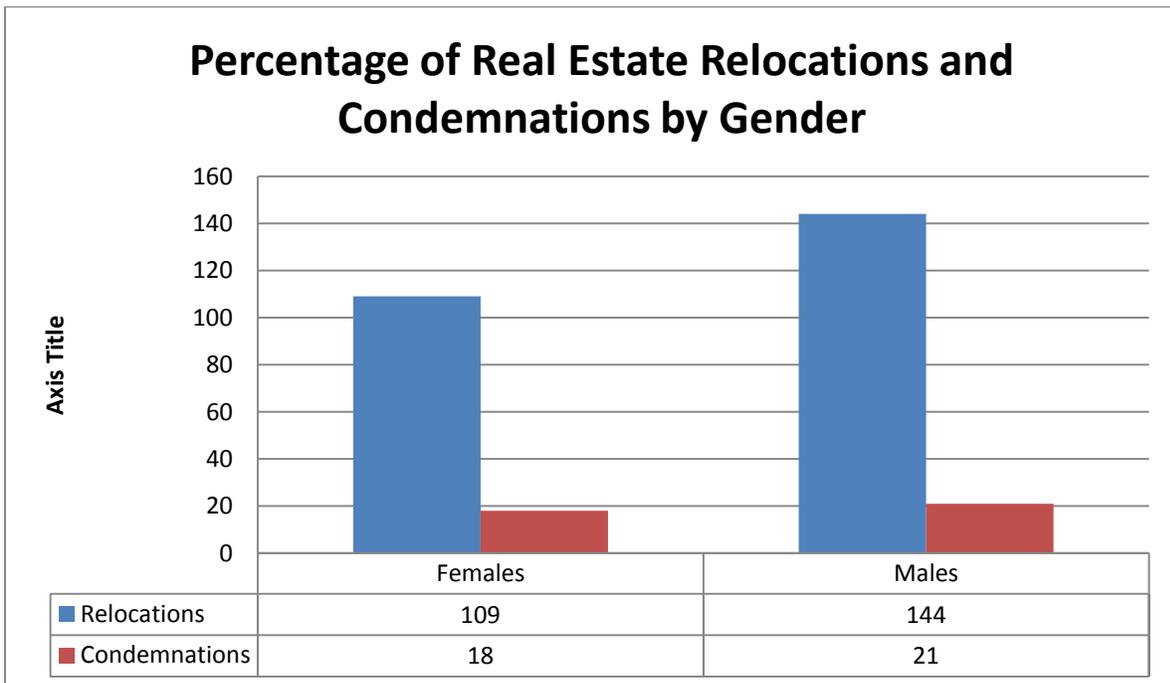
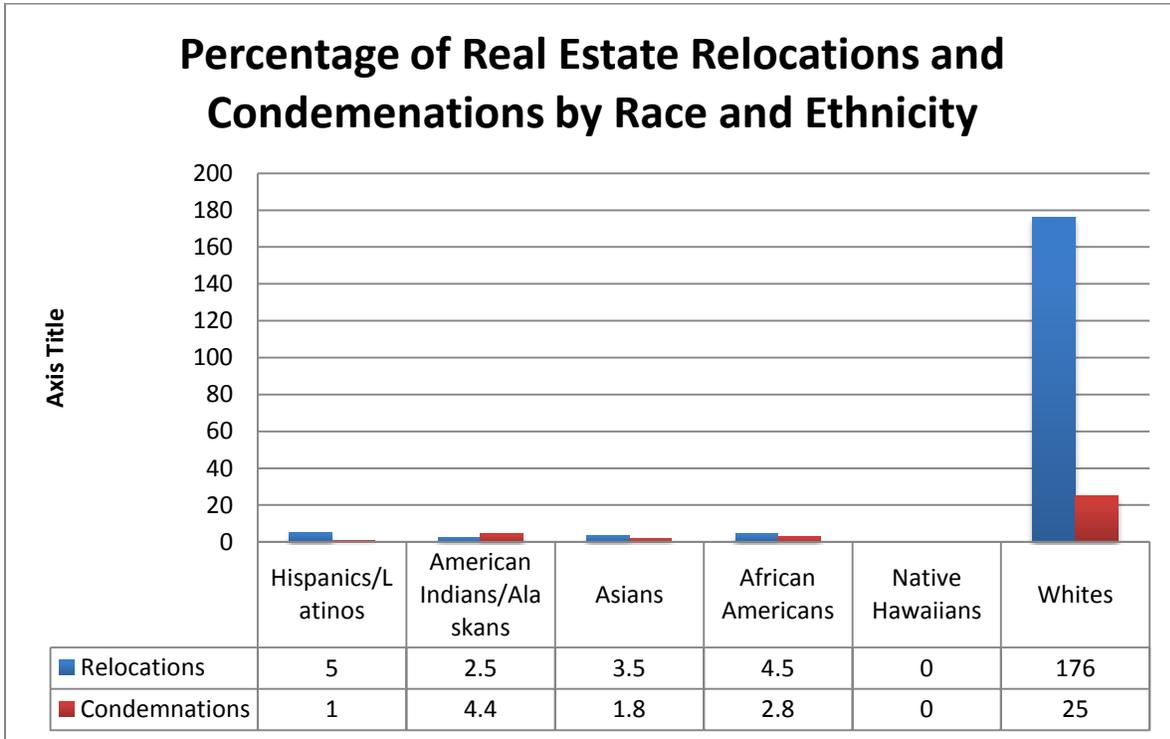
During this reporting period, Real Estate implemented the following:

- A process for collecting Title VI demographic data for all relocations, appraisals and condemnations;
- A process for collecting Title VI demographic data for all appraisers and professional service consultants assigned to projects;
- A procedure for ensuring that all appraisers are assigned based on objective fixed criteria for all projects; and
- A method for documenting and monitoring all requests for language services.

The assessment revealed several areas for improvement. As such, the Real Estate Division's goals for 2013-2014 include:

- Ensuring all constituents are aware of INDOT External Discrimination Complaint Process; and

- Reviewing and analyzing the data collected for patterns and trends that may indicate a disparity in the allocation of burdens and benefits to minorities, women and low income persons impacted by INDOT’s transportation planning projects.



13 Research and Development

TITLE VI/ADA LIAISON(S)

Mary Phillips

RESPONSIBILITIES

The Research and Development Program responsibilities include conducting, overseeing and collaborating in cost-effective transportation research that addresses the needs of INDOT's customers. Additional responsibilities include performing specialized testing; assisting in technology development and identification; and transferring and providing expertise and technical assistance in solving INDOT's transportation problems.

Research and Development is responsible for the delivery of service in the following four areas: (1) Research, Development and Technology Transfer (RDT), (2) Specialized Testing, (3) Forensic Investigations and (4) Technical Training. To help fulfill this responsibility, the research program reaches, in coordination with the Joint Transportation Research Program (JTRP), into Indiana's universities and associations, and Indiana industry and national affiliations for expertise and technical assistance in solving INDOT's transportation challenges.

ASSESSMENT SUMMARY

Research did not attempt to address any of the deficiencies or implement any of the goals recommended in the previous year. The record revealed that the Research Division continues to rely exclusive on its subrecipients to enforce Title VI compliance and neglected to fulfill any of its responsibilities under Title VI, which require it to monitor its subrecipients.

As such, the Research Divisions goals for 2013-2014 are the same as in previous years and include:

- Engaging in aggressive outreach to universities (including minority universities and universities with significant minority student representation) and consultants interested in performing research for INDOT;
- Providing supporting services to universities and consultants interested in performing research for INDOT;
- Developing and implementing a process to conduct Title VI reviews of universities and consultants performing research for INDOT. The process should include the Research Division's direct and personal monitoring of the universities and consultants performing research by an INDOT employee; and
- Implementing a process for ongoing collection of demographic data for all programs and activities that have a significant impact on the public.

J. Subrecipients

Subrecipients include Metropolitan Planning Organizations (MPO's), Local Planning Agencies (LPA's), counties, cities, townships, colleges, universities, consultants, subcontractors and contractors. The sub-recipient may adopt INDOT's Title VI plan and practices or abide by their own. Key responsibilities of the sub-recipient include the following:

- An obligation not to discriminate in its programs, activities or employment practices;
- An obligation to submit an assurance that its programs, activities and facilities will be operated in a nondiscriminatory manner;
- An obligation to cooperate in obtaining voluntary compliance under Title VI;
- An obligation to provide public access to a defined complaint process and a complaint form, to maintain a complaint log, to refer complainants to INDOT when a complaint is against an INDOT sub-recipient and to forward completed complaint investigations lodged against second tier subrecipients to INDOT; and
- An obligation to keep complete and accurate records that clearly show Title VI compliance. Specifically, the sub-recipient is required to collect and make available to INDOT racial and ethnic data clearly showing which members of the minority community are receiving benefits.

