
Indiana Department of Transportation

**2014 FHWA Title VI
Implementation Plan Update and
Accomplishments and Goals Report**



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INDIANA DEPARTMENT OF TRANSPORTATION

2014 TITLE VI PLAN UPDATE

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Prepared by:

Erin Hall
Title VI/ADA Program Manager
Economic Opportunity Division
100 North Senate Avenue
Room N750
Indianapolis, Indiana 46204-2216
Phone: (317) 234-6142
Facsimile: (317) 233-0891

Table of Contents

I.	INTRODUCTION	5
II.	INDOT’S MISSION STATEMENT	6
III.	INDOT’S RESPONSIBILITIES	7
IV.	INDOT’S TITLE VI MISSION STATEMENT	8
V.	INDOT’S NON-DISCRIMINATION STATEMENT & PROGRAM OVERVIEW	9
VI.	TITLE VI ASSURANCES	10
VII.	TITLE VI COMPLIANCE RESPONSIBILITIES	11
	A. COMMISSIONER.....	11
	B. INDOT DEPUTY COMMISSIONER AND CHIEF LEGAL COUNSEL.....	11
	C. ECONOMIC OPPORTUNITY DIVISION (EOD) DIRECTOR	11
	D. TITLE VI/ADA PROGRAM MANAGER	11
	E. TITLE VI/ADA CONTRACT COMPLIANCE SPECIALIST	12
	F. TITLE VI/ADA LIAISONS & INTERDISCIPLINARY TEAM	12
	1. <i>Mission</i>	12
	2. <i>Methodology and Implementation</i>	13
	3. <i>Title VI Liaison Responsibilities</i>	13
	4. <i>Interdisciplinary Team Members</i>	14
	5. <i>Title VI/ADA Liaison Working Groups</i>	15
	G. INDOT DIVISIONS, PROGRAM AREAS AND DISTRICTS	15
	H. INDOT DIVISION AND CORE PROGRAM AREA REPORTING	16
	I. SUMMARY OF 2014 ASSESSMENTS.....	17
	1. <i>Communications Division</i>	18
	3. <i>Construction Management</i>	25
	4. <i>District Assessments</i>	26
	5. <i>Employee Development Division</i>	29
	6. <i>Environmental Services Division</i>	31
	7. <i>Facilities Management</i>	33
	8. <i>Highway Design Services</i>	34
	9. <i>Human Resources & Recruiting</i>	35
	10. <i>LPA and MPO Division</i>	37
	11. <i>Office of Transit</i>	38
	12. <i>Real Estate</i>	40
	13. <i>Research and Development</i>	43
	J. SUBRECIPIENTS	45
VIII.	TITLE VI COMPLIANCE REVIEW PROCESS	46
	A. TITLE VI TECHNICAL ASSISTANCE TOOL UPDATE.....	46
	B. INTERNAL TITLE VI COMPLIANCE REVIEWS	49
	<i>Title VI Liaisons</i>	49
	C. EXTERNAL TITLE VI COMPLIANCE REVIEW PROCESS.....	49
	1. <i>Purpose</i>	49
	2. <i>Policies and Procedures for Uniform Evaluations of Contractor Compliance Reviews</i>	49
	3. <i>Policies and Procedures for Uniform Evaluations of LPA Pre-Award Compliance Reviews</i>	52
	4. <i>Compliance Review Reporting and File Maintenance</i>	56
XI.	EXTERNAL COMPLAINT PROCESS	57
	A. COMPLAINT INVESTIGATION PROCEDURES	57
	B. WHO MAY FILE A COMPLAINT	57
	C. TIMELINESS OF COMPLAINTS.....	58
	D. LOCATION/AVAILABILITY OF COMPLAINT FORMS.....	58

