
Indiana Department of Transportation

2015 INDOT Title VI Implementation

Plan for FHWA



www.in.gov/indot

INDIANA DEPARTMENT OF TRANSPORTATION

2015 TITLE VI IMPLEMENTATION PLAN

Prepared by:

Erin Hall, J.D.
INDOT Title VI /ADA Coordinator
Economic Opportunity Division
100 North Senate Avenue, Room N750
Indianapolis, Indiana 46204-2216
Phone: (317) 234-6142
Facsimile: (317) 233-0891
Ehall2@Indot.IN.gov

TABLE OF CONTENTS

INTRODUCTION	6
INDOT’S TITLE VI MISSION STATEMENT	6
INDOT’S TITLE VI NON-DISCRIMINATION NOTICE & POLICY	7
TITLE VI ASSURANCES	9
INDOT TITLE VI KEY PLAYERS & RESPONSIBILITIES	15
INDOT TITLE VI ORGANIZATIONAL CHART.....	15
INDOT TITLE VI KEY PLAYERS	16
<i>Commissioner</i>	16
<i>INDOT Deputy Commissioner and Chief Legal Counsel</i>	16
<i>Economic Opportunity Division (EOD) Director</i>	17
<i>Title VI/ADA Program Manager</i>	17
<i>Title VI/ADA Contract Compliance Specialist</i>	18
<i>Title VI/ADA PROGRAM AREA representation</i>	18
2014-15 ANNUAL ASSESSMENT & ACCOMPLISHMENT REPORT	21
2014-15 SUMMARY OF ACCOMPLISHMENTS	23
<i>indot has revised its internal compliance review approach</i>	23
<i>indot has adopted new subrecipient monitoring procedures</i>	24
<i>indot has revised its title vi implementation plan to meet requirements</i>	24
<i>indot has revised and expanded its nondiscrimination training program</i>	24
OVERVIEW OF INDOT’S TITLE VI POLICIES, PRACTICES & PROCEDURES	25
COMPLAINTS OF DISCRIMINATION	25
SUBRECIPIENT COMPLIANCE MONITORING	25
<i>Summary of Subrecipient Compliance in 2014-15:</i>	26
PROGRAM AREA COMPLIANCE MONITORING	27

NONDISCRIMINATION & ACCESSIBILITY TRAINING	27
ENVIRONMENTAL JUSTICE	28
LIMITED ENGLISH PROFICIENCY (LEP)	29
ACCESSIBILITY (ADA)	29
PUBLIC INVOLVEMENT	30
TITLE VI TECHNICAL ASSISTANCE TOOL UPDATE	32
APPENDICES	35
CONTENTS	35
APPENDIX A: INDOT PROGRAM AREAS & DIVISIONS	36
<i>Legal Division</i>	37
<i>Communications</i>	38
<i>Contract Administration</i>	47
<i>Construction Management</i>	49
<i>Environmental</i>	50
<i>District OFFICES</i>	53
<i>TALENT MANAGEMENT & Human Resources</i>	58
<i>Environmental Services Division</i>	60
<i>OPERATIONS & Facilities Management</i>	60
<i>Design Program AREA</i>	64
<i>Human Resources & Recruiting</i>	66
<i>LPA and MPO program area</i>	66
<i>multimodal transportation program areas</i>	69
<i>Real Estate</i>	69
<i>Research and Development</i>	74
<i>Traffic EngineerinG, Maintenance & DEsign</i>	76
APPENDIX B: COMPLIANCE REVIEW PROCEDURES FOR SUBRECIPIENTS	78

<i>External Title VI Compliance Review Process</i>	78
<i>Policies and Procedures for Contractor Compliance Reviews</i>	78
<i>Recordkeeping & Reporting</i>	88
APPENDIX C: EXTERNAL COMPLAINT PROCESS	90
<i>A. Complaint Investigation Procedures</i>	90
<i>B. Who May File a Complaint</i>	91
<i>C. Timeliness of Complaints</i>	91
<i>Location/Availability of Complaint Forms</i>	91
<i>How to File a Complaint?</i>	92
<i>Elements of a Complete Complaint</i>	92
<i>Processing Complaints</i>	93
<i>Corrective Action</i>	95
<i>Pre-Investigative/Administrative Closures</i>	95
<i>Appeals Procedures</i>	96
<i>Confidentiality</i>	97
<i>Records</i>	97
APPENDIX D: INDOT LEP ANALYSIS	98
<i>INDOT's Six-Point LEP Plan</i>	107
APPENDIX E: NONDISCRIMINATION & ACCESSIBILITY TRAINING	110
<i>nondiscrimination & accessibility training materials</i>	111
<i>Generalized Training for All New Employees</i>	112
APPENDIX F: DEFINITIONS	114
<i>general definitions</i>	114
<i>indot program definitions</i>	118
APPENDIX G: ANNUAL TITLE VI PROGRAM WORKBOOK	120
APPENDIX H: FHWA COMPLIANCE REVIEW OF INDOT	121

INTRODUCTION

This Title VI Implementation Plan is a part of the Indiana Department of Transportation's (INDOT) continual and ongoing effort 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 Implementation Plan, INDOT seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.¹

INDOT'S TITLE VI MISSION STATEMENT

INDOT will maintain compliance with Title VI 49 CFR § 26, 23 CFR Part 200; and 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.

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 religion, race, color, sex, sexual orientation, Gender identity, 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.

INDOT'S TITLE VI NON-DISCRIMINATION NOTICE & POLICY

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 conforms 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 INDOT on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. INDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of INDOT to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, INDOT hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

INDOT also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, INDOT will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). INDOT will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever INDOT distributes federal-aid funds to a second-tier subrecipient, INDOT will include Title VI language in all written agreements.

The following individual has been identified as INDOT's Title VI and ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Erin L. Hall, J.D.
INDOT Title VI / ADA Program Manager
IGCN Room 750
100 N. Senate Ave,
Indianapolis, IN 46204
(317) 234-6142
Ehall2@Indot.IN.gog

INDOT affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

TITLE VI ASSURANCES

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 religion, race, color, national origin, sex (23 USC 324), sexual orientation, gender identity,(Executive Order 13672, 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.

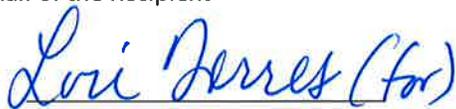
1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed 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 religion, race, color, national origin, sex, sexual orientation, gender identity, 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



Brandye L. Hendrickson,
INDOT Commissioner

Date

9-25-15

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 religion, race, color, national origin, sex, sexual orientation, gender identity, 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 religion, race, color, national origin, sex, sexual orientation, gender identity, 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 religion, race, color, national origin, sex, sexual orientation, gender identity, 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, and 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, religion, race, color, national origin, sex, sexual orientation, gender identity, age, and 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 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.

* 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.

[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]*

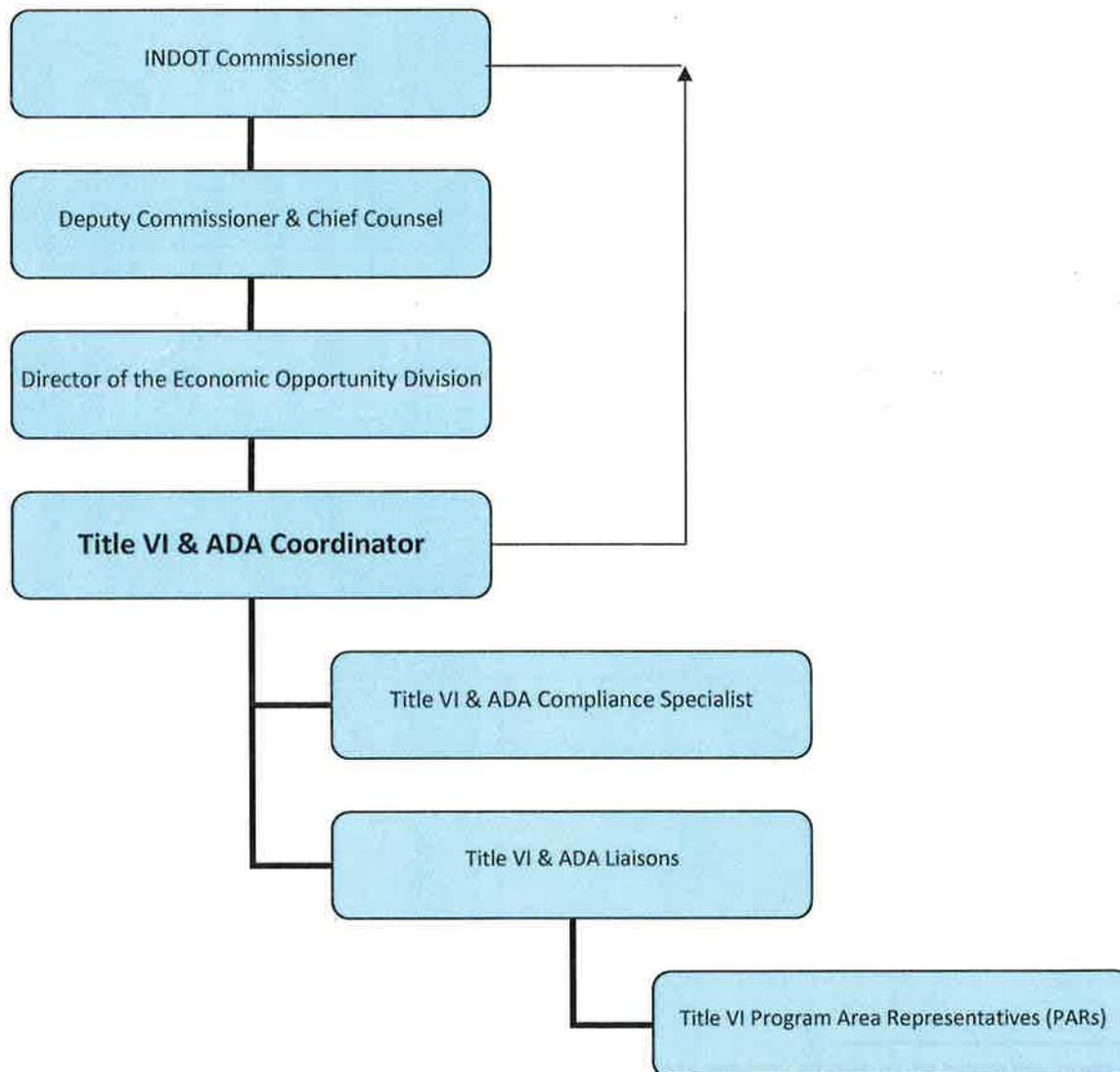
That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

* 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.

INDOT TITLE VI KEY PLAYERS & RESPONSIBILITIES

This section identifies who is responsible for Title VI oversight at INDOT. It demonstrates how Title VI is integrated into INDOT's day-to-day operations and clearly identifies the general responsibilities of key players within the agency. For specific information about employees responsible for each program area, please see [Appendix A](#).

INDOT TITLE VI ORGANIZATIONAL CHART



INDOT TITLE VI KEY PLAYERS

The following are descriptions of the Title VI-related roles of the following INDOT representatives:

COMMISSIONER

The Governor of the State of Indiana appoints INDOT's Commissioner. The Commissioner is responsible for organizing and administering INDOT. Indiana Code § 8-23-2-2

The Commissioner is:

Brandye L. Hendrickson
100 N. Senate Ave., IGCN 755
Indianapolis, IN 46204

INDOT DEPUTY COMMISSIONER AND CHIEF LEGAL COUNSEL

This Deputy Commissioner manages the Economic Opportunity, Contract Administration, Prequalification 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.

The Deputy Commissioner & Chief Legal Counsel is:

Lori Torres, J.D.
100 N. Senate Ave., IGCN 755
Indianapolis, IN 46204

ECONOMIC OPPORTUNITY DIVISION (EOD) DIRECTOR

The Economic Opportunity 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. The Director ensures that INDOT provides appropriate managerial and technical assistance to DBE firms.

The Director of the Economic Opportunity Division (EOD) is:

Elizabeth Kiefner Crawford, J.D.
100 N. Senate Ave., IGCN 755
Indianapolis, IN 46204

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 EOD Director and has independent access to INDOT's Chief Legal Counsel and Commissioner. General responsibilities of the Title VI/ADA Program Manager 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; Developing and implementing INDOT's Limited English Proficiency (LEP) Plan; Coordinating Title VI Program development with program directors, district 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.

The Title VI & ADA Program Manager / Coordinator of the Indiana Department of Transportation (INDOT) is:

Erin L. Hall, J.D.
100 N. Senate Ave., IGCN 755
Indianapolis, IN 46204
(317) 234-6142
Ehall2@Indot.IN.gov

TITLE VI/ADA CONTRACT COMPLIANCE SPECIALIST

The Title VI/ADA Contract Compliance Specialist reports directly to the Title VI/ADA Program Manager and acts as the program's Subrecipient Compliance Review Officer. Specifically, the Title VI/ADA Contract Compliance Specialist is primarily tasked with monitoring INDOT'S oversight of its federal aid subrecipients' compliance efforts by coordinating and conducting desk and field compliance reviews, maintaining program records, and communicating with subrecipients about their compliance efforts and status.

The Title VI & ADA Contract Compliance Specialist is:

Kimberly Radcliff

100 N. Senate Ave., IGCN 755

Indianapolis, IN 46204

(317) 232-0924

Kradcliff@Indot.IN.gov

TITLE VI/ADA PROGRAM AREA REPRESENTATION

INDOT's Program Area Representation is composed of core members from INDOT's program areas including a program area (or District Office) liaison and as many Program Area Representatives as necessary to effectively meet Title VI plan goals and requirements. INDOT's Program Area Representation has a four-part mission:

- To use an interdisciplinary and cross-division workflow 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 all individuals regardless of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income level or limited English proficiency.
- To develop, fully integrate and effectively maintain INDOT's Title VI implementation Plans.

Each year INDOT will evaluate whether or not additional program areas should be included in the Title VI Implementation Plan and, if so, who will serve as a liaison and as program area representatives. INDOT may also eliminate program areas from representation and /or reduce or expand the number of representatives and areas represented to best accomplish agency goals.

DISTRICT & PROGRAM AREA TITLE VI LIAISON RESPONSIBILITIES:

- Foster awareness of INDOT's Title VI program and its requirements by:
 - Ensuring each employee in their program area or district has received Title VI training within the last 2 years, and
 - Ensuring nondiscrimination is periodically a topic for discussion on program area meeting agendas.

- Developing and maintaining division procedures for the collection and analysis of voluntarily-reported statistical data (race, color, national origin, and sex, sexual orientation, gender identity, age, disability, religion, income status or limited English proficiency) of participants in, and beneficiaries of INDOT programs within the program area or district.

- Work with Program Area Representatives to accomplish annual Program Area or District Title VI tasks.

- Participate in an annual agency-wide Title VI liaison conference and schedule quarterly program area or District Title VI meetings (independently or as part of another area meeting) to establish and accomplish annual Title VI goals, inviting the INDOT Title VI Program Manager to attend each quarterly meeting and ensuring minutes are kept for the same.

- Coordinate with the Title VI Program Manager to complete an annual Program Area or District discrimination risk assessment that identifies and prioritizes risk areas and formulates mitigation strategies to be included in the Annual Title VI Implementation plan no later than August 30th annually.

- Ensuring all aspects of their program area's operation occur in a manner consistent with INDOT's nondiscrimination policies and compliant with Title VI and nondiscrimination laws and regulations.

- Title VI Liaisons should also prepare an annual summary of their area's Title VI tasks & accomplishments with supporting documentation and submit the same to the Title VI Program Manager by August 30th on an annual basis.

Current Title VI Liaisons for 2015-16 are identified in [Appendix A](#).

TITLE VI PROGRAM AREA REPRESENTATIVES (PARS)

- Promote awareness of nondiscrimination requirements throughout the day-to-day operation of the program area.
- Assist the Title VI liaison in ensuring all employees in the program area have received Title VI training within the past two years.
- Attend quarterly or other regularly-scheduled program area nondiscrimination meetings as deemed necessary by the liaison. (Nondiscrimination may be an agenda item on meetings that are broader in scope, but copies of the agenda, any meeting minutes, and attendees should be maintained by the PAR or liaison for inclusion in the annual report in evidence of the work accomplished).
- Work with liaisons to accomplish annual Title VI Tasks within the program area.
- If necessary, collect, analyze, and report statistical data (race, color, national origin, and sex, sexual orientation, gender identity, age, disability, religion, income status or limited English proficiency) of participants in, and beneficiaries of INDOT programs within the program area or district.

Current Program Area Representatives for 2015-16 are identified in **Appendix A**.

2014-15 ANNUAL ASSESSMENT & ACCOMPLISHMENT REPORT

This section of INDOT's Title VI Implementation Plan identifies INDOT's focus on nondiscrimination work during the previous program year (October 1 2014- September 30, 2015) and identifies the tasks accomplished toward that focus.

The 2014 annual assessment revealed that INDOT needed to focus on fostering communication between Division Directors and Title VI Program Staff and continue informing and educating 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. In addition, the program areas analyzed and included as liaisons needed to be reevaluated and expanded to include more program areas and more integrated representation within the divisions. More data needs to be collected, analyzed and reported regarding nondiscrimination practices and agency-wide awareness of nondiscrimination requirements must be improved.

In addition to the 2014 INDOT annual assessment, the Federal Highway Administration (FHWA) conducted a compliance review of INDOT in 2014, made observations, and identified deficiencies and recommended actions for INDOT to address to achieve compliance. The deficiencies observed by FHWA in 2014 were:

1. INDOT needs to transition the Internal Compliance Review Approach from a static questionnaire-based approach to an analytical Program Area Review Approach as required by [23 CFR 200.9\(a\)\(4\), \(b\)\(5\), \(b\)\(6\), \(b\) \(9\), & \(b\)\(13\)](#).
2. INDOT needs to develop and implement a Title VI Program risk-based subrecipient monitoring process and include the procedures in the INDOT Title VI Program Implementation Plan. The process should define:
 - How INDOT will prioritize annual subrecipient reviews to be conducted,
 - What form the reviews will take,
 - When to conduct onsite reviews,
 - What documentation will be required from subrecipients,
 - What metrics and parameters will determine compliance, and
 - How the reports will be distributed to subrecipients.

Coordination between INDOT divisions and program areas will be necessary to develop a compliant program. ([23 CFR 200.9 \(b\)\(7\)](#)).

3. INDOT needs to revise the current Title VI Program Implementation Plan to meet the requirements of 23 CFR part 200 and USDOT Order 1050.2A.

Anticipating the arrival of FHWA's compliance review results, INDOT undertook the following agency-wide goals in 2014-15 to prepare to address the deficiencies that would be identified in FHWA's report:

- Train as many INDOT employees as possible during the 2014-15 program year and develop an online training module that would provide a general overview of nondiscrimination requirements for INDOT employees.
- Train as many subrecipients as possible in nondiscrimination and accessibility requirements, dividing the training sessions to make them audience-specific.
- Focus on the LPA division and develop a plan that would integrate the pre-certification survey results and compliance monitoring into the LPA funding decision and project management processes.
- Conduct compliance reviews of LPA subrecipients while continuing to conduct compliance reviews of contractors and consultants.
- Meet and communicate with existing Title VI liaisons to determine appropriate representation for each program area and to provide training and roundtable discussions throughout the year. In addition, to these meetings, move INDOT away from a static survey approach to internal compliance monitoring.

INDOT utilized a workbook to track meeting notes and progress for each task identified for each division in accomplishing these goals. A copy of this workbook can be found in [Appendix G](#). Once INDOT received FHWA's compliance review report and deficiency notice (See [Appendix H](#)), in June, 2015, INDOT took additional steps to address the deficiencies defined therein. This process superseded the tasks and timeframes identified in the workbook as the voluntary compliance agreement (VCAP) had to be developed within ninety (90) days and took priority over scheduled tasks within that timeframe.

These steps included expanding the program areas involved, including additional representation on program area teams by creating program area representatives, developing cross-division teams focused on workflow, and further defining what data needs to be collected and by whom, setting out specific tasks and ownership for each division. In addition, the LPA program area coordinated with the Title VI Program area to develop a policy for subrecipient monitoring that ties nondiscrimination and accessibility compliance to funding eligibility.

Accomplishments for 2014-15 are summarized below but are more fully reflected in the Title VI Program workbook [Appendix G](#) and [Appendix A](#).

2014-15 SUMMARY OF ACCOMPLISHMENTS

The following is a summary of the accomplishments INDOT made in 2014-15 tied to the above FHWA and INDOT goals. For further information please review a copy of the tasks appearing in [Appendix A](#) and the Program Workbook in [Appendix G](#).

INDOT HAS REVISED ITS INTERNAL COMPLIANCE REVIEW APPROACH

INDOT has established establish a network of Title VI representatives within the agency in order to develop procedures for the collection of statistical data (race, color, religion, sex, national origin, etc.) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities. [23 CFR 200.9 \(b\)\(4\)](#).

INDOT's Title VI Program Manager will continue to review INDOT's program areas to identify Liaisons as well as Program Area Representatives (PARs) who are subject matter experts and / or "front line" representatives in their work area. Those program areas already identified are included in [Appendix A](#). In so doing, INDOT will be able to ensure comprehensive Title VI program area representation and integration. This ensures that:

- Every INDOT facility with public access and every program area contains a PAR to ensure nondiscrimination requirements are met, including the training of INDOT staff within the represented area.
- Title VI liaisons will coordinate with their PARs in each work area to ensure appropriate nondiscrimination data is collected and to analyze that data with the assistance of the Title VI Program Manager in order to determine what action the program area should take, if any, to improve nondiscrimination practices and to eliminate discrimination if necessary.
- Sufficient personnel are in place within the agency to accomplish annual work plans and to ensure nondiscrimination practices and policies are adhered to and fully integrated into INDOT operations.

Key program areas have already had teams established and tasks identified and assigned. The current Deficiency Resolution Tasks for each INDOT program area are found in [Appendix A](#). Meeting minutes from each program area and / or district meeting are found in [Appendix G](#).

INDOT HAS ADOPTED NEW SUBRECIPIENT MONITORING PROCEDURES

INDOT has developed and is working towards implementing a Title VI Program risk-based subrecipient monitoring process for all subrecipients, including LPAs, MPOs, contractors, consultants and Universities. The process defines:

- How INDOT will prioritize annual subrecipient reviews to be conducted,
- What form the reviews will take,
- When to conduct onsite reviews,
- What documentation will be required from subrecipients,
- What metrics and parameters will determine compliance, and
- How the reports will be distributed to subrecipients.

These subrecipient monitoring procedures can be found in **Appendix B**.

INDOT HAS REVISED ITS TITLE VI IMPLEMENTATION PLAN TO MEET REQUIREMENTS

This 2014-15 Title VI Implementation Plan meets requirements as it identifies INDOT's Title VI programs and policies, who has Title VI responsibilities at INDOT, what data and information needs to be collected, analyzed and reviewed and who is responsible for collecting, analyzing and reporting that data with specific tasks and timeframes. INDOT is committed to using this data to conduct disparate impact analysis and to determine what changes, if any, it should make to its practices and policies to address any discrimination it identifies. It demonstrates the state of compliance within INDOT and identifies what work remains to be done, how and by whom, thereby meeting the requirements of 23 CFR part 200 and USDOT Order 1050.2A.

INDOT HAS REVISED AND EXPANDED ITS NONDISCRIMINATION TRAINING PROGRAM

INDOT has trained 132 INDOT employees during the 2014-15 program year and developed an online training module that would provide a general overview of nondiscrimination requirements for all INDOT employees. INDOT also identified PARs and liaisons for INDOT program areas to ensure employee training in each program area and facility occurs.

INDOT trained 168 subrecipients in 2014-15 after revising the training materials and dividing the workshops to make them audience specific. INDOT also added two additional workshops to occur throughout the state in 2014-15 for a total of 8 workshops. In 2015-16 INDOT hopes to develop online training resources for subrecipients and is developing new resources for subrecipients to use as they develop their own policies and practices to address discrimination.

More specific information about INDOT's training materials and those who received training can be found below in the overview of INDOT's Title VI Policies, Practices & Procedures subsection on training. The general workshop training materials can also be found in [Appendix E](#).

OVERVIEW OF INDOT'S TITLE VI POLICIES, PRACTICES & PROCEDURES

The following is summary information about policies and procedures related to Title VI with further information contained in the referenced appendices and / or by following the referenced links. Many of INDOT's program area and division policies and manuals contain Title VI and / or nondiscrimination elements. These manuals can be found at www.in.gov/indot.

COMPLAINTS OF DISCRIMINATION

INDOT has a compliant policy for complaints of discrimination related to Title VI and will promptly investigate all properly submitted complaints of alleged discrimination. This policy can be found in [Appendix C](#). 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. INDOT maintains a complaint log for three (3) years of all complaints received.

SUMMARY OF COMPLAINT ACTIVITY IN 2014-15:

INDOT received one complaint during the reporting period. This complaint is not against INDOT directly, but INDOT is responsible for investigating the complaint.

SUBRECIPIENT COMPLIANCE MONITORING

INDOT has policies in place to monitor its subrecipients for compliance with Title VI as required and is putting those policies into practice. Policies for review of contractors and consultants as well as LPAs, MPOs, and University subrecipients can be found in [Appendix B](#). The goal of compliance monitoring is to get all entities and agencies reviewed into compliance with Title VI and other nondiscrimination requirements.

Compliance reviews of contractors and consultants are typically done in conjunction with the contract compliance reviews and amount to approximately 20 reviews per calendar year. LPAs complete a precertification survey annually between June 30 and September 1. This INDOT survey is now used to provide a baseline determination of compliance necessary for determining funding eligibility. In addition, INDOT may conduct risk-based compliance reviews of any subrecipient based upon the risk factors identified in the subrecipient monitoring policies in [Appendix B](#).

Summary of Subrecipient Compliance in 2014-15:

INDOT has reviewed more than 200 subrecipients to date in 2014-15. Of those, 16 were contractors / consultants, and the remainder were LPAs. Twenty (20) of those LPAs were reviewed as part of a joint compliance review with FHWA primarily examining ADA compliance. The remaining LPAs have had a preliminary compliance review conducted based upon their precertification survey responses for both Title VI and ADA compliance. These reviews will continue until all survey respondents have been reviewed, at which time the LPAs will be notified of their deficiencies and given an opportunity to respond and / or submit additional information. A compliance review of Purdue University is being scheduled for fall, 2015.

The following are the results of the 2014-15 subrecipient compliance reviews to date:

CONTRACTOR COMPLIANCE REVIEWS:

Of the sixteen (16) contractors reviewed to date, all were able to come into compliance during the review period with the exception of one subrecipient who was not required to complete the review because they did not participate in the project and were self-removed before the project began. Common deficiencies initially observed during reviews and / or discussed during training continue to be Title VI training for the subrecipient and further subrecipients, workforce utilization reports, and the inclusion of the Title VI assurances in all subcontracts. In addition to these compliance reviews, many contractors brought their Title VI materials to the training workshops for discussion and received input on areas for improvement during those sessions.

LPA COMPLIANCE REVIEWS:

298 LPA annual precertification surveys have been received as of September 1, 2015. Of those, over 200 have been reviewed to determine the level of LPA compliance. Common deficiencies include: failure to include Title VI information on the LPAs website or make it otherwise publically available and failure to develop a Title VI implementation plan. At least 58 of the 200 LPAs reviewed have failed to complete a Title VI implementation plan based upon our initial review of the survey results.