VIII. Title VI Compliance Review Process

A. Title VI Technical Assistance Tool Update

INDOT completed the Title VI Technical Assistance Tool using its own best judgment without consultation with the FHWA based on the results of its internal reviews of its core programs. The results of INDOT's internal assessment of its Title VI compliance efforts appear in the table below.

State Transportation Agency (STA) Responsibilities

| A. General: | Yes | No | ? |
|--|----------|----|---|
| 1. Has the STA submitted Title VI nondiscrimination assurances to the Division? (<i>Considerations:</i> within last 5 yrs, 2yrs, or longer) (23 CFR 200.9(a)(1)) | X | | |
| 2. Does the assurance certify that discrimination based on sex is prohibited? (23 CFR 200.9(a)(2)) | X | | |
| 3. Does your assurance include Civil Rights provisions of other Federal statutes that prohibit discrimination? (23 CFR 200.5(p)) | X | | |
| 4. Does the STA have a Civil Rights unit, e.g., an office or department? (<i>Considerations:</i> Are the functions of your Civil Rights implementation delegated?) (23 CFR 200.9(b)(1)) | X | | |
| 5. Is the CR unit adequately staffed to effectively implement the State's CR requirements? (23 CFR 200.9(b)(2)) (<i>Considerations:</i> (a) The meaning of "adequate" is relative to each office with regard to overall staff responsibilities. There is no "magic figure" concerning the number of staff assigned implementation responsibilities. (b) Can your staff, in fact, implement the State's Civil Rights requirements vs. simply knowing what is expected of them as staff?) | X | | |
| 6. Has your STA included in its directives, specific discriminatory practices that are prohibited? (49 CFR 21.5(b)) (<i>Considerations:</i> Do your STA's directives prohibit practices such as, but not limited to: segregation or separate treatment in any part of the program; different standards or requirements for participation; discrimination in any employment resulting from a program?) | X | | |
| B. Implementation: | | | |
| 1. Has the STA designated a Title VI Coordinator or Title VI Specialist? (23 CFR 200.9(b)(1)) | X | | |
| 2. Does the Coordinator/Specialist have easy access to the Head of the STA? (23 CFR 200.9 (b)(1)) (<i>Consideration:</i> With regard to "access": Must the coordinator or specialist obtain permission from his/her supervisor or someone else before talking with the Head of the STA?) | X | | |
| 3. Does the Title VI Coordinator/Specialist have the responsibility to monitor Title VI activities and prepare required reports? (23 CFR 200.9(b)(1)) | X | | |
| 4. Has the STA provided or coordinated Title VI training? (<i>Consideration:</i> within 1-3 yrs, attendees (# and disciplines) (23 CFR 200.9(b)(9)) | X | | |
| 5. Has the Title VI Coordinator/Specialist submitted a Title VI Implementation Plan to the Division Office for approval? (23 CFR 200.9(b)(11)) (<i>Consideration:</i> Federal regulations require an updated State Title VI Implementation Plan every year.) | X | | |
| 6. Has the STA developed Title VI information for dissemination to the general public and, where appropriate, in languages other than English? (23 CFR 200.9a(b)(12)) (<i>Considerations:</i> a -The STA should have a demographic profile of the affected areas to determine this. b - Examples of dissemination vehicles: TV, radio, newspapers, town meetings, flyers, brochures, placement in public areas, etc.) | X | | |
| 7. Has the Title VI Coordinator/Specialist prepared an annual accomplishment report for the past year, and goals for the next year? (23 CFR 200.9(b)(10)) (<i>Note:</i> There is no need for a separate update if the accomplishment report contains one.) | X | | |
| 8. If your STA has received Federal Assistance through continuing State programs, has it established a Title VI compliance program for itself and its sub-recipients? (23 CFR 200.9(b) (5) (6), & (7)). | X | | |

| C. Procedures: | Yes | No | ? |
|---|------------|-----------|----------|
| 1. Has the STA developed procedures for processing and resolving Title VI complaints received directly by the STA? (23 CFR 200.9(b)(3)) | X | | |
| 2. Are the complaints and a copy of the report of investigation forwarded to the Division Office within 60 days of the date the complaint was received by the STA? (23 CFR 200.9(b)(3)) | X | | |
| 3. Does the STA have civil rights personnel trained in compliance investigations? (23 CFR 200.9(b)(3)) (Examples: Programs offered by the Graduate School in the U.S. Department of Agriculture; consultants in the areas of complaints and investigations; FHWA training sessions; or other certified trainers.) | X | | |
| 4. Does the STA have a Title VI log that identifies each Complainant by race, color, sex, or national origin, (23 CFR 200.9(b)(3)), age or disability (23 CFR 200.5 (p)(6)); by recipient; nature of complaint; dates the complaint was filed and the investigation completed; disposition; and other pertinent information? (23 CFR 200.9(b)(3)) | X | | |
| 5. Does the STA have procedures to collect and analyze statistical data (e.g., race, color, sex, national origin) of participants and beneficiaries of the STA programs (i.e., relocatees, impacted citizens, and affected communities)? (23 CFR 200.9(b)(4)) | X | | |
| 6. Has the STA established procedures to identify and eliminate discrimination when found? (23 CFR 200.9(b)(14)) | X | | |
| 7. Has your STA used onsite compliance reviews to discover discriminatory practices? (See DOT Order 1000.12; and in general, 23 CFR 200.9) | X | | |
| 8. Has the STA established procedures for promptly resolving deficiencies and reducing to writing, the remedial action agreed to be necessary, within 90 days? (23 CFR 200.9(b)(15)) | X | | |
| 9. In accordance with the State's signed assurances and regulation guidelines, does the STA take affirmative action to correct deficiencies when found by the FHWA? (23 CFR | X | | |
| 10. Has the STA established procedures for pre-grant and post-grant approval reviews of State programs and applicants for compliance with Title VI requirements (i.e., highway location, design and relocation, persons seeking contracts with the State)? (23 CFR 200.9(b)(13)) | X | | |
| 11. Does your STA take [prompt] action to achieve voluntary compliance as its first objective? (23 CFR 200.11(d)) | X | | |
| 12. Does your STA place an emphasis on community outreach and public education to inform funding recipients of the obligations imposed on them by Title VI? (23 CFR 200.9(b)(12)) | X | | |
| 13. Are Title VI and related requirements included in the applicable State program directives? (23 CFR 200.9(b)(8)) | X | | |
| D. Program Reviews: | Yes | No | ? |
| 1. Has the STA developed a program to conduct Title VI reviews of program areas? (23 CFR 200.9(b)(5)) | X | | |
| 2. Has the STA conducted annual Title VI Reviews of its [major] program areas to determine the effectiveness of program area activities at all levels? (23 CFR 200.9(a)(4)(b)(6)) | X | | |
| 3. Has the STA conducted Title VI reviews of sub-recipients (i.e., cities, counties, consultants, contractors, colleges, universities, MPOs, and other recipients of Federal-aid highway funds)? (23 CFR 200.9(b)(7)) | X | | |

B. Internal Title VI Compliance Reviews

The Title VI/ADA Program Manager will conduct division, district and core program area reviews as needed based on the annual report of Title VI activities and accomplishments submitted by the Title VI Liaisons.

The Title VI/ADA Program Manager will use the following questions to assess Title VI compliance:

- Does the program have a Title VI Liaison assigned?
- Has the Title VI Liaison prepared the required INDOT Title VI annual report?
- Is the program collecting statistical data (e.g. race, national origin, language other than English, gender, disability and age) regarding participants in and beneficiaries of all state programs?
- Are Title VI and related requirements included in all Federal contracts and program directives?

In the event that a division or program area is deficient in its Title VI compliance activities, the Title VI/ADA Program Manager will assist the division or program area in developing an action plan with specific activities, responsible individuals, and due dates to facilitate the full implementation of Title VI compliance. Additionally, the Title VI/ADA Program Manager will provide support and training to ensure program success.

1. Title VI Liaisons

The Title VI/ADA Program Manager will require INDOT's program areas to submit an annual Title VI report by August 30 of each year. The Title VI Liaisons will coordinate gathering this information from their respective divisions and compile the information into a report to which they will submit to the Title VI/ADA Program Manager. The reports will include statistical data regarding the race, color, religion, sex, national origin, income status and LEP of beneficiaries of INDOT programs. Additionally, each report shall include a detailed summary of the division's accomplishments achieved during the year, training attended and goals for the upcoming year.

C. External Title VI Compliance Review Process

1. Purpose

INDOT uses onsite compliance reviews as a tool to monitor Title VI compliance and deter discrimination. INDOT conducts compliance reviews to comply with Title VI, to monitor sub-recipient compliance, and to proactively identify and remedy potential and actual violations of the nondiscrimination laws.