E.	HOW TO FILE A COMPLAINT?.....	58
F.	ELEMENTS OF A COMPLETE COMPLAINT.....	59
G.	PROCESSING COMPLAINTS	60
H.	CORRECTIVE ACTION.....	61
I.	PRE-INVESTIGATIVE/ADMINISTRATIVE CLOSURES	61
J.	APPEALS PROCEDURES	62
K.	CONFIDENTIALITY	63
L.	RECORDS	63
M.	SUMMARY OF COMPLAINTS RECEIVED	63
X.	PUBLIC INVOLVEMENT AND OUTREACH	64
	A. WEBSITE.....	64
	B. DATA COLLECTION.....	64
XI.	MANUALS, DIRECTIVES AND GUIDANCE.....	65
XII.	LIMITED ENGLISH PROFICIENCY	66
	A. OVERVIEW.....	66
	B. LEP FOUR FACTOR ANALYSIS.....	66
	C. INDOT SIX-POINT LEP PLAN	72
	D. LEP VOLUNTEERS.....	74
	E. INTERPRETATION SERVICES	75
	F. SUMMARY OF LANGUAGE SERVICES REQUESTS 2013-2014.....	75
IX.	ACCOMPLISHMENTS	76
	A. SUMMARY OF STATUS OF 2013 GOALS AND WORK PLAN.....	76
	B. COMMUNITY OUTREACH AND PUBLIC EDUCATION	78
	1. <i>INDOT Website</i>	78
	2. <i>Commercially Useful Function and Title VI Training Program</i>	78
	C. INTERNAL TRAINING.....	80
	1. <i>Generalized Training for All New Employees</i>	80
	2. <i>Training for Managers</i>	80
	D. TITLE VI. EXTERNAL COMPLIANCE REVIEWS	82
	1. <i>Contractors</i>	82
	2. <i>LPA's</i>	82
	E. TITLE VI COORDINATOR CIVIL RIGHTS AND PROFESSIONAL DEVELOPMENT AND TRAINING	83
	<i>Webinars</i>	83
	<i>Workshops</i>	83
X.	2014-2015 GOALS (ANNUAL WORK PLAN)	84
XV.	DEFINITIONS	86
XVI.	APPENDIX	90

I. Introduction

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

In 2014-2015, INDOT continued its annual pre-award certification and review process for the local public agencies (LPA) within the state using the Indiana Technical Application Portal (ITAP) and has included the survey results. This update also includes summaries of INDOT's annual assessments of its internal programs, outreach efforts and onsite compliance reviews of its subrecipients.

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

II. INDOT's Mission Statement

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

III.INDOT's Responsibilities

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

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

IV. INDOT's Title VI Mission Statement

INDOT will implement compliance with Title VI 49 CFR § 26, 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.

V. INDOT's Non-Discrimination Statement & Program Overview

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

In accordance with these values, INDOT has appointed a Title VI (and ADA) Program Manager. The current program manager is:

Erin L. Hall, J.D.
INDOT Title VI / ADA Program Manager
IGCN Room 750
100 N. Senate Ave,
Indianapolis, IN 46204

The Commissioner delegates his Title VI supervisory responsibility and authority through the INDOT Deputy Commissioners to the District and Division Managers and Liaisons to ensure agency-wide compliance with Title VI. The Title VI Program Manager oversees compliance efforts and reports to the Commissioner through the INDOT Legal Deputy Commissioner and General Counsel and / or directly to the Commissioner as necessary and is accountable to Federal Highway.

VI. Title VI Assurances

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VII. Title VI Compliance Responsibilities

A. Commissioner

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

B. INDOT Deputy Commissioner and Chief Legal Counsel

The Deputy Commissioner manages the Economic Opportunity, 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.

C. 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, including provisions related to Environmental Justice (EO 12898) and Limited English Proficiency (EO 13166). The Director ensures that INDOT provides appropriate managerial and technical assistance to DBE firms.

D. Title VI/ADA Program Manager

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

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

³ Indiana Code 8-23-2-2.

- Developing and implementing INDOT’s Limited English Proficiency (LEP) Plan;
- Coordinating Title VI Program development with 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.

E. 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 Compliance Review and Records Management Officer. Specifically, the Title VI/ADA Contract Compliance Specialist is tasked with monitoring INDOT’S oversight of its internal and external federal aid recipients and their compliance efforts by coordinating and conducting desk and field compliance reviews, maintaining program records, and communicating with supervised recipients, both internal and external about their compliance efforts and status.

F. Title VI/ADA Liaisons & Interdisciplinary Team

1. Mission

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

- To use an interdisciplinary team approach to ensure compliance with Title VI and related nondiscrimination laws in the implementation of INDOT’s programs and activities;
- To remove programmatic and architectural barriers from INDOT’s programs and activities in accordance with the relevant nondiscrimination laws;

- To ensure meaningful access to INDOT's services and programs to all individuals regardless of race, color, national origin, sex, age, disability, income level or limited English proficiency.
- To develop and continually review and update effective Title VI, ADA and LEP implementation plans for INDOT.