On the upside, most LPAs now have a nondiscrimination policy, grievance procedure and complaint log, and ADA Transition Plan. Based upon the preliminary results, most of the LPAs reviewed will receive a deficiency notice for deficiencies in one or more program areas. The lack of Title VI Implementation Plans are the most common deficiency found so far in 2015.

Pursuant to INDOT's new subrecipient compliance monitoring policy found in [Appendix B](#), noncompliant subrecipients will not be eligible for to apply for additional new funding opportunities via INDOT.

PROGRAM AREA COMPLIANCE MONITORING

INDOT is not exempt from monitoring its own Title VI compliance. In 2015 INDOT expanded its program area representation to include new areas and to identify subject matter experts within each program area and / or facility who would be trained in Title VI and would be responsible for collecting and analyzing Title VI data and / or monitoring employee training and Title VI compliance within their program area or facility. These program area representatives are referred to as PARs. PARs support existing program area liaisons to ensure nondiscrimination requirements are fully integrated into INDOT policies, practices, and day-to-day operations. A complete list of program area representatives (PARs) and liaisons can be found in [Appendix A](#).

NONDISCRIMINATION & ACCESSIBILITY TRAINING

INDOT developed an online training module in 2015 that is available for all INDOT staff via INDOT University. District and Division management can schedule the online course to be available for their staff during a time of year that works for their program area. INDOT also provides audience specific training to subrecipients and INDOT employees. Copies of these training materials are attached in [Appendix E](#).

2014-15 NONDISCRIMINATION & ACCESSIBILITY TRAINING RESULTS:

INDOT scheduled eight (8) audience-specific nondiscrimination and accessibility training sessions during 2014-15, 6 of which will have occurred by October 1. During each of these training sessions, a workshop is held for contractors and consultants, LPAs & MPOs, and INDOT employees.

INDOT also held thirteen (13) program-area specific workshops for INDOT employees in the following program areas: LPA division, Contracts, Environmental, Appraising, Buying, Operations & Maintenance, Legal, Construction, and the Economic Opportunity Division (who piloted the online training module developed for INDOT staff).

The following numbers of individuals received nondiscrimination and accessibility training in 2014-15:

INDOT Employees:	145
INDOT Subrecipients:	
LPAs / MPOs:	151
Contractors :	148

ENVIRONMENTAL JUSTICE

There were 506 projects that were analyzed during this time period for Environmental Justice Analysis. Below is a table representing the level of analysis conducted for projects during the reporting period.

NEPA Documents	Total Projects	No EJ Analysis	Analysis, No EJ Populations	Analysis, EJ Populations, No Disproportionately High and Adverse Impact	Analysis, EJ Populations, Impact Minimized/Avoided	Analysis, EJ Populations, Impact Mitigation
PCE	222	222	N/A	N/A	N/A	N/A
CE-1	180	180	N/A	N/A	N/A	N/A
CE-2	48	17	13	18	0	0
CE-3	14	4	8	2	0	0
CE-4	38	15	8	15	0	0
EA	5	0	3	0	1	1

The types of NEPA documents are more involved as the table descends, thus more analysis is required for each type of report. For PCE and CE-1 reports, no analysis is required as there is no EJ population. At the CE-2 level, there may be an EJ population, but no disproportionate impacts were identified. Only one project during the reporting period had an in depth analysis that identified an EJ population. That project was able to minimize and mitigate the EJ impacts.

In 2015 INDOT's Environmental Justice Program Area team has been expanded to include membership from the Planning and scoping areas. In addition, Environmental Justice has been a topic during other program area meetings, such as the real estate division, with the goal of broadening the awareness and consideration of environmental justice issues beyond the NEPA process. Moving forward the Title VI Program Manager will also receive copies of all EJ analysis and is already participating in EJ discussion on specific projects to ensure compliance.

LIMITED ENGLISH PROFICIENCY (LEP)

One goal of INDOT 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. Training provided to INDOT employees in person or via the online module contains information about LEP requirements. In addition, the communications division has been tasked in 2015 with determining whether or not INDOT can contract for language line services. This consideration is being undertaken between now and December, 2015.

INDOT will use an 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. LEP information is included in INDOT's internal training and customer service staff will track, record, and monitor the number of LEP requests and individuals encountered. "I Speak" Cards are being provided to each district and subdistrict to be used in obtaining this information. For more information on LEP, see [Appendix D](#), INDOT LPE Analysis.

LEP REQUESTS IN 2014-15

INDOT received no requests for language services in 2014-15. INDOT also identified no additional individuals willing to provide language services via its language questionnaires in 2014-15. INDOT has trained many of its front-line individuals (those who answer phones, staff customer service areas, and sit at reception desks) in tracking and responding to requests for language services. This training will be completed in 2015 and INDOT will be able to ensure any requests it does receive are tracked so that INDOT can regularly conduct its four factor analysis of LEP needs.

ACCESSIBILITY (ADA)

In 2015 INDOT updated its ADA Transition Plan, which for the first time included an inventory of its ADA assets, a prioritization schedule for the remediation of those assets, and a budget for the same. Over 60 employees at INDOT from many divisions were involved in completing the ADA asset inventory and prioritization schedule. 7500+ intersections were included in the inventory with 5 million dollars budgeted for ADA remediation starting in 2016. The ADA Transition Plan was submitted to FHWA in June, 2015 and will be posted online and made publically available once approved.

INDOT is currently putting together its program management team for the creation of projects based upon its prioritization schedule and for maintaining its inventory and ensuring it becomes and remains an accurate record for planning and prioritization purposes.

PUBLIC INVOLVEMENT

INDOT has an Office of Public Involvement within its Communications Division. The current Public Hearings Manager in charge of this office is:

Rickie Clark
Public Hearings Manager
Indiana Department of Transportation, IGCN Room 755
100 North Senate Avenue
Indianapolis, IN 46204
(317)232-6601
Rclark@indot.IN.gov

The Office of Public Involvement ensures that there is adequate public participation and input on INDOT policies, projects and planning. During public meetings the Office of Public Involvement disseminates public involvement surveys.

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, race, color, national origin, sex, sexual orientation, gender identity, age, disability status, religion, household income or limited English proficiency.

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. These surveys are retained by the Title VI Program Manager.

PUBLIC INVOLVEMENT IN 2014-15

The number of public involvement surveys received for 2014-15 was 21, primarily from utility coordination training sessions, and reflected the following:

<u>CATEGORY</u>	<u>REPRESENTATION</u>
Gender:	18 male (86%) 3 female (14%)
Ethnicity:	0 Hispanic or Latino (0%) 21 Not Hispanic or Latino (100%)
Race:	1 Black or African American (5%) 20 White (95%)
Age:	11 aged 22-40 (52%) 9 aged 41-65 (43%) 1 aged 65+ (5%)
Disability:	0 represented that they had a disability (0%)
Income:	1 did not respond (5%) 1 represented the income level of \$36,001-\$48,000 (5%) 1 represented the income level of \$24,001-\$36,000 (5%) 18 represented an income level at or above \$60,001 (85%)

During public meetings, attendees are given the opportunity to complete a public involvement survey. Completion rates continue to be poor. INDOT will consider ways to bolster participation in 2015-16. This includes a revision of how the survey is presented during these meetings to communicate its purpose and importance.

INDOT public Policy Manual is currently under revision and due to have a draft completed by December 2015. The current manual can be found online at:

http://www.in.gov/indot/files/PI_PublicInvolvementManual_2012.pdf .

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		

State Transportation Agency (STA) Responsibilities			
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)) (Considerations: 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)) (Note: 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		

APPENDICES

CONTENTS

- Appendix A:** INDOT Program Areas & Divisions
- Appendix B:** Compliance Review Procedures for Subrecipients
- Appendix C:** External Complaint Process
- Appendix D:** INDOT LEP Analysis
- Appendix E:** Nondiscrimination & Accessibility Training Records
- Appendix F:** Definitions
- Appendix G:** Annual Title VI Program Workbook
- Appendix H:** FHWA Compliance Review of INDOT

APPENDIX A: INDOT PROGRAM AREAS & DIVISIONS

GENERAL PROGRAM AREA & DISTRICT OFFICE RESPONSIBILITY MATRIX:

For a definition of a Title VI Liaison and a Program Area Representative (PAR), please see the definitions in **Appendix F**.

<u>Responsibility</u>	<u>Ownership</u>
Serves as primary point of contact for the INDOT Title VI Program Manager.	Liaison
Responsible for ensuring all employees in the Program Area are Trained in Title VI and Nondiscrimination Requirements.	Liaison
Responsible for ensuring discrimination does not occur in the program area.	Liaison & PARs
Responsible for ensuring regular communications occur regarding policies, practices, and issues within the program area between the liaison, PARs and program area staff.	Liaison & PARs
Responsible for identifying and analyzing nondiscrimination data collected in the program area	PARs
Responsible for reporting data collected & analyzed in the program area	Liaison
Responsible for resolving Title VI issues within the program area	Liaison, Title VI Program Manager & PARs
Responsible for developing agency nondiscrimination policies, processing complaints, and reporting on INDOT Title VI compliance.	Title VI Program Manager
Primarily responsible for subrecipient monitoring where subrecipients exist in the Program Area.	Liaisons, PARs, Title VI Compliance Specialist

LEGAL DIVISION

The legal division is responsible for ensuring compliance with the law in all contracts, transaction and interactions while also managing any litigation in which INDOT is involved. No PARs have been identified or determined necessary at this time.

PROGRAM AREA LIAISON & PARS:

Legal Division Title VI Liaison: **Teresa Giller, Attorney**

Legal Division PARs: (none)

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started, to be
<u>Receive Title VI Training</u>	Liaison & PARs (if any)	Completed: July 2015
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Not yet started
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Not yet started

LEGAL DIVISION TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine whether or not PARs are warranted in the legal division (e.g. Litigation, Prequalification & Billboards, Contracts, Policies, etc.)	Liaison	Not yet started
Ensure updated nondiscrimination language (which must now include “Sexual Orientation, Gender Identity, and Religion” has been fully integrated into all INDOT form contracts & agreements.	Liaison	Complete, pending FHWA final approval

COMMUNICATIONS

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 inquires 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.

COMMUNICATIONS - CUSTOMER SERVICE CENTER

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

COMMUNICATIONS - OFFICE OF PUBLIC INVOLVEMENT

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 including Title VI and related non-discrimination laws, rules and regulations. 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 at least 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. The goal of course is to exceed the minimum standards to maintain meaningful and effective levels of public involvement. 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 where to publish legal notices and in what publications on a case-by-case basis to achieve broad and effective public involvement on a non-discriminatory 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.

Collection of Demographic Information

OPI collects 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 includes 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.

Limited English Proficiency Services

The OPI did not receive any language requests during the reporting period. The OPI is currently taking steps to determine whether or not language line services can be obtained by INDOT.

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

The total number of public meetings and/or hearings held since 10/1/14 is 41.

Public Meetings – are meetings held at INDOT’s discretion for any reason and at any time.

Public Hearings – are held during the project development phase and specifically during the NEPA process when the environmental document is being prepared. The hearing must be held before the NEPA document and decision finalized and approved. Also a formal public hearings transcript is required and becomes part of public record.

Project Meetings:

Public Meetings/hearings Dates and total number	Description of Project
<p>October 2014: Fort Wayne District Office 10/15/14 (Allen Co) LaPorte District Office 10/16/14 (LaPorte Co) IGCS Conference Room 5 Indianapolis 10/17/14 (Marion Co) Crawfordsville District (Ivy Tech Crawfordsville) 10/22/14 (Montgomery Co) Greenfield District Office 10/23/14 (Hancock Co) Vincennes District Office 10/30/14 (Knox Co) Genesis Center in Gary, Indiana 10/30/14 (Lake Co) Holiday Inn at Kinser Pike in Bloomington 10/29/14 (Monroe Co) Total number of meetings for Oct.is 8</p>	<ul style="list-style-type: none"> ▪ Storm Water Quality Management Plan meetings to discuss development and implementation of a storm water program under the IDEM implementation of federal storm water rules ▪ INDOT legislative Hearing to discuss proposed rule amendment for roadside signage and visibility requirements ▪ INDOT public hearing regarding Tier 1 Draft Environmental Impact Statement to evaluate passenger rail improvements for the Chicago to Detroit/Pontiac Corridor (partnering Michigan and Illinois DOTs) ▪ I-69 Development Partners and INDOT hold a public open house to meeting with residents for Section 5 (Bloomington to Martinsville) of the I-69 project

<p>November 2014:</p> <p>Seymour District Office 11/6/14 (Jackson Co)</p> <p>West Lafayette, Indiana 11/19/14 (Tippecanoe Co)</p> <p>Total number of meetings is 2</p>	<ul style="list-style-type: none"> ▪ Storm Water Quality Management Plan meetings to discuss development and implementation of a storm water program under the IDEM implementation of federal storm water rules ▪ Public hearing to regarding proposed US 52 Bridge replacement over the Wabash River east of SR 443
<p>December 2014:</p> <p>Jeffersonville, Indiana 12/8/14 (Clark Co)</p> <p>Poland, Indiana 12/9/14 (Clay Co)</p> <p>Goshen, Indiana 12/16/14 (Elkhart Co)</p> <p>3 meetings held in December</p>	<ul style="list-style-type: none"> ▪ Joint public hearing (INDOT / IFA) regarding electronic tolling for Ohio River Bridges / new bridge / East end and Downtown crossing ▪ Public hearing regarding proposed SR 42 Bridge rehabilitation over the Eel River ▪ Public meeting to discuss US 33 Corridor project in Goshen (Northern Connector Project)

Public meetings/hearings	Description of Project
<p>January 2015</p> <p>Wadesville, Indiana 1/7/15 (Vanderburgh Co)</p> <p>Dale, Indiana 1/22/15 (Spencer Co)</p> <p>Bowling Green, Indiana 1/29/15 (Clay Co)</p> <p>Total number of meetings is 3</p>	<ul style="list-style-type: none"> ▪ Public hearing regarding proposed intersection improvement at SR 66 and Rexing Road ▪ Public hearing regarding proposed intersection improvement at US 231 and SR 62 near Dale ▪ Public meeting regarding SR 46 Bridge replacement and proposed relocation project

<p>February 2015</p> <p>South Whitley, Indiana 2/5/2015 (Whitley Co)</p> <p>Tipton County Foundation 2/11/15 (Tipton Co)</p> <p>Cannelton, Indiana 2/26/15 (Perry Co)</p> <p>Total number of meetings is 3</p>	<ul style="list-style-type: none"> ▪ Public hearing regarding SR 5 Bridge rehabilitation over Eel River in South Whitley ▪ Public hearing regarding proposed new interchange on US 31 at SR 28 in Tipton County ▪ Public meeting to discuss proposed improvements to Bob Cummings Lincoln Trail Bridge (SR 237)
<p>March 2015</p> <p>Ivy Tech in Sellersburg, Indiana 3/12/15</p> <p>City of Fishers Auditorium 3/19/15 (Hamilton Co)</p> <p>Fort Wayne District Office 3/24/15 (Allen Co)</p> <p>Westfield Middle School 3/25/15 (Hamilton Co)</p> <p>Jeffersonville, Indiana 3/26/15 (Clark Co)</p> <p>Vincennes District Office 3/31/15 (Knox Co)</p> <p>Total number of meetings held is 6</p>	<ul style="list-style-type: none"> ▪ Public hearing regarding added travel lanes project in Clark County ▪ Public hearing regarding I-69 Added travel lanes with interchange modification in Fishers ▪ Public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program ▪ Public meeting regarding US 31 Hamilton County Corridor project ▪ Joint public hearing INDOT and IFA regarding Preferred Provider to deliver electronic tolling systems for Ohio River Bridges East and Downtown Crossings ▪ Public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

Additional Meetings:

April 2015

4/7/15 Seymour District Office regarding Public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/9/15 LaPorte District Office public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/14/15 Greenfield District Office public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/16/15 Crawfordsville District (Ivy Tech Crawfordsville) public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/27/15 Lafayette, Indiana public meeting regarding I-65 Added Travel lanes project with noise wall construction (Tippecanoe Co)

4/30/15 Dale, Indiana public hearing regarding intersection improvement at US 231 and SR 62 near Dale, IN (Spencer Co)

May 2015

5/11/15 public hearing regarding SR 75 pavement replacement project in Town of Advance in Boone Co

5/18/15 Public meeting regarding I-69 Section 6 (Martinsville to Indy) in Morgan Co

5/19/15 Public meeting regarding I-69 Section 6 (Martinsville to Indy) Johnson Co

June 2015

6/4/15 Seymour District Office public meeting regarding Rumble Striping safety enhancement treatment (Jackson Co)

6/17/15 Public hearing regarding road reconstruction on Old Salem Road in Clark County

July 2015

7/23/15 Public Meeting regarding Ohio River Bridges East End Crossing SR 265 / SR 62 new interchange (Clark Co)

7/28/15 Public hearing regarding US 36 Bridge rehabilitation over Wabash River in Montezuma (Vermillion Co)

August 2015

8/5/15 Public hearing regarding SR 59 bridge replacement over Eel River and proposed relocation in Clay Co

8/13/15 Public meeting regarding US 20 at Waverly Road intersection improvement in Town of Porter, Porter Co

September 2015

9/2/15 Public hearing regarding US 52 proposed road reconstruction in Lafayette, Tippecanoe Co

9/10/15 Public Hearing regarding proposed new interchange construction at I-69 and 106th Street in Fishers / Hamilton Co

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.

PROGRAM AREA LIAISON & PARS

Communication Title VI <u>Liaison</u>:	Rickie Clark, Public Hearings Manager	
Communications <u>PARs</u>:	Executive Communications Director	Linda McGrannahan-Roberson
	Customer Satisfaction Manager	Lisa Wisely
	Website	VACANT**

** Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*

*** Vacant PAR roles shall be covered by the Program Area's Title VI liaison until filled.*

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started.
<u>Receive Title VI Training</u>	Liaison & PARs	Not yet started.
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Not yet started
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Not yet started

COMMUNICATIONS PROGRAM AREA TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Include Title VI / nondiscrimination considerations in the ongoing public policy manual revision	Liaison	Ongoing.
Evaluate whether or not a language line is necessary for INDOT and what further LEP studies should be conducted in 2016 and beyond.	Liaison	Not yet started.
Develop and implement customer service policies and procedures that ensure discrimination does not occur and complaint and Title VI / ADA	Customer Satisfaction Manager PAR	Not yet started.

issues are properly channeled for resolution.

Evaluate the level of compliance of INDOT’s website and identify policy and content changes required to make the website compliance with Title VI and ADA requirements. Accessibility determinations should be cross-referenced in the ADA Transition Plan.

Website PAR (liaison until filled)

This task will not commence until this vacancy has been filled. Status will be updated at the time. This task will not be completed during the VCAP term.

CONTRACT ADMINISTRATION

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, In addition to Title VI compliance. 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. Pre-award contracts contain required Title VI language and post-award contracts also contain the Appendix A Assurances. Contracts are secured using a low-bid protocol for qualified companies regardless of race, color, national origin, religion, sex, sexual orientation, gender identity, disability, income status or limited English proficiency.

PROGRAM AREA LIAISON & PARS

Contracts Title VI Liaison:

Bob Cales, Director of Contract Administration &

Jeff Clanton, Professional Services Contract Manager

Contracts PARs:

Professional Services Heather McIntosh

Construction Mike Beuchel

MIS / technical Services Rose Dunlap

Prequalification* *Mark Tidd*

Contract Compliance*	<i>David Alyea</i>
Title VI Compliance Specialist*	<i>Kimberly Radcliff</i>
Legal*	<i>Theresa Giller</i>

* Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

Task	Ownership	Status
<u>Attend Annual Title VI Program Meeting</u>	Liaisons	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaisons	Initial meeting occurred August 12, 2015. Ongoing.
<u>Receive Title VI Training</u>	Liaisons & PARs (if any)	Completed: April 2015
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaisons	Completed, pending any new hires during the VCAP period.
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaisons	N/A (see above)

CONTRACTS DIVISION TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine what data needs to be collected for both construction and professional services contracts and how to capture that information for evaluation.	Liaisons, PARs	Pending.
Determine how to best communicate our expectations to potential and current contractors / consultants regarding Title VI compliance.	Liaisons & Title VI Compliance Specialist / Program Manager	Ongoing.
Determine what changes, if any need to be made to division policies to improve Title VI compliance	Liaisons	Not yet started.

CONSTRUCTION MANAGEMENT

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 the Title VI Program Manager, as well as EEO Officers when necessary 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.

Construction management will be represented in the Contracting and Design workflows at this time.

ENVIRONMENTAL

PROGRAM AREA LIAISON & PARS

Environmental Title VI Liaison: Ron Bales, NEPA Specialist

Environmental Justice <u>PARs</u>:	Director of the Environmental Division	Laura Hilden
	Director of Asset Management (& Planning)	Roy Nunnally*
	Scoping	Louis Feagans*

** Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.
-

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started.
<u>Receive Title VI Training</u>	Liaison & PARS	Not yet started.

<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Not yet started
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Not yet started

ENVIRONMENTAL DIVISION & ENVIRONMENTAL JUSTICE TASKS:

The goal of the office Environmental Services is to ensure that INDOT identifies and addresses environmental needs during the development process of its projects. Within Environmental Services there are three sections: Cultural Resources, Ecology and Waterway Permitting and Environmental policy. The NEPA process considers environmental justice which is a component of Title VI and the division communicates these analyses to the Title VI Program Manager.

The Environmental Services division has three publications available to consultants and service providers to ensure they are aware of Title VI and ADA requirements. These include the INDOT CE Manual, the INDOT Procedural Manual, and the INDOT Equal Justice Policy. This division monitors compliance through the NEPA process. Requirements are discussed as early as planning stages while purpose and need are being assessed and during kick-off meetings.

Demographic data is collected from the census website for all EA and EIS projects. An environmental justice analysis is required for all EA and EIS projects as part of the NEPA document. This division works hard to ensure that there are not disproportionate and adverse impacts by INDOT projects.

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine a record keeping process for all EJ determinations & improve EJ data collection & analysis	Liaison	Ongoing.
Copy the Title VI Program Manager on all EJ analysis and include the same on meeting invitations to discuss EJ issues.	Liaison	Ongoing.
Expand the awareness and analysis of Environmental Justice issues beyond the NEPA process and into the scoping and planning stages of a project and ensure EJ awareness and monitoring continues through the entirety of each project	Liaison, PARs	Not yet started.

DISTRICT OFFICES

While acting in accordance with polices 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. That being said, INDOT Divisions have representatives in the district who report to and communicate with and through Central office to ensure consistency and a "one INDOT" mentality and operation.

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.

District offices do not have district specific tasks identified at this time. The identification of personnel within each district who will receive Title VI training and provide consideration of Title VI issues throughout district operations will lead to the identification of tasks over time. The identification of liaisons and PARs at the district level demonstrates the level of Title VI integration at INDOT.

The lists of Program Area Representatives (PARs) for the districts are **tentative** and the VCAP period will be used to explore whether or not the proper personnel have been identified. Any changes will be reflected in the 2016 Title VI Implementation Plan.

DISTRICT VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL DISTRICTS:

<u>Task</u>	<u>Ownership</u>		<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	GREENFIELD	TBD
		SEYMOUR	TBD
		VINCENNES	TBD
		CRAWFORDSVILLE	TBD
		LAPORTE	TBD
		FT.WAYNE	TBD
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the District (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	GREENFIELD	Not yet started.
		SEYMOUR	Not yet started.
		VINCENNES	Not yet started.
		CRAWFORDSVILLE	Not yet started.
		LAPORTE	Not yet started.
		FT.WAYNE	Not yet started.
<u>Receive Title VI Training</u>	Liaison & PARs	GREENFIELD	Completed 3/15
		SEYMOUR	Completed 3/15
		VINCENNES	Not yet started.
		CRAWFORDSVILLE	Not yet started.
		LAPORTE	Not yet started.
		FT.WAYNE	Completed 9/17/2015
<u>Report on District Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	GREENFIELD	Not yet started.
		SEYMOUR	Not yet started.
		VINCENNES	Not yet started.
		CRAWFORDSVILLE	Not yet started.

		LAPORTE	Not yet started.
		FT.WAYNE	Not yet started.
<u>Coordinate a training schedule for district employees needing training before December 10, 2015</u>	Liaison	GREENFIELD	Not yet started.
		SEYMOUR	Not yet started.
		VINCENNES	Not yet started.
		CRAWFORDSVILLE	Not yet started.
		LAPORTE	Not yet started.
		FT.WAYNE	Not yet started.
Determine whether or not the correct personnel have been identified as part of the District Title VI representation PARs	Liaison	GREENFIELD	Not yet started.
		SEYMOUR	Not yet started.
		VINCENNES	Not yet started.
		CRAWFORDSVILLE	Not yet started.
		LAPORTE	Not yet started.
		FT.WAYNE	Not yet started.

GREENFIELD DISTRICT LIAISON & PARS

Greenfield District Title VI Liaison: **Jim Poturalski, Greenfield District Deputy Commissioner & Technical Services Director**

Greenfield District <u>PARs</u>:	Technical Services	Jim Poturalski
	Administration	Cindy Parker
	Hvy Equip/Bridge Mnt 3	J.D. Brooks
	Traffic, Highway Maintenance & B&G Highway Maintenance 3	J.D. Brooks / Brenda Smoot
	Construction	Sheri Reed
	Indianapolis Maintenance / Fleet	Terry George / Shelly Ballard

	Greenfield Maintenance / Fleet	Tracy Johnson
	Cambridge City Maintenance / Fleet	Jonna Miller
	Tipton Maintenance / Fleet	Patricia Burkett
	Albany Maintenance / Fleet	Barbara Todd
	Capital Programs	Heather Johnson

SEYMOUR DISTRICT LIAISON & PARS

Seymour District Title VI Liaison: **Jim Ude, Special Projects Engineer**

Seymour District <u>PARs</u>:	Customer Service	Glenda Seal
	Human Resources	Nikki Reynolds
	Technical Services	Jim Ude
	Highway Maintenance	Julie Feltner

VINCENNES DISTRICT LIAISON & PARS

Vincennes District Title VI Liaison: **Ernie Stoops, Capital Programs Manager**

Vincennes District <u>PARs</u>:	Communications	Jason Tiller
	Technical Services Director	Valerie Cockrum
	District Deputy Commissioner	Rusty Fowler

CRAWFORDSVILLE DISTRICT LIAISON & PARS

Crawfordsville District Title VI Liaison: Heather Kennedy, Capital Programs Manager

Crawfordsville District <u>PARs</u>:	Maintenance Director	Larry Vaughn
	Communications Director	Debbie Calder
	Systems Assessment Manager	Bill Smith
	Technical Services Director	Bob Montgomery
	District Deputy Commissioner	Alan Plunkett

LAPORTE DISTRICT LIAISON & PARS

LaPorte District Title VI Liaison: Steven Vanes, Technical Services Asset Engineer

LaPorte District <u>PARs</u>:	Operations Analyst	Katherine Penninga
	Media Relations Director	Doug Moats
	Capital Programs	Amanda Sixbury Edgar Zambrano
	Construction	Katrina Rogan

FT. WAYNE DISTRICT LIAISON & PARS

Ft. Wayne District Title VI Liaison: Jason Kaiser, Technical Services Director

Ft. Wayne District <u>PARs</u>:	Technical Services	Jason Kaiser
	Admin Professional for DDC	Katrise Hawkins
	CPM Project Manager	Russ Hoff
	CPM Right of Way Services	Matt Witt

Manager	
Construction Project Engineer	Terry Olding
Construction Area Engineer	Nate Whitacre
Admin Professional for HMD	Renaye Newsome
Maintenance Buildings and Grounds supervisor	Brian Hill*
Maintenance HT Heavy Equipment Operator	Joe Ortiz*
Tech Services System Assessment Manager	Lew Kreeger
Tech Services Testing HT	Cherilynn Hull

TALENT MANAGEMENT & HUMAN RESOURCES

Effectively managing top talent is critical to INDOT's success. The Talent Management Department enhances the overall training experience by providing access to existing training and logistics assistance for INDOT trainers and provides creative training resources and development opportunities, while building talent pipeline programs to plan for the future and invest in the next generation of talent.