2. Policies and Procedures for Uniform Evaluations of Contractor Compliance Reviews

a) Compliance Review Process

The Title VI/ADA Program Manager conducts Title VI compliance reviews of contractors contemporaneously with the EEO contract compliance reviews. The Title VI/ADA Program Manager requests that the subrecipient under review provide documentation before the scheduled onsite. Then, the Title VI/ADA Program Manager reviews the sub-recipient's responses and during the onsite provides feedback to the sub-recipient. By using this method, the Title VI/ADA Program Manager is able to provide a same day verbal preliminary determination to the sub-recipient.

Each January, the Title VI/ADA Program Manager will identify the contractors subject to review for that calendar year. The Title VI/ADA Program Manager will give priority for conducting reviews to contractors with the greatest potential impact on those groups covered under Title VI. Additionally, the Title VI/ADA Program Manager will select entities for review based on documented specific evidence of an existing or suspected violation.

b) Notifications of Title VI Onsite Compliance Reviews

The Title VI/ADA Program Manager will provide written notice to the contractor of the scheduled onsite compliance review. The Title VI/ADA Program Manager shall mail the notice at least two weeks before the scheduled onsite visit. The notice shall include the date, time and location of the scheduled onsite visit; a copy of a request for information; and notification to the contractor of its obligation to cooperate by providing records, allowing access to data and making staff and witnesses available.

Any person who fails to respond to a notice of onsite compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status. The Title VI/ADA Program Manager shall send the Compliance Review Notice of Deficiency - 5 Day Notice via certified mail. The contractor shall have five calendar days from the date of receipt to respond in writing.

c) Scope of the Compliance Review & Preliminary Preparation

The Title VI/ADA Program Manager reviews INDOT files to determine the nature of the contractor's services, type of federal assistance received, previous compliance reviews, any complaints, lawsuits, self-evaluations, investigations of the contractor and the contractor's response to the request for information to establish the scope of the onsite compliance review.

d) Onsite Review Procedures

The onsite review will consist of three phases conducted by the Title VI/ADA Program Manager or other trained EOD staff. The first phase shall consist of a meeting with leadership and pertinent personnel. The reviewer will interview pertinent personnel and gather sufficient information to determine the sub-recipient's compliance. The reviewer should use the onsite review form to solicit and record information gathered during the onsite interviews.

During the second phase of the onsite compliance review, the reviewer will tour the project site.

In the third and final phase of the onsite review, the reviewer will conduct an exit interview with the pertinent personnel to report preliminary findings, conclusions and recommendations.

e) Conclusion of Onsite Review

1) Preliminary Findings

- a) The reviewer shall provide the contractor with a written report of preliminary findings which shall:
 - i) Document any deficiencies observed and direct the contractor to come into compliance within 30 days or submit a voluntary compliance plan that clearly shows how the contractor plans to come into compliance. INDOT will provide any reasonable assistance necessary for the contractor to develop a compliance plan.

(1) Examples of Deficiencies:

- (a) Title VI Coordinator needs to participate in Title VI training;
- (b) Contracts do not contain nondiscrimination assurance language;
- (c) No method to solicit Disadvantaged Business Enterprises and/or businesses with meaningful minority representation;
- (d) No method to provide services to LEP persons;
- (e) No Title VI complaint log;
- (f) No Title VI complaint and hearing procedure; and
- (g) No method to monitor race, ethnicity and gender of contractors.

(2) Extension of Time

- (a) The entity may request an extension of time to reply. The request must include a reason for a request for a time extension. An entity must submit its requests for an extension in time to reply in writing to the Title VI/ADA Program Manager at least five (5) business days before the prescribed deadline for a response. INDOT may waive the five (5)-business day deadline for good cause at its discretion.

(b) The Title VI/ADA Program Manager has discretion to grant or deny an extension of time based on the circumstances.

(3) Failure to Comply

(a) If the contractor does not voluntarily comply within 30 days of the original notification or by the agreed upon extension of time, INDOT will issue a notice of noncompliance.

(b) If the contractor fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT will issue a noncompliance letter and forward a copy to FHWA.

-Or-

ii) Certify the contractor's compliance.

3. Policies and Procedures for Uniform Evaluations of LPA Pre-Award Compliance Reviews

a) LPA Pre-Award Certification Process

The Pre-Award Certification and Assurance is a self-reporting tool accessible online via the following link: <https://itap.indot.in.gov/>. The purpose of the Annual Pre-Award Certification and Assurances is to monitor LPA compliance with the civil rights laws on an ongoing basis. The Annual Pre-Award Certification and Assurance is an online survey that the LPA completes each year. Due to technical difficulties, INDOT experienced delays in opening the Pre-Award Certification and Assurance to the LPAs. INDOT made the survey available to LPAs on July 15. INDOT continued to experience technical difficulties. INDOT plans to renovate the survey and address the technical issues encountered before the next fiscal year to reduce the number of delays experienced.

The LPA Annual Pre-Award Certification and Assurance outlines the basic requirements to ensure nondiscrimination in LPA transportation projects and is a preview of the process, procedures and policies and that an LPA should follow in the event INDOT's EOD selects the LPA for a compliance review. INDOT will report the information provided in the Annual Title VI Implementation Plan Update and ADA Transition Plan.

The Title VI/ADA Program Manager shall use the information reported as an assessment tool to determine whether an LPA complies with Title VI, the ADA and Section 504. INDOT will analyze the responses and use the information provided to ascertain instances where INDOT may be able to provide technical assistance to help LPAs fulfill their Title VI, ADA and Section 504 obligations and maintain compliance.

b) LPA Review Process

Based on the information received, the Title VI/ADA Program Manager may select LPAs who fail to complete the LPA Annual Pre-Award Certification and Assurance or who are otherwise in noncompliance for an onsite compliance review. In 2013, the Title VI/ADA Program Manager will commence conducting compliance reviews of INDOT's LPAs throughout the state. The Title VI/ADA Program Manager will select a few LPAs for review giving priority to conducting compliance reviews with LPAs who have transportation projects with the greatest potential impact on those groups covered under Title VI, the ADA and Section 504. Additionally, the Title VI/ADA Program Manager will select LPAs for review based on documented specific evidence of existing or suspected noncompliance.

c) Policies and Procedures for Annual Pre-Award Certification Notice and Compliance Reviews

(1) Notification of Annual Pre-Award Certification and Assurance

Each year, the Title VI/ADA Program Manager will send an annual notification to the LPAs via LTAP and to the last known contact registered with ITAP to remind LPAs of their obligation to complete the survey.

(2) Scope of Review of Pre-Award Certification and Assurance

The Title VI/ADA Program Manager shall compare the results of each LPA Pre-Award Certification and Assurance and analyze whether the LPAs responses include evidence of a good faith effort to remedy prior deficiencies.

(3) Notification of Title VI Post Award Compliance Review

The Title VI/ADA Program Manager will provide written notice to the LPA of the scheduled onsite compliance review. The Title VI/ADA Program Manager shall mail the notice of review at least two weeks before the scheduled onsite visit. The notice shall include the date, time and location of the scheduled onsite visit; a copy of a request for information; and notification to the sub-recipient of its obligation to cooperate by providing records, allowing access to data and making staff and witnesses available.

Any person who fails to respond to a notice of onsite compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status. The Title VI/ADA Program Manager shall send the Compliance Review

Notice of Deficiency - 5 Day Notice via certified mail. The LPA shall have five calendar days from the date of receipt to respond in writing.

(4) Scope of the Compliance Review & Preliminary Preparation

The Title VI/ADA Program Manager reviews INDOT files to determine the type of federal assistance received, previous compliance reviews, any complaints, lawsuits, self-evaluations, investigations of the LPA and the LPA's response to the request for information to establish the scope of the onsite compliance review.

(5) Onsite Review Procedures

The Title VI/ADA Program Manager or other trained Economic Opportunity Development (EOD) staff are responsible for conducting the onsite review. The review shall consist of a meeting with leadership and pertinent personnel. The reviewer will interview pertinent personnel and gather sufficient information to determine the LPA's compliance. The reviewer should use the onsite review form to solicit and record information gathered during the onsite interviews. The reviewer will report preliminary findings, conclusions and recommendations.

(6) Conclusion of LPA Onsite Review

2) Preliminary Findings

- a) The reviewer shall provide the LPA with a written report of preliminary findings which shall:
 - i) Document any deficiencies observed and direct the LPA to come into compliance within 30 days or submit a voluntary compliance plan that clearly shows how the sub-recipient plans to come into compliance. INDOT will provide any reasonable assistance necessary for the sub-recipient to develop a compliance plan.