2. Methodology and Implementation

The Title VI/ADA Program Manager & Compliance Specialist shall actively solicit input and participation from INDOT division program area contacts who shall serve as Title VI/ADA Liaisons on an interdisciplinary team (or teams) focused on ensuring nondiscrimination in all of INDOT's programs and activities. The inaugural meeting was held on March 3, 2011.

3. Title VI Liaison Responsibilities

The Title VI Liaisons shall:

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

* Historically this process has been conducted through the completion of a survey. Commencing in 2014-15, the Liaisons shall meet with the Program Manager to identify specific Title VI annual tasks and shall confer periodically (quarterly) and as needed with the Program Manager to accomplish division, program and district program goals.

4. Interdisciplinary Team Members

Table 1: INDOT Title VI/ADA Interdisciplinary Team

Name	Title/Division	Phone	Email
Jett, Michael	Director/ Real Estate	317-232-5081	mjett@indot.in.gov
Albers, Mark	Local Programs Manager Crawfordsville District	765-361-5224	malbers@indot.in.gov
Bales, Ron	Senior Environmental Manager Environmental Services	317-233-2093	rbales@indot.in.gov
Buckel, Larry	Manager Multi-Modal Planning & Policy/Transit	317-232-5292	lbuckel@indot.in.gov
Cales, Michael	Program Director LPA/MPO & Grant Administration	317-232-5021	mcales@indot.in.gov
Cales, Robert	Director Legal/Contract Administration	317-233-4794	rcales@indot.in.gov
Clanton, Jeff	Contract Manager Contract Administration	317-233-4198	jclanton@indot.in.gov
Clark, Jr., Rickie	Manager Communications - Office of Public Involvement	317-232-6601	rclark@indot.in.gov
Devocelle, Heather	Director Employee Development	317-234-3848	hdevocelle@indot.in.gov
Giller, Teresa	Attorney Legal Department	317-232-6734	tgiller@indot.in.gov
Land, Walter	Supervisor Project Management	317-233-3699	wland@indot.in.gov
Sullivan, Jeff	Director Human Resources/State Personnel Department	317-234-8558	jsullivan@indot.in.gov
McGrannahan- Roberson, Linda	Director Executive Communications	317-234-7175	lmcgrannahan@indot.in.gov
Miller, Mark	Director Construction Management & District Support	317-232-5456	mrmiller@indot.in.gov

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

5. Title VI/ADA Liaison Working Groups

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

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

G. INDOT Divisions, Program Areas and Districts

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

- Collecting and analyzing data to determine the potential disparate impact on protected classes of agency-proposed plans, programs and projects;
- Ensuring all contract documents contain the appropriate Title VI provisions;

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

H. INDOT Division and Core Program Area Reporting

To assist INDOT in complying with 23 CFR 200.9 (a)(4), (b)(5), (b)(6), (b) (10), and (b) (13), all core division and program areas must submit an annual report to the Title VI/ADA Program Manager to be used as an assessment tool to determine whether the division/program area is in compliance with Title VI and to ascertain instances where the Title VI/ADA Program Manager may provide training and technical assistance to help the division/program area achieve its Title VI annual tasks indentified during an initial annual meeting with the Title VI Program Manager and tracked through the year on a quarterly and as-needed basis and maintain compliance. Furthermore, the Title VI/ADA Program Manager will continue to review the data collection procedures for each division/program area periodically to ensure and increase compliance with INDOT's Title VI Program requirements. Title VI/ADA Liaisons should prepare an annual summary of its Title VI tasks and submit the same annually on August 30.

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

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

- Identify the actions taken if applicable to the division's work or, if not directly applicable, the program or division responsible to ensure meaningful access to programs, activities and services to LEP persons;
- An analysis and determination of which division, program or district staff are trained and informed INDOT's LEP policies and procedures and which members require additional training;
- A description of any additional costs the division incurred during the year related to providing LEP assistance. The description must include the dollar amount;
- An analysis of whether existing assistance meets the LEP needs of those served by the division/program;
- A description of the current communication needs of LEP persons;
- Information regarding whether the sources of and arrangements for LEP assistance are still current and viable; and
- A log of Title VI training attended by division, program or district personnel, including a roster of attendees, dates and locations of the training and information regarding the sponsoring organization.