PROGRAM AREA LIAISON & PARS

Talent Management & Human Resources Title VI Liaison: Steve Fanning, INDOT University Manager

Talent Management & Human Resources <u>PARs</u>:	Talent Management Director	Heather Devocelle
	Deputy Commissioner of Human Resources	Kim Pearson
	Human Resources Manager	Angela Roosa

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started, to be
<u>Receive Title VI Training</u>	Liaison & PARs (if any)	Completed via INDOT University Course, June 2015.
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Not yet started
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Not yet started

PROGRAM AREA SPECIFIC TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Develop a workshop and / or guide that explains the distinctions and interrelations of Title VI and Title VII	Human Resources PAR, Liaison & Title VI Program Manager	Not yet Started
Ensure INDOT University is administered in a nondiscriminatory fashion.	Liaison	Not yet started. To commence during the VCAP period but to become an ongoing analysis as program content is developed and deployed.

OPERATIONS & FACILITIES MANAGEMENT

Operations includes oversight of district offices, maintenance and snow removal. 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.)

INDOT has Title VI representatives assigned to every facility with public access and has provided training to its maintenance and operations staff in 2014-15.

PROGRAM AREA LIAISON & PARS

Operations / Maintenance Title VI Liaison: **Todd Shields, Maintenance Field Support Manager**

Operations / Maintenance <u>PARs</u>:	Maintenance Director	Jason Jones
	Subdistrict Representatives	AA6's in each subdistrict (see below)

Subdistrict Title VI PARs for 2015-16:

District	Subdistrict	Last Name	First Name	Position
Crawfordsville	Terre Haute	Powers	Lisa	Admin Asst
Crawfordsville	Crawfordsville	Groves	Brook	Admin Asst
Crawfordsville	Fowler	Stinson	Cathy	Admin Asst
Crawfordsville	Frankfort	Gregory	Amy	Admin Asst
Crawfordsville	Cloverdale	Devyllder	Brenda	Admin Asst
Fort Wayne	Bluffton	Athan	Heather	Admin Asst
Fort Wayne	Fort Wayne	Hart	Jennifer	Admin Asst
Fort Wayne	Wabash	Drudge	Debra	Admin Asst
Fort Wayne	Elkhart	Flutes	Regina	Admin Asst
Greenfield	Indianapolis	Ballard	Shelly	Admin Asst
Greenfield	Greenfield	Johnson	Tracey	Admin Asst
Greenfield	Cambridge City	Miller	Jonna	Admin Asst
Greenfield	Tipton	Burket	Patty	Admin Asst
Greenfield	Albany	Todd	Barbara	Admin Asst

LaPorte	Monticello	Banes	Kim	Admin Asst
LaPorte	Rensselaer	Conley	Neenah	Admin Asst
LaPorte	Gary	Armand	Brenda	Admin Asst
LaPorte	Laporte	Stewart	Jeanie	Admin Asst
LaPorte	Plymouth	Cripe	Terry	Admin Asst
Seymour	Falls City	Brown	Annette	Admin Asst
Seymour	Madison	Gibson	Kay	Admin Asst
Seymour	Aurora	Hartwell	Terri	Admin Asst
Seymour	Columbus	Capes	Katelyn	Admin Asst
Seymour	Bloomington	Galyan	Teresa	Admin Asst
Vincennes	Linton	Farris	Patty	Admin Asst
Vincennes	Vincennes	Martin	Eva	Admin Asst
Vincennes	Evansville	Ward	Brenda	Admin Asst
Vincennes	Tell City	Dougan	Sarah	Admin Asst
Vincennes	Paoli	Newline	Carla	Admin Asst

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started.
<u>Receive Title VI Training</u>	Liaison & PARs	Ongoing.
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Ongoing, 3 districts have been trained.
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Ongoing.

OPERATIONS & MAINTENANCE SPECIFIC TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Evaluate maintenance practices & policies for potential discrimination.</u>	Liaison	Not yet started.
<u>Ensure subcontracting process is non discriminatory.</u>	Liaison, jointly with Contracts Division Professional Services Liaison.	Not yet started.

DESIGN PROGRAM AREA

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. In addition, other program areas such as bridge design, pavement, standards, and right-of-way are integral to the design process that the program area team has been expanded to broaden the representation of this program as reflected within the VCAP document.

PROGRAM AREA LIAISON & PARS

Design Title VI Liaison:

John Wright, Director

Design Process PARs:

ADA TAC Representative	Russ Brittain
Bridges	Greg Klevitsky
Local Project Review	Herb Davis
INDOT Project review	Shariq Husain
INDOT Project design	Elena Veksler
Design Standards	Katherine Smutzer
Right-of-way	Todd Clift*
Utilities	Gail Lee*

** Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started, to be
<u>Receive Title VI Training</u>	Liaison & PARs	Not yet started
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Not yet started
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Not yet started

DESIGN SPECIFIC TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Ensure design standards as currently employed do not result in discrimination and adopt remediation measures if necessary	Liaison, PARs	Not yet started.
Improve awareness of Environmental Justice considerations in design.	Liaison, PARs, Title VI Program Manager	Not yet started.
Identify additional tasks in the program area for 2016.	Liaison, PARs, Title VI Program Manager	Not yet started.

HUMAN RESOURCES & RECRUITING

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 and university outreach including University of Louisville, IUPUI, Rose-Hulman Institute of Technology, Notre Dame, Purdue University, University of Evansville, Tine University, University of Southern Indiana, Valparaiso University, IPFW, Indiana State University, Anderson university, Ball State University, Butler University, Indiana University Bloomington, Kokomo, South Bend, Southeast and Southwest, and Taylor University..

The Division advertises on Careers.in.gov, in.gov, Post Job Free, Zip Recruiter, Facebook, LinkedIn, Twitter, CareerBuilder, Hire a Vet, Indiana Career Connect, Indiana Intern, Internships.com, and with job boards for many of the above universities. It maintains required notices and posters and collects voluntary demographic data to determine the populations being served by the Agency and identify whether the agency is underutilizing women and minorities.

(See the Talent Management Section for PAR and Liaison designation & tasks)

LPA AND MPO PROGRAM AREA

The LPA/MPO Division assists Local Public Agencies (LPA) and Metropolitan Planning Organizations (MPO) in carrying out local transportation projects. It also assists the Title VI and ADA Program Manager in training, certification and oversight of LPA/MPO compliance. The capital programs division oversees construction and management of the local projects.

The Division successfully implemented the LPA Annual Pre-Award Certification and Assurance surveys and is now utilizing this information to determine eligibility for funding. They communicate Title VI and ADA training opportunities to LPA and MPO subrecipients and have included this information as part of ERC training sessions hosted by the program area. LPAs who are not compliant with Title VI and ADA requirements will not be eligible to receive funding for future projects.

PROGRAM AREA LIAISON & PARS

LPA Program Title VI Liaison:

Michael Cales, ITAP Administrator

LPA Program PARS:	Training	Vacant
	Funding & Contracts	Stephani Vermillion
	Policy & Guidance	Brenda Fox
	Project Support*	<i>Trevor Mills, Director of Project Support</i>
	Grant Administrator	Ann Bishop
	Newsletter & Communications	Jennifer Beck
	Division Director	Kathy Eaton-McKalip
	Title VI Compliance Specialist*	Kimberly Radcliff

** Members of other divisions / program areas who may be a necessary part of this workflow.*

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Initial meeting occurred August 6, 2015. Ongoing.

<u>Receive Title VI Training</u>	Liaison & PARs	Completed: Fall 2014
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Completed, pending any new hires during the VCAP period.
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	N/A (see above)

LPA SUBRECIPIENT MONITORING PROGRAM TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Adopt and implement subrecipient monitoring procedures defined in this VCAP.</u>	Liaison, PARs	In Process, initial desk reviews are underway.
Make any necessary modifications to these subrecipient monitoring procedures during the VCAP period	Liaison, PARs, Title VI Program Manager	Pending
Include Title VI Training as part of the ERC training	LPA Division Training PAR <i>(liaison if vacant)</i>	Pending complete integration.

MULTIMODAL TRANSPORTATION PROGRAM AREAS

INDOT's office of transit has its own Title VI Implementation plan that is provided to FTA. Transit has been included in INDOT's FHWA Implementation plan, however, moving forward, INDOT would refer FHWA and the public to transit's plan for Title VI information beyond general information. For the purposes of this plan, INDOT is broadening the scope of its multimodal team to include representation from all areas of the division (including freight & rail) to ensure adequate training of employees and awareness of nondiscrimination requirements exists.

INDOT's Office of Transit provides financial and technical assistance to 64 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.

REAL ESTATE

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 (buying and condemnation), relocation and property management services.

ACQUISITION

During the acquisition process, the Real Estate Division seeks to include all persons regardless of race, color, national origin, age, sex, sexual orientation, gender identity, disability, religion, income status or limited English proficiency 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.

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.

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.

When INDOT hires appraisers and brokers or any other consultant involved in the real estate division's work, equal opportunity is the protocol. All interested parties must apply through the pre-qualification process.

The report on the following page summarizes the information gathered during the reporting period.

VI/ADA Reporting Information

Date: 09/02/2015 12:33:04PM

Dates: 10/01/2014 through 09/31/2015

The information is a count for each criterion below during the requested reporting period.

	Appraisers	APA Appraisers	Reviewer Appraisers	Field Check Reviewer
Appraisers:	501	488	591	26
DBE Appraisers:	13	12	65	0
MBE Appraisers:	66	32	116	0
WBE Appraisers:	0	0	0	0
Current number of Appraisers on the approved appraiser list:			123	
Current number of DBEs on the approved appraiser list:			11	
Current number of WBEs on the approved appraiser list:			9	
Current number of MBEs on the approved appraiser list:			3	
Condemnations:			54	
Relocations:			86	
Negotiations:			613	

The following information pertains to relocations.

	Sum of Count	Declined
Hispanics or Latinos	16	1
American Indian or Alaskan Natives	0	1
Asians	0	1
Blacks or African Americans	1	1
Native Hawaiians or Other Pacific Islanders	0	1
Whites	82	1
Females	42	1
Males	51	1
Multiracial or Other	10	1
Age Count <= 21	28	2
Age Count 22-40	31	2
Age Count 41-65	26	2
Age Count > 65	6	2

	Yes	No	N/A
Low Income	23	27	4
Limited English Proficiency	8	32	1
Disability	10	31	0

Displacee chose not to respond to request for information: 41

PROGRAM AREA LIAISON & PARS

Real Estate Division Title VI Liaison: **Todd Clift, Real Estate Support Manager**

Real Estate Division <u>PARs</u>:	Appraising	Jim Crall
	Relocation	Todd Clift
	Buying	Todd Clift
	LPAs*	Todd Clift
	LRS Technical Services	Lora Woods

** LPA PAR may be asked to participate in LPA Program Area issues as necessary.*

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started, to be
<u>Receive Title VI Training</u>	Liaison & PARs (if any)	Pending, some employees have received training in 2015. Scheduled for 10/7/2015.
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Not yet started

<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Not yet started
--	---------	-----------------

REAL ESTATE DIVISION TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine what nondiscrimination data should be collected during the appraising, buying, and condemnation processes and develop a mechanism in LRS to capture the data.	Liaison & PARs	Data is already being collected in LRS for relocations. This process may be mirrored in the other program areas once the Liaison has verified with the Title VI Program Manager that sufficient information is being collected.
Establish policies and procedures for the collection of the above nondiscrimination data into LRS	Liaison & PARs	Not yet started. <i>This evaluation should comment prior to December 14, 2015 with a clear schedule developed, but may not be completed within that timeframe.</i>
Evaluate how appraisers are selected for assignment and ensure no discrimination results from the practices employed.	Appraising PAR	Not yet started. <i>This evaluation should comment prior to December 14, 2015 with a clear schedule developed, but may not be completed within that timeframe.</i>
Evaluate how buyers are selected for assignment and ensure no discrimination results from the practices employed.	Buying PAR	Not yet started. <i>This evaluation should comment prior to December 14, 2015 with a clear schedule developed, but may not be completed within that timeframe.</i>

RESEARCH AND DEVELOPMENT

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.

University subrecipients will be monitored by the Research Division and the Title VI compliance specialist and a compliance review of the primary university subrecipient, Purdue University, will be conducted in the fall of 2015.

PROGRAM AREA LIAISON & PARS

Research Division Title VI Liaison:

Mary Phillips, Business Administrator

Research Division PARs:

Director	Barry Partridge
JTRP Office	Debbie Horton
(Additional PARS TBD)	(pending)
Title VI Compliance Specialist*	Kimberly Radcliff

** Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started.
<u>Receive Title VI Training</u>	Liaison & PARs (if any)	Not yet started.
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Pending.
<u>Coordinate a training schedule for program area employees needing training before December 10, 2015</u>	Liaison	Pending.

RESEARCH DIVISION SPECIFIC TASKS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Participate in and facilitate a compliance review of Purdue University	Liaison	(TBD, fall 2015)
Evaluate the selection of research institutions for projects for discrimination and to determine how subrecipients will be selected for compliance reviews	Liaison, Title VI Compliance Specialist, Title VI Program Manager	Not yet started.

TRAFFIC ENGINEERING, MAINTENANCE & DESIGN

This program area was recently added to INDOT's Title VI workflow to ensure discrimination does not result from INDOT's traffic signal and traffic maintenance installation or operation.

PROGRAM AREA LIAISON & PARS

Traffic Programs Title VI Liaison: Brad Steckler, Director of Traffic Engineering

Traffic Programs <u>PARs</u>:	Corridor Development	Karl Leet
	Traffic Administration	Lalit Garg
	Traffic Safety	Kevin Knoke

VCAP TERM TASKS & OWNERSHIP

- The VCAP term expires December 14, 2015.
- All tasks identified below shall be completed by **December 14, 2015** unless another specific date is provided.

GENERAL TASKS APPLICABLE TO ALL PROGRAM AREAS:

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
<u>Attend Annual Title VI Program Meeting</u>	Liaison	(TBD, fall 2015)
<u>Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)</u>	Liaison	Not yet started.
<u>Receive Title VI Training</u>	Liaison & PARs	Not yet started.
<u>Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015</u>	Liaison	Report provided to Title VI Program Manager 8/21/2015

Coordinate a training schedule for program area employees needing training before December 10, 2015

Liaison

Pending.

TRAFFIC PROGRAMS SPECIFIC TASKS:

Task	Ownership	Status
Ensure copies of all APS studies are provided to the Title VI / ADA Program Manager	Liaison	Ongoing. Meeting held July 28, 2015 to establish this practice.
Revise APS form to allow for more room to explain denials	Liaison (until delegated)	Not yet started.
Submit copies of all APS denials to the ADA Technical Advisory Committee for review to ensure adequate documentation & explanation.	Liaison (until delegated)	Ongoing. Meeting held July 28, 2015 to establish this practice.
Determine whether or not any data needs to be collected and analyzed for Title VI compliance	Liaison, PARs	Not yet started.

APPENDIX B: COMPLIANCE REVIEW PROCEDURES FOR SUBRECIPIENTS

EXTERNAL TITLE VI COMPLIANCE REVIEW PROCESS

INDOT has historically used 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 recipient and sub-recipient compliance, and to proactively identify and remedy potential and actual violations of the nondiscrimination laws.

POLICIES AND PROCEDURES FOR CONTRACTOR COMPLIANCE REVIEWS

The Title VI/ADA Program Manager has historically conducted Title VI compliance reviews of contractors contemporaneously with the EEO contract compliance reviews. Our reviews are done separately with a Title VI review notice sent out and a separate set of questions, data analysis and a separate compliance determination. 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 has been able to provide a same day verbal preliminary determination to the sub-recipient.

CONTRACTOR / CONSULTANT COMPLIANCE REVIEW PROCESS

1. The economic opportunity division provides written notice to the contractor of the scheduled compliance review which usually occurs in conjunction with the contract compliance review. This notice is mailed at least thirty (30) days before the submission of information is due and includes the due date, address, and required information and / or certifications; and notification to the contractor of its obligation to cooperate by providing records, allowing access to data and making staff and witnesses available.
2. Any person who fails to respond to a notice of 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 or Compliance Specialist shall send the Compliance Review Notice of Deficiency via certified mail. The subrecipient then has five (5) calendar days from the date of receipt to respond in writing.
3. Information received from the contractor / consultant is desk reviewed by the Title VI Compliance Specialist and a telephone call is scheduled to discuss preliminary deficiencies observed and to request additional information as necessary. An on-site visit may or may not be

scheduled and conducting onsite evaluations is at the discretion of the Title VI Compliance Manager and Program Manager.

4. Where conducted, the onsite reviews consist of three phases conducted by the Title VI/ADA Program Manager, Compliance Specialist, 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 uses the onsite review form to solicit and record information gathered during the onsite interviews. The Contractor's contract with INDOT requires the contractor to monitor its subrecipients and to include the assurances in its subcontracts.

During the second phase of the onsite compliance review, the reviewer may tour the project site and interview personnel and subrecipients if this is necessary due to the nature of the project or the deficiency. 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.

5. Preliminary Findings – Following the conclusion of the desk review and / or onsite review, the reviewer shall provide the contractor with a written report of preliminary findings which shall:
 - Document any deficiencies observed and direct the contractor to come into compliance within 30 days. Any deficiency which cannot possibly be resolved within 30 days shall be reflected in a compliance plan submitted to INDOT for approval within 30 days and shall include dates by which compliance will be achieved. In addition, it is the contractor's responsibility to notify INDOT that it has achieved its approved compliance plan goals. Failure to provide such notice may place the contractor or consultant in deficiency status.

Examples of Title VI Deficiencies:

- Title VI Coordinator needs to participate in Title VI training;
 - Contracts do not contain nondiscrimination assurance language;
 - No method to solicit Disadvantaged Business Enterprises and/or businesses with meaningful minority representation; and beyond that, to solicit participation from the broader scope of Title VI protected individuals regardless of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income status, and limited English proficiency.
 - No method to provide services to LEP persons;
 - No Title VI complaint log;
 - No Title VI complaint and hearing procedure; and
 - No method to monitor race, ethnicity and gender of contractors.
- Failure to Comply: 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. 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.

6. Following the expiration of 30 days, INDOT will either:
 - Certify the contractor's compliance, or
 - Issue a notice of noncompliance.

Copies of all notices will be provided to FHWA.

LPA SUBRECIPIENT MONITORING PROCESSES

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.

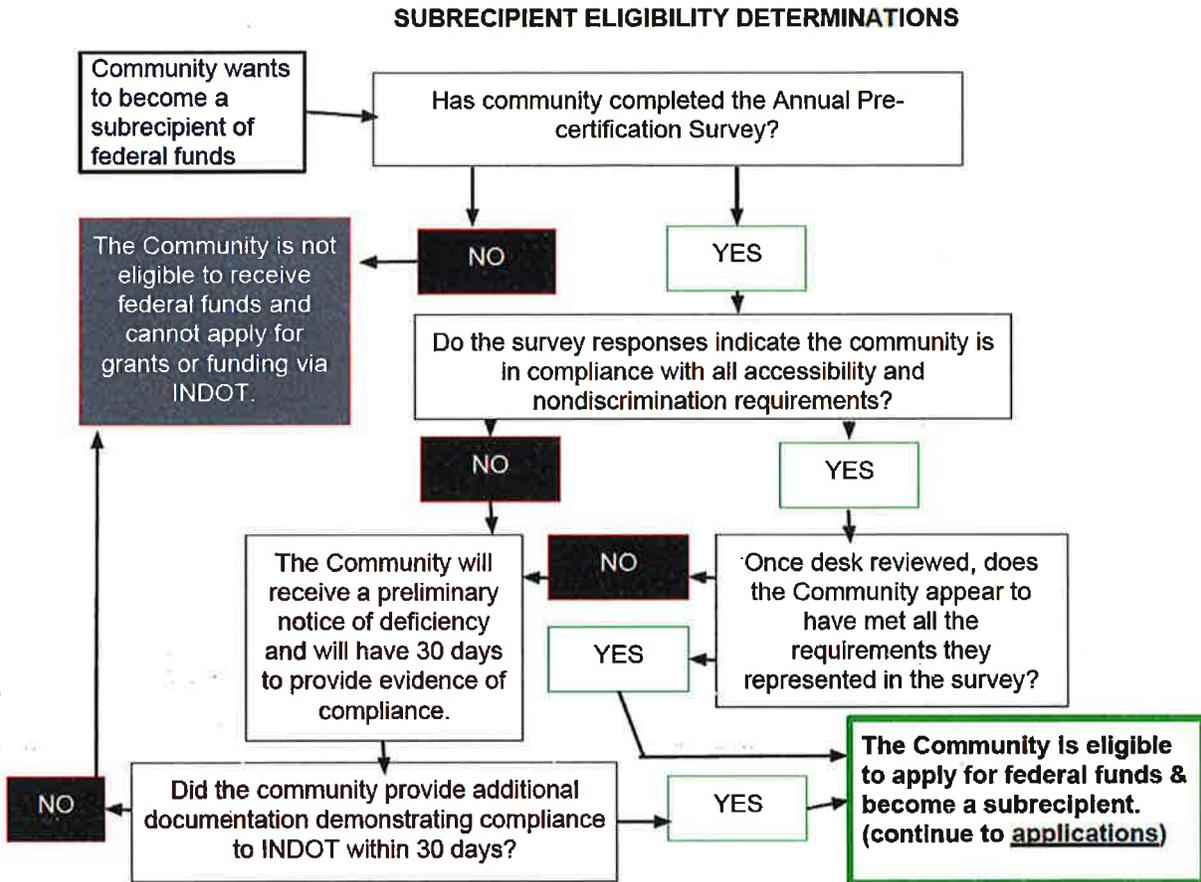
The LPA Annual Pre-Award Certification and Assurance outlines the basic requirements to ensure nondiscrimination in LPA transportation projects and is now used by INDOT to determine funding eligibility. An LPA or MPO must be Title VI and ADA compliant to be eligible to receive federal funds. INDOT is responsible for monitoring subrecipients to ensure compliance.

LPA PRE-AWARD SURVEY REVIEW PROCESS

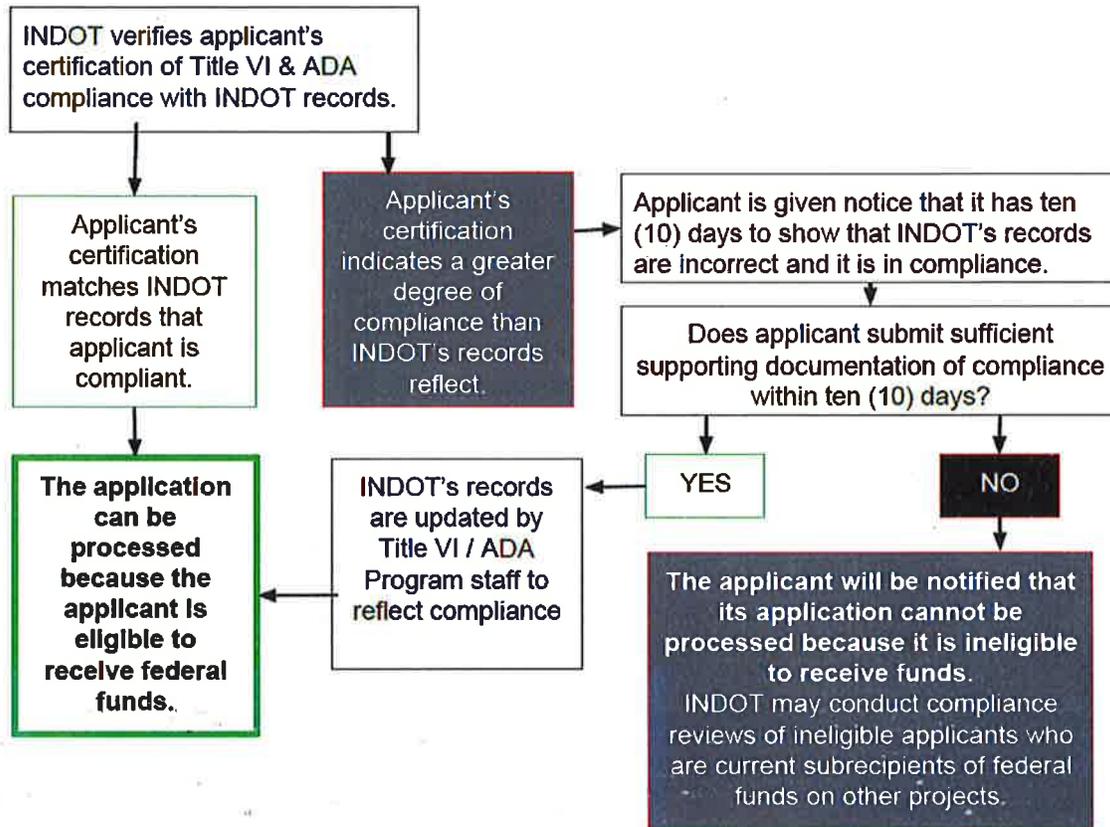
For all categories of subrecipients, INDOT will make an effort to communicate clear expectations to potential and current subrecipients at the time of contracting with INDOT about what it expects in terms of compliance and what specifically it will require to demonstrate compliance.

The flowcharts on the following pages illustrate how subrecipient monitoring works for LPA / MPO subrecipients. A discussion follows:

LPA / MPO SUBRECIPIENT REQUIREMENTS FLOWCHARTS:



APPLICATIONS FOR FUNDING



The Annual Precertification Survey will form the basis of the pre-award subrecipient compliance monitoring program at INDOT as follows: (A copy of the survey is attached in [Appendix G.](#))

- a. Desk review of annual precertification survey responses:
 - INDOT conducts a preliminary review of all responses submitted during the annual precertification survey period (currently June 30 to September 1 each year).
 - The compliance specialist looks at the website for each community to ensure information reported during the survey is accurate and contacts the LPAs directly to verify the same if necessary.
- b. Preliminary Compliance Notifications:
 - LPAs who completed the survey will be notified of their preliminary compliance determination and whether or not they are eligible to apply for federal funds from INDOT.
 - LPAs who do not complete the survey but who have completed the survey in previous years will be notified of their noncompliant status.
 - LPAs who have never completed the survey will not be notified.
- c. 30-day Compliance Review period:
 - Upon receipt of their notification of a preliminary determination of deficiency or noncompliance, the LPA will have thirty (30) days to provide additional documentation or evidence of compliance that will be considered as part of the annual precertification determination.
 - Once this thirty (30) day period has expired, INDOT will issue its final Annual LPA Compliance Report. LPAs who are deficient or noncompliant are not eligible to receive federal funds via INDOT until they have resolved their deficiencies and been found in compliance.
- d. Onsite Reviews target current subrecipients in noncompliance:

Onsite reviews may not be necessary, however onsite reviews may be performed during the precertification survey reviews process at the discretion of the Title VI Program Manager or upon request of the subrecipient.

Subrecipients who are already receiving funds from INDOT on one or more projects would likely require an onsite review for all but minor deficiencies.