(1) Examples of Deficiencies:

- (a) No method of administration designed to ensure Title VI compliance;
- (b) Title VI Coordinator needs to participate in Title VI training;
- (c) Contracts do not contain nondiscrimination assurance language;
- (d) No public involvement process;
- (e) No method to solicit Disadvantaged Business Enterprises and/or businesses with meaningful minority representation;
- (f) Lack of diversity on decision making transportation boards/commissions;
- (g) No method to provide services to LEP persons;

- (h) No Title VI complaint log;
 - (i) No Title VI complaint and/or hearing procedure; and
 - (j) No method of collecting statistical data of participants in and beneficiaries of programs.
 - (k) No plan for bringing discriminatory programs into compliance.
- (2) Extension of Time
- (a) The LPA may request an extension of time to reply. The request must include a reason for a request for a time extension. An LPA requesting an extension in time to reply shall submit its request in writing to the Title VI/ADA Program Manager at least five (5) business days before the prescribed deadline for a response. INDOT may waive the five (5)-business day deadline for good cause at its discretion.
 - (b) The Title VI/ADA Program Manager has discretion to grant or deny an extension of time based on the circumstances.
- (3) Failure to Comply
- (a) If the LPA does not voluntarily comply within 30 days of the original notification or by the agreed upon extension of time, INDOT will issue a notice of noncompliance.
 - (b) If the LPA fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT will issue a noncompliance letter and forward a copy to FHWA.

-Or-

- ii) Certify the LPAs compliance.

4. Compliance Review Reporting and File Maintenance

INDOT shall maintain a log of all compliance reviews. The Title VI/ADA Program Manager shall update the log periodically when INDOT schedules reviews, sends notifications to a sub-recipient and sends a final report to the FHWA.

Each complete compliance onsite review file should contain the following documentation and evidence before INDOT notifies the sub-recipient of Title VI compliance:

- Title VI Compliance Review Checklist
- Reviewer Name/Title
- Proof of Notification of the Onsite Review

- A copy of the completed request for information with supporting documentation
- A copy of the entity's complaint log
- A copy or description of the sub-recipient's method used to monitor race and gender of contractors
- A copy of the Title VI contract assurance language used in the sub-recipient's contracts
- A copy or description of the method of providing contracting opportunities
- LEP Plan (if applicable)

The Title VI/ADA Program Manager will incorporate data regarding the entities reviewed, total compliance reviews conducted, and number of entities in compliance and noncompliance into the INDOT Title VI Plan Update and Accomplishments and Goals Report.

The EOD shall maintain all records and investigation files in a confidential area and keep records for three years.

IX. External Complaint Process

INDOT will promptly investigate all properly submitted complaints of alleged discrimination. INDOT will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, INDOT will submit its final investigative report to FHWA. INDOT's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination.

A. Complaint Investigation Procedures

The Title VI/ADA Program Manager will make a determination to accept, reject or refer to the appropriate federal/state agency a complaint within seven calendar days of its receipt. INDOT will determine whether the person or entity purportedly engaged in the alleged discriminatory act is an INDOT sub-recipient (the legal entity to which INDOT made a sub-award and which is accountable to the recipient for the use of the funds provided). If the complaint does not specifically mention that the alleged discriminatory actor is an INDOT sub-recipient, INDOT may presume so in deciding whether to accept the complaint for further processing.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its related statutes, regulations and directives; the Americans with Disabilities Act of 1990, as amended; and Section 504 of the Vocational Rehabilitation Act of 1973. These procedures do not affect the right of the Complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant.

INDOT will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. INDOT may exercise the option of informal resolution at any stage of the process. The Title VI/ADA Program Manager will make every effort to pursue a resolution of the complaint.

The Title VI/ADA Program Manager will refer all complaints against INDOT to the FHWA or the appropriate Federal agency.

B. Who May File a Complaint

Any person who believes that he or she has been excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any INDOT service, program or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, religion, ancestry, income status or Limited English Proficiency may file a complaint. A complainant's representative may also file a complaint on behalf of such a person.

C. Timeliness of Complaints

For a complaint against INDOT or a sub-recipient to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. INDOT may waive the 180-day time limit for good cause at its discretion.

The file date of a complaint is the earlier of the postmark or date received by INDOT.

INDOT will determine on a case-by-case basis whether to waive the time limit for good cause. Good cause for a waiver shall include, but is not limited to, the following instances:

- Lack of Knowledge
 - INDOT may waive the time limit in situations where the person on whose behalf the complaint was filed did not know of and could not have reasonably known of the violation during the 180-day time limit. The complainant must file his or her complaint within 60 days of becoming knowledgeable of the violation.
- Incapacitation
 - INDOT may also waive the time limit in situations where the person on whose behalf the complaint was filed was incapacitated because of illness or other incapacitating circumstances. The Complainant must provide independent documentation of the purported incapacitation. The complainant must file his or her complaint within 60 days after the period of incapacity ends.

D. Location/Availability of Complaint Forms

INDOT will make its complaint forms available online via the INDOT website. Additionally, persons may contact the Title VI/ADA Program Manager to request a copy of the complaint form via email, facsimile or United States mail. INDOT's Title VI/ADA Program Manager shall provide copies of its complaint form in alternative formats upon request.

E. How to File a Complaint?

A Complainant may file his or her complaint by mail, facsimile, or email. Any person with a disability may request to file his or her complaint using an alternative format. INDOT will acknowledge complaints received by fax or email and will process them once INDOT establishes the identity of the Complainant. Complainants must mail a signed, original copy of the fax or email transmittal to INDOT to begin the complaint process. INDOT does not require a Complainant to use the INDOT complaint form for submitting his or her complaint.

Direct Title VI complaints to:

Latosha N. Higgins
Title VI/ADA Program Manager
Economic Opportunity Division
Indiana Department of Transportation
100 N. Senate, Room N750
Indianapolis, IN 46204
Lhiggins@indot.in.gov
(317) 234-6142 (Phone)
(317) 233-0891 (Facsimile)

F. Elements of a Complete Complaint

A complete complaint is written and signed. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from the INDOT website at: <http://www.in.gov/indot/2750.htm>.

Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(s) and includes at minimum the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

The following items are not acceptable as a complete complaint unless accompanied by a signed cover letter that specifically requests INDOT take action concerning the allegations:

- Anonymous complaints
- Inquiries seeking advice or information
- Newspaper articles
- Courtesy copies of court pleadings
- Courtesy copies of complaints addressed to other agencies
- Courtesy copies of internal grievances
- Oral complaints

The Title VI/ADA Program Manager shall notify the Complainant in writing if his or her complaint is incomplete and allot 15 calendar days for the Complainant to respond and provide the supplemental information needed to complete the complaint.

G. Processing Complaints

The Title VI/ADA Program Manager will process all complaints. The Title VI/ADA Program Manager is responsible for:

- Maintaining a log of all complaints. The Title VI/ADA Program Manager will note the complaint in the log by sequential case number based on the year, month and order in which INDOT received the complaint. For example, if INDOT received its first complaint on March 4, 2011, the case number would be 2011-03-01.
- Acknowledging receipt of the complaint and informing the Complainant of the action taken or proposed action to be taken to process the complaint in the form of an acknowledgement letter. The acknowledgement letter shall include a restatement of the complaint, brief statement of INDOT's jurisdiction over the sub-recipient, and contact information for the investigator assigned to conduct the investigation.
- Providing written notice of the complaint to the FHWA within 10 working days of receipt of the complaint.
- Forwarding a notice via certified mail to the Respondent informing them of the allegations, requesting a position statement and providing the name and telephone number of the Title VI Program staff person assigned to investigate the complaint.
- Informing the Complainant that he or she has a right: (1) to have a witness or representative present during any interviews and (2) to submit any documentation he or she perceives as relevant to proving the allegations contained in the complaint.
- Providing the Respondent an opportunity to respond to all aspects of the Complainant's allegations.
- Determining which witnesses will be contacted and interviewed.
- Contacting the Complainant at the conclusion of the investigation to provide the Complainant an opportunity to provide additional information before INDOT prepares its final report to be forwarded to FHWA.
- Writing a confidential investigative report (IR) and forwarding a copy of the same to the FHWA. The report shall not be disclosed to the Complainant or Respondent. The report shall include the following:
 - A summary of the written complaint;
 - A brief description of the standard of review/methodology used to investigate the complaint;
 - Summarized statements taken from witnesses;

- Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent’s position;
 - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated; and
 - Proposed corrective action for substantiated cases.
- Drafting a Letter of Findings (LOF) and mailing the LOF to the FHWA, Respondent and Complainant (by certified mail) within 60 calendar days of the date the complaint was received by INDOT. The LOF will include the following:
 - A summary of the written complaint;
 - A brief description of the standard of review/methodology used to investigate the complaint;
 - Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent’s position;
 - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated;
 - Proposed corrective action for substantiated cases; and
 - A notice of the right to appeal to the FHWA with an outline of the procedures for appeal.