I. Summary of 2014 Assessments

In 2014, INDOT evaluated all six districts as individual units and the following core program areas for compliance with Title VI and its related nondiscrimination laws via a desk audit that involved each district and core program self reporting on their individual compliance efforts.

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

The assessment revealed that INDOT needs to focus on fostering communication between program management 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 need to be evaluated and expanded to include more program areas including prequalification, maintenance and safety.

1. Communications Division

The Communications Division is responsible for INDOT's:

- Website design and updates;
- Developing a public involvement policy for INDOT that adheres to federal requirements, coordinate and facilitate public involvement activities to adhere to the spirit of public participation in transportation decision making, produce and update as needed agency public involvement procedure;
- Responding to customer 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.

TITLE VI/ADA LIAISON(S)

Linda McGrannahan-Roberson – Communications Director

a) Communications - Customer Service Center

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

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

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

- Trained Customer service representatives on the correct procedure to follow when a person requests an interpreter. This represents a 2014 milestone for the Communication Division's compliance efforts.

- Posted the State of Indiana website policy where it can be easily found.
- Developed internal controls and policies to ensure that website content is not added to the website until it has been made accessible.
- Added text based versions of documents at the same time as PDF versions.
- Developed a specific written plan including timeframes for making all of INDOT's existing web content accessible.

b) Communications - Office of Public Involvement

TITLE VI/ADA LIAISON(S)

Rickie Clark, Jr. – Manager

RESPONSIBILITIES

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

The role of INDOT's OPI is to ensure compliance with state and federal laws and regulations pertaining to public involvement in transportation decision-making 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.

ASSESSMENT SUMMARY

Collection of Demographic Information

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

Limited English Proficiency Services

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

Interpreter, Auxiliary Aides and Services

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

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

Public Involvement Activities

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

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

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

- Posting the website improvement plan on the INDOT website;
- Incorporating the website improvement plan into INDOT's ADA Transition Plan;
- Testing the INDOT website for accessibility;
- Developing a process to inform employees, contractors and consultants of INDOT'S website accessibility procedures and policies (Public Involvement Assessment conducted in 2013-14);
- Developing additional methods for encouraging the public to complete the public involvement surveys, including but not limited to ensure the announcement regarding the presence of the is made at the beginning and end of each INDOT event;
- Scheduling employees responsible for the website content and design to attend ADA and/or Section 508 training regarding effective communication;
- Developing a plan for providing alternate ways of accessing web-based information, programs, activities and services for people with disabilities who cannot use a computer and for persons without internet or computer access;

- Providing test captions synchronized with video images to make videos and audio tacks accessible to people who are deaf or hard of hearing; and
- Coordinating with the Title VI/ADA Program Manager to present the website improvement plan to the ADA Community Advisory Working Group to receive feedback on the accessibility of the website
Providing audio descriptions of images (including changes in setting, gestures and other details) to make videos accessible to people who are blind or have low vision

Of these 2013-2014 goals, the first five goals have been accomplished in 2013-2014 or, as the nature of several of them are ongoing, they are well underway. The last four goals are still in process and will form the basis of the divisions ongoing focus for 2014 as they represent deficiencies that still must be addressed and completed, These goals remain for 2014-15 in addition to continued development in the ongoing goal areas and devoting resources to the 2014-2015 Title VI program goals of: Fostering and Developing a functional communication network within INDOT as well as with our recipients and beneficiaries, and coordinating with the Title VI/ ADA program manager to achieve the program goal of effective and efficient information dissemination including the use of voluntary Title VI public involvement surveys and evaluation of the data collected there from.

Accordingly, the 2014-15 goals will continue to be defined with specific tasks identified as the Title VI / ADA Program Manager conducts one-on-one meetings with the liaison to identify the tasks necessary to achieve the objectives identified. These tasks will be noted as accomplishments or work to be completed in the 2015-16 report.