PROJECTS & GRANT APPLICANT COMPLIANCE MONITORING PROCEDURES:

1. Statement of compliance submitted with application:
 - At the time of application, applicants submit a letter indicating their level of compliance with Title VI / ADA.
 - Representations made in the letter are cross-checked with our most recent reviews.
 - If the applicant indicates a higher level of compliance (i.e. Claims to have Title VI plan when our last review indicated they did not), the applicant must submit proof that the missing program element existed at the time of the last precertification survey (before September 1 of the most recent calendar year) and provide supporting documentation for review by the Title VI program staff.
2. 10-day Compliance Review period:
 - If received, supporting documents are forwarded to the Title VI Compliance Staff for consideration and,
 - If acceptable, changes are made to the compliance level indicated in the database.
3. A letter from INDOT's Title VI program staff will be sent to the applicant indicating whether or not the evidence has resulted in eligibility for funding. The LPA division will be copied on this correspondence and noncompliant LPAs will be ineligible for funding.

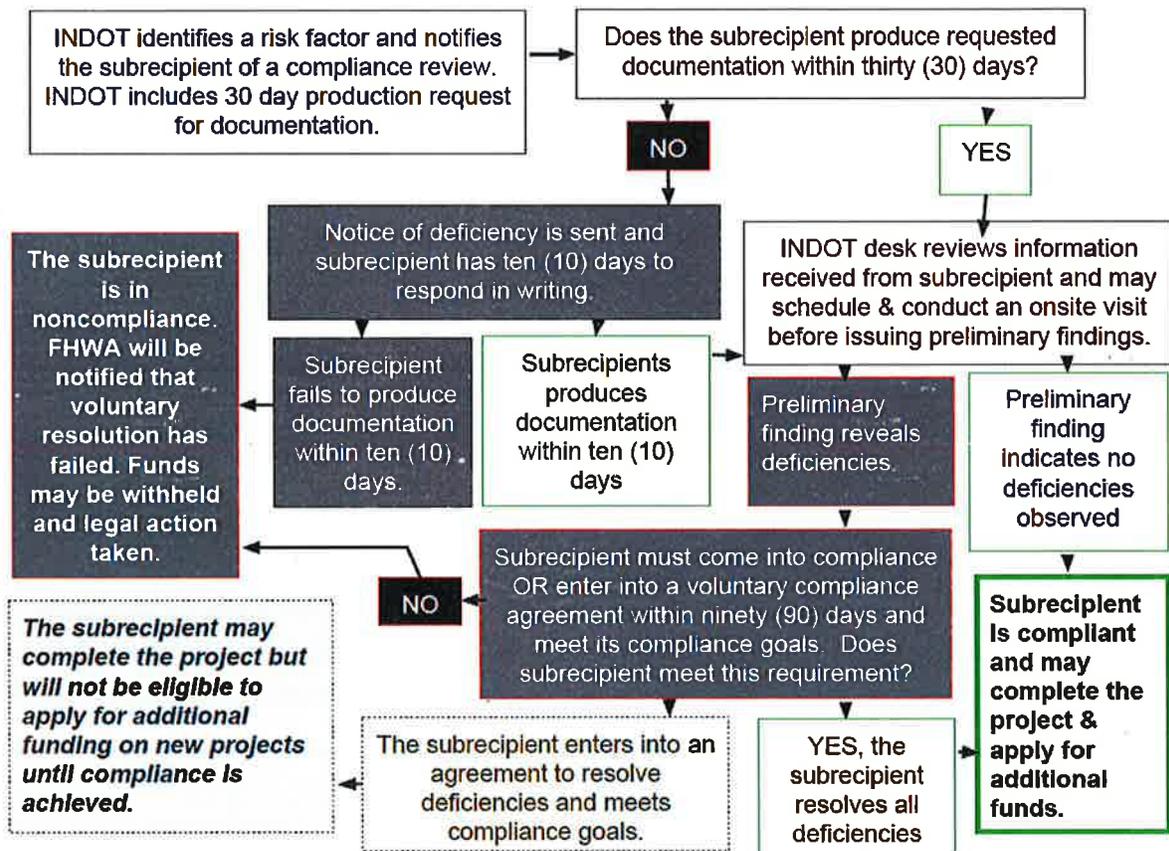
POST-AWARD SUBRECIPIENT COMPLIANCE MONITORING

Post-award Subrecipient Compliance Monitoring is focused on ensuring compliance with the assurances of nondiscrimination and is risk-based. A post-award compliance review may be conducted based upon the following:

- A high-dollar or high-impact project is being undertaken by the LPA. Impacts may or may not be related to minority, low income, disabled, or other specifically-protected individuals;
- The LPA has received a complaint of discrimination or INDOT has received a complaint about the LPA; or

- INDOT has other reason to suspect the LPA may not be in compliance with nondiscrimination requirements. This may be based upon the manner of construction of improvements, content present or absent from the LPAs website, responses of the LPA to the annual precertification survey or lack thereof, comments made in the official capacity of the LPA, actions taken that generate concern regarding the level of the LPAs compliance, or other reasonable basis identified by INDOT.

LPA / MPO Compliance Reviews



1. Notice of compliance review :

When a post-award compliance review commences, the Title VI program staff will send a notice of compliance review providing the reason for the review and a request for documents to the subrecipient.

- i. the subrecipient will have thirty (30) days to produce the requested documentation. FHWA's district office will also be notified of the post-award compliance review. Notice of deficiency or compliance:
- ii. Any subrecipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status from the Title VI Program Staff. (see preliminary findings below)

2. Desk review:

Information received from the subrecipient is desk reviewed by the Title VI Compliance staff and a telephone call is scheduled to discuss preliminary deficiencies observed and to request additional information as necessary.

The following factors will play a role in determining whether or not an onsite review is necessary:

- Deficiencies are directly related to improvements being constructed or maintained by the subrecipient;
- Deficiencies include missing entire program components or are otherwise considered major deficiencies;
- The subrecipient's program coordinator or representative has not been identified and / or does not appear to have the support of the executive leadership of the LPA in ensuring program compliance;
- The review is based upon the receipt of a complaint

3. Preliminary Findings :

Following the conclusion of the desk review and / or onsite review, the reviewer shall provide the subrecipient with a written report of preliminary findings which shall:

- Document any deficiencies observed and direct the subrecipient to come into compliance within 90 days.

- Require that any deficiency which cannot possibly be resolved within 90 days shall be reflected in a compliance plan submitted to INDOT for approval within the 90 day period and shall include dates by which compliance will be achieved and specific action steps with identified task ownership.
 - In addition, it is the subrecipient's responsibility to notify INDOT that it has achieved its approved compliance plan goals. Failure to provide such notice will place the contractor or consultant in deficiency status.
 - Failure to Comply: If the subrecipient does not voluntarily comply within 90 days of the original notification, INDOT will issue a notice of noncompliance. If the subrecipient 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 and may then take or participate in other legally available action against the subrecipient for failure to comply.
4. Following the expiration of 90 days, INDOT will either:
- Certify the current subrecipient compliant & eligibility to receive funds,
 - Identify the current subrecipient as deficient but on an approved corrective action plan, or
 - Issue a notice of noncompliance and ineligibility to receive funds.
5. Copies of all notices will be provided to FHWA.

REQUIREMENTS FOR LPA'S DEFICIENCY RESOLUTION:

An LPA who completed the annual precertification survey may become compliant at any time by submitting sufficient documentation to the Title VI Compliance Specialist for review that demonstrates resolution of their deficiencies, however, INDOT requires time to review the documentation submitted and compliance determinations will not be able to be made in a manner that would improve eligibility at the time of application given the number of applications received and the tight timeframe.

Compliance documentation is generally reviewed by the Title VI program staff in the order it is received unless INDOT or FHWA priorities determine otherwise. Those subrecipients who resolve their deficiencies mid-year would become eligible to apply for funding following the next annual precertification period (June 30- September 1 annually) and not before.

RECORDKEEPING & REPORTING

INDOT shall maintain a log of all compliance reviews for three (3) years following the completion date of each review determined by the date the final compliance determination letter was sent to the subrecipient or the last action on the file, whichever is later. The Title VI/ADA Program Manager and Compliance Specialist shall update the log periodically when INDOT schedules reviews, sends notifications to a subrecipient and sends a final report to the FHWA.

Each complete compliance review file should contain the following documentation and evidence before INDOT notifies the sub-recipient of Title VI compliance²:

- 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 subrecipient's Title VI Implementation plan, if applicable,
- A copy of the subrecipient's nondiscrimination policy,
- A copy of the subrecipient's complaint log & policy,
- A copy or description of the sub-recipient's method used to monitor subrecipients, if any;
- A copy of the Title VI contract assurance language used in the subrecipient's contracts,
- A copy or description of the method of providing and soliciting contracting opportunities,
- Any notes or meeting minutes made by the reviewer and any exceptions, notes or objections provided by the subrecipients to be maintained in the file.

² This list may be revised during the VCAP period and periodically as the review process is further developed and implemented.

EXAMPLES OF TITLE VI DEFICIENCIES:

- Title VI coordinator has not been identified
- A Title VI Implementation Plan does not exist or meet requirements
- The subrecipient does not collect, analyze and report data sufficient to identify program areas where discrimination may occur.
 - The subrecipient does not address discrimination that occurs.
 - The subrecipient does not provide Title VI training to its staff.
 - The subrecipient does not sufficient nondiscrimination policies.
- Title VI Coordinator needs to participate in Title VI training;
- subcontracts do not contain nondiscrimination assurance language;
- No method exists to solicit participation from the broader scope of Title VI protected individuals regardless of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income status, and limited English proficiency.
- No method exists to provide services to LEP persons;
- No Title VI complaint log;
- No Title VI complaint and hearing procedure; and
- No method to monitor race, ethnicity and gender of subrecipients.

APPENDIX C: 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 complain, 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. Complaints are not considered received until they are submitted to INDOT as complete complaints, both signed and in writing.

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, sex, sexual orientation, gender identity, age, disability, religion, 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 a signed, written complaint is received by INDOT.

INDOT will determine on a case-by-case basis whether to waive the 180 calendar day 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.

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. Complainants are encouraged, but not required, to use the complaint form when filing a complaint.

HOW TO FILE A COMPLAINT?

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI / ADA Program Manager, a signed, original copy of the complaint must be mailed to the Title VI / ADA Program Manager to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. INDOT does not require a Complainant to use the INDOT complaint form for submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

Erin L. Hall
Title VI/ADA Program Manager
Economic Opportunity Division
Indiana Department of Transportation
100 N. Senate, Room N750
Indianapolis, IN 46204
ehall2@indot.in.gov
(317) 234-6142 (Phone)
(317) 233-0891 (Facsimile)

ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. 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 complaint must include 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.

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.

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.

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:

- Incomplete Complaints
- 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.

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.

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.

RECORDS

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

APPENDIX D: INDOT LEP ANALYSIS

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.

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

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
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

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
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
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

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
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

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
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

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
Perry	18,148	97	0.53
Pike	12,152	37	0.30
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

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
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

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
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 has since included LEP training as part of its employee training materials and has a PAR in every district and subdistrict, as well as INDOT's customer service division, who will be trained in procedures for tracking and monitoring LEP requests and encounters with LEP individuals. "I Speak Cards" are being made available to these front-line staff in 2015.

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.

- An 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
- Quantity Purchase Agreements (QPAs) for interpretation services Face-to-Face. 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.

INDOT'S 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. INDOT's current in-person and online training materials for employees include LEP requirements and policies. Training will be updated as these policies change.

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. The challenge with this approach is that very few (0 in 2014-15) individuals self-identify as both bilingual and willing to provide translation services.

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.

APPENDIX E: NONDISCRIMINATION & ACCESSIBILITY TRAINING

Training is conducted internally and externally by the Title VI Program Manager and Program Staff. Records of training materials and attendance are maintained for three (3) years.

EXTERNAL 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 processes; and
- To provide required training for Title VI Coordinators.

EXTERNAL TITLE VI TRAINING COMPONENTS:

- Authorities
- Responsibilities (INDOT and Subrecipients)
- Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
- Limited English Proficiency
- Environmental Justice
- Complaint Processing and Procedures
- Compliance Review Process

EXTERNAL TARGET AUDIENCE: The target audiences include INDOT personnel, contractors, consultants, MPOs, LPAs, University and State Agency subrecipients.

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

- Presentations
- Sample Documents
- Toolkits and Technical Assistance Resources
- Evaluation Form

EXTERNAL TRAINING REGISTRATION: Participants register online and by telephone, although registration is not strictly required so long as space permits. INDOT does require each participant to verify his or her attendance by signing in on a participant roster on the day of training. This roster is used to monitor

attendance for compliance purposes. 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 may receive a letter of compliance upon completion of the Title VI training.

NONDISCRIMINATION & ACCESSIBILITY TRAINING MATERIALS

(See the pages immediately following for INDOT's training materials used on 2014-15.)

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 on boarding 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.

In 2015 INDOT developed an online training module for Accessibility and Nondiscrimination Training for INDOT employees. This module provides a general overview of INDOT policies and requirements. A similar training is presented live and in person as a "Lunch and Learn" opportunity during the 8 statewide training dates. INDOT also provides division specific training in relevant program areas and to all Liaisons and Program Area Representatives.

INDOT EMPLOYEE TRAINING OBJECTIVES:

The Title VI training session has three objectives:

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

INDOT TRAINING COMPONENTS:

- Authorities
- Responsibilities
- Program Area Compliance Monitoring
- Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
- Limited English Proficiency & Language Services requirements
- Environmental Justice
- Complaint Processing and Procedures
- Subrecipient Monitoring

INDOT TARGET AUDIENCE: The target audience includes all INDOT full-time regular employees with a focus on those who work directly in areas with Title VI impacts and who are designated as a Liaison or Title VI Program Area Representative (PAR).

INDOT TRAINING MATERIALS: Each participant either receives a trainee packet containing the following information or may download this information as part of the online training module:

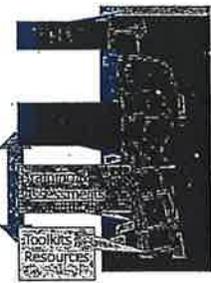
- Presentations materials
- Policies
- Sample Documents
- Training evaluation

Doing Business with INDOT: Accessibility and Non-discrimination

Presented by:
Economic Opportunity Division
Erin L. Hall, Title VI & ADA Program Manager

- This presentation is to provide technical assistance for informational purposes only. It is not intended to constitute legal advice.
- Compliance with the civil rights laws is an ongoing responsibility.
- The laws and regulations may change.
- INDOT makes no warranties regarding the accuracy, completeness or adequacy of the information.

Objectives



- To provide a concise overview of relevant laws, regulations, policies & requirements;
- To provide technical assistance to INDOT staff, subrecipients, consultants, LPAs, MPOs and contractors regarding their responsibilities and requirements;
- To outline INDOT's complaint and compliance review processes; and
- To provide required training for program coordinators.

Non-Discrimination & Accessibility go hand-in-hand:

- Equal program and facility access for all
- LEP access
- Access for persons with disabilities
- Meaningful participation
- No segregated (*think different, distinct*) programs or facilities
- No discrimination on any prohibited basis
- No disparate impacts



Course Roadmap

- Module I: Overview of Law & Rules (10 minutes)
 - Title VI
 - ADA Title II / Section 504
 - Other provisions (EJ / LEP)
- Module II: Overview of responsibilities (recipients): (30 minutes)
 - INDOT
 - Contractors / Consultants & "Subs"
 - LPAs & MPOs

Module I: *Laws, rules & regulations*

Title VI
ADA Title II / Section 504
Environmental Justice
Limited English Proficiency

Title VI of the Civil Rights Act of 1964

"No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. 2000d)

Purpose of Title VI

- To eliminate discrimination in federally funded programs and activities.
- To ensure equitable distribution of public funds for public benefit.

Civil Rights Restoration Act of 1987

- Clarified and restored the intent of Title VI.
- The scope of Title VI includes ALL programs and activities of Federal-aid recipients and contractors regardless if the programs are federally funded or not.

FHWA Title VI Program

- Includes other civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs receiving federal financial assistance. (23 CFR 200.5(p))
- Prohibits discrimination based on race, color, national origin, disability, sex, age, low income status or limited English proficiency in programs and activities receiving federal financial assistance regardless of whether those programs and activities are FHWA funded or not.

INDOT's Title VI Mission Statement

The Indiana Department of Transportation will implement compliance with Title VI of the Civil Rights Act of 1964 (Title VI); 49 CFR § 26; and 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, national origin, disability, sex, **sexual orientation, gender identity, religion**, age, low income status or limited English proficiency .

INDOT's Title VI Policy Statement



The Indiana Department of Transportation (INDOT) values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state.

INDOT's Title VI Policy Statement

As a recipient of federal funds, INDOT is required to conform to Title VI of the Civil Rights Act of 1964 (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 U.S. Department of Transportation (DOT) on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

Limited English Proficiency (LEP)

Executive Order 13166 requires federal-aid recipients to take reasonable steps to ensure meaningful access to their services to Limited English Proficiency persons.

What are Language Services?

- Oral interpretation
- Bilingual staff
- Telephone interpreters
- Written language services
- Use of community volunteers
- Language cards
- Use of universal signs, symbols and pictures

Environmental Justice



Requires all federal agencies to make environmental justice part of their mission by identifying and addressing the effects of all programs, policies, and activities on minority and low-income populations.

Environmental Justice

- EJ applies to all transportation decisions, including:
 - Policy making
 - System planning
 - MPO and statewide planning
 - Preliminary review under NEPA
 - Preliminary design
 - Final design engineering
 - Right-of-way
 - Construction
 - Operations and maintenance



EJ Requirements

- Make a meaningful effort to involve minorities and low income populations in the decision making process.
- Evaluate the nature, extent and incidence of probable, favorable and adverse human health or environmental impacts on protected populations.
- Incorporate EJ considerations throughout the project development process.

Americans with Disabilities Act

- Applies to all public entities
- Requires provision of program access and effective communication
- Includes public transport
- Enforced by U.S. Dept. of Justice




Goals of the ADA

- Equal opportunity
- Full participation
- Independence
- Economic self-sufficiency





Section 504 of the Rehabilitation Act of 1973:

"No qualified handicapped person shall, solely, by reason of his handicap, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activities that receives or benefits from Federal financial assistance."



Module II:

Application: What do I need to do?

If I am an LPA / MPO
If I am a Contractor / Consultant



Terms of Art



- Recipient

Anyone to whom federal financial assistance is extended, directly or through another recipient for any program.

22 CFR, 200.46)

Subrecipients may include Metropolitan Planning Organizations (MPOs), Local Public Agencies (LPAs), universities, contractors, consultants and any other recipients of Federal-aid highway funds.

§ JUST ONE DOLLAR \$ = RECIPIENT



Terms of Art



- Beneficiary

Anyone who benefits from a program or facility developed by recipients (e.g. "public")

§ TAX DOLLARS FROM EVERYONE \$ = Equal Opportunity for Everyone



Terms of Art



- Key Recipients
 - INDOT
 - MPO / LPA
 - Cities
 - Counties
 - Townships
 - Municipality
 - Political subdivision
 - CONTRACTORS / CONSULTANTS
 - Sell goods or services
 - Includes procurement & suppliers




What are my responsibilities?



<h3>TITLE VI</h3> <ul style="list-style-type: none"> ■ Designate a Title VI Manager & develop / post a Title VI policy ■ Not discriminate in your: <ul style="list-style-type: none"> ■ Programs / facilities ■ Activities ■ Employment practices * ■ Submit signed assurances that no such discrimination will occur ■ Disseminate Title VI information to beneficiaries & stakeholders ■ Administer programs in accordance with Title VI: complaint procedure, compliance reviews. 	<h3>ADA / Sec. 504</h3> <ul style="list-style-type: none"> ■ Designate an ADA coordinator ■ Develop and post an ADA policy ■ Complete a self-evaluation of all public facilities & programs as applicable ■ Develop a transition plan, if applicable (recipient type/size) ■ Design & build accessible facilities & programs ■ Have a complaints and public input / request procedure ■ Review & monitor compliance
---	--




What are my responsibilities?



<h3>Environmental Justice</h3> <ul style="list-style-type: none"> ■ Have a procedure for analyzing the effects (e.g. IMPACTS) of all programs, policies and activities on minority and low income populations ■ Make meaningful efforts to involve minorities and low income populations in decision making ■ Evaluate potential adverse impacts & disseminate this information ■ Make reasonable efforts to mitigate adverse impacts 	<h3>Limited English Proficiency</h3> <ul style="list-style-type: none"> ■ Take reasonable steps to ensure meaningful program access to LEPs ■ Transit, DBEs = possible LEPs ■ 4 factor analysis: <ul style="list-style-type: none"> ■ > number LEP persons encountered, > need for assistance ■ Frequency of contact with LEP persons ■ Importance of program or service provided (warning signs) ■ Available resources (reasonable test)
---	---




What are my responsibilities?

I am an Contractor / Consultant



TITLE VI

- Have a Title VI coordinator with decision-making authority
- Display posters
- Have a written complaint procedure & complaint log
- Attend training & train staff
- Submit signed assurances / include "appendix A" in every subcontract* including procurement
- Be prepared for agency review: **KEEP GOOD RECORDS**
 - > Provide all reports (incl. LEP requests)
 - > Permit access to books / records / accounts
 - > Permit access to facilities
 - > Certify attempts to obtain information in possession of another
 - > Accomplishment report
 - > Annual work plan
- Be proactive in your compliance attempts: outreach, efforts to extend opportunities to DBEs / minorities – keep records of GFE (good faith efforts)




What are my responsibilities?

I am an Contractor / Consultant



ADA Title II (Indirect) and Section 504:

- Have an ADA / section 504 compliance person
- Before accepting a contract, review the proposal for accessible design and determine your responsibility in ensuring they meet design standards:
 - Work may have to be torn out and redone to comply with design standards.
 - You don't want to do this on your dime or your time!
- Familiarize yourself with the agency or entity's transition plan
- Attend ADA training & train staff
- Ensure ADA compliance pedestrian access around construction sites & work zones
- Effectively oversee sub-contractors, consultants and assigns.




What are my responsibilities?

I am an LPA or MPO:



TITLE VI *COMPLETE THE ANNUAL PRE-AWARD CERTIFICATION

- Have a Title VI coordinator & adequate staff (can't delegate responsibility)
- Have a complaint procedure & complaint log
- Train staff
- Submit signed assurances
- **Have, adhere to and update annually a Title VI Implementation plan**
 - > Description of the program
 - > Notice of nondiscrimination
 - > Organizational chart
 - > Compliance and enforcement procedures
 - > Accomplishment report
 - > Annual work plan
- Determine and mitigate adverse impacts (procedures for data handling)
- Monitor compliance
- Engage in public outreach
- Extend contracts to DBEs / minorities




What are my responsibilities?

I am an LPA or MPO:

ADA Title II / Section 504

- Train staff
- Complete a Self Evaluation (maintain for 3 years)
- Have a means for public input (e.g. APS signal requests)

Have, adhere to and keep updated an ADA (Transition access) Plan:

- Designate an ADA Coordinator
- Provide public notice of ADA requirements
- Establish a grievance procedure
- Develop internal design standards, specifications, and details
- Assign personnel for the development of the Transition Plan and completing it
- Inventory facilities & programs
- Approve a schedule and budget for the Transition Plan
- Monitor the progress on the implementation of the transition plan




Annual Pre-Award Survey Details

- LPA Pre-Award Certification & Assurance Survey**
 - FY 2015 survey: Was open July 1, 2014- 11:59 PM on September 1, 2014 – similar time period this year
 - Purpose of the survey
 - Monitor sub recipients for compliance with the nondiscrimination laws
 - Used to determine compliance with Title VI, ADA and Section 504
 - Self-reporting tool; due annually
 - Information reported to FHWA in October annually
 - Accessible online at: <http://itap.indot.in.gov>
 - Electronic submission; only 1 accepted. Approval required.
 - Failure to complete on time = noncompliance

Noncompliant means "at risk" for federal funding ineligibility




Survey Details, cont.

- Noncompliance**
 - The LPA has not met the prescribed requirements and has failed to show a "good faith effort" in implementing all of the Title VI requirements.
- The Risk Beyond the Label**
 - Beyond being labeled noncompliant, if an LPA does not complete the survey on time and then later that year applies for federal funding, they may be subject to a full audit by the EOD.




Compliance Deficiencies

- What if an LPA reports compliance deficiencies?**
 - INDOT will notify the LPA and give the LPA an opportunity to voluntarily come into compliance within a specific timeframe.
 - Failure to voluntarily address any deficiencies noted, constitutes noncompliance.
 - An LPA must clearly demonstrate it is making a good faith effort to comply with the nondiscrimination laws.




Consequences of Noncompliance

Noncompliance = Lack of Good-faith Effort

- Withholding of payments on the contract until the sub recipient complies, and
- Cancellation, termination or suspension of the contract in whole or in part, or
- Other authorized action including provisions under state and local law (e.g. referral to INDOT Prequalification Committee or the U.S. Department of Justice)




ADA and Work Zones

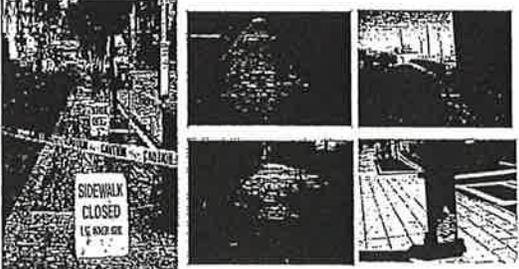
- When planning for the work zone, consider:**
 - The type of work being done
 - Amount of time involved
 - Location
 - Road type
 - Traffic volume
 - Pedestrian demand




- Provide temporary safe ADA compliant pedestrian passage ways around a construction site during all phases of construction
- Review proposals for work zone accessibility requirements and include the associated costs in the project estimate



Inaccessible Public Right of Way



Inaccessible Public Meetings



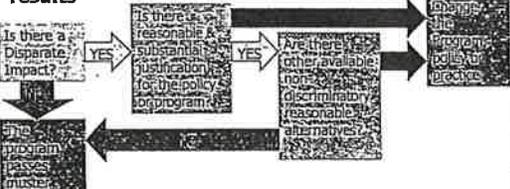
- Features to consider:**
 - Parking and passenger drop-off areas
 - Routes to the building entrance
 - Building entrance
 - Routes to the meeting space
 - Meeting space
 - Restrooms

- Examples of Title VI/ADA discrimination**
 - All project notices are published in English, although there is a significant presence of LEP individuals in the impacted area
 - Maintenance operations that are not evenly distributed

Disparate Impact Potential

Disparate impact: facially-neutral policies, programs & practices that adversely impact protected classes.

- No discriminatory intent but discrimination results



Title VI Examples

- Prioritizing maintenance and services
- Contracting, including subcontracting
- Eliminating or adding new services, programs or policies
- Real Estate buying, condemning & relocation
- Transit
- Public Meetings

Module III:

Toolkits & Breakout Sessions

- I. Complaints & Processing
- II. Be Prepared for a Compliance Review
- III. Title VI Policy making & plan revision
- IV. ADA Transition Plan Development & Management

Breakout Sessions Guide:

1. Who's who: LPA/MPO, INDOT, contractors & consultants...
2. By "Toolkit Topic" or, you may choose to use this time to network and discuss more than one topic area and share your experiences, programs, hurdles, etc. Try to keep discussions focused on accessibility and non-discrimination please ;)

Breakout Sessions Guide:

If your group needs help getting the discussion moving, use the toolkits:

- Vote on a topic
- Consider walking through the toolkit guide
- You could break into smaller groups and each take a toolkit resource, look over it, then report back to the group about it
- Discuss the scenario / case study

Module VI: *In Conclusion:*

- Additional Resources
- Information Hub & Resource Development Network
- Multi-disciplined Training Team
- Consider *Requesting* an initial Compliance Review

Civil Rights Links

- EEO/Title VI Posters in English and Spanish
 - <http://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf>
- Civil Rights Links
 - USDOT: <http://www.dotcr.ost.dot.gov/default.asp>
 - FHWA: <http://www.fhwa.dot.gov/civilrights/index.htm>
 - USDOJ: <http://www.justice.gov/crt/cor/coord/titlevi.php>
 - <http://www.ada.gov>
 - INDOT: <http://www.indot.in.gov>
 - LEP: www.lep.gov

You are a valuable resource:

- Consider being part of a network:
 - E-mail "chain discussion" participation
 - Newsletters
 - Potential for speaking engagements (good P.R.)
 - Workgroups
- Connect to others in your "community" (e.g. LPAs, MPOs, Contractors, INDOT divisions)
- Be part of an input group to help us tailor our training programs and those put together by our strategic partnerships

Thank You

INDOT is here to provide the needed resources and guidance for you to comply with all rules and regulations related to non-discrimination and program / facility accessibility.