H. Corrective Action

If INDOT recommends corrective action, INDOT will give the Respondent 30 calendar days to inform INDOT of the actions taken for compliance. The Title VI/ADA Program Manager shall monitor Respondent’s corrective action compliance.

Corrective action may include actions that the Respondent will complete at a future date after the initial 30 days and must include projected time in which the Respondent will complete the action.

If the Respondent has not taken the recommended corrective action within the 30-day period allowed, INDOT will find the Respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

I. Pre-Investigative/Administrative Closures

It is the general practice of INDOT to investigate all complete complaints; however, INDOT may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and will not be investigated include, but are not limited to, the following:

- Complaints that fail to state a claim or provide any substantial or coherent claim;
- Complaints that are outside the scope of INDOT’s Title VI jurisdiction;

- Untimely complaints filed more than 180 days after the alleged discriminatory acts;
- Complaints voluntarily withdrawn by the Complainant;
- Complaints in which the investigation has been impaired by INDOT's inability to locate the Complainant;
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by INDOT;
- Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by INDOT;
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice or INDOT policy determinations;
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation. In such circumstances, the Complainant should be contacted and advised that their lack of cooperation has hindered the investigation. Furthermore, the Complainant must be advised that continued failure to cooperate may result in an administrative closure of the complaint without further investigation;
- Complaints transferred to another agency for investigation; and
- Complaints where the death of a Complainant makes it impossible to investigate the allegations fully or the death of the Complainant forecloses the possibility of relief because the complaint involved potential relief solely for the Complainant or injured party.

INDOT shall notify Complainants in writing via certified mail when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for the administrative closure.

J. Appeals Procedures

The Complainant has the right to appeal to the FHWA any determination that results in an unsubstantiated claim. INDOT will convey to the Complainant the procedures for filing the appeal to the FHWA along with the Letter of Findings. The procedure for filing an appeal with FHWA is:

- Complainant must submit the appeal in writing to the Title VI/ADA Program Manager within 14 calendar days of receipt of INDOT's Letter of Findings.

- Complainant must cite in the appeal the specific portion(s) of the finding with which the Complainant disagrees and the reason(s) for the disagreement.
- INDOT will forward the appeal and the record within seven calendar days to FHWA for review.
- FHWA has 30 calendar days after the receipt of the appeal to complete its review.
- Written findings of FHWA are then sent to the Complainant and the INDOT Commissioner.

K. Confidentiality

In accordance with DOT Order 1000.12, INDOT shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party the investigator must first obtain Complainant's written permission. Furthermore, INDOT shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party.

L. Records

INDOT's EOD shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation

M. Summary of Complaints Received

INDOT received two complaints and six inquiries during the reporting period. The average case age before closure for each complaint or inquiry received is nine days. The Title VI/ADA Program Manager responded, investigated and closed two of the complaints filed and it was determined that the complaints were unsubstantiated.

One person contacted INDOT twice with concerns to the Title VI/ADA Program Manager.

X. Public Involvement and Outreach

A. Website

INDOT's Title VI/ADA Program Manager shall periodically update the Title VI webpage as needed and provide technical assistance via the website as appropriate.

Pursuant to 23 CFR 200.9(b) (4), INDOT shall collect and analyze statistical information regarding demographics to monitor and ensure nondiscrimination in all of its programs and activities.

B. Data Collection

INDOT uses a voluntary public involvement survey to collect information regarding persons affected by proposed transportation projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status and household income.

INDOT makes voluntary public involvement survey available at all public hearings and meetings. Additionally, the INDOT facilitator of the meeting or hearing is responsible for making an announcement at the beginning and end of the meeting or hearing informing the attendees of the purpose of the survey. The facilitator shall then make a request for the attendees to complete the survey.

INDOT retains completed surveys for three years from the date of the meeting and/or completion of the related project if applicable.

XI. Manuals, Directives and Guidance

INDOT also incorporated Title VI policy and mission statements into its various manuals, which are available online at www.in.gov/indot.

INDOT will continue to develop additional manuals and directives as needed to provide guidance regarding the Title VI Program complaint and compliance procedures. INDOT will make the manuals and directives accessible via intranet and internet where appropriate.

XII. Limited English Proficiency

A. Overview

According to the U.S. Census Bureau 2007-2011 American Community Survey (ACS) data, over the five-year period from 2007-2011, approximately 2.60% of the population in Indiana reported that they speak English less than very well. Furthermore, 20 Indiana counties have populations where more than 2.60% of their total population reported that they speak English less than very well.

In addition, the Census 2010 American Community Survey states that 20.6% of Indiana's population age five years and older speak a language other than English at home. Of that figure, 42.4% indicated that they speak English "less than very well." Moreover, 55.3% of those who speak a language other than English at home speak Spanish or Spanish Creole.

One goal of INDOT's Economic Opportunity Division in implementing and adhering to its Title VI obligations is to improve the accessibility of its programs and activities to eligible Limited English Proficiency (LEP) persons, e.g. those persons who have a limited ability to read, write, speak or understand English.

INDOT continues to strive to improve its data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that INDOT may continue to evaluate the effectiveness of its LEP Implementation Plan.

In 2013, INDOT office of public involvement developed a standard operating procedure that provides for a process to collect and monitor the provision by LEP language services.

INDOT will use a Six-Point LEP Plan as guidance for all of its programs, consultants, contractors and any agents representing INDOT to ensure that LEP persons receive meaningful access to INDOT programs and services.

B. LEP Four Factor Analysis

SCOPE:

The scope of this analysis is limited to a county level evaluation of the 92 counties in Indiana and a review of the proportion of persons who have a limited ability to speak English using the American Community Survey measure of individuals who self-reported that they "*speak English less than very well.*"

METHODOLOGY:

INDOT based its four-factor analysis on the U.S. Census Bureau 2007-2011 American Community Survey (ACS) data.

ANALYSIS:

Factor 1: The number or proportion of LEP persons served or encountered in the eligible service population

Using the American FactFinder website to locate census data, INDOT downloaded information from the table “B16001- Languages Spoken at Home by Ability to Speak English for the Populations 5 Years and Over” and calculated the total percentage of individuals for each county who reported that they spoke English less than very well. INDOT elected to use the information contained in this table for its LEP analysis because it gives the most detailed information available. The ACS uses continuous data collection methods to provide free updates regarding population demographics.

According to the data over the five-year period from 2007-2011, approximately 2.60% of the population in Indiana reported that they speak English less than very well. Furthermore, 20 Indiana counties have populations where more than 2.60% of their total population reported that they speak English less than very well.

The highlighted counties in the table below are locations where the proportion of persons who reported that they spoke English less than very well exceeds the proportion of individuals in Indiana who report that they speak English less than very well.

Proportion of LEP Persons in Indiana's 92 Counties per 2007-2011 ACS

| Location | Estimated Population | Estimated Population that Speaks English Less than Very Well | Percentage Who Speak English Less than Very Well |
|----------------------------|-----------------------------|---|---|
| Indiana (Statewide) | 6,020,973 | 156,396 | 2.60 |
| Allen | 327,249 | 12,637 | 3.86 |
| Bartholomew | 71,292 | 2,785 | 3.91 |
| Benton | 8,203 | 162 | 1.97 |
| Blackford | 12,086 | 14 | 0.12 |
| Boone | 51,818 | 579 | 1.12 |
| Brown | 14,495 | 117 | 0.81 |
| Carroll | 18,898 | 375 | 1.98 |
| Cass | 36,194 | 2,620 | 7.24 |
| Clark | 101,627 | 2,503 | 2.46 |
| Clay County | 25,262 | 93 | 0.37 |
| Clinton | 30,713 | 2,087 | 6.80 |
| Crawford | 10,064 | 28 | 0.28 |
| Daviess | 28,755 | 1,317 | 4.58 |
| Dearborn | 46,756 | 272 | 0.58 |
| Decatur | 23,983 | 135 | 0.56 |
| DeKalb | 39,302 | 390 | 0.99 |
| Delaware | 111,147 | 1,313 | 1.18 |
| Dubois | 39,211 | 1,386 | 3.53 |
| Elkhart | 181,396 | 15,115 | 8.33 |
| Fayette | 22,822 | 162 | 0.71 |
| Floyd | 69,654 | 877 | 1.26 |
| Fountain | 16,223 | 166 | 1.02 |
| Franklin | 21,754 | 126 | 0.58 |
| Fulton | 19,373 | 431 | 2.22 |
| Gibson | 31,230 | 196 | 0.63 |
| Grant | 66,061 | 710 | 1.07 |
| Greene | 31,061 | 112 | 0.36 |
| Hamilton | 247,711 | 6,485 | 2.62 |
| Hancock | 64,850 | 487 | 0.75 |
| Harrison | 36,598 | 168 | 0.46 |