2. Contract Administration

TITLE VI/ADA LIAISON(S)

Robert Cales - Director Contract Administration (Construction)

Jeff Clanton - Contracts Manager (Professional Services)

RESPONSIBILITIES

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

INDOT reviews all federal-aid contracts and where subcontracting opportunities exist, 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, sex, disability, income status or limited English proficiency.

ASSESSMENT SUMMARY

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

The 2013-14 assessment revealed several areas for improvement beyond DBE participation. As such, Contract Administration goals for 2013-2014 included:

- Actively monitoring its own public outreach activities, such as educational trainings and providing technical assistances to consultants and contractors doing business with INDOT and the public to ensure an equitable distribution of the benefit to all persons;
- Updating that contract data system to collect data regarding Title VI program protected persons

The 2014-15 Assessment indicated progress in all three areas with division staff having received Title VI training and core policy implementation while revealing that improvements continue to be needed in the contract data system and public outreach. Accordingly the 2014-15 goals for contract administration will be to continue to improve upon and complete goals 2 and 3 from the last assessment, which remain deficient but indicate good faith effort and improvements underway as well as participation in the overall Title VI program

objectives of Fostering and Developing a functional communication network within INDOT as well as with our recipients and beneficiaries, and coordinating with the Title VI/ ADA program manager to achieve the program goal of effective and efficient information dissemination.

Accordingly, the 2014-15 program goals will continue to be defined with specific tasks identified as the Title VI / ADA Program Manager conducts one-on-one meetings with the liaisons to identify the tasks necessary to achieve the objectives identified. These tasks will be noted as accomplishments or work yet to be completed in the 2015-16 report. In addition Contract administration should immediately implement posting the Title VI poster in the requisite area.

3. Construction Management

TITLE VI/ADA LIAISON(S)

Mark Miller – Director of Construction Management

RESPONSIBILITIES

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

The Construction Division works with the district construction offices and 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.

ASSESSMENT SUMMARY:

The 2013-14 Title VI assessment revealed several areas for improvement. As such, Contract Administration goals for 2013-2014 included:

Having relevant staff attend Title VI and ADA Training

The 2014-15 Assessment indicated this goal had been achieved, but failed to identify specific individuals who had received training and what training had been received. However, this division continues to ensure Title VI program compliance in the following area including the requisite contract provisions, discussing program requirements during training, maintaining the required notices and posters, and communicating with EEO and Program officers when issues arise. Accordingly, the 2014-15 program goals will be continued Title VI and ADA training with documentation of who in the division has received what training and ensuring anyone who needs training receives the same. In addition, participation in the overall Title VI program objectives of Fostering and developing a functional communication network within INDOT as well as with our recipients and beneficiaries, and coordinating with the Title VI/ ADA program manager to achieve the program goal of effective and efficient information dissemination will be this division's goal for 2014-15.

Accordingly, the 2014-15 program goals will continue to be defined with specific tasks identified as the Title VI / ADA Program Manager conducts one-on-one meetings with the liaisons to identify the tasks necessary to achieve the objectives identified. These tasks will be noted as accomplishments or work yet to be completed in the 2015-16 report.

4. District Assessments

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

Limited English Proficiency

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

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

The goals for 2013-2014 for each district included:

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

indicating which requests were granted and whether a DBE or non-DBE submitted the request; and

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

All districts completed their annual assessments. The Fort Wayne District is commended for its achievements with regard to the first three goals, and Crawfordsville is commended for achievements with regard to the second goal as well as clear evidence of progress with regard to the first and third goals which have been marked in progress. All districts with the exception of Greenfield and Seymour are commended for continuing to post required notices and for the dissemination of required notifications, as well as its LEP surveys.

The Title VI / ADA 2014-5 programs goals of fostering and developing a functional communication network and implementing effective and efficient information dissemination must start with the districts. It is apparent that the Program Management and District liaisons must better their communication, especially with regard to objectives and expectations, before the concrete objectives can be met. Accordingly, while the four goals identified for 2013-14 remain deficient and should be addressed in 2014-25, the primary goal of 2014-15 for the districts will be coordinating with the Title VI / ADA Program Manager to foster and develop a functional communication network with regard to program goals and requirements. As communications occur, the program manager will make efforts to provide all necessary information and training resources to enable the districts to complete the goals identified in 2013-14. The necessary milestones will be established through one-on-one meetings and noted in next year’s assessment.