Contact INDOT

Please do not hesitate to contact us with any questions.

Erin Hall
Title VI/ADA Program Manager
EHall2@indot.in.gov
(317) 234-6142 (Phone)



Kimberly Radcliff
Title VI/ADA Compliance Specialist
kradcliff@indot.in.gov
(317) 232-0924

Indiana Department of Transportation
100 North Senate Avenue
Room N750
Indianapolis, IN 46204
www.in.gov/dot/



**CRAWFORDSVILLE DISTRICT
2015 CONSTRUCTION CONFERENCE**

Wednesday, March 18th – Thursday, March 19th

Ivy Tech - Crawfordsville

2325 Phil Ward Blvd
Crawfordsville, IN 47933

Phone: 765-359-0570

[Directions to this site](#)

Wednesday:

9:00am	Welcome	Joe Novak
9:15	Communications	Debbie Calder
9:30	Construction	Bob Tally, Mark Miller, Greg Pankow
10:30	Break	
10:45	Economic Opp	Erin Hall, David Alyea, Jenny Hicks
11:15	Pre-qual	Mark Tidd
11:45	FHWA	Joiner Lagpacan
12:00	Lunch	
1:00	Testing	Ron Walker
2:00	Testing	District TBD
2:15	Break	
2:30	Geotech	Athar Khan, Nayyar Siddiki
4:00	Closing	Joe Novak

Thursday:

8:45am	Welcome	Joe Novak, Alan Plunkett
9:00	FY2015 Goals Final Review	Joe Novak, Heather Kennedy Sue Brockway
9:30	Traffic	Bill Smith
9:45	Pavements	Scott Chandler
10:00	Break	
10:15	WZ Safety	Angela Smith, John McGregor, Jack Williams
11:15	SiteManager	Joshua Kiilu
12:00	Lunch	
1:00	Site Discoveries	Patrick Carpenter
1:15	Finance	Karen Hicks
1:45	Break	
2:00	INDOT Culture	Heather Devocelle
4:00	Closing	Joe Novak

Obligations for Nondiscrimination as an INDOT Subrecipient

Presented by:
 Kenneth Woodruff, Federal Highway Civil Rights Program Manager
 Erin L. Hall, Attorney, INDOT Title VI & ADA Program Manager




It's all about Civil Rights:

As President John F. Kennedy said in 1963:

"Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination."




It's all about Civil Rights:

Table of Authorities:

- I.C. 29-9-1-10
- Title VI of the Civil Rights Act of 1964
- Executive Order 11246
- ADA of 1990
- Section 504 of the Rehabilitation Act of 1973
- 41 CFR 60-1.7, 41 CFR 60-250, 41 CFR 60-741
- Contractual Obligations of Assurances via. State and Local Agreement




Application:

Understand the difference between nondiscrimination and affirmative action.

- Nondiscrimination is broader.
- Affirmative action efforts play a role in nondiscrimination
- Title VI responsibilities follow the federal funds to recipients: Any entity who receives ANY federal funds must comply with Title VI in all programs, regardless of how funds are used!




Contractual Obligations:

- Title VI and related statutes require that no person in the United States shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- INDOT's Title VI enforcement shall include the following additional grounds: sex, ancestry, age, income status, religion and disability.




Contractual Obligations:

State and Local Agreement section "O":

- employee or applicant for employment, because of race, color, religion, sex, disability, national origin, ancestry or status as a veteran.
- Acceptance of this Contract also signifies compliance prohibiting discrimination in the provision of services based on:
 - race,
 - color,
 - national origin,
 - age,
 - sex,
 - disability or
 - status as a veteran




Contractual Obligations:

State and Local Agreement section "O":

IF LPA has 50+ employees AND does \$50,000 worth of business with Indiana, LPA will comply with all nondiscrimination reporting requirements including:

- Affirmative Action
- Title VI
- ADA



Contractual Obligations:

State and Local Agreement section "O" includes these Assurances:

- Compliance with Regulations (Obey Laws)
- Nondiscrimination
- Solicitations for Subcontracts
- Information and Reports
- LPA's Incorporation of Assurances
- Sanctions for noncompliance



Contractual Obligations:

State and Local Agreement section "O" includes these Assurances:

- LPA is responsible for subrecipient monitoring
- May request INDOT involvement in litigation



Application:

Title VI Implementation Plan:

1. Nondiscrimination policy (& Assurances)
2. Responsible Individual
3. Complaint Policy
4. Risk assessment & mitigation plan in program areas
5. Reporting



Application:

Reporting:

- Publish your Title VI Implementation plan and submit it to INDOT
- Complete the annual precertification survey
- Comply with any and all requests for records from INDOT / Federal Highway as your contract dictates
- Be transparent
- Make good faith efforts



Risks:

Noncompliance:

- Deficiencies are noncompliance!
- Demonstrate Good Faith Efforts to resolve deficiencies.



Title VI is for everyone!

Raise your hand if Title VI applies to you...

Everyone Pays = Everyone Plays

Equality.

We can't make exceptions or entertain excuses when civil rights are at stake!



Nondiscrimination & Accessibility

Title VI & ADA Compliance for INDOT Subrecipients

Background & Purpose:

Title VI of the Civil Rights Act of 1964 prohibited discrimination on the basis of race, color & national origin

Subsequent laws and executive orders have expanded these categories. Federal Highway and INDOT both have non-discrimination statements that prohibit discrimination on these basis:

Race, Color, Age, Sex, Sexual Orientation, Gender Identity, National Origin, Religion, Disability, Income Status, Limited English Proficiency, (Status as a Veteran, ancestry).

Title VI applies to: **Everyone**

The Americans with Disabilities Act of 1990 (the ADA) applies to INDOT. Its goals include: (list 4)

Equal opportunity, independence, full participation, and economic self sufficiency.

An Exercise in Understanding Nondiscrimination:

Everyone **pays taxes**, so everyone must **benefit equally** from the programs and facilities developed by recipients of funds.

Is your organization a recipient of federal funds? **YES**

As a recipient, is it okay to have certain program areas that do not comply with Title VI so long as no federal funds are used in those program areas? **NO**

Compliance Monitoring:

INDOT has a duty to monitor its subrecipients of federal funds and is authorized to do so by:

- a) Law
- b) Contractual obligations
- c) **Both a and b**

INDOT monitors subrecipients as part of its Contract Compliance Reviews. Think of these as a “check-up” and not an audit. Our goal is to ensure compliance and to provide assistance in achieving compliance by noting and tracking the resolution of deficiencies.

What do we look for during a compliance review (from the standpoint of nondiscrimination)

1. Do you have a Title VI coordinator?
2. Is the Equal Opportunity poster on display?
3. Do you have a complaint procedure and a complaint log?
4. Have you attended Title VI training and do you regularly train all staff?
5. Have you submitted signed assurances?
6. Do you include “Appendix A” in every subcontract?
7. What documented outreach efforts do you make to include more disadvantaged persons and entities in your business opportunities?

Other than non-discrimination, what do I need to know about ADA requirements?

- **Non-compliant facilities will need to be remediated or reconstructed and this may be your responsibility depending on the contract.**
- **Accessible routes must be maintained during construction.**

Risks of non-compliance: (list)

Loss or delay of funding, breach of contract, liability

What do I need to do?

- Evaluate all programs (training, hiring, subcontracting, policies, procedures, etc.) to ensure you are in compliance .
- Review the Seven (7) key components of the Title VI Compliance review (above) to ensure you are prepared
- Communicate with INDOT's Title VI / ADA Program staff if you have any questions:
- Be prepared to demonstrate good faith efforts to resolve any deficiencies
- Put checks in place to ensure compliance is sustainable once you have achieved it.

Contact Information for INDOT's Title VI / ADA Program Staff:

Erin L. Hall

Attorney & Program Manager, Title VI & ADA
100 N. Senate Avenue, Indianapolis, IN 46204
(317) 234-6142

Email: ehall2@indot.in.gov

Kimberly Radcliff

Compliance Specialist, Title VI & ADA
100 N. Senate Avenue, Indianapolis, IN 46204
(317) 232-0924

Email: kradcliff@indot.in.gov

Notes:

(This is a great place to record your Title VI & ADA To Do List!)

Nondiscrimination & Accessibility

Title VI & ADA Compliance for INDOT Subrecipients

Background & Purpose:

Title VI of the Civil Rights Act of 1964 prohibited discrimination on the basis of race, color & national origin

Subsequent laws and executive orders have expanded these categories. Federal Highway and INDOT both have non-discrimination statements that prohibit discrimination on these basis:

Race, Color, Age, Sex, Sexual Orientation, Gender Identity, National Origin, Religion, Disability, Income Status, Limited English Proficiency, (Status as a Veteran & Ancestry also per Indiana law).

The Americans with Disabilities Act of 1990 (the ADA) applies to INDOT and dthos with disabilities are also protected under Title VI. The goals of the ADA include: **Equal opportunity, independence, full participation, and economic self sufficiency.**

Title VI applies to EVERYONE:

Everyone pays taxes;

Everyone must benefit from the programs and facilities developed with federal funds.

An Exercise in Understanding Nondiscrimination:

- By doing business with INDOT you are a recipient of federal funds and are required to comply with Title VI as a matter of law and as a contractual obligation pursuant to the assurances that are a part of every contract. (A copy of the assurances, which you must also include in every subcontract to pass the compliance obligation along, is included in this handout.)
- As a result ALL activities you conduct must be compliant with Title VI, regardless of whether or not federal funds are used in that program or for that activity.

Compliance Monitoring:

- INDOT has a duty to monitor its subrecipients of federal funds and is authorized to do so by law and by contractual obligation
- INDOT monitors subrecipients as part of its Contract Compliance Reviews. Think of these as a “check-up”. Our goal is to ensure compliance and to provide assistance in achieving compliance by noting and tracking the resolution of deficiencies.
- As a recipient of federal funds, you also have an obligation to monitor subrecipients you contract with and we will look for evidence of subrecipient monitoring when we conduct reviews of compliance.

What do we look for during a Title VI compliance review:

1. Do you have a Title VI coordinator?
2. Is the Equal Opportunity poster on display? *(Sample attached)*
3. Do you have a complaint procedure and a complaint log? *(Sample attached)*
4. Have you attended Title VI training within the last three (3) years? *(INDOT holds training sessions in each district and the current schedule can be found at: <http://www.in.gov/indot/2751.htm>)*
5. Do you regularly train all staff and keep attendance logs?
6. Have you submitted signed assurances? *(Sample attached)*
7. Do you include “Appendix A” of the assurances in every subcontract? *(Sample Attached as part of the assurances)*
8. What documented outreach efforts do you make to include more disadvantaged persons and entities in your business opportunities?

Other than non-discrimination, what do you need to know about the ADA accessibility requirements?

- **Non-compliant facilities will need to be remediated or reconstructed and this may be your responsibility depending on the contract.**
- **Accessible routes must be maintained during construction.**

Risks of non-compliance:

Loss or delay of funding, breach of contract, liability

What do I need to do?

- Evaluate all programs (training, hiring, subcontracting, policies, procedures, etc.) to ensure you are in compliance;
- Review the Seven (7) key components of the Title VI Compliance review (above) to ensure you are prepared and maintain documentation of your compliance so that you are able to show your work;
- Communicate with INDOT's Title VI / ADA Program staff if you have any questions;
- Be prepared to demonstrate good faith efforts to resolve any deficiency;
- Put checks in place to ensure compliance is sustainable once you have achieved it.

Contact Information for INDOT's Title VI / ADA Program Staff:

Erin L. Hall

Attorney & Program Manager, Title VI & ADA
100 N. Senate Avenue, Indianapolis, IN 46204
(317) 234-6142
Email: ehall2@indot.in.gov

Kimberly Radcliff

Compliance Specialist, Title VI & ADA
100 N. Senate Avenue, Indianapolis, IN 46204
(317) 232-0924
Email: kradcliff@indot.in.gov

of sub-recipients, what metrics to use to determine compliance, etc.). FHWA recommends that INDOT develop a risk-based subrecipient (i.e., LPAs, MPOs, and Purdue University) monitoring program that coordinates with all existing resources and INDOT offices that coordinate with subrecipients. Additionally, required documents that subrecipients see to submit pre-award need to be identified (i.e., Title VI Program Plan/Report that includes identification of a Title VI Program Coordinator, Title VI Program Assurances, etc.). This section should be added to the Title VI Program Plan and included in other applicable operations manuals. These observations also echo those identified during the FHWA 2007 Title VI Baseline Assessment:

- Title VI Program Training -- INDOT presently has an annual Title VI Program training approach. This approach should be revised to reflect the changes that will be made to address the first two observations of this section of the Report. The revisions will be made after the changes have been defined and are being implemented;
- Research -- INDOT Office of Research partners exclusively with Purdue University. Purdue University then affords subconsulting opportunities to consultants. It appears that Purdue University does not analyze Title VI Program-related data to identify if a trend or pattern of discrimination is occurring with respect to how the subconsultant opportunities are awarded (i.e., are subconsulting opportunities going to or being excluded from subconsultants due to the consultant's race, color, national origin, etc.). There is an opportunity for INDOT to require Purdue University to collect the necessary data and to analyze the data to identify any trend/pattern of discrimination;
- Consistency in data collection: INDOT Program Areas personnel varied in their understanding as to the universe of Title VI Program-related population data that needs to be collected annually. The INDOT Economic Opportunity Division (Civil Rights Unit) has the opportunity to ensure that all program areas are collecting the universe of Title VI Program-related population data (race, color, national origin, sex, age, disability, income-level, and limited English proficiency (LEP));
- Public Involvement -- The Office of Public Involvement is responsible for coordinating all INDOT (i.e., notices to the public via stakeholders list, use of media, facilities for hearings/meetings, ADA and/or LEP reasonable accommodation, etc.). There is an opportunity for INDOT's Offices of Public Involvement and Planning to coordinate their efforts regarding use of GIS mapping (demographic population data) and stakeholders lists to more effectively ensure that the Public is being effectively noticed and that the Public Involvement/Participation efforts are effective;
- INDOT should ensure that Appendix A (and eventually Appendix E) language is being inserted as boilerplate in consultant agreements and construction contracts. This is also applicable to sub-recipients. Also, INDOT should ensure that the pre-award paragraph from the United States Department of Transportation Order 1050.2A (Standard Title VI Program Assurance) is being inserted into all Requests for Proposals and Solicitations for Bids.

DEFICIENCIES AND RECOMMENDED ACTION

- INDOT needs to transition the Internal Compliance Reviews approach from a static questionnaire-based approach to an analytical Program Areas Review Approach as required by 23 CFR 200.9 (a) (4), (b) (5), (b) (6), (b) (9), & (b) (13);
- INDOT needs to develop and implement a Title VI Program risk-based subrecipient monitoring process and include the procedures in the INDOT Title VI Program Implementation Plan. The process should define how INDOT will prioritize annual subrecipient reviews to be conducted, what form the reviews will take (desk-audit and/or on-site), when to conduct on-site visits, what documentation to require from subrecipients, what metrics and parameters will determine compliance, and how the reports will be distributed to subrecipients. Also, INDOT Economic Opportunity Division will coordinate with the LPA Office and other INDOT Offices as appropriate to implement the Title VI Program. (23 CFR 200.9 (b) (7));
- INDOT needs to revise the current Title VI Program Implementation Plan to meet the requirements of 23 CFR Part 200 and USDOT Order 1050.24.

FINDING OF DEFICIENCY STATUS

As per 23 CFR 200.11 (c), INDOT is being placed in deficiency status. Within 90 days from receiving the deficiency letter (including this Report), INDOT must develop a voluntary corrective action plan (VCAP) to address the deficiencies herein. If INDOT fails or refuses to implement the VCAP, the Division Administrator shall submit to the Office of Civil Rights a recommendation that INDOT be found in noncompliance.

MONITORING OF PROGRESS BY DIVISION OFFICE

The Division Office is responsible for monitoring the corrective actions taken by INDOT to address the deficiencies and implement the recommended action. INDOT will take necessary corrective action to address the deficiencies documented in this Report and, in addition, will provide a specific timetable for the implementation of all tasks necessary to fully implement the Title VI Program Implementation Plan. While the INDOT is in deficiency status, it will submit monthly progress reports to the Division Office and the Division Office will independently verify if progress is being made. The Division Office will forward the monthly reports to the FHWA Office of Civil Rights with a summary indicating how INDOT is progressing towards achieving the goals outlined in the VCAP. At the end of the 90 day period, a determination will be made based upon INDOT's actions in response to this Report as to whether INDOT will remain in deficiency status.

January 22, 2013

FHWA Title VI Compliance Review Program

TITLE VI PROGRAM COMPLIANCE REVIEW PROGRAM

PURPOSE

The purpose of a Title VI Compliance Review Program is to ensure that FHWA Recipients are compliant with Title VI and other Nondiscrimination Requirements. These Nondiscrimination Requirements include the following: The Federal-Aid Highway Act of 1973 (23 United States Code Part 324), The Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990, as amended. Respectively, these Nondiscrimination Requirements prohibit discrimination in federally-assisted contracts and federal programs on the basis of sex, age, and disability. Together, a Title VI Program prohibits discrimination on the basis of race, color, national origin, sex, age, and disability. Additionally, the Review will seek to identify how a STA has effectively implemented the Executive Orders for Environmental Justice and limited English Proficiency. Therefore, FHWA is responsible for ensuring that FHWA Recipients (State Transportation Agencies) are compliant with Title VI-related requirements and that the STAs are effectively monitoring the Title VI Program compliance of all FHWA Sub-Recipients.

APPROACH

The Title VI Program Requirements are only effective insofar as STAs ensure that all Program Areas are compliant with Title VI Program-related requirements. The pertinent portion of 23 U.S.C 109 (h) states the following:

"...promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decision on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

- (1) air, noise, and water pollution;*
- (2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;*
- (3) adverse employment effects, and tax and property values losses;*
- (4) injurious displacement of people, businesses and farms; and*
- (5) disruption of desirable community and regional growth.*

The foregoing references almost all of the following Program Areas: Planning, Environment, Design, Right-of-Way, Contracts/Contract Administration, Construction, Maintenance, Safety, Research, and Training. Additionally, STAs are responsible for ensuring that all Local Public Agencies, Metropolitan Planning Organizations, and Colleges/Universities receiving federal financial assistance and implementing Program Areas are compliant with Title VI Program Requirements.

February 26, 2014

Concerning STAs, each STA must develop and implement a Schedule of Reviews. A Schedule of Reviews will be a 3 to 5 year listing of Process/Program Reviews to be conducted by subject matter experts in coordination with the STA's Title VI Program Coordinator within each Program Area. The STA Program Area representatives will subdivide each Program Area into 3 to 5 sections. Each year, the Program Area representatives will conduct a Process/Program Review to determine if the processes/procedures (written or not) implemented to carry-out a Program Area are compliant with all Title VI Program Requirements. All processes/procedures that impact members of the Public are to be evaluated to determine if they are compliant with Title VI-related requirements and if STA employees are implementing the processes/procedures in a Title VI Program-compliant manner.

Additionally, each STA Program Area is responsible for collecting Title VI Program-related data and to analyze the data annually to identify any trends/patterns of discrimination that shall require efforts to address. The data is to be directly related to the impact of the Program Area processes/procedures. For example, to determine if an STA Office of Right-of-Way is compliant with Title VI Program requirements in how it implements the Relocation Program, it shall sample data on a periodic basis to determine if Relocation Housing Benefits are being calculated based upon the Relocatee's specific housing situation and not based upon the person's race, color, national origin, sex, age, or disability (including income-level and LEP). This means that data shall be collected and compared according to larger and smaller projects, urban and rural projects, work product of different Relocation Agents, etc. The results of the data analysis shall be ultimately communicated in writing to the STA's Title VI Program Coordinator. The STA Title VI Program Coordinator may determine that a special focus Review shall be necessary for the next federal fiscal year based upon the recommendations of the Program STA Title VI Program Areas Liaisons.

Finally, each STA is responsible for monitoring the Title VI Program compliance of each FHWA Sub-Recipient. This will include requiring each Sub-Recipient to have signed the FHWA-version of the *DOT Standard Title VI Assurances and Non-Discrimination Provisions* document, appoint a Title VI Program Coordinator, develop processes to fulfill the Process/Program Review and Data Collection/Data Analysis elements, etc. The STA shall ensure that each Sub-Recipient develops a Title VI Program Plan that is patterned after the STA's Plan and shall have identified a Title VI Program Coordinator. The STA shall also require Sub-Recipients to report on an annual basis to assist the STA in the determination as to whether the Sub-Recipient is compliant with Title VI Program requirements.

METHOD

To conduct an effective Compliance Review of an STA, the Review shall consist of two phases: Documentation Review and On-Site Review. The Documentation Review Phase (i.e., Desk Audit) consists of the review of all STA Program Area Operations Manuals. These Operations Manuals detail how the STA implements each Program Area. In addition, the STA's Title VI Program Plan and Public Participation Plan shall be reviewed to determine if the STA's processes/procedures are compliant with Title VI Program requirements. Each Program Area Operations Manual will need to be compliant with Title VI Program requirements. This means that any processes/procedures that impact the Public shall not discriminate based upon race,

color, national origin, sex, age, or disability. This also includes any processes/procedures that implement the requirements of Environmental Justice and Limited English Proficiency Executive Orders. Additionally, the STA shall have the Process/Program Review and Data Collection/Data Analysis elements (Internal Monitoring Program) in place as well as how the STA monitors the Title VI Program compliance of FHWA Sub-Recipients (External Monitoring Program).

The On-Site Phase consists of personnel interviews at the STA and a sampling of FHWA Sub-Recipients. Questions shall be posed to the personnel to develop a fact-based description of how the STA has or has not attempted to comply with Title VI Program requirements. At the CEO and Bureau/Division levels, the questions shall be as simple as "What does Title VI and Nondiscrimination mean to you", "What is your role in the effective implementation of Title VI Program requirements", "How have you delegated and/or fulfilled your role". For the STA Title VI Program Coordinator and the Title VI Program Areas Liaisons, the questions shall specifically relate to how the individuals understand and fulfill their responsibilities. All questions will relate back to the written processes/procedures provided in the Plans/Manuals. The questions for the Sub-Recipients shall be sufficiently specific to determine how the STA monitors Title VI/Nondiscrimination compliance. Please see the Appendix for Compliance Review questions for STA documents, STA employees, and FHWA Sub-Recipients' documentation and employees.

OUTCOME

Once the Desk Audit and On-Site Phases have been completed, a Compliance Review Report shall be developed. The purpose of the Report shall be to identify gaps in written processes/procedures, need for processes/procedures to be rewritten or newly written, possible STA organization structural flaws, and other possible deficiencies. The FHWA Division Office shall be responsible for monitoring how the STA implements the corrective actions and shall provide technical assistance as appropriate. The FHWA Office of Civil Rights (HCR) National Title VI Program Manager shall also be available on an as needed basis to provide technical assistance to the Division Office as appropriate. The Division Office shall provide periodic written updates to the HCR National Title VI Program Manager regarding how the STA is progressing towards implementation of the corrective actions.

COMPLIANCE REVIEW PROGRAM

As FHWA has 52 Division Offices, the Program shall consist of HCR-conducted reviews. Title VI Program compliance reviews will be conducted of all 52 STAs. Once all 52 compliance reviews have been conducted, follow-up compliance reviews will be conducted based upon the documentation submitted by the Division Offices as deemed appropriate by HCR.

When HCR conducts the compliance review, the Division Office Civil Rights Specialist shall participate as the compliance review is planned and conducted. Once the compliance review is completed, HCR shall draft the Report and shall provide the draft Report to the Division Office for review and comments. HCR shall address the comments prior to finalizing and transmitting the Report to the Division Office for transmittal to the STA. If deficiencies have been identified during the compliance review, the STA will be found to be in Deficiency Status for 90 days and

will develop a Corrective Action Plan (CAP) for submittal to the Division Office within the 90 days. Upon receipt of the Report identifying deficiencies by the STA CEO, the Division Office shall work with the STA to develop a CAP that shall contain corrective actions to be taken with associated due dates. The Division Office will review the CAP in coordination with HCR. Once the CAP has been approved by the Division Office, HCR shall be provided a copy of the Plan. The Division Office shall provide periodic written updates to HCR regarding STA progress in implementing corrective actions.

The Division Office shall be responsible for monitoring the implementation of the CAP by the STA. The STA will update the Division Office regarding progress made to implement the CAP in the Annual Work Plan & Accomplishment Report. HCR shall be able to monitor the health of the national Title VI Program by reviewing a sample of STA Title VI Program Plans and Annual Work Plan & Accomplishment Reports on an annual basis. HCR shall be able to conduct follow-up contacts with Division Offices as situations are identified and shall be able to conduct follow-up compliance reviews as appropriate.

APPENDIX A

DOCUMENT REVIEW QUESTIONS

Title VI Program Plan

- Does the Title VI Program Plan contain at a minimum the following sections:
 - Introduction, Policy Statement (Delegation of Authority and Responsibility), and FHWA-version of the Title VI Program Assurance;
 - Organization/Staff Responsibilities;
 - Complaint Disposition Procedures;
 - Process To Identify/Eliminate Discrimination;
 - Process To Resolve Deficiencies Identified By FHWA;
 - Internal Monitoring Program: Includes Data Collection/Data Analysis/Data Reporting and Program Areas Process Reviews Procedures;
 - External Monitoring Program: Monitoring Of Sub-Recipients;
 - Public Participation Plan (Includes How The Title VI Program Plan relates to the Public Participation Plan);
 - Title VI Program-Related Training Component: Internal and External;
 - Environmental Justice (EJ) Plan/Process;
 - Language Access Plan (Limited English Proficiency);
 - External Communication – Notification To Beneficiaries;
 - Reporting; and
 - Attachments: May include example of the Complaint Log, Title VI/Nondiscrimination Brochure, etc.
- Does each Plan section adequately describe processes/procedures to effectively implement the section? If not, please identify the section and explain.

Public Participation Plan

- How does the Public Participation Plan (PPP) acknowledge Title VI Program requirements? If not, please describe;
- How does the PPP ensure that all Program Areas interact with members of the Public in a Title VI Program-compliant manner? Cite examples. Questions that identify examples may include:
 - In the development of Planning documents (STIP, Long-Range Transportation Plan), how does the STA ensure that Title VI Program-related populations are effectively participating in the development process?;
 - In the development of Environmental documents (EIS, EA), how does the STA ensure that Title VI Program-related populations are effectively participating in the development process? (This will include the process to publish legal notices.);
 - During the Design phase, how does the STA ensure that Title VI Program-related populations are effectively participating in the process?;
 - As the Right-of-Way Program elements are implemented (Consultant Selection, Property Valuation, Property Negotiation, Relocation, Property Management),

- how does the STA ensure persons are not treated differently because of the individuals race, color, national origin, etc.?
- o During the Construction phase, how does the STA ensure that persons with disabilities are aware of an ADA-compliant path through/around the construction zone?
 - o How does the STA ensure that Maintenance activities are prioritized including the needs of Title VI/Nondiscrimination populations?
 - o How does the STA ensure that Research Statements Of Work offer MIHEs the opportunity to effectively compete for the projects?; and
 - o How does the STA ensure that Safety projects follow the same public participation process that non-Safety projects follows?
- If based upon the answers to the preceding questions the PPP has sections that do not ensure Title VI Program compliance, please describe.