Proportion of LEP Persons in Indiana's 92 Counties per 2007-2011 ACS

| Location | Estimated Population | Estimated Population that Speaks English Less than Very Well | Percentage Who Speak English Less than Very Well |
|-----------------|-----------------------------|---|---|
| Hendricks | 133,166 | 2,079 | 1.56 |
| Henry | 47,478 | 99 | 0.21 |
| Howard | 77,896 | 863 | 1.11 |
| Huntington | 34,935 | 161 | 0.46 |
| Jackson | 39,336 | 1,382 | 3.51 |
| Jasper | 31,048 | 282 | 0.91 |
| Jay | 19,884 | 197 | 0.99 |
| Jefferson | 30,523 | 337 | 1.10 |
| Jennings | 26,560 | 163 | 0.61 |
| Johnson | 128,720 | 1,667 | 1.30 |
| Knox | 36,136 | 370 | 1.02 |
| Kosciusko | 71,767 | 2,559 | 3.57 |
| LaGrange | 33,416 | 4,895 | 14.65 |
| Lake | 461,665 | 22,686 | 4.91 |
| LaPorte | 104,638 | 2,255 | 2.16 |
| Lawrence | 43,550 | 217 | 0.50 |
| Madison | 123,267 | 1,235 | 1.00 |
| Marion | 829,685 | 10,851 | 1.31 |
| Marshall | 43,665 | 2,139 | 4.90 |
| Martin | 9,659 | 55 | 0.57 |
| Miami | 34,747 | 143 | 0.41 |
| Monroe | 129,885 | 4,289 | 3.30 |
| Montgomery | 35,825 | 988 | 2.76 |
| Morgan | 64,584 | 351 | 0.54 |
| Newtown | 13,468 | 203 | 1.51 |
| Noble | 44,088 | 2,332 | 5.29 |
| Ohio | 5,779 | 8 | 0.14 |
| Orange | 18,662 | 214 | 1.15 |
| Owen | 20,408 | 186 | 0.91 |
| Parke | 16,387 | 501 | 3.06 |
| Perry | 18,148 | 97 | 0.53 |
| Pike | 12,152 | 37 | 0.30 |

Proportion of LEP Persons in Indiana's 92 Counties per 2007-2011 ACS

| Location | Estimated Population | Estimated Population that Speaks English Less than Very Well | Percentage Who Speak English Less than Very Well |
|-------------------|-----------------------------|---|---|
| Porter | 153,557 | 2,790 | 1.82 |
| Posey | 24,547 | 145 | 0.59 |
| Pulaski | 12,746 | 55 | 0.43 |
| Putnam | 36,146 | 459 | 1.27 |
| Randolph | 24,725 | 427 | 1.73 |
| Ripley | 26,739 | 247 | 0.92 |
| Rush | 16,465 | 218 | 1.32 |
| Scott | 22,649 | 213 | 0.94 |
| Shelby | 41,564 | 719 | 1.73 |
| Spencer | 19,762 | 357 | 1.81 |
| St. Joseph | 248,839 | 8,000 | 3.21 |
| Starke | 21,868 | 303 | 1.39 |
| Steuben | 32,153 | 417 | 1.30 |
| Sullivan | 20,341 | 252 | 1.24 |
| Switzerland | 9,714 | 184 | 1.89 |
| Tippecanoe | 160,066 | 8,223 | 5.14 |
| Tipton | 15,205 | 137 | 0.90 |
| Union | 7,038 | 26 | 0.37 |
| Vanderburgh | 167,373 | 2,509 | 1.50 |
| Vermillion | 15,406 | 55 | 0.36 |
| Vigo | 101,315 | 1,576 | 1.56 |
| Wabash | 31,086 | 344 | 1.11 |
| Warren | 8,030 | 25 | 0.31 |
| Warrick | 55,244 | 335 | 0.61 |
| Washington | 26,553 | 133 | 0.50 |
| Wayne | 64,624 | 1,308 | 2.02 |
| Wells | 25,950 | 168 | 0.65 |
| White | 23,217 | 741 | 3.19 |
| Whitley | 30,981 | 156 | 0.50 |

Factor 2: The frequency with which LEP individuals encounter INDOT's programs, activities or services

In 2010, INDOT began conducting annual reviews of its core programs, which include an LEP component; however, core program areas have been deficient in collecting and reporting quantitative data regarding language service requests. INDOT will continue to work with its core program directors and managers to improve the data collection methods used so that the agency may conduct a more thorough analysis of the frequency of LEP encounters.

INDOT's goal is to improve its data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that INDOT may continue to evaluate the effectiveness of its LEP Implementation Plan and provide effective communication and meaningful access to its programs and opportunities for LEP populations so they may fully engage in the transportation planning process.

Factor 3: Nature and importance of the programs, activities or services provided by INDOT

The services provided by INDOT are important service that can have great impact on LEP persons. Indiana citizens play a substantial role in shaping the transportation decisions that will affect their communities. Residents rely on the transportation system to move around their communities and through the state for work and pleasure. Visitors rely on the system to reach their destinations and return safely home. Businesses rely on the system to move products and materials. A solid transportation system is one of the top three drivers for economic development. In addition to their reliance on the system to meet transportation needs, all of these users have a stake in transportation decisions because they are taxpayers.

Factor 4: Agency Available Resources

INDOT has the following resources available to provide language services as the need arises in the delivery of its services and programs.

- A six point LEP plan, which is included in INDOT's Title VI Implementation Plan that outlines how INDOT is to provide language assistance to the LEP population
- Two Quantity Purchase Agreements (QPAs) for interpretation services Face-to-Face and Telephonic. QPAs are contracts between the State of Indiana and vendors in which commodities are supplied to Indiana State Agencies on an on-going, as-needed basis. QPAs benefit the state by enabling the state to aggregate its purchases to achieve bulk pricing. INDOT awards QPAs via the competitive bid process. INDOT does not have a QPA for documentation translations. Instead, INDOT obtains document translations on an as needed basis via its traditional procurement process.
- A listing of multilingual employees who have agreed to provide volunteer translation and interpretation services on an as needed basis.

C. INDOT Six-Point LEP Plan

1. Provide Notice to LEP Persons using all means reasonably calculated to provide meaningful access

Some notification ideas include:

- Posting signs in areas where the public is likely to read them.
- Stating in outreach documents (brochures, booklets, pamphlets, flyers) that language services are available.
- Working with community-based organizations to inform LEP persons of the language assistance available.
- Using a telephone voice mail menu in the most common languages encountered.
- Including notices in local newspapers in languages other than English for important events.
- Providing notices on non-English language radio and television stations about the availability of language assistance services for important events.
- Providing presentations and notices at schools and religious organizations for important events or where community involvement is critical.

2. Translate Vital Documents

A document is considered vital if it contains critical information for obtaining services or benefit or is required by law.

INDOT program areas requiring interaction with the public as a daily part of their delivery of services should assess the LEP population and the frequency and importance of contact with LEP persons to ascertain the necessity for translating vital documents. Examples of vital documents that require consideration for translation into Spanish (Indiana's largest LEP population) include the following:

- Emergency transportation information, such as road closures;
- Notices of proposed public hearings regarding proposed transportation plans, projects or changes;
- Notices of reduction, denial or termination of services or benefits;

- Signs in reception areas and other points of initial entry;
- Notices advising LEP persons of free language assistance;
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public;
- Applications or instructions regarding participating in a program or activity or to receive benefits or services; and
- Consent forms.

Whether or not a document (or the information it solicits) is “vital” will depend on the importance of the program, information, encounter or service involved, and the consequence to the LEP person if the information in question is not accurate or received in a timely manner. Where appropriate, program managers are encouraged to create a plan for consistently determining what documents are “vital” to the meaningful access of the LEP populations they serve.

Where program managers are engaged in community outreach efforts as part of their programs and activities, they should regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain critical outreach materials should be translated.

3. Interpretation Services

INDOT recognizes the need for greater oral and written communication with limited and non-English speaking persons located within the state. Central Office and each District office should attempt to identify the language needs within its jurisdiction and current bilingual staff resources to meet those needs.

Best practices suggest that:

- INDOT should develop a listing of local Community-Based Organizations (CBO’s) and other stakeholders that includes the specific language skills available among each CBO’s staff and volunteers.
- When INDOT bilingual staff resources are insufficient to meet language assistance needs, INDOT staff should assist LEP persons in securing volunteer interpretive services from advocacy groups.
- Translations of commonly requested documents, bilingual staff and telephone interpreter services should be made available at locations that are readily accessible to the public, such as information desks, security checkpoints, and on public information telephone lines.