Table 2: INDOT District Title VI/ADA Liaisons

DISTRICT TITLE VI/ADA LIASIONS			
District	Title VI/ADA Liaison	District Deputy Commissioner	Contact
Crawfordsville	Mark Albers –Consultant Services/Funds Manager	Alan Plunkett	41 West 300 North Crawfordsville, IN 47933 Phone: (765) 362-9484 Email: westcentralindiana@indot.in.gov www.crawfordsville.indot.in.gov
Fort Wayne	Dirk Allen Schmidt – Highway Engineer 3	Todd Johnson (May 2012-Pres.)	5333 Hatfield Road Fort Wayne, IN 46808 Phone: (260) 484-9541 Email: NEinformation@indot.in.gov www.fortwayne.indot.in.gov

DISTRICT TITLE VI/ADA LIASIONS

District	Title VI/ADA Liaison	District Deputy Commissioner	Contact
Greenfield	Jewell Stone Environmental Scoping Manager	Brandye Hendrickson	32 South Broadway Greenfield, IN 46140 Phone: (317) 462-7751 Email: eastcentralin@indot.in.gov www.greenfield.indot.in.gov
LaPorte	Vacant	Bob Alderman	315 East Boyd Boulevard LaPorte, IN 46350 Phone: (219) 362-6125 Email: LaPorteDistrictCommunications@indot.in.gov www.laporte.indot.in.gov
Seymour	Jim Ude - Special Projects Engineer	Tony McClellan	185 Agrico Lane Seymour, IN 47274 Phone: (877) 305-7611 secommunications@indot.in.gov www.seymour.indot.in.gov
Vincennes	Ernie Stoops – Highway Engineer Supervisor 3	Russell A. Fowler	3650 South U.S. Highway 41 Vincennes, IN 47591 Phone: (812) 882-8330 Email: Swincommunications@indot.in.gov www.vincennes.indot.in.gov

5. Employee Development Division

TITLE VI/ADA LIAISON(S)

Heather Devocelle – Employee Development Director

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

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

- Ensuring that all relevant staff attend Title VI and ADA training;
- Coordinating with Construction Management and other related divisions to develop a strategy to proactively outreach to minorities and women to encourage their participation in the CPT program;
- Documenting all outreach efforts to increase the participation of all individuals regardless of race, color, national origin, sex, disability, income status or limited English proficiency in all of INDOT's programs and activities that Employee Development assists in administering; and
- Ensuring that the Public Involvement Survey or other voluntary demographic data collection tool is for all trainings that involve external constituents seeking to benefit for participating in INDOT programs.

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 2014-15 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.

6. Environmental Services Division

TITLE VI/ADA LIAISON(S)

Ronald (Ron) Bales – Senior Environmental Manager

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

During the last reporting period, the OES prepared three pre-draft Environmental Impact Statements (EIS) for the following projects: Illiana Corridor, the Louisville Southern Indiana Ohio River Bridges Project and the I-69 Project. The comments ranged from issues regarding community cohesion, possible impacts to populations of environmental justice concern, public outreach/community involvement, the need for interpreters and the type of demographic data used. Environmental Services gathers and utilizes census data for analysis as well as observations as part of its impact analysis. Consultant selection is run through the Contracts division with assurances and required language made part of the contract as requirements.

On this year's assessment, this division reports that they have 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.

During the assessment period, this division reviewed one EIS for the Illiana Expressway and determines there were no minority or low-income impacts with this EIS. This analysis was conducted by coordinating with local municipalities for public input.

This division reports that Laura Hilden and Ron Bales attended Title VI training on February 4th and 5th of 2014. The EJ policy will be updated in 2014-15 and the division is in the process of informing all constituents about the Title VI complaint policy. For 2014-15, the program goals of fostering and developing a functional communication network and effectively disseminating information shall become the goals of this division. The Title VI and ADA program manager will meet with the Division Liaison to identify areas where information and training could be provided to support the division's compliance. Out of this meeting, specific tasks will be identified for the Division to work toward prior to the next assessment survey.