****PLEASE NOTE THAT FOR THE FOLLOWING OPERATIONS MANUALS, CERTAIN QUESTIONS MAY BE APPLICABLE UNDER OTHER HEADINGS DEPENDENT UPON HOW THE STA IS PROCEDURALLY ORGANIZED****

Planning Operations Manual

- How does the STA Office of Planning implement the PPP processes to effectively include Title VI Program-related populations at public meetings during the development of Planning documents?
- How does the STA Office of Planning ensure that MPOs/TMAs are effectively including Title VI Program-related populations at public meetings during the development of Planning documents?
- How does the STA Office of Planning evaluate impacts to Title VI Program-related populations during the development of Planning documents?
- How does the STA Office of Planning ensure that MPOs/TMAs are evaluating impacts to Title VI Program-related populations during the development of Planning documents?

Environment Operations Manual

- How does the STA Office of Environment implement the PPP processes to effectively include Title VI/Nondiscrimination populations at public hearings and meetings during the development of Environmental documents and Categorical Exclusions?
- How does the STA Office of Environment evaluate impacts to Title VI Program-related populations during the development of Environmental documents and Categorical Exclusions?
- How does the STA Office of Environment ensure that services of Environmental consultants are selected in a manner consistent with Title VI Program requirements?

Design Operations Manual

- How does the STA Office of Design implement the PPP processes to effectively include Title VI Program-related populations at public information meetings during the development of design plans (This will include State Design and Consultant Design if these functions are included under Design.)?

ROW Operations Manual

- How does the STA Office of ROW evaluate Property Valuation (Appraisals) processes to determine compliance with Title VI Program requirements?
- How does the STA Office of ROW evaluate Property Negotiation (Acquisitions) processes to determine compliance with Title VI Program requirements?
- How does the STA Office of ROW evaluate Property Relocation processes to determine compliance with Title VI Program requirements?
- How does STA Office of ROW evaluate Property Management processes to determine compliance with Title VI Program requirements?
- How does the STA Office of ROW ensure that Consultant Selection (i.e., Title Searching/Acquisition/Valuation consultant services) processes are implemented in a manner compliant with Title VI Program requirements?

Contracts/Contract Administration Operations Manual

- How does the STA Office of Contracts/Contract Administration ensure that the Title VI Assurance pre-award paragraph is included in all requests for proposals/solicitations for bids?
- How does the STA Office of Contracts/Contract Administration ensure that the bidding and award process for consultant agreements and construction contracts is conducted in a manner compliant with Title VI Program requirements?
- How does the STA Office of Contracts/Contract Administration ensure that Appendix A and Appendix E of the FHWA-version of the Title VI Program Assurance is being inserted into all consultant agreements and construction contracts regardless of tier?
- How does the STA Office of Contracts/Contract Administration ensure that Local Public Agencies are administering the bidding and award of contracts in a manner compliant with Title VI Program requirements (includes the inclusion of the Title VI Assurance paragraph in all requests for proposals/solicitations for bids and Appendix A/Appendix E in all consultant agreements and construction contracts regardless of tier)?

Construction Operations Manual

- How does the STA Office of Construction ensure that the Title VI Program Assurance Appendix A and Appendix E is inserted into all prime contracts and subcontracts regardless of tier?
- How does the STA Office of Construction monitor Prime Contractors to ensure that subcontracts are awarded in a manner compliant with Title VI Program requirements (i.e., Appendix A and Appendix E of the Assurance)?

February 26, 2014

- How does the STA Office of Construction monitor Prime Contractors to ensure that bonding requirements are being implemented in a manner compliant with Title VI Program requirements?

Maintenance Operations Manual

- How does the STA Office of Maintenance ensure that prioritization of maintenance activities are implemented in a manner compliant with Title VI Program requirements?
- How does the STA Office of Maintenance ensure that maintenance activity-related complaints from the Public are received, evaluated, and prioritized for resolution in a manner compliant with Title VI Program requirements?

Office of Operations

- How does the STA Office of Operations ensure that the Traffic Information System (i.e., 511 Architecture) provides messages in alternate languages based upon the STA's Four-Factor Analysis?

Safety Operations Manual

- How does the STA Office of Safety ensure that the development of the Highway Safety Improvement Program (HSIP) is conducted and implemented in a manner compliant with Title VI Program requirements?
- How does the STA Office of Safety design and construct Safety-related projects in a manner compliant with Title VI Program requirements? Does the Office of Safety use the same process that the Offices of Environment and Design use to develop non-Safety-related projects?

Research Operations Manual

- How does the Office of Research ensure that Minority Serving Institutions (including HBCUs and MIHEs) are identified and included in the solicitation and award process for Research projects?; and
- How does the Office of Research ensure that colleges/universities receiving federal financial assistance are aware of their Title VI Program responsibilities (i.e., require the institution to sign the Title VI Assurance)?

Office/Unit Of Local Roads/Community Involvement Operations Manual

- Regarding the Office/Unit that is responsible for coordinating with Local Public Agencies (LPAs) when administering contracts, how does this STA Office/Unit ensure that the LPAs are aware of and effectively implementing their Title VI Program responsibilities?;
- How does this STA Office/Unit ensure that the LPAs are aware of the requirement to insert the Title VI Assurance paragraph into all solicitations for bids and the Title VI Assurance language into all prime contracts and subcontracts regardless of tier?

February 26, 2014

APPENDIX B

PERSONNEL INTERVIEW QUESTIONS

CEO (Secretary/Commissioner/Director)

- What does Title VI and Nondiscrimination mean to you?
- Have you delegated authority and responsibility for the effective implementation of Title VI Program requirements to the STA Bureau/Division Managers?
- If so, how have you delegated this authority and responsibility?
- What is the role of your STA's Bureau/Division Managers in the effective implementation of the Title VI Program requirements?
- What is the role of your Title VI Program Coordinator?
- What function/Unit within your STA is responsible for effectively monitoring the Title VI Program compliance of your STA's Sub-Recipients?
- Have you received any Title VI Program-related training? If so, please describe; and
- How do you monitor your STA's effectiveness in implementing the Title VI Program responsibilities?

Bureau/Division Managers

- What does Title VI and Nondiscrimination mean to you?
- Has the CEO delegated the authority and responsibility for the effective implementation of Title VI Program requirements within your Bureau/Division to you?
- Do you understand your role in ensuring the effective implementation of the Title VI Program requirements within your Bureau/Division? Please describe;
- Do you understand the role of others within your Bureau/Division in the effective implementation of Title VI Program requirements? Please describe;
- What is the role of the STA's Title VI Program Coordinator?;
- What Title VI Program-related reporting are you responsible for, if any?;
- Are you responsible for effectively monitoring Sub-Recipients? If so, please describe;
- Have you received any Title VI Program-related training? If so, please describe; and
- How do you monitor your Bureau's/Division's effectiveness in implementing the Title VI Program responsibilities?

Title VI Program Coordinator

- What does Title VI and Nondiscrimination mean to you?
- Do you understand your role in ensuring the effective implementation of the Title VI Program requirements within the STA? Please describe;
- Where are you located within the Organizational Structure of your STA?
- How do you ensure that your STA is effectively implementing Title VI requirements?
- How do you ensure that your STA's Sub-Recipients are effectively implementing Title VI Program requirements?
- What reporting (if any) are you responsible for (internal and external) and to whom?

- Have you received any Title VI Program-related training and do you provide any training? If so, please describe;
- How do you periodically brief the CEO regarding any Title VI Program-related trends/patterns/deficiencies?
- What authority and responsibility have you been delegated to effectively identify, communicate, and address any Title VI Program-related deficiencies within your STA? How have you been delegated these responsibilities?
- What authority and responsibility do you have (if any) in the development, revision, and implementation of your STA's Public Participation Plan?

Title VI Program Areas Liaisons

- What does Title VI and Nondiscrimination mean to you?
- Do you understand your role in ensuring the effective implementation of the Title VI Program requirements within your Bureau/Division? Please describe;
- Where are you located within the Organizational Structure of your STA?
- How do you ensure that your Bureau/Division is effectively implementing Title VI Program requirements?
- Are you responsible for performing process reviews within your Bureau/Division and/or Program Area? If so, please describe;
- Are you responsible for performing data collection and data analysis? If so, please describe;
- If applicable, how do you ensure that your Bureau's/Division's Sub-Recipients are effectively implementing Title VI Program requirements?
- What reporting (if any) are you responsible for and to whom?
- Have you received any Title VI Program-related training and do you provide any training? If so, please describe;
- Do you periodically brief your Program Area Manager and possibly your Bureau/Division Manager regarding any Title VI Program-related trends/patterns/deficiencies? If so, please describe; and
- What authority and responsibility have you been delegated to effectively identify, communicate, and address any Title VI Program-related deficiencies within your Bureau/Division? If so, how have you been delegated authority and responsibility?

Monitoring Of Sub-Recipients

- What does Title VI and Nondiscrimination mean to you?
- How do you ensure that Sub-Recipients are effectively implementing Title VI Program requirements? Please describe;
- Do you receive any Sub-Recipient reports? If so, what do you do with them?
- What is your relationship (if any) with the STA Title VI Program Coordinator?; and
- Have you received any Title VI Program-related training and do you provide any training? If so, please describe.

APPENDIX C

SUB-RECIPIENTS (LPAs/MPOs/Colleges/Universities):

DOCUMENT REVIEW & PERSONNEL INTERVIEW QUESTIONS

Part I: Document Review

Title VI Program Plan (Or Similar Procedures Documentation)

****The Sub-Recipient, at a minimum, will provide to the STA documentation detailing procedures that approximate the following sections:**

- o Introduction, Policy Statement, and Title VI Program Assurance;
- o Organization/Staff Responsibilities;
- o Complaint Disposition Procedures;
- o Process To Identify/Eliminate Discrimination;
- o Process To Resolve Deficiencies Identified By STA/FHWA;
- o Data Collection/Data Analysis/Data Reporting;
- o Program Areas (Including Process Reviews Procedures);
- o Public Participation Plan (Includes How The Title VI Program Plan relates to the Public Participation Plan);
- o Title VI Program-Related Training Component;
- o Environmental Justice (EJ) Plan/Process;
- o Limited English Proficiency (LEP) Plan/Process;
- o External Communication -- Notification To Beneficiaries;
- o Reporting; and
- o Attachments: May include example of the Complaint Log, Title VI/Nondiscrimination Brochure, etc.

****If the documentation provided lacks any of the sections above, please describe.**

Public Participation Plan

****The STA is responsible for monitoring how a Sub-Recipient effectively implements Title VI Program requirements. The following questions are intended to provide the interviewer with an understanding as to how the Sub-Recipient understands not only its' role, but also the role of the STA****

- How does the Public Participation Plan (PPP) acknowledge Title VI Program requirements? If not, please describe;
- How does the PPP ensure that all Program Areas interact with members of the Public in a manner compliant with Title VI Program requirements? Cite examples. Questions that identify examples may include:

- In the development of MPO Planning documents (i.e., TIP, UPWP, Long-Range Transportation Plan, PPP), how does the MPO ensure that Title VI Program-related populations are effectively participating in the development process?
- In the development of Environmental documents (EIS, EA), how does the LPA ensure that Title VI Program-related populations are effectively participating in the development process? (This will include the process to publish legal notices.);
- During the Design phase, how does the LPA ensure that Title VI Program-related populations are effectively participating in the process?
- As the Right-of-Way Program elements are implemented (Consultant Selection, Property Valuation, Property Negotiation, Property Relocation, Property Management), how does the LPA ensure that Title VI Program-related persons are not treated differently?;
- During the Construction phase, how does the LPA ensure that persons with disabilities are aware of an ADA-compliant path through/around the construction zone?
- How does the LPA ensure that Maintenance activities are prioritized to include the needs of Title VI Program-related populations?
- How does the LPA ensure that Research Statements Of Work offer MSIs (including HBCUs and MIHES) the opportunity to effectively compete for the projects?
- How does the LPA ensure that Safety projects follow the same public participation process that non-Safety projects follow?
- If based upon the answers to the preceding questions the PPP has sections that do not ensure compliance with Title VI Program requirements, please describe.

Part II: Personnel Interviews

LPA/MPO/College CEO

- What does Title VI and Nondiscrimination mean to you?
- Have you delegated authority and responsibility for the effective implementation of Title VI Program requirements to LPA/MPO/College Managers that report to you?
- If so, how have you delegated this authority and responsibility?
- What is the role of your Managers that directly report to you in the effective implementation of the Title VI Program requirements?
- What is the role of your Title VI Program Coordinator?
- Have you received any Title VI Program-related training? If so, please describe; and
- How do you monitor your LPA's/MPO's/College's effectiveness in implementing the Title VI Program responsibilities?

Managers That Report Directly To The CEO

- What does Title VI and Nondiscrimination mean to you?
- Has the CEO delegated to you the authority and responsibility for the effective implementation of Title VI Program requirements within your Unit?
- Do you understand your role in ensuring the effective implementation of the Title VI Program requirements within your Unit? Please describe;
- Do you understand the role of others within your Unit in the effective implementation of Title VI Program requirements? Please describe;
- What is the role of the LPA's/MPO's/College's Title VI Program Coordinator?
- What Title VI Program-related reporting are you responsible for, if any?
- Have you received any Title VI Program-related training? If so, please describe; and
- How do you monitor your Unit's effectiveness in implementing the Title VI Program responsibilities?

Title VI Program Coordinator

- What does Title VI and Nondiscrimination mean to you?
- Do you understand your role in ensuring the effective implementation of the Title VI Program requirements within the LPA/MPO/College? Please describe;
- Where are you located within the Organizational Structure?
- How do you ensure that your LPA/MPO/College is effectively implementing Title VI Program requirements?
- What reporting (if any) are you responsible for (internal and external) and to whom?
- Have you received any Title VI Program-related training and do you provide any training? If so, please describe;
- How do you periodically brief the CEO regarding any Title VI Program-related trends/patterns/deficiencies?
- What authority and responsibility have you been delegated to effectively identify, communicate, and address any Title VI Program-related deficiencies within your LPA/MPO/College? How have you been delegated this authority and responsibility; and
- What authority and responsibility do you have (if any) in the development, revision, and implementation of your LPA's/MPO's/College's Public Participation Plan?

Title VI Program Areas Liaisons (If Applicable)

- What does Title VI and Nondiscrimination mean to you?
- Do you understand your role in ensuring the effective implementation of the Title VI Program requirements within your Unit? Please describe;
- Where are you located within the Organizational Structure?
- How do you ensure that your Unit is effectively implementing Title VI Program requirements?
- Are you responsible for performing process reviews within your Unit and/or Program Area? If so, please describe;

- Are you responsible for performing data collection and data analysis? If so, please describe;
- What reporting (if any) are you responsible for and to whom?
- Have you received any Title VI Program-related training and do you provide any training? If so, please describe;
- How do you periodically brief your Unit Manager and possibly your regarding any Title VI Program-related trends/patterns/deficiencies?; and
- What authority and responsibility have you been delegated to effectively identify, communicate, and address any Title VI Program-related deficiencies within your Unit?

APPENDIX D

TITLE VI PROGRAM AREAS ELEMENTS

Planning (23 CFR Part 450)

- **Statewide Planning: Public Participation procedures** – These procedures will detail how the State Transportation Agency (STA) identifies and ensures participation of all Title VI Program-related populations (including Environmental Justice and Limited English Proficiency populations) in the development of the Statewide Transportation Improvement Program (STIP) and STIP Amendments, Long-Range Statewide Transportation Plan, and the Public Participation Plan/Process. The procedures will define how Public Meetings are noticed and conducted and how comments from members of the Public are addressed. The STA will also evaluate the impacts to these populations. Additionally, the STA will detail how it monitors Metropolitan Planning Organizations (MPOs) and Transportation Management Areas (TMAs) to ensure compliance with Title VI Program requirements. This may, at a minimum, be accomplished through the Metropolitan Planning Agreement. Also, the TMA Certification Process will address Title VI Program requirements. Finally, the STA is responsible for periodically evaluating these procedures to determine if the processes and how they are being implemented are compliant with Title VI Program requirements;
- **Metropolitan Planning: Public Participation Plan** – This Plan will detail how the MPO identifies and ensures participation of all Title VI Program-related populations (including Environmental Justice and Limited English Proficiency populations) in the development of the Transportation Improvement Program (TIP) and TIP Amendments, Unified Planning Work Programs (UPWPs), Long-Range Transportation Plan, and the Public Participation Plan. The procedures will define how Public Meetings are noticed and conducted and how comments from members of the Public are addressed. The MPO will also the impacts to these populations. Additionally, at a minimum, the Metropolitan Planning Agreement will detail the MPO's Title VI Program responsibilities. Finally, the MPO is responsible for periodically evaluating these procedures to determine if the processes and how they are being implemented are compliant with Title VI Program requirements.

Environment (23 CFR Part 771)

- **Consultant Selection Process for development of Environmental Impact Statements (EISs) and Environmental Assessments (EAs);**
- **Public Participation procedures** – These procedures will detail how the STA identifies and ensures participation of all Title VI Program-related populations (including Environmental Justice and Limited English Proficiency populations) in the development of draft and final EISs, EAs, and Categorical Exclusions. The procedures will define how Public Hearings and Public Meetings are noticed and conducted and how comments from members of the Public are addressed;
- **At a minimum, identification of Title VI Program-related populations needs to occur during the Scoping phase of an EIS/EA and the Request For Proposal (RFP) needs to**

include the task of collecting socio-economic statistical data sufficient for analysis (by Right-Of-Way and Civil Rights) to determine impacts (if any) to Title VI Program-related populations. These analyses need to be included in all Draft and Final EISs/EAs;

- Impacts to Title VI Program-related populations need to be evaluated;
- The STA is responsible for periodically evaluating these procedures to determine if the processes and how they are being implemented are compliant with Title VI Program requirements;
- STA Monitoring Of Sub-Recipients – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and implement the Environment Program. If this monitoring does not occur under Environment, then the monitoring function needs to be identified elsewhere within the STA.

Design (23 United State Code 109 (h) & 23 CFR Part 625)

- Consultant Selection Process for development of project plans;
- Public Involvement procedures -- These procedures will detail how the STA identifies and ensures participation of all Title VI Program-related populations (including Environmental Justice and Limited English Proficiency populations) in the development of project plans. The procedures will define how Public Meetings are noticed and conducted and how comments from members of the Public are addressed;
- The STA is responsible for periodically evaluating these procedures to determine if the processes and how they are being implemented are compliant with Title VI Program requirements;
- STA Monitoring Of Sub-Recipients – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and implement the Design Program. If this monitoring does not occur under Design, then the monitoring function needs to be identified elsewhere within the STA.

Right-of-Way (49 CFR Part 24 & 23 CFR Part 710)

- Fee Appraiser, Fee Negotiator, Fee Title Searching, Fee Property Management Selection Process;
- Process to identify Persons Not Lawfully Present In The United States (not eligible for Relocation Benefits due to Illegal Aliens Act of 1997);
- Property Valuation Process (includes Appraisal and Review Appraisal processes), including providing opportunity to Property Owner to accompany Appraiser during property inspection;
- Negotiation Process (Bona Fide Negotiations) – Includes the written offers, consideration of counteroffers, etc.;
- Relocation Process – Includes the development of Relocation Housing Payments, Mortgage Differential Payments, Appeals Process, etc.;
- Property Management Process -- Defines how the STA prioritizes the physical maintenance of residential structures still occupied by the former owners;

- The STA is responsible for periodically evaluating these procedures to determine if the processes and how they are being implemented are compliant with Title VI Program requirements;
- **STA Monitoring Of Sub-Recipients** – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and implement the Right-of-Way Program. If this monitoring does not occur under Right-of-Way, then the monitoring function needs to be identified elsewhere within the STA.

Contracts/Contract Administration (23 CFR 200.9 (a) & 49 CFR 21.7)

- Process to ensure that the Title VI Program Assurance paragraph is inserted into all Solicitations For Bids and Requests For Proposals;
- Process to ensure that the Title VI/Nondiscrimination Assurance language (Appendix A and Appendix E) is inserted into all consultant agreements and construction contracts;
- Process to periodically review the implementation of the actual process to ensure the paragraph and Appendices are actually being inserted into all contracts and consultant agreements regardless of tier;
- Process to periodically evaluate how contracts are developed and advertised/awarded to determine compliance with Title VI Program requirements;
- **STA Monitoring Of Sub-Recipients** – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and advertise/award Federally-funded contracts. If this monitoring does not occur under Contracts/Contract Administration, then the monitoring function needs to be identified elsewhere within the STA.

Construction (23 CFR Part 635)

- Process to ensure that the Title VI Program Assurance language (Appendix A and Appendix E) is inserted into all prime contracts and to ensure that all prime contractors include the language in all sub-contracts regardless of tier;
- Process to periodically review the implementation of the actual process to ensure the Title VI Program Assurance language is actually being inserted into all contracts;
- **STA Monitoring Of Sub-Recipients** – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and advertise/award Federally-funded contracts. If this monitoring does not occur under Construction, then the monitoring function needs to be identified elsewhere within the STA.

Maintenance (23 CFR Part 635)

- Process to ensure that the development and implementation of the Maintenance Program is compliant with Title VI Program requirements (i.e., prioritization of maintenance activities occurs in a non-discriminatory manner);
- Process to periodically review the implementation of the actual process to ensure the Maintenance Program is being implemented in a non-discriminatory manner;

February 26, 2014

- Process to ensure that Maintenance-related complaints are received, evaluated, and prioritized for resolution in a non-discriminatory manner;
- STA Monitoring Of Sub-Recipients – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and advertise/award Federally-funded contracts. If this monitoring does not occur under Maintenance, then the monitoring function needs to be identified elsewhere within the STA.

Safety (23 CFR Part 924)

- Process to develop the Highway Safety Improvement Program (HSIP);
- Public Involvement procedures -- These procedures will detail how the STA identifies and ensures participation of all Title VI Program-related populations (including Environmental Justice and Limited English Proficiency populations) in the development of Safety environmental documentation and project plans. The procedures will define how Public Hearings/Public Meetings are noticed and conducted and how comments from members of the Public are addressed. If Safety projects are developed following the same processes as defined for Environment and Design, these procedures may be referenced;
- The STA is responsible for periodically evaluating these procedures to determine if the processes and how they are being implemented are compliant with Title VI Program requirements;
- STA Monitoring Of Sub-Recipients – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and implement the Safety Program. If this monitoring does not occur under Safety, then the monitoring function needs to be identified elsewhere within the STA.

Research (23 CFR Part 420)

- Solicitation & Award Process of Research funds to Colleges/Universities – Not only must the process be implemented in a non-discriminatory manner, the process must also identify and ensure that Minority Serving institutions (including HBCUs, MIHES, Hispanic Serving Institutions and Tribal Serving Institutions) are afforded opportunities to compete for the award of Research funds;
- Process to periodically review the implementation of the actual process to determine if the processes and how they are being implemented are compliant with Title VI Program requirements;
- STA Monitoring Of Sub-Recipients – The STA needs to have process that details how the STA monitors all Local Public Agencies (LPAs) that receive Federal funds and advertise/award Federally-funded contracts. If this monitoring does not occur under Research, then the monitoring function needs to be identified elsewhere within the STA.

Title VI/CUF 2015 Training Dates

1. February 25, 2015

INDOT Traffic Management Center, 8620 East 21st Street, Indianapolis, IN 46219

10:00-noon	Contractors & Consultants	Up to 45 participants
Noon – 1pm – bring your own brown bag lunch & learn	INDOT Employees	Up to 36 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 45 participants

2. April 16, 2015

INDOT LaPorte District Office, 315 E. Boyd Boulevard, LaPorte, IN 46350

10:00-noon	Contractors & Consultants	Up to 50 participants
Noon – 1pm – bring your own brown bag lunch & learn	INDOT Employees	Up to 20 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 50 participants

3. May 27, 2015

INDOT Seymour District Office, 185 Agrico Lane, Seymour, IN 47274

10:00-noon	Contractors & Consultants	Up to 50 participants
Noon – 1pm – bring your own brown bag lunch & learn	INDOT Employees	Up to 30 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 50 participants

4. July 29, 2015

INDOT Crawfordsville District Office, 41 West 300 North, Crawfordsville, IN 47933

10:00-noon	Contractors & Consultants	Up to 60 participants
Noon – 1pm –	INDOT Employees	Up to 40 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 60 participants

	counties)	
--	-----------	--

5. September 16, 2015

INDOT Fort Wayne District Office, 5333 Hatfield Road, Fort Wayne, IN 46808

10:00-noon	Contractors & Consultants	Up to 50 participants
Noon – 1pm – bring your own brown bag lunch & learn	INDOT Employees	Up to 50 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 50 participants

6. October 20, 2015

INDOT Vincennes District Office, 3650 South US Highway 41, Vincennes, IN 47591

10:00-noon	Contractors & Consultants	Up to 50 participants
Noon – 1pm – bring your own brown bag lunch & learn	INDOT Employees	Up to 20 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 50 participants

7. November 17, 2015

Indiana Government Center South, Auditorium, 302 W. Washington Street, Indianapolis, IN 46204

10:00-noon	Contractors & Consultants	Up to 80 participants
Noon – 1pm – no food	INDOT Employees	Up to 80 participants
1:00pm – 3:00 pm	LPA/MPO (Cities, towns & counties)	Up to 80 participants

APPENDIX F: DEFINITIONS

GENERAL DEFINITIONS

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)
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 200.5(g)
Federal assistance	Includes: <ul style="list-style-type: none"> (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. ³ 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
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,

³ 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.

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

INDOT PROGRAM DEFINITIONS

The following definitions are practical definitions of terms of art, acronyms, and key terms used in this Voluntary Corrective Action Plan (VCAP). These are not intended to be legal definitions but are included to assist the reader in understanding the obligations and processes discussed herein.

- ADA -** The Americans with Disabilities Act of 1990, ([Title II of the Americans with Disabilities Act of 1990](#)) also used to refer to accessibility requirements for programs and facilities developed by recipients of federal funds.
- Assurances -** The Title VI assurances of nondiscrimination signed by every recipient and subrecipient of federal funds. The Assurances transfer the obligation to demonstrate effective nondiscrimination practices and policies along with the federal funds to ensure tax dollars benefit all people without discrimination.
- EJ -** Environmental Justice. Environmental justice refers to the requirement that projects and programs are evaluated to determine whether or not they disparately impact low income and minority populations and to ensure that public participation is sought when EJ impact exist and mitigation measures employed whenever possible. See also [Executive Order 12898](#).
- FHWA -** Refers to the Federal Highway Administration
- INDOT -** Refers to the Indiana Department of Transportation
- Liaison -** The primary point of contact for INDOT's Title VI Manager in each program area, district, or division who is responsible for ensuring his or her program area is in compliance with all nondiscrimination requirements jointly wit the Title VI Program Manager and other designated Program Area Representatives (PARs)
- LEP -** Refers to persons and populations with limited English proficiency.
- LPA -** Local Public Agency, often a city or town.
- MPO -** Metropolitan Planning Organization, typically associated with the County.
- PAR -** INDOT employees who are Program Area Representatives who work with the Title VI Liaison for their program area to collect, analyze and report data and to ensure the program area complies with nondiscrimination requirements. PARs must, at a

minimum, be Title VI trained and participate in program area nondiscrimination meetings and / or conference calls as deemed necessary by the Title VI liaison.