- Programs should not rely on family members or friends to translate or interpret for LEP persons. If the LEP customer insists upon using a friend or family member, it should be allowed only after language services have been offered and refused. Minor children should not be used to interpret, except in emergencies.
- Each INDOT component, program or activity identified as warranting language assistance measures should budget for language services to ensure that adequate resources exist for interpreters, translation and review of documents, and outreach. Notwithstanding any limitations of the current budget, programs should include language assistance resources as items in their future budget requests. Programs should be prepared to justify any failure to request funding for language assistance where the data indicates a need for such assistance.

4. Staff Training

INDOT staff should be properly trained so they know and understand their obligations to provide meaningful access to information and services for LEP persons.

5. Multilingual Staffing

In-house multilingual staffing is a cost-effective way to provide language services to LEP individuals. When needs dictate, bilingual ability should be considered.

Best practices suggest that:

- INDOT create a directory of multilingual staff willing to volunteer their language skills on an as needed basis.
- Bilingual staff should be trained and versed in the standards of the interpreting profession.
- Bilingual staff or contractors should be assessed for bilingual proficiency, interpretation skills and sensitivity to the special confidentiality issues raised by interpreting for others. Individuals providing interpretative services should possess a level of fluency and comprehension appropriate to the specific nature, type and purpose of information at issue. Bilingual staff should be encouraged and enabled to access interpreter and translation training.

D. LEP Volunteers

INDOT distributes a voluntary language survey to all new hires (except for seasonal employees and interns). The Title VI/ADA Program Manager compiles the survey results into a list of LEP volunteers willing to assist when a person with limited English proficiency requires language assistance. The list of volunteers is made available to the customer service center. The Title

VI/ADA Program Manager periodically updates the list when new employees are hired and employees are terminated.

E. Interpretation Services

INDOT has two Quantity Purchase Agreements (QPAs) for interpretation services that supply INDOT's divisions and employees with access to interpreters for 30 languages via face-to-face interpreters and over 180 languages via telephonic services. QPAs are contracts between the State of Indiana and vendors in which commodities are supplied to Indiana State Agencies on an on-going, as-needed basis. QPAs benefit the state by enabling the state to aggregate its purchases to achieve bulk pricing. INDOT awards QPAs via the competitive bid process. INDOT does not have a QPA for documentation translations. Instead, INDOT obtains document translations on an as needed basis via its traditional procurement process.

INDOT's OPI recently developed a standard operating procedure for interpretation and translation services.

F. Summary of Language Services requests 2012-2013

INDOT did not receive any requests or language services during the reporting period.

XIII. Accomplishments

A. Summary of Status of 2013 Goals and Work Plan

DESCRIPTION

Goal: Distribute Title VI Implementation Plan Update internally and externally via web and through district offices and the state library

Target: October

Status: Incomplete (only via web)INDOT distributed he survey to all Title VI/ADA liaisons via the web

Goal: Develop a Pre-Award Certification and Assurance process for reviewing consultants

Target: October 2012

Status: Incomplete

Goal: Collect public involvement data quarterly from core program areas and districts via the INDOT Public Involvement Matrix

Target January 20, 2013
April 20, 2013
July 20, 2013
October 20, 2013

Status: Incomplete –Only one title VI/ADA liaison reported as requested

Goal: Provide Title VI and ADA training in 2013 Road School

Target: March 2012/Tentative

Status: Not completed – INDOT EOD did not participate in road school in 2012

Goal: Meet annually with Title VI/ADA Liaisons

Target: March 2013

Status: Incomplete

Goal: Present Title VI Update to senior management
Target: TBD
Status: Not completed – Senior Management did not grant the requested for the title VI/ADA manager to present.

Goal: Ensure core program areas such as public hearings, environmental services, and the district offices receive targeted Title VI training for all relevant staff
Target: Ongoing
Status: In progress

Goal: Title VI/ADA manager to attend at least one public hearing and/or meeting regarding a proposed transportation project
Target: TBD
Status: Completed

Goal: Present Title VI Compliance workshops to subrecipients
Target: Ongoing
Status: Completed (see Workshops)

Goal: Widely distribute public involvement surveys at all programs and activities that have a significant impact on the public
Target: Ongoing
Status: Ongoing

Goal: Compile a list of all boilerplate contracts used on federal projects and ensure each contains the requisite nondiscrimination language and assurances as appropriate
Target: October 2013
Status: In Progress

B. Community Outreach and Public Education

1. INDOT Website

INDOT updated its website to include its Title VI Assurances and current contact information for the Title VI program staff. The updated website is a comprehensive resource for the construction and consultant community and public.

2. Commercially Useful Function and Title VI Training Program

The EOD scheduled six three-hour workshops on INDOT's Title VI Program DBE program for federal fiscal year 2012-2013. INDOT offers these workshops free of charge. Each component of the workshop is 90 minutes.

TRAINING SITES AND ATTENDANCE

Table 5: 2012 Title VI Training Locations

| Date | Location | Total Attendees |
|------------------------|--|------------------------|
| 10/30/2012 | LaPorte District Office 315 E Boyd Blvd. LaPorte, IN 46352 | 11 |
| 11/27/2012 | Auditorium, Indiana Government Center South, 402 W. Washington St., Indianapolis, IN 46204 | 27 |
| 3/13/2013 | Auditorium, Indiana Government Center South, 402 W. Washington St., Indianapolis, IN 46204 | 163 |
| 4/24/2013 | Bartholomew County Public Library, Conference Room, 536 Fifth Street, Columbus, IN 47201 | 32 |
| 9/18/2013 | Allen County Public Library, Room A, 900 Library Plaza, Fort Wayne, IN 46802 | 35 |
| TOTAL ATTENDEES | | 268 |

TRAINING OBJECTIVES:

The Title VI training session has four objectives:

- To provide a concise overview of Title VI and its related statutes;
- To provide technical assistance to subrecipients regarding their responsibilities to ensure effective Title VI implementation and enforcement;
- To outline INDOT's complaint and compliance process; and
- To provide required training for Title VI Coordinators.

TITLE VI TRAINING COMPONENTS:

- ◆ TITLE VI
 - Authorities
 - Responsibilities (INDOT and Subrecipients)
 - Compliance Review (What to expect during an INDOT onsite review?)
 - Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
 - Authorities
 - Responsibilities (INDOT and Subrecipients)
 - Limited English Proficiency
 - Authorities
 - Responsibilities (INDOT and Subrecipients)
 - Best Practices
 - Environmental Justice
 - Authorities
 - Responsibilities (INDOT and Subrecipients)
 - Complaint Processing and Procedures
 - Compliance Review Process

TARGET AUDIENCE: The target audience includes INDOT personnel, contractors, consultants and LPAs.

TRAINING MATERIALS: Each participant receives a trainee packet containing the following information:

- Presentations from both presenters
- Sample Documents
- An INDOT EOD contact list
- An appendix of relevant legal authorities
- Evaluation Form

REGISTRATION: Participants register online and by telephone. INDOT requires each participant to verify his or her attendance by signing in on a participant roster on the day of training. Additionally, INDOT requires participants to remain for the entire session to receive a letter certifying their attendance at the training. Contractors whom INDOT determined were not in

compliance based on Title VI onsite reviews because of a lack of training received a letter of compliance upon completion of the Title VI training. All attendees receive a follow up thank you letter acknowledging their attendance and participation.

C. Internal Training

The Title VI/ADA Program Manager shall provide regular and comprehensive Title VI training to all INDOT EOD Staff and other personnel as appropriate in addition to its subrecipients.

1. Generalized Training for All New Employees

New employees receive information regarding the purpose of Title VI, INDOT's complaint policy and the INDOT Notice of Nondiscrimination under the ADA and Section 504 during the new employee orientation onboarding process.

Through the onboarding process, all new employees receive information regarding INDOT's responsibilities under Title VI and its related nondiscrimination laws. Additionally, the employees receive a copy of INDOT's Notice of Nondiscrimination under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

2. Training for Managers

The Title VI/ADA Program Manager periodically coordinates with the human resources department to present training to human resources staffers and management regarding their duties under Title VI.

TRAINING OBJECTIVES:

The Title VI training session has three objectives:

- To provide a concise overview of Title VI and its related statutes;
- To inform human resources personnel, supervisors and managers of their duty to ensure effective Title VI implementation and enforcement; and
- To outline INDOT's complaint and compliance process.