7. Facilities Management

TITLE VI/ADA LIAISON(S)

Brian Shattuck – Highway Engineer

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

The 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 include:

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

8. Highway Design Services

TITLE VI/ADA LIAISON(S)

John Wright – Director of Roads

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

A number of staff and consultants participated in a day and half training course in February sponsored by INDOT and FHWA entitled “Designing Pedestrian Facilities for Accessibility.” During this course 20 INDOT personnel and 12 consultants received training, an increase over last year’s participation. In addition, the division now holds a monthly ADA technical review committee meeting and has in place a procedure for determining if there is a technical infeasibility to designing ADA compliant facilities. The division is in the process of revising its ADA standard sheets for curb ramps to ensure compliance.

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

- Coordinating or participating in public outreach, education or training to consultant designers to solicit increased participation from all persons regardless of race, color, national origin, sex, age, disability, income level or limited English proficiency; and
- Developing and implementing appropriate design memoranda, design standards, standard drawings, specification and ADA policies consistent with the current ADA Standard and the Proposed Public Rights of Way Guidance, which is a best practice.

While the second goal was marked in progress on the assessment with much progress documented, no indication was made as to the progress on the first goal. However, other survey responses evidenced continued improvement in training provided to consultants. In accordance with the Title VI program goals for 2014-15, the Program Manager will meet with this Division’s liaison to improve communication and provide information and resources to support and further these efforts. Specific tasks will be identified as a result of this meeting that will be included in next year’s assessment as achievements or works in progress.

9. Human Resources & Recruiting

TITLE VI/ADA LIAISON(S)

Jeff Sullivan – Human Resources Director

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

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.

INDOT disseminates Title VI, ADA, and Section 504 information during new employee orientations as well as information about how to obtain a reasonable accommodation if necessary. One reasonable accommodation was requested during the assessment period and this request was honored. This Division follows the six step LEP plan, but has not had need to utilize the program.

INDOT utilized a cooperative education program during the reporting program whereby one non-minority female and four non-minority males participated and eventually became full time INDOT employees. Title VI and ADA training is given to division staff on an annual basis.

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

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

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

This division completed all but the final goal which it indicated is in progress. In addition, the division continues to add new trainings and make the same available online at any time. Accordingly, the Program Goals for Title VI and ADA will become this division's goals with the Title VI and ADA Program Manager meeting with the Division's liaison to establish a partnership that aims to support the effective communication of the program requirements within the agency and to identify additional channels for the dissemination of Title VI and ADA program information. Tasks will be identified during this meeting that will be noted as accomplishments or works in progress during the next assessment.

10. LPA and MPO Division

TITLE VI/ADA LIAISON(S)

Michael Cales- Program Director

RESPONSIBILITIES

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

ASSESSMENT SUMMARY

The Division assisted the Title VI/ADA Program Manager in implementing the LPA Annual Pre-Award Certification and Assurance compliance review process. They have posted program information on their website and have developed training for LPA and MPOs regarding Title VI and ADA requirements that is being provided in fall of 2014. Questions beyond the knowledge of the division have been referred to the Title VI and ADA program staff.

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

- Develop a process for monitoring MPO and LPA procedures and efforts to obtain public involvement in planning from all persons regardless of race, color, national origin, sex, age, disability, income status or limited English proficiency;
- Ensuring relevant staff attend Title VI and ADA training;
- Developing a process for monitoring MPO and LPA procedures and efforts to obtain public involvement in planning from all persons regardless of race, color, national origin, sex, age, disability, income status or limited English proficiency,; and
- Coordinating with Title VI/ADA Program Manager to provide technical assistance and training to LPA's and MPOs regarding their Title VI and ADA responsibilities.

This division was generally unaware of their 2013 program goals, resulting in deficiencies, however, improvements were made as a part of the division's general duties. These 2013-14 goals are in line with the 2014-15 Title VI / ADA Program goals of fostering and developing better communication and more effectively disseminating program information. The LPA / MPO Division will be a primary focus of these program goals for 2014-15. The Title VI /ADA Program Manager will meet with the Division Liaison as well as the training coordinator for the division to foster communications and information dissemination not only between divisions but externally to the LPAs and MPOs served as part of the division's programs. Tasks and objectives will be identified during one-on-one meetings and these achievements will be reported in the 2015 report.

11. Office of Transit

TITLE VI/ADA LIAISON(S)

Larry Buckel- Manager

RESPONSIBILITIES

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.