Recipient - Any person, agency or company who had received any amount of federal funds. All recipients are required to comply with Title VI and all other nondiscrimination requirements arising from federal law and / or the signed assurances of nondiscrimination.

STA- State transportation agency / agencies, of which INDOT is one example.

Subrecipient - A recipient of federal funds who received those funds by and through an intermediary recipient making them a subrecipient. Subrecipients have the same obligations as a recipient but their compliance with nondiscrimination requirements is monitored primarily by the recipient of federal funds. E.g. – INDOT awards federal funds to a city. INDOT is primary recipient and the city is a subrecipient. The city now has an obligation to comply with nondiscrimination laws incorporated into the local public agreement and INDOT has an obligation to monitor the city's compliance.

VCAP - Voluntary Corrective Action Plan. This document is used to demonstrate good faith efforts of a recipient or subrecipient to comply with nondiscrimination requirements once that recipient or subrecipient has been found deficient in their compliance efforts.

APPENDIX G: ANNUAL TITLE VI PROGRAM WORKBOOK

2014 TITLE VI /ADA INTERNAL PROGRAM

CONTENTS

PURPOSE.....	4
Annual Division & District GOAL summary.....	4
DIVISION ANNUAL PROGRESS DISCUSSION NOTES & TASKING	4
Contracts Division	4
Liaison:.....	4
2014 Division INITIAL MEETING	5
2014 task identification:.....	5
Design Division	8
Liaison:.....	8
2014 Division INITIAL MEETING	8
2014 task identification:.....	9
Department: talent management (formerly Employee Development)	11
Liaison:.....	11
2014 Department INITIAL MEETING.....	11
2014 task identification:.....	12
Environmental Services Division	14
Liaison:.....	14
2014 Division INITIAL MEETING	15
2014 task identification:.....	15
Department: Facilities (Operations)	17

Liaison:.....	17
2014 Department INITIAL MEETING.....	18
2014 task identification:.....	18
Ft. Wayne DISTRICT	21
Liaison:.....	21
2014 DISTRICT INITIAL MEETING	21
2014 task identification:.....	22
LPA / MPO Division	24
Liaison:.....	24
2014 Division INITIAL MEETING	24
2014 task identification:.....	26
Transit Division	28
Liaison:.....	28
2014 Division INITIAL MEETING	29
2014 task identification:.....	29
Real Estate Division	30
Liaison:.....	30
2014 Division INITIAL MEETING	31
2014 task identification:.....	31
Communications Department	32
Liaison:.....	32
2014 Division INITIAL MEETING	32
2014 task identification:.....	33
Legal Division	34
Liaison:.....	34
2014 Division INITIAL MEETING	34

201 task identification:.....	34
Research Division	36
Liaison:.....	36
2014 Division INITIAL MEETING	36
2014 task identification:.....	36
Vincennes District	38
Liaison:.....	38
2014 Division INITIAL MEETING	38
2014 task identification:.....	38
Seymour District	39
Liaison:.....	39
2014 Division INITIAL MEETING	40
2014 task identification:.....	40
Greenfield District	41
Liaison:.....	41
2014 Division INITIAL MEETING	41
2014 task identification:.....	42
Human Resources Department	43
Liaison:.....	43
2014 Division INITIAL MEETING	43
2014 task identification:.....	43

PURPOSE

This workbook was developed and utilized to capture Title VI representatives, tasks and ownership for the purpose of ongoing Title VI monitoring for the reporting period of 2014-15. It is not a program or policy document, but rather a task tracking tool for the program management and liaisons to monitor progress. This workbook and its tasks were superceded by the Compliance Review & deficiency notice provided by Federal Highway in June 2015 but served as the operating work log until that time.

ANNUAL DIVISION & DISTRICT GOAL SUMMARY

- I. Communication
 - a. General: all divisions have the goal of improving communication with regard to the Title VI and ADA program requirements and meeting / communicating at intervals throughout the year to identify and accomplish program tasks.
 - b. Scheduling of follow-up meeting(s)
 - c. Discussion of division work, roles, responsibilities
 - i. Title VI and ADA impact tracking through the contracting process
 - ii. Training of key individuals, specifically with regard to tracking assurances
- II. Information & Resource Availability
 - a. Awareness of existing resources and training
 - i. Identify those in each division who need training
 - ii. Train as many employees as possible during the program year
 - b. Identification of additional resources and training required
 - c. How can this division be a resource for us?
- III. Compliance & Accountability:
 - a. Identify what data needs to be collected from each division and who works with that information on a day-to-day basis
 - b. Incorporate those who work with the data into the Title VI teams.

DIVISION ANNUAL PROGRESS DISCUSSION NOTES & TASKING

CONTRACTS DIVISION

LIAISON:

Bob Cales

Title: Director of Contracts Administration

Contact Information:

INDOT Central Office

317-233-4794

rcales@indot.in.gov

RESOLUTION PLAN:

- I. Coordinate with Bob Cales and Harriet Briggs to ensure that the five or so folks who review and approve contracts have Title VI training targeted as the assurances and contracting process. Discussion to coordinate training to commence not later than December 15, 2014
- II. Train all relevant staff by the end of May, 2015

TARGET DATE FOR COMPLETION: MAY 30, 2015

Notes: Division wide contracts training was held in two sessions on

3/2/15	Contacted Bob Cales for list of trainees
3/15/15	List of trainees identified, Contracts division to coordinate training date for 2 sessions
4/10/15	Training data scheduled
5/19/15	Entire Contracts division received Title VI training via 2 training sessions held on this date. (Training materials attached as Exhibit A)

ENSURING THE TITLE VI ASSURANCES ARE A PART OF CONTRACTS REVIEWED BY THIS DIVISION

ISSUE:

This division processes all construction contracts and any contracts that require review by the Indiana Attorney General's office. Most contracts are form and template driven, but some are organic. Those responsible for reviewing contracts in the division need to understand the requirement that assurances be included in all contracts and make this a part of the approval process.

RESOLUTION STEPS & TIMELINE:

- I. Form and Template contracts needs to be reviewed. Once division staff is trained, they can conduct a preliminary review of their forms, templates and processes and identify any areas of concern. A follow up meeting should be held in March of 2015 to discuss any issues that the review group has identified.
- II. The program manager and / or compliance specialist should spot audit a handful (approximately 10) of contracts in the second half of 2015 between April and July to ensure compliance with the Title VI assurances requirement.
- III. The findings of this spot audit and processes implemented by the key players in the division should be reviewed and discussed prior to the formulation of the 2014-15 year report. Thus discussion can be scheduled for the end of August 2015

KEY PERSONNEL IDENTIFIED

This division is still in the process of identifying Key Personnel

Jeff Clanton

Title: Contracts Manager for Professional services

317-232-4198

jclanton@indot.in.gov

Harriet Briggs

Title: Contract approval & review process

317-232-4005

hbriggs@indot.in.gov

2014 DIVISION INITIAL MEETING

Date: October 24, 2014 Time: 9:00 am

Attendees:

Erin Hall, Title VI/ADA Program Manager
Bob Cales, Director of Contracts Administration

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DIVISION TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

While Robert Cales is the proper liaison for the division, key players have been identified specific to the Title VI work areas for 2014-15. These persons need targeted training to understand how their work is part of the Title VI program, essentially, training covering a Title VI overview and focusing on the assurances requirement for contracts.

3/2015	Informal discussion with Bob Cales regarding challenges involved in collecting this information. All parties agree we need to better inform contractors of our expectations but that gathering this information, if necessary, must be done in a manner that could not appear as if it were used to select bidders.
--------	---

TARGET DATE: ONGOING WITH PRELIMINARY WORK TO BE COMPLETED DURING THE 2014-15 PROGRAM YEAR

This task was superseded by the VCAP Title VI tasks in June.

DESIGN DIVISION

LIAISON:

John Wright

Title: Director of Design

Contact Information:

INDOT Central Office

317-232-5147

jwright@indot.in.gov

KEY PERSONNEL IDENTIFIED

Russ Brittain

Title: Roadway Engineer and Review Supervisor

INDOT Central Office

317-232-5238

rbrittain@indot.in.gov

Additional personnel have been identified and are represented in the VCAP document.

2014 DIVISION INITIAL MEETING

Date: October 28, 2014 Time: 1:00 pm

Attendees:

Erin Hall, Title VI/ADA Program Manager

John Wright

Russ Brittain

Notes:

3/2/15	Contacted Bob Cales for list of attendees
3/20/15	Harriet Briggs to work with K. Radcliff on ensuring T6 language is in all contracts including construction
4/2015	Met with Lori, Libby and Legal Div. to address changes to the Assurances and contract language.
6/1/15	Language revisions presented by T. Giller, submitted to FHWA for comment and approval. Changes made to all documents in anticipation of FHWA approval.

TARGET DATE: AUGUST 30, 2015

CONSIDER THE FEASIBILITY OF CONDUCTING A TITLE VI SURVEY AND DISPARATE IMPACT ANALYSIS OF THE CONTRACTS PROCESS

ISSUE:

Federal Highway conducted a compliance review of INDOT in September 2014. During this review they met with the contracts division and expressed some interest in how INDOT ensures it is not discriminatory in its contracting processes. Contracts does not collect Title VI data so that they can maintain a pure low bid analysis. However, we will consider this year whether or not a Title VI survey can be developed for bidders that would be effective and able to be sent to the Title VI program manager and later compared with the outcome of the bidding process (who bid and who received contracts) to conduct a disparate impact analysis. If feasible, we will eye the professional services area as the first place to target a survey, since it is a smaller group and a place more ripe for review since construction contracts are purely low bid.

RESOLUTION STEPS & TIMELINE:

- I. Consider if there may be an effective survey mechanism for the entities bidding for professional services contracts. (November 1, 2014 through July 2015) -
- II. Evaluate whether an effective analysis can be conducted. (November 1, 2014 through May 2015)
- III. If feasible, develop a simple survey that will be collected at the time of registering to bid with results that will be sent confidentially to the Title VI program personnel and kept until the bidding process is complete and applied to the results to do a discrimination study (November 1 2014 through August)
- IV. Determine the scope of the Title VI survey and disparate impact study (June through August 2015)
- V. If feasible, distribute a letter to the listserv about the survey opportunity (2015-16 program year)
- VI. Open and close the survey and collect results (2015-16 program year)
- VII. Compare the results to the bidding outcomes within the scope and make a determination whether or not the results evidence a disparate impact (2015-16 program year)
- VIII. If a disparate impact is found, conduct a disparate impact study (2015-16 program year)

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DIVISION TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

INDOT design staff would like to have an updated ADA design training as well as other information available for both in person and online training sessions. It has been a challenge to assign district staff as trainers since they have other duties and it seems to be that once made a trainer, always the trainer. It may be easier to have online webinars with the liaison then to hold a Q & A session with the district or central office subject matter experts, not expected to conduct a training, but there to answer questions. This would create a unified training.

RESOLUTION PLAN:

- I. ... Coordinate with federal highway and the design division to determine if we can use existing materials or if we need to generate our own training materials. Preliminary discussions should be held no later than the end of February 2015.
- II. A training materials development project plan with stakeholders identified should be adopted not later than June 1, 2015.
- III. Follow up on project progress to include the annual report by August 30, 2015

Notes:

2/20/15	Contacted Eric Seef for additional training resources
3/2/2015	Compiled training resources (existing) and began evaluating gaps that need filled with training
3/2/15	Identified challenge: until the design standards are adopted (late as of 1/15) new training cannot be developed.
4/2015	Posted all existing resources on the sharepoint site to make ADA resources available to all INDOT employees who design roads, highways and ancillary facilities.

TARGET DATE FOR COMPLETION: AUGUST 30, 2015

DEVELOP WRITTEN POLICIES AND PROCEDURES FOR THE ADA WORKING GROUP

ISSUE:

This division participates in an ADA working group providing advise and decision making on ADA concerns brought to INDOT's attention, mostly internal but also some external requests. There is some discussion over who should be handling which part of the process and it has changed over time.

RESOLUTION STEPS & TIMELINE:

- I. By the end of 2015 have a preliminary draft of written procedures and policies for the working group with a few minutes spent discussing this during our regular meetings.
- II. Review and modify the procedures after everyone has had a chance to weigh in and submit a follow up draft by the end of February.
- III. Finalize the policies and procedures by December 2015
- IV. Adopt the policies and procedures not later than January 30, 2016

TARGET DATE: JANUARY 30, 2016

Notes:

1/15	Presented proposed forms to the working group for Submission and for case documentation
2/15	Discussed and drafted a policy for the Technical advisory committee broader in scope than technical infeasibility
3/2/15	Presented drat policies to the members and discussed issues requiring input. A decisions was made to stay the completion of the draft policies until the completion of the ADA Transition plan and the convening of the ADA Standards governance committee.
3/2/15	Obtained a sharepoint site for the committee.
6/10/15	Discussed with the TAC funneling APS request findings through the TAC committee before submitting correspondence.
7/28/2015	Discussed with traffic group on DTE conference the needs to channel APS studies determining that no APS will be installed through the TAC committee as well as channeling all studies through the Title VI Program Manager per the policy. The group agreed and Traffic management was brought into the Title VI oversight via the VCAP document.

TARGET DATE: AUGUST 30, 2015

DEPARTMENT: TALENT MANAGEMENT (FORMERLY EMPLOYEE DEVELOPMENT)

LIAISON:

Heather Devocelle

Title: Director of Talent Management
INDOT Central Office
317-234-3848

hdevocelle@indot.in.gov

KEY PERSONNEL IDENTIFIED

Scott Burress

Title: INDOT University Manager
Contact Information:
317-234-8583

sburress@indot.in.gov

- now Steve Fanning

sfanning@indot.in.gov

2014 DEPARTMENT INITIAL MEETING

Date: October 21, 2014 Time: 3:00 pm

Attendees:

Erin Hall
Heather Devocelle
Scott Burress

In 2013-14, no language services were requested. The division continued to share information regarding LEP, Title VI and ADA/Section 504 with new hires. Employee development partners with the DBE staff (in the EEO Division) for its outreach plan to reach and employ more women and minorities and to involve more representatives from these groups in the Certified Technician Program. This CTP is advertised through INDOT's website, Team Indiana, ACED and other outlets, including word of mouth. The CTP exam costs \$100 as necessary to cover administrative costs. 172 persons registered for the CTP program with 24 having completed the CTP program in 2013 and 148 in 2014 prior to the completion of the assessment. At least one employee development staff member completed Title VI / ADA training during this assessment period and one more individual has been identified to attend training this year. The Division's survey indicated the first three goals were complete for this year with the fourth goal in progress. This division has provided evidence of good faith efforts with regard to its Title VI compliance.

Accordingly, for 2014-15, the division should continue to provide Title VI and ADA training for its staff and evaluate the results of goals 2 and 3 from last year to determine if there is room for improvement, as well as continuing its efforts with regard to the fourth goal.

In addition The Title VI / ADA 2014-5 programs goals of fostering and developing communication and implementing effective and efficient information dissemination should be a key focus for this division. In harmony with the program goals, the Title VI / ADA Program Manager will meet with the Division's liaison to identify specific tasks for the division to help better program communication and identify channels for program information dissemination including division trainings that may incorporate program goals.

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

INDOT UNIVERISITY

ISSUE:

This division facilitates but does not "own" agency wide training. There is a need, with regard to internal and external training to work together on ensuring training is accessible to all and that everyone has an equal opportunity to access training opportunities.

RESOLUTION PLAN:

- I. This division will maintain an ongoing an open dialogue with the Title VI / ADA program manager and compliance specialist to ensure as INDOT University develops its programs are compliant with Title VI as well as ADA accessibility requirements.
- II. Internal and external training policies will be developed to ensure accessibility and non-discrimination. Preliminary policies should be in place but will be reviewed and updated by the end of February 2015.
- III. Methods of collecting and checking data to ensure discrimination is not occurring in INDOT university programming need to be discussed and eventually put into place.
- IV. The University plans to charge tuition for some of its courses and Title VI / ADA implications need to be considered. A legal analysis of this issue should be conducted prior to fees being charged.
- V. Ongoing periodic review of this program will need to occur to ensure Title VI and ADA compliance

TARGET DATE FOR COMPLETION: END OF AUGUST 2015

Notes:

3/1/15	Discussion with INDOT university course developer about ADA accessible course features
8/10/2015	Met with Liaison (H. Devocelle) and Steve Fanning to discuss the VCAP and the need for Title VI

	<p>training for the new employees in the division. H. Devocelle suggested another training on nondiscrimination from a broader perspective with Human Resources and Title VI Management. We also discussed including Title VI surveys in training courses and ensuring any fees charged for courses do not have a discriminatory impact.</p>
--	--

DIVISION LIAISON AND KEY PERSONNEL MUST BE IDENTIFIED AND RECEIVE TITLE VI TRAINING

ISSUE:

Key personnel will be trained in Title VI as of November 18, 2014. As additional key personnel are identified they should receive training within 90 days. The division Title VI liaison should also receive training if a workshop has not been attended in the past 3 years.

RESOLUTION STEPS & TIMELINE:

- I. Scott Burress will receive training on November 18, 2014
- II. The department will notify the program manager of any key personnel identified during our regular discussions and will ensure they are scheduled for Title VI training within 90 days of recognizing the need.

TARGET DATE: ONGOING

Notes:

12/14	Division staff attended Title VI training
Spring 2015	There are new staff in the Division. Steve Fanning received training via the INDOT University course in June 2015. Additional training will be provided to remaining new employees in 2015.

EMPLOYEE DEVELOPMENT WILL ASSIST TITLE VI / ADA PROGRAM IN FACILITATING ITS TRAINING, WEBINARS AND RESOURCE DISSEMINATION TO THE EXTENT REASONABLY POSSIBLE.

ISSUE:

The Title VI program requires initial and ongoing training. A mechanism needs to be in place for updates and assessments. Employee development, through INDOT university can help facilitate this.

RESOLUTION STEPS & TIMELINE:

- I. Employee Development will assist the program manager in videotaping training sessions
- II. When the web course contract is final and active through Ivy Tech, Employee Development will inform the program manager so that we can begin making online training possible.

III. Track training to ensure all required facilities and operations key personnel are trained by August 30, 2015 in time for the 2014-15 Program Annual Report to Federal Highway.

TARGET DATE: AUGUST 30, 2015

Notes:

1/15	Attended web-based training seminar at IVY Tech
2/15	Met with instructional designer to design and launch first web-based Title VI and ADA course
2/25/15	Instructional Design and INDOT university attended live training of the course to become web-based
3/1 – 6/2015	Title VI and ADA basic training developed for INDOT staff
6/2015	Beta tested the INDOT University Course in the Economic Opportunity Division and with several Talent Management Personnel.
7/2015	Course approved by communications division and is ready to be made available to employees.

ENVIRONMENTAL SERVICES DIVISION

LIAISON:

Ron Bales

Title: NEPA Specialist, Environmental Services

Contact Information:

INDOT Central Office

317-234-4916

rbales@indot.in.gov

KEY PERSONNEL IDENTIFIED

Laura Hilden

Title: Director of Environmental Services

232-5018

lhilden@indot.in.gov

Federal Highway Personnel:

Michelle Allen

Joyce Newland

Larry Heil

2014 DIVISION INITIAL MEETING

Date: October 27, 2014 Time: 1:00 pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Ron Bales, NEPA Specialist

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DIVISION TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING**ISSUE:**

This division handles Environmental Justice analysis as part of NEPA reviews. Some lower level analysis are done entirely at the district level. Not everyone has received Title VI training and the general overview model of training would likely be insufficient. The Division has an annual meeting in the spring. In 2015 our goal will be to conduct a 45 minute Title VI training as part of their annual meeting if this is feasible.

RESOLUTION PLAN:

- I. Coordinate with our liaison and Laura Hilden to plan for a relevant, informative Title VI training for all division staff and develop a method of tracking who has received Title VI training.
- II. Train all relevant staff by the end of the first half of 2015 (June 2015)
- III. Create a document or spreadsheet to track who has been trained and when and to refer all new hires or transfers to our division for Title VI training.

TARGET DATE FOR COMPLETION: JUNE 1, 2015

Notes:

3/2/15	Requested spring training dates from liaison
6/15/15	Will conduct a Title VI division-specific training focused on INDOT policies and EJ analysis during the NEPA process

6/16/2015	Peer group Title VI training provided to 42 Environmental Services Division staff for one hour. (Agenda and sign-in sheets attached as Exhibit B)
-----------	---

ENVIRONMENTAL JUSTICE POLICY UPDATE

ISSUE:

This division is in the process of updating their Environmental Justice Guidance policy. This policy encompasses how INDOT handles Environmental Justice concerns when it is preparing the environmental policy documents. Our liaison will send draft versions to our Title VI program manager for comment and review. This policy will be updated in 2016.

RESOLUTION STEPS & TIMELINE:

- I. Review the current draft of the policy update
- II. Comment and review on all revisions and drafts
- III. Consider including a legal foundation in the policy
- IV. Comment on the final draft and coordinate a meeting prior to implementation of the updated policy

TARGET DATE FOR COMPLETION: AUGUST 30, 2015

Notes:

3/2/15	Requested status update from Liaison
6/1/15	Policy update is ongoing, a draft will be submitted for review once it is complete
8/28/15	Policy update is still ongoing within the division, this task has been integrated into the VCAP tasks for this program area.

DEPARTMENT: FACILITIES (OPERATIONS)

LIAISON:

Brian Shattuck

Title: Highway Engineer

Contact Information:

INDOT Highway Management

IGCN – Room 901

100 N. Senate Ave.

Indianapolis, IN 46204

317-847-3969

bshattuck@indot.in.gov

Brian is the ADA Subject matter expert for INDOT facilities (primarily rest areas, weigh stations, district offices, salt and brine buildings)

KEY PERSONNEL IDENTIFIED

Jason Jones

Title: Maintenance Management and District Support Director

Contact Information:

(317) 232-5545

jasjones@indot.in.gov

INDOT Highway Management

IGCN – Room 901

100 N. Senate Ave.

Indianapolis, IN 46204

Operations handles snow removal operations, including determinations of which routes are plowed first and how often. This is actually a separate division under operations than facilities, so a determination on the broadening the scope of our program review / liaison in this division is warranted

Todd Shields

Title: Maintenance Field Support Manager

(317)233-4726

tshields@indot.in.gov

Operations Process and System Management

IGCN – Room 901

100 N. Senate Ave.

Indianapolis, IN 46204

2014 DEPARTMENT INITIAL MEETING

Date: October 15, 2014 Time: 1:30 pm

Attendees:

Brian Shattuck
Erin Hall
Heather Kennedy

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

2013-14 ASSESSMENT SUMMARY & TITLE VI REPORT

The 2013 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 included:

- 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 attends Title VI and ADA training.

As part of the Divisions 2014 assessment, the division reports that all facilities are currently ADA compliant. However, the assessment failed to indicate the status with regard to the completion of these two goals. As a result it is clear this division will benefit from the 2014-15 program goals of improving communication between the Title VI / ADA program manager and effectively disseminating program information, including providing relevant training. Accordingly, while the 2013-14 goals remain a focus for this division as we move into 2015, the Title VI / ADA Program Manager will meet one-on-one with this liaison to improve communications and to determine a set of tasks for the division to meet prior to the next assessment survey with regard to the program and division goals. These tasks will be included in the 2015 report.

FACILITIES MANAGEMENT TITLE VI TRAINING

ISSUE:

Brian would like to schedule a facilities manager meeting in March of 2015, following facilities' busy season with snow removal and equipment and facilities repairs. He believes a targeted training session on Title VI, perhaps

with ADA components, would be beneficial during this time. Key components of this training would include the 4 factor LEP analysis and signage issues.

RESOLUTION PLAN:

- VI. Program manager to develop a targeted training for facilities management team and additional operations personnel who may wish to attend.
- VII. Training date to be selected during the late January follow up meeting with facilities / operations key personnel
- VIII. Invitations to be sent by facilities / operations and room to be reserved by Title VI program management
- IX. Workshop model training to be held with facilities management in March on Title VI / ADA

TARGET DATE FOR COMPLETION: MARCH 31, 2015

Notes:

2/1/15	Obtained contacts at each district for their maintenance / opps meetings. Contacted each to get on the agenda for Title VI training (INDOT employee Title VI training materials attached as Exhibit C)
2/26/15	Provided Maintenance training at Greenfield district office (8 managers trained)
3/15	Maintenance training in Seymour (Aurora Subdistrict) 9 managers trained & Fort Wayne (32 managers & field staff trained)

BROADEN THE SCOPE OF THE TITLE VI PROGRAM REVIEW FOR FACILITIES TO INCLUDE OPERATIONS

ISSUE:

Facilities operations deals narrowly with the facilities such that much of the day-to-day function of the facilities is / are handled by different divisions. Communications personnel from central office handle the comment cards placed at rest areas; the district offices handle what is posted on the bulletin boards, and operations handles snow removal. Communications and the District offices are already covered by the Title VI Program's scope, however, snow removal is not. This is an area ripe for Title VI review. During the 2014-15 program cycle we will focus on identifying and training our liaison(s) and key personnel such that we can review Title VI impacts in the near future.

RESOLUTION STEPS & TIMELINE:

- IV. Contact key personnel and request their attendance during the next Division Title VI program meeting in late January. Provide information on the November 18, 2014 Title VI training date for those available.
- V. During the late January meeting, determine who should receive Title VI training and whether a special training session is needed.
- VI. Track training to ensure all required facilities and operations key personnel are trained by August 30, 2015 in time for the 2014-15 Program Annual Report to Federal Highway.

TARGET DATE: AUGUST 30, 2015

Notes:

1/15	Met with operations staff to include this group in training., conducted maintenance trainings.
------	--

This group is providing a representative in each subdistrict for the Title VI program pursuant to the VCAP.

2015 FOLLOW UP MEETING

Date: January 22, 2015 Time: 10:00 am

Attendees:

- Erin Hall, Title VI Program Manager
- Kimberly Radcliff, Title VI Contract Compliance Specialist
- Todd Shields
- Jason Jones

ISSUE:

The main objective is trying to figure out the key employees within the Operations Department, excluding Jason Jones and Todd Shields, who will need Title VI training.

RESOLUTION STEPS & TIMELINE:

- I. Provide dates for the District Maintenance Manager meetings (March 1, 2015).
- II. Identify relevant policy and procedures that may have Title VI implications (March 1, 2015).
- III. Supply Title VI training for everyone within the Operations Department (August 31, 2015).
- IV. Currently, the Facilities and Operations Department is on task for the year 2015.

TARGET DATE: AUGUST 30, 2015

Notes:

3/2/15	See notes under training section above
8/28/15	3 districts have not yet received training. This task will be rolled into the VCAP period with additional personnel identified in each district & subdistrict.