TRAINING COMPONENTS:

- TITLE VI
 - Authorities
 - Responsibilities
 - Compliance Reviews
 - Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
 - Authorities
 - Responsibilities
 - Limited English Proficiency
 - Authorities

- Responsibilities
 - Best Practices
- Environmental Justice
 - Authorities
 - Responsibilities (INDOT)
- Complaint Processing and Procedures
- Compliance Review Process

TARGET AUDIENCE: The target audience includes INDOT hiring managers, human resource generalists, supervisors and managers.

TRAINING MATERIALS: Each participant receives a trainee packet containing the following information:

- Presentations from both presenters
- Sample Documents
- Evaluation Form

The Title VI/ADA Program Manager and Human Resources Generalist that conduct the training require each participant to verify his or her attendance by signing in on a participant roster on the day of training. Additionally, participants are required to remain for the entire session to receive a letter certifying their attendance at the training. All attendees receive a follow up thank you letter acknowledging their attendance and participation.

REPORTING: The Title VI/ADA Program Manager maintains a file, which contains the following:

- The name and contact information for all registered attendees
- A sign-in sheet (for actual attendees)
- A copy of training materials used
- All completed evaluation forms

D. Title VI. External Compliance Reviews

1. Contractors

In conjunction with the Contract Compliance team of INDOT's EOD, the Title VI/ADA Program Manager received current contracts for contractors not previously reviewed within the past three years. INDOT selected 20 contractors for onsite reviews.

Onsite review attendees included the EEO Officer for each district where the work was being performed attended the onsite review. INDOT invited the Indiana Division office of FHWA to scheduled onsite reviews.

a) Summary of Contractor Title VI Onsite Compliance Review Results

During this reporting period, INDOT conducted 20 Title VI onsite compliance reviews. The Title VI/ADA Manager conducted the onsite reviews in conjunction with the EOD contract compliance reviews. As in previous years, the following technical deficiencies continued to be common during each of the reviews.

Common deficiencies included the following:

- Absence of a written complaint policy;
- Failure to include Title VI assurances in subcontractor contracts;
- Failure to disseminate a nondiscrimination policy that includes Title VI;
- Failure to include nondiscrimination language in solicitations for bids and quotes;
- Lack of Title VI training for Title VI Coordinators;
- Failure to extend bid solicitations to those companies who may not be DBEs but may have minority and/or female ownership or meaningful representation of females and minorities in its workforce; and
- Failure to document all efforts to solicit bids from minority and female contractors, materials suppliers, etc.

INDOT provided each contractor reviewed a preliminary finding of determination with 30 days to develop a voluntary compliance plan or to demonstrate compliance with Title VI.

2. LPAs

In March 2012, INDOT expanded its external compliance review process by implementing a pre-award certification and assurance process for LPAs using the web based Indiana Technical Application Portal. INDOT continued this process for the 2013 reporting period. INDOT will aggressively contact non-responsive LPAs in order to increase the response numbers. Additionally, INDOT will conduct LPA compliance reviews.

E. Miscellaneous Meetings & Presentations

The Title VI/ADA Program Manager or other EOD representative attended, presented or otherwise participated in the following events and provided information on Title VI compliance during the reporting period.

1. INDOT District Construction Conferences

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|-------------------|--|
| February 5, 2013 | Fort Wayne Construction Conference |
| February 13, 2013 | Seymour District Construction Conference |
| March 12, 2013 | LaPorte District Construction Conference |

March 20, 2013 Greenfield District Construction Conference

The Vincennes District did not host a construction conference during the reporting period.

2. INDOT Open Houses & Public Hearings

July 22, 2013 Ohio River Bridges Open House – Jeffersonville, IN

July 23, 2013 Ohio River Bridges Open House – Louisville, KY \

3. MPO Council Meetings

The MPO council did not include any Title VI items on its agenda during the reporting period

4. Other

November 28, 2012 ADA Training

December 12, 2012 American Traffic Safety Services Association Presentation on ADA and Work Zones

August 12, 2013 Crawfordsville Council Meeting

F. Title VI Coordinator Civil Rights and Professional Development and Training

The Title VI/ADA Program Manager received the following training during the reporting period.

1. Webinars

October 11, 2012 United States Department of Transportation – Federal Transit Administration Environmental Justice Webinar

October 24, 2012 ADA Bunch of the Right People Sitting Around the Table Webinar

November 15, 2012 Title VI Overview Webinar

March 7, 2013 ADA and Architectural Barriers Act Webinar

April 10, 2013 FAQs on the ADA Webinar

April 30, 2013 Rightsizing Streets: Helping Planners and Community Members Webinar

July 11, 2013 Section 508 – Accessible Web Content Webinar,

September 5, 2013 ADA Questions and Answers Webinar

2. Workshops

September 19, 2013 ADA Coordinator Training (Indianapolis, IN)

XIV. 2013-2014 Goals (Annual Work Plan)

| GOAL | TARGET COMPLETION DATE |
|--|---|
| ♦ Distribute Title VI Implementation Plan Update internally and externally via web and through district offices and the state library | December 2013 |
| ♦ Develop a Pre-Award Certification and Assurance process for reviewing consultants | June 2014 |
| ♦ Collect public involvement data quarterly from Office of Public Involvement | January 20, 2014 April 20, 2014 July 20, 2014 October 20, 2014 |
| ♦ Review and revise Title VI/ADA Liaison program | August 2013 |
| ♦ Ensure core program areas such as public hearings, environmental services, and the district offices receive targeted Title VI training for all relevant staff | Ongoing |
| ♦ Attend at least one public hearing and/or meeting regarding a proposed transportation project | TBD |
| ♦ Present Title VI Compliance workshops to subrecipients | Ongoing |
| ♦ Compile a list of all boilerplate contracts used on federal projects and ensure each contains the requisite nondiscrimination language and assurances as appropriate | October 2014 |

XV. Definitions

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| American Indian or Alaska Native | A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment. 62 FR 58782-01 |
| Asian | A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. 62 FR 58782-01 |
| Assurance | A statement of guarantee given in consideration of and for receiving federal-aid. |
| Black or African American | A person having origins in any of the black racial groups of Africa. 62 FR 58782-01 |
| Beneficiary | Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocatees, impacted citizens, communities, etc. 23 CFR § 200.5(b) |
| Complete complaint | A signed written statement that contains the complainant's name and address and describes the alleged discriminatory act in sufficient detail to inform INDOT of the nature and date of the alleged violation of Title VI of the Civil Rights Act of 1964, Section 504 or the ADA. The complainant or an authorized representative of the complainant must sign the complaint. |
| Complainant | The person filing a complaint. |
| Compliance | That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made. 23 CFR §200.5(d) |
| Deficiency status | The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation. 23 CFR §200.5(e) |

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| Discrimination | That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C. 23 CFR §200.5(f). |
| Facility | Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities. 23 CFR 2005(g) |
| Federal assistance | Includes: (1) Grants and loans of Federal funds, (2) The grant or donation of Federal property and interests in property, (3) The detail of Federal personnel, (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) Any Federal agreement, arrangement or other contract, which has, as one of its purposes, the provision of assistance. 23 CFR 200.5(h) |
| Hispanic or Latino | A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. 62 FR 58782-01 |
| Multiracial | Having a biological parent who is of a different race from the other biological parent. ⁴ IC 5-15-5.1-6.5 |
| Native Hawaiian or Other Pacific Islander | A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. 62 FR 58782-01 |

⁴ Pursuant to IC 5-15-5.1-6.5, all forms used by a public agency (as defined by IC 5-14-3-2) to request information on the racial or ethnic identification of a respondent; and that contain an enumeration of racial and ethnic classifications from which the respondent must select a classification must include among the choices the classification multiracial.

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| Noncompliance | A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements. 23 CFR 200.5(i) |
| Persons | Where designation of persons by race, color or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic,” “Asian or Pacific Islander,” or “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis. 23 CFR §200.5(j) |
| Program | Includes any highway, project or activity for the provision of services, financial aid or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient. 23 CFR §200.5(k) |
| Recipient | Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program. 23 CFR § 200.5(n) |
| Respondent | A sub-recipient alleged to be in noncompliance or probably in noncompliance with INDOT’s Title VI Program. |
| Title VI | Title VI of the Civil Rights Act of 1964, as amended. |
| Title VI Program | The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this Part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex or |

national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

- (1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);
- (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 CFR Part 25; Pub.L. 91-646);
- (3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601- 3619);
- (4) 23 U.S.C. 109(h);
- (5) 23 U.S.C. 324;
- (6) Subsequent Federal-Aid Highway Acts and related statutes.
23 CFR §200.5(p)

White

A person having origins in any of the original peoples of Europe, the Middle East or North Africa. 62 FR 58782-01

XVI. Appendix

Some of the language and forms appearing in the appendix were excerpted from the Department of Justice's Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes. (September 1998)

<http://www.justice.gov/crt/cor/Pubs/manuals/complain.php>