FT. WAYNE DISTRICT

LIAISON:

Jason Kaiser

Title: Highway Engineer Supervisor

Contact Information:

INDOT Fort Wayne District

260-969-8234

jasonkaiser@indot.in.gov

KEY PERSONNEL IDENTIFIED

Dirk Schmidt

Title: Traffic Investigations Engineer

INDOT Fort Wayne District

260-969-8287

Dschmidt1@indot.in.gov

2014 DISTRICT INITIAL MEETING

Date: October 17, 2014 Time: 10:00 am - Noon

Attendees:

Erin Hall, Title VI/ADA Program Manager
Heather Kennedy, EOD Director
Dirk Schmidt, Traffic Investigations Engineer
Todd Johnson 260-969-8206
Susan Doell 260-969-8263
Dana Plattner 260-969-8233
Alex Zembala 260-969-8293
Michael Koch 574-612-2224
Jason Kaiser, TSD 260-969-8234
David Somerlott 260-929-8303
Brian Bauermeister 260-969-8247
Jason Spreen 260-450-3324
Dianne Keefer, EEO 260-969-8210
Marcia Wood-reily 260-929-8276

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DISTRICT TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

While Dirk is certainly the proper person to be the subject matter expert and liaison for ADA, he does not deal with any of the district "work" which carries Title VI implications. The District does not "own" much of its programmatic processes. These programs are managed from Central Office. This is expected to continue under the agency's "One INDOT" policy. The district area that is ripe for Title VI review is maintenance. In addition, the liaison needs to be someone who can be a local contact for the other program area Title VI liaisons when they need to contract someone at the District regarding Title VI issues.

RESOLUTION PLAN:

- I. District to determine whom from the area of maintenance should receive Title VI training and determine, with the assistance of the Title VI Program Manager, who the new liaison should be by December 31, 2014.
- II. Subject matter experts should also be identified who should receive Title VI training by December 31, 2014.
- III. A Title VI training workshop at the district will be scheduled with these individuals and anyone else who would like to attend from the district. Training for these individuals will occur during the district lunch and learn
- IV. During this workshop, Title VI area issues will be identified and discussed. Tasks will be determined by the team and a work plan developed by the end of the 2014-15 program year.

TARGET DATE FOR COMPLETION: PROGRAM YEAR 2014-15

Notes:

1/15	Training dates scheduled for 9/16/2015
------	--

**CONTRACT COMPLIANCE REVIEW COMMUNICATION
ISSUE:**

District EEO's need to be contacted; as well as Michael Koch, when Contract compliance reviews are conducted in Fort Wayne. This will avoid ADA concerns being addressed with the contractor directly and allow construction to address the issue first to allow a unified contact and avoid confusion.

RESOLUTION STEPS & TIMELINE:

- I. EOD & Program Coordinator to discuss this with contract compliance manager during the next manager's meeting.

TARGET DATE: TBD BY NOVEMBER 30, 2014

Notes:

12/14	This information was communicated to David Alyea
-------	--

ADA COMMUNITY COMMUNICATIONS REGARDING SIDEWALKS

ISSUE:

INDOT fixes the intersection but the sidewalks connected to it are often unusable. Communities are responsible for the sidewalks.

RESOLUTION STEPS & TIMELINE:

- I. Draft a letter to the communities in advance of INDOT projects requesting the communities look at their own transition plans to determine how we can coordinate sidewalk replacement. December 31, 2014
- II. Discuss with the LPA/MPO division how they may be able to participate in this process agency wide. Winter 2015
- III. Develop a district-level protocol for intersection repair and replacement projects regarding community communications that may become an agency example. Late Spring 2015

TARGET DATE: ONGOING WITH STATUS UPDATE FOR END OF PROGRAM YEAR 2014-15

Notes:

3/2/15	This topic is being discussed at every district meeting & INDOT training.
5/1/15	Commissioner Hendrickson proposed a sidewalks program that, once developed will provide a forum for this communication

6/2015	The common paths sidewalks program development is stayed by the urgency of the Title VI VCAP. Work will resume following the VCAP period.
--------	---

LPA / MPO DIVISION

LIAISON:

Michael Cales

Title: LPA/MPO Grant Administration Program Manager

Contact Information:

INDOT Central Office

317-232-5021

mcales@indot.in.gov

KEY PERSONNEL IDENTIFIED

This division is in the process of identifying Key Personnel

Kathy Eaton-McKalip, Director of the LPA/ MPO Division

317-234-5142

KAEaton-McKalip@indot.in.gov

(additional personnel identified in the VCAP during the VCAP process)

2014 DIVISION INITIAL MEETING

Date: October 20, 2014 Time: 1:00 pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Kimberly Radcliff, Title VI/ADA Compliance Specialist
Heather Kennedy, EOD Director
Kathy Eaton-McKalip, LPA Director
Michael Cales
Ellen Hite
Britni Saunders
Michael McNeil
Ann Marie Bishop
Brenda Fox
April Schwering
Janette – MPO liaison

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DIVISION TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

While Michael Cales is a necessary subject matter expert and likely to continue as Liaison, this division is determining who will play what role in the Title VI process as we move forward. The program manager will then host a division wide training and Title VI workshop.

RESOLUTION PLAN:

- IV. Meet with the Division Director to identify subject matter experts and confirm the liaison for the 2014-15 year by Mid-November 2014
- V. Train all relevant staff by Mid November 2014

TARGET DATE FOR COMPLETION: DECEMBER 31, 2014

Notes:

11/14	Division training held, entire division attended and received training (see initial meeting attendees above)
-------	--

LPA/MPO POST-SURVEY LETTERS & ACTION PLANS PRIOR TO CALL FOR PROJECTS

ISSUE:

This division will be our key focus in 2014-15 as we take the next step with the certification process and begin to develop action plans for LPA/MPO deficiencies. From there we will notify those who submit calls for project funding that their funding is deferred until they submit and action plan and the same is approved. In addition we will need to develop a process for spot-check reviews of those who are compliant and certify thus during the survey period.

RESOLUTION STEPS & TIMELINE:

- V. Letter needs to be drafted and sent out to all those who are likely to apply for funding who did not complete the survey that their status is deferred until they complete and action plan.
- VI. The same notification needs to be sent to those who have deficiencies so that they may submit an action plan prior to their call for projects by the end of November 2014.
- VII. An action plan form needs to be drafted by the end of November 2014.
- VIII. Survey needs to be remodeled and simplified with a worksheet being created for the LPA / MPO to retain to assist in the formulation of the action plan.

TARGET DATE: ON HOLD

Notes:

3/2/15	Action plan / survey issues have been vetted to FHWA and are in discussion.
5/15	K.Radcliff discussed with M. Cales who is likely to receive funding and was informed that there will be no call for projects in 2015. The precertification survey will be made available as usual with K. Radcliff copied on all results for program follow up when entities represent areas of noncompliance
6/15	Division changes and FHWA deficiencies identified in the VCAP have changed the course of this task.

COMPLETE THE LPA/MPO COMPLIANCE REVIEWS COMMENCED BY FEDERAL HIGHWAY

ISSUE:

Federal Highway conducted a compliance review of INDOT in September 2014. During this review they met with the LPA & MPO for Indianapolis and Columbus and identified deficiencies. INDOT is responsible for monitoring the Title VI compliance of its subrecipients; therefore, INDOT will complete this Title VI review and in the process develop a review protocol for LPAs & MPOs.

RESOLUTION STEPS & TIMELINE:

- IX. Notify Indianapolis and Columbus that INDOT will be conducting its own review and findings to complete the review process initiated by Federal Highway by November 2014
- X. Assist the LPA/ MPO in developing an action plan. Beginning in February 2015
- XI. Develop a protocol for LPA & MPO reviews. ongoing

TARGET DATE: ONGOING WITH STATUS UPDATE FOR END OF PROGRAM YEAR 2014-15

Notes:

2/19	Reviewed 20 transition plans in conjunction with Ken Woodruff
2/20	Drafted template response letter
4/15	Woody plans to have his comments ready for formal responses
6/15	Select additional cities & towns for review.
6/15	FHWA has yet to complete its transition plan reviews. K. Radcliff will be copied on all survey responses and we will be able to follow up with communities representing deficiencies when they submit their surveys.
6/30/15	Survey period open, Kimberly Radcliff is desk reviewing all surveys once they are received.
8/6/2015	Met with the division to discuss subrecipient monitoring and jointly determined that noncompliant subrecipients will be ineligible for funding on future projects.
8/28/2015	More

TRANSIT DIVISION

LIAISON:

Larry Buckel
Title: Transit Office Manager
Contact Information:
INDOT Central Office
317-232-5292
lbuckel@indot.in.gov

KEY PERSONNEL IDENTIFIED

Jason Casteel

Title: Transit Planner
INDOT Central Office
317-234-5161
jcasteel@indot.in.gov

This team was expanded to include all of multimodal by the VCAP in 2015.

2014 DIVISION INITIAL MEETING

Date: October 29, 2014 Time: 2pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Larry Buckel
Jason Casteel

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

EXPLORE THE FEASIBILITY OF COMPLETING ONE INDOT TITLE VI PROGRAM REPORT FOR FTA AND FWY

ISSUE:

Larry has to submit his own tri-annual title vi program to FTA. There is some different information that is included, but the form is similar to the FHwy report and is also called the INDOT Title VI program. This is confusing because it appears that INDOT has 2 Title VI programs while it only truly has one.

RESOLUTION PLAN:

- I. Jason is communicating with his FTA contact to determine if they would object to one form (Nov. 2014)
- II. Program manager will communicate with Woody to ensure he has no objection to merging the documents (Nov. 2014)

III. Jason, Larry and program management should meet to work on merging their information into our form by July of 2014.

TARGET DATE FOR COMPLETION: JULY 30, 2014

Notes:

1/15	Followed up with transit. Jason Casteel is working with FTA to determine if a unified report would be acceptable.
3/2/15	Sent status request update to Jason / Larry
5/15	Further status update & discussion revealed they have been unable to obtain a response from their FTA civil rights coordinator
6/1/15	It is evident that the reports cannot be combined.

REAL ESTATE DIVISION

LIAISON:

Michael Jett

Title: Director

Contact Information:

INDOT Central Office

317-232-5081

mjett@indot.in.gov

KEY PERSONNEL IDENTIFIED

Todd Clift

Title: Acquisitions Manager

INDOT Central Office

317-232-5060

wclift@indot.in.gov

Kathy Heistand

Title: Real Estate Operations Manager

INDOT Central Office

317-232-5004

kheistand@indot.in.gov

(This team has been revised by the VCAP)

2014 DIVISION INITIAL MEETING

Date: January 15, 2015 Time: 11pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Kimberly Radcliff, Title VI Compliance Specialist
Michael Jett
Todd Clift
Kathy Heistand

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

RELOCATION

ISSUE:

Mike Jett is the liaison for the Real Estate Division; however, Todd Clift was identified as an equally key person. Todd heads the Relocation section within the Real Estate Division and deals with the data collection aspect of both departments via surveys. The relocation section host a "technical counsel" where they take forms to the meetings to get input from other DOT's around the country.

RESOLUTION PLAN:

- IV. Identify key personnel within the division and contractors who will attend Title VI training
- V. Analyze Title VI impact on Goshen projects
- VI. Evaluate forms and data collection
- VII. Inform Erin when the department host appraisal, buyer and relocation meetings so she may attend to conduct a brief Title VI training.

TARGET DATE FOR COMPLETION: JULY 1, 2015

Notes:

2/15	Follow up meeting with Todd's replacement. LEP plan is being included and forms may be revised. I will set up a meeting on an active project to discuss our contractor's LEP plan. Deadline extended to accommodate the same.
6/1/15	Meeting participation scheduled to observe how relocation addresses T6 issues
6/18/15	Relocation roundtable discussion included Title VI training and discussion. (See materials attached Exhibit C and attendance logs as Exhibit D)
6/29/15	Appraising roundtable included fee appraisers (Materials Exhibit C) attendance records pending.

COMMUNICATIONS DEPARTMENT

LIAISON:

Rickie Clark

Title: Public Hearing Manager

Contact Information:

INDOT Central Office

317-232-6601

rclark@indot.in.gov

KEY PERSONNEL IDENTIFIED

(additional personnel identified in the VCAP document.)

2014 DIVISION INITIAL MEETING

Date: January 15, 2015 Time: 1pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
 Kimberly Radcliff, Title VI Compliance Specialist
 Rickie Clark

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

PUBLIC MEETINGS

ISSUE:

It was stated the division host key public meetings throughout the year; however, Title VI is never discussed. Rickie mentioned he would like to incorporate Title VI training within the meetings and would like for Erin to host them. In regards to data collect, he found people are reluctant to fill out the survey because INDOT does not provide pre-paid postage for mailings. It was noted INDOT tolls out a "wish" list of proposed projects at the STIP meetings. There are six (6) meetings per year and they discuss an array of topics.

RESOLUTION PLAN:

- VIII. Forms should be made accessible on the website i.e. electronic forms.
- IX. Identify key individuals who will need Title VI training, preferably staff who present at community meetings (March 1, 2015)
- X. Provide Erin with dates for the STIP meetings so she can participate (May 2015).
- XI. Complete the Public Involvement Procedure Manual (December 1, 2015).
- XII. Evaluate whether we should utilize postage paid mailings (December 2015).

TARGET DATE FOR COMPLETION: DECEMBER 31, 2015

Notes:

2/15	Received dates from Rickie. I can attend 2 of 6 and K.R. can attend 1 or 2.
3/15	Libby Kiefner determined we will not be attending these meetings this year due to the ADA transition plan.

LEGAL DIVISION

LIAISON:

Teresa Giller
Title: Attorney
Contact Information:
INDOT Central Office
317-232-6734
tgiller@indot.in.gov

KEY PERSONNEL IDENTIFIED

Jennifer Jansen
Title: Legal Services Director
INDOT Central Office
317-234-5402
jjansen@indot.in.gov

2014 DIVISION INITIAL MEETING

Date: January 15, 2015 Time: 2pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Kimberly Radcliff, Title VI Compliance Specialist
Teresa Giller

201 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

ASSURANCES DISCUSSION

ISSUE:

Do we need to place the assurances inside certain documents? Also, it is an issue getting Pre-qualifications on board with Title VI training.

RESOLUTION PLAN:

XIII. Set aside time to talk about processes for determining when assurances are necessary i.e. permits, billboards, operation agreements or licenses.

XIV. Meet with legal to have a roundtable discussion about Title VI training, determining what implications are missing and what passes through the legal department.

TARGET DATE FOR COMPLETION: AUGUST 31, 2015

Notes:

12/14	Constructed form for evaluating the necessity of including assurances in Deeds
2/15	Discussed the application of the assurances with T. Giller and M. Lang. A meeting needs to be set up with J. Jansen invited to flesh out the issue and construct a policy. T. Giller recommends adding this to the district's list.
5/15 – 6/15	Changes to the assurance language were made to include sexual orientation and gender identity and to remain as consistent as possible in all documentation
6/31/15	Legal division training on Title VI and ADA for one hour. (Materials attached Exhibit E)

RESEARCH DIVISION

LIAISON:

Mary Phillips

Title: Business Administration

Contact Information:

Crawfordsville District Office

765-463-1521 x222

mphillips@indot.in.gov

KEY PERSONNEL IDENTIFIED

Barry Partridge

Title:

Crawfordsville District Office

765-463-1521 x251

bpartridge@indot.in.gov

2014 DIVISION INITIAL MEETING

Date: January 21, 2015 Time: 1pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Kimberly Radcliff, Title VI Compliance Specialist
Mary Phillips

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

UNIVERSITY CONTRACTING OPPORTUNITIES

ISSUE:

Do we deny other universities the opportunity to enter into a contract with INDOT? Currently, Purdue University is the only university we have a contract with.

RESOLUTION PLAN:

- I. Evaluate INDOT's relationship with Purdue University to see why we chose to enter into a contract with them.
- II. Evaluate Purdue University as a sub-recipient.
- III. Monitor the accessibility of the test lab.

TARGET DATE FOR COMPLETION: AUGUST 31, 2015

Notes:

1/15	Preliminary meeting to discuss the Purdue contract / statute
6/15	Set up a time to commence a compliance review on Purdue as a subrecipient.
6/15-8/15	FHWA deficiency notice presented this issue also. A meeting was held with the division August 18 to discuss the Research division team and the compliance review process of Purdue.

VINCENNES DISTRICT

LIAISON:

Ernie Stoops

Title: Highway Engineer Supervisor 3

Contact Information:

Vincennes District Office

812-895-7390

estoops@indot.in.gov

KEY PERSONNEL IDENTIFIED

Shane Spears

Title: Capital Program Management Director

Vincennes District Office

812-895-7327

sspears@indot.in.gov

2014 DIVISION INITIAL MEETING

Date: October 31, 2014 Time: 1pm

Attendees:

Erin Hall, Title VI/ADA Program Manager

Kimberly Radcliff, Title VI/ADA Contract Compliance Specialist

Ernie Stoops, Highway Engineer Supervisor 3

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DISTRICT TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

Ernie Stoops would like to relinquish his role as a Title VI Liaison.

RESOLUTION PLAN:

XV. Identify a new Title VI liaison for the Vincennes District (Feb. 2015)

TARGET DATE FOR COMPLETION: JULY 31, 2015

Notes:

11/14	Discussed Title VI with Ernie
1/15	Discussed the district's annual training date
2/27/15	Attended a face-to-face meeting on ADA and Title VI @ Vincennes District with E. Stoops attending. Discussed current program goals and policies. Ernie will remain title VI liaison for the time being. VCAP identifies further meetings and discussions with district teams.

SEYMOUR DISTRICT

LIAISON:

Jim Ude

Title: Special Projects Engineer

Contact Information:

Seymour District Office

812-524-3729

jude@indot.in.gov

KEY PERSONNEL IDENTIFIED

Becky Gross

Title: Technical Services Director

Seymour District Office

812-524-3786

rgross@indot.in.gov

2014 DIVISION INITIAL MEETING

Date: January 21, 2015 Time: 3pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Kimberly Radcliff, Title VI Compliance Specialist
Jim Ude

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DISTRICT TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

Is the proper person in the liaison position for the Seymour District and what procedures are in place to help someone new to transition into the liaison position?

RESOLUTION PLAN:

- IV. Identify a new Title VI liaison for the Seymour District.
- V. Help to identify who should attend the May 2015 Title VI training.
- VI. Create procedures detailing how new employees are trained on Title VI.
- VII. Identify the Title VI contact person within maintenance.

TARGET DATE FOR COMPLETION: JULY 31, 2015

Notes:

2/16&17/15	Met with Jim Ude in Seymour. Discussed ADA and Title VI.
5/15	T6 lunch and learn held in Seymour – was attended by relevant INDOT staff, attendance database is separately maintained for numbers to be included in the final report but 8 attended this training. Additional discussions noted in the VCAP.

GREENFIELD DISTRICT

LIAISON:

Jim Poturalski
Title: Technical Service Director
Contact Information:
Greenfield District Office
317-467-3446
jpoturalski@indot.in.gov

KEY PERSONNEL IDENTIFIED

None prior to the VCAP. See VCAP for additional personnel.

2014 DIVISION INITIAL MEETING

Date: January 21, 2015 Time: 1pm

Attendees:

Erin Hall, Title VI/ADA Program Manager
Kimberly Radcliff, Title VI Compliance Specialist
Jim Poturalski

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DISTRICT TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

Is the proper person in the liaison position for the Greenfield District and what procedures are in place to help someone new to transition into the liaison position?

RESOLUTION PLAN:

- I. Identify a new Title VI liaison for the Seymour District.
- II. Help to identify who should attend the Title VI training.
- III. Create procedures detailing how new employees are trained on Title VI.
- IV. Identify the Title VI contact person within maintenance.

TARGET DATE FOR COMPLETION: JULY 31, 2015

Notes:

2/1/15	Jim invited me to speak at the manager's meeting about Title VI, attended and provide training to the executive leadership and managers at the Greenfield District.
2/25/15	Jim ensured many (20+) Greenfield district staff attended the lunch and learn at the INDY TMC which was a success. Title VI and ADA program and policy training occurred for an hour.

SEE VCAP FOR FURTHER DISCUSSION MINUTES & TASKS.

HUMAN RESOURCES DEPARTMENT

LIAISON:

Eddy Ortiz

Title: Human Resources Director

Contact Information:

INDOT Central Office

317-234-8558

eortiz@indot.in.gov

KEY PERSONNEL IDENTIFIED

Kimberly Pearson

Title: Deputy Commissioner Human Resources

Contact Information:

INDOT Central Office

317-232-5475

kpearson@indot.in.gov

2014 DIVISION INITIAL MEETING

Date: January 23, 2015 Time: 1:30 pm

Attendees:

- Erin Hall, Title VI/ADA Program Manager
- Kimberly Radcliff, Title VI Compliance Specialist
- Eddy Ortiz
- Kimberly Pearson

2014 TASK IDENTIFICATION:

Objective: To improve INDOT's Title VI and ADA Compliance in order that INDOT may deliver its projects on time and on budget while improving customer satisfaction by communicating with the Title VI / ADA Program Manager and staff and making use of available resources to identify deficiencies in this division and strategize to resolve them.

DEPARTMENT TITLE VI LIAISON & SUBJECT MATTER EXPERT IDENTIFICATION & TRAINING

ISSUE:

Is the proper person in the liaison position for the Human Resources Department and who are the key employees that should get trained on Title VI?

RESOLUTION PLAN:

- V. Provide support for agency wide Title VI training (August 31, 2015).
- VI. The Human Resources Title VI Liaison (Eddy Ortiz) will register for upcoming T6 training (May 27, 2015)

TARGET DATE FOR COMPLETION: AUGUST 31, 2015

Notes:

2/15	Discussed with HR, Eddy included, the differences between affirmative action and Title VI. Also discussed the HR buy-in that will be necessary for mandatory INDOT staff title VI training.
------	---

**A. FHWA Office of Civil Rights Compliance Review of INDOT & Compliance
Monitoring Program**

FEDERAL HIGHWAY ADMINISTRATION

OFFICE OF CIVIL RIGHTS

TITLE VI PROGRAM

COMPLIANCE REVIEW

INDIANA DEPARTMENT OF TRANSPORTATION

**REPORT AUTHOR: Lester G. Finkle
FHWA National Title VI Program Manager**

DATE OF ON-SITE: September 29-October 2, 2014

January 22, 2015

TABLE OF CONTENTS

- **Introduction - Page #3**
- **Method - Page #3**
- **Desk Audit - Page #3**
- **On-Site - Page #4**
- **Observations - Page #4**
- **Deficiencies And Recommended Action - Page #6**
- **Finding Of Deficiency Status - Page #6**
- **Monitoring Of Progress By Division Office - Page #6**

January 22, 2015

INTRODUCTION

During the week of September 29, 2014, the FHWA Office of Civil Rights National Title VI Program Manager conducted a Title VI Program compliance review of the Indiana Department of Transportation (INDOT). This review is part of an on-going Compliance Review Program, which is intended to satisfy the direction provided by the U.S. Department of Justice in a memorandum dated July 10, 2009 to take effects to "strengthen civil rights compliance programs." FHWA's Office of Civil Rights has developed a Compliance Review Program in response and is annually implementing the Program. This review further complements the FHWA 2008 Civil Rights Baseline Assessment that graded INDOT's program management as RED (requiring significant improvement). Many of the observations and recommended actions identified in this Report echo those of the 2007 Civil Rights Baseline Assessment.

METHOD

There were two phases of the INDOT's Compliance Review: a desk audit & an on-site visit. As the effective implementation of a Title VI Program by the INDOT may only be accomplished through the processes of other federal program areas (i.e., planning, environment, design, right-of-way, research, etc.), the desk audit phase identified what processes were established in writing and allowed for a qualitative analysis of these processes. Further clarification of certain practices that were not established in writing was obtained during the on-site visit. The on-site visit focused on any unwritten practices or program areas that lacked processes. The on-site visit consisted of interviews conducted with personnel from the INDOT and subrecipients. The purpose of the personnel interviews was to identify each person's understanding of Title VI and Nondiscrimination from the top of the INDOT's organization on down to the Title VI Program Liaisons and to determine each person's understanding regarding his/her role in the effective implementation of Title VI Program requirements.

A component to the compliance review entailed interviews with two local public agencies (LPAs) and two metropolitan planning organizations (MPOs). The purpose for conducting these interviews was to ascertain the extent of the INDOT's subrecipient monitoring program. The LPAs interviewed included the City of Columbus and the City of Indianapolis. The MPOs interviewed were the Columbus Area MPO (CAMPO) and the Indianapolis MPO (IMPO).

DESK AUDIT

The desk audit phase of the review primarily consisted of a review of INDOT's Title VI Program Plan. Additionally, a review of a number of INDOT federal program areas operations manuals was conducted. The purpose of this review was to identify if the various manuals contain or reference processes related to the implementation of Title VI Program requirements, as applicable to the specific federal program area.

INDOT has developed a Title VI Program Plan Update (including Goals and Accomplishments) updated for 2013. Please note that while INDOT did submit the 2014 Plan Update during the on-site visit, the reviewer did not evaluate this document as the Division Office had not reviewed and approved it. The reviewer also evaluated the INDOT Public Involvement Procedures document dated April 1, 2009, *Planning Roles, Responsibilities, & Cooperative Operation*

January 22, 2015

Manual, portions of the Project Development Process Manual, Right-of-Way Manual, and portions of the Construction Manual.

ON-SITE

The on-site visit took place during the week of September 29, 2014. The on-site visit included INDOT personnel interviews from civil rights, planning, environment, right-of-way, contracts, research, public information and construction divisions. Additionally, as INDOT is a decentralized organization, interviews were conducted with the Vincennes District and Fort Wayne District Offices. Further, interviews with the City of Columbus and City of Indianapolis, as well as CAMPO and IMPD took place. The purpose for conducting these Interviews was to ascertain the extent of the INDOT's subrecipient Monitoring Program. Additionally, as INDOT is a decentralized organization, interviews were conducted with the

OBSERVATIONS

Based upon documents reviewed and the interviews performed, the following Observations are provided:

- Sections VII F & VIII B of the 2013 INDOT Title VI Program Plan Update detail an Internal Title VI Compliance Reviews approach. INDOT has established a Title VI/Americans with Disabilities Act of 1990 (ADA) Interdisciplinary Team and Title VI/ADA Liaison Working Groups (sub-committees to the Title VI/ADA Interdisciplinary Team) to implement INDOT's Title VI Program goals, resolve issues, and complete the INDOT Federal Programs Areas surveys. Many of the Title VI/ADA Interdisciplinary Team members are Office Directors/Managers. While it is important that INDOT Office Managers are advised periodically regarding the INDOT Title VI Program implementation, these INDOT representatives are not expected to conduct the day-to-day activities related to Title VI Program requirements (i.e., data collection, data analysis, process reviews, drafting reports, etc.). There is significant opportunity for INDOT to identify Title VI Liaisons in each Program Area and District Office and strengthen their roles in evaluating their programs for trends or patterns of discrimination. These Program Areas Title VI Liaisons will be responsible for the day-to-day activities. The position descriptions for these Title VI Liaisons should be updated to explicitly identify specific Title VI Program responsibilities. Additionally, INDOT uses static surveys annually to solicit responses from program areas and District Offices. 23 CFR 200.9 (a) (4), (b) (5), (b) (6), and (b) (13) require an annual active Program Areas Review Approach with the involvement of subject matter experts and in coordination with the INDOT Title VI Coordinator. INDOT has an opportunity to transition its Internal Title VI Compliance Reviews approach from an annual static survey-based approach to an annual analytical Program Areas Review approach. This observation mirrors elements identified during the FHWA 2007 Title VI Baseline Assessment. Significant improvement is needed;
- Section VII J & VIII C minimally describes a monitoring program for FHWA subrecipients. It appears that while INDOT has developed and is implementing a Title VI component to its Contractor Compliance reviews, it has not developed and implemented a Risk-Based Approach to monitor Title VI Program compliance of LPA, MPOs, and Purdue University (i.e., desk audits and when to conduct on-sites, how to determine which sub-recipients to review each year, what documentation will be required

January 23, 2015