ASSESSMENT SUMMARY

Transit maintains a boilerplate FTA Title VI Plan that is shared with its subgrantees/subrecipients. Transit then reviews and approves each subgrantee/subrecipient's FTA Title VI Plan. They post the required Title VI notices and disseminate Title VI information as part of their State Management Plans, Grant Applications, and program manuals. In addition, they conducted two annual workshops with subgrantees where Title VI was on the agenda. Compliance reviews are conducted with subgrantees which include Title VI compliance monitoring. Regional Transit Human Services Coordination Planning Meetings and INDOT STIP District Meetings were identified as public outreach events targeted toward DBE's, Minorities, and female-owned businesses. Title VI and ADA training is ongoing with regard to relevant staff, grantees and subgrantees.

Transit's goals for 2013-2014 included and these goals are ongoing in nature:

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

For 2014-15 the Transit Liaison's focus will be to coordinate with the Title VI / ADA Program Manager to meet program objectives of fostering communications, effective and efficient dissemination of program information and a review of enforcement mechanisms. Specifically, the Title VI and ADA program manager will meet with the Transit liaison to determine how communications can be improved and what supportive resources can be provided. In addition, the methods which are used to monitor subrecipients / subgrantees will be discussed and any ideas noted. These efforts will be documented and included in the 2015 report.

12. Real Estate

TITLE VI/ADA LIAISON(S)

Mike Jett- Director of Real Estate

RESPONSIBILITIES

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

c) Acquisition

During the acquisition process, the Real Estate Division seeks to include all persons regardless of race, color, national origin, age, sex, disability, 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.

d) 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.

e) Property Management Services

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

ASSESSMENT SUMMARY

During this reporting period, Real Estate implemented the following:

- A process for collecting Title VI demographic data for all relocations, appraisals and condemnations;

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

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

- Ensuring all constituents are aware of INDOT External Discrimination Complaint Process; and
- Reviewing and analyzing the data collected for patterns and trends that may indicate a disparity in the allocation of burdens and benefits to minorities, women and low-income persons impacted by INDOT’s transportation planning projects. Below are tables that resulted from these goals:

	Relocations	Condemnations
Hispanics or Latinos	0	
American Indians or Alaskan Natives	0	
Asians	0	
Blacks or African Americans	2	
Native Hawaiians or Other Pacific Islanders	0	
Whites	144	
Females	63	
Males	84	
Low-Income Persons	12	
Elderly (55+)	67	
Limited English Proficiency Persons	0	
Persons with Disabilities	6	

Group	Percent
Hispanics or Latinos	Na
American Indians or Alaskan Natives	Na
Asians	Na
Blacks or African Americans	100
Native Hawaiians or Other Pacific Islanders	Na
Whites	100
Females	100

The relocation brochure provided to persons displaced by condemnation defines the complaint process. In addition, the Real Estate Brokers who act as buyers as well as the appraisers who assess the damages due these displaces attend continuing education programs where Title VI and ADA processes are covered as part of their training.

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. 530 appraisers were used during this reporting period, of which 47 were minority owned, but not- DBE's. 144 appraisers are currently on the approved list. 9 of these are DBEs, 6 are women-owned businesses and 3 are minority owned. No approved appraisers were added to the list during the reporting period.

The assessment indicates the division is not aware of the six-point LEP plan but is aware of agency-wide LEP programs to provide translation services. No requests for such services were made during the reporting period. The survey reports the divisions goals were completed for 2013-14, however these goals are continuous in nature and it is apparent the division will benefit from the 2014-15 program goals.

Accordingly for 2014-15, the Title VI / ADA program goals of fostering and developing functional communication networks and effectively disseminating program information will become the division's goals. The Title VI and ADA program Manager will meet with this Division's liaison to determine how communication can be improved and to ensure all necessary information including information regarding training is made available to the division as well as its consultants. Specific tasks and accomplishments will be reported on the 2015 report.

13. Research and Development

TITLE VI/ADA LIAISON(S)

Mary Phillips

RESPONSIBILITIES

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

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

ASSESSMENT SUMMARY:

Research and Development did not complete the 2014 Assessment.

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

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

The 2014-15 program goals of establishing communication and disseminating information and making resources available will be vital to this division in 2014-15. The Title VI and ADA Program Manager will meet with the Division's liaison to establish communications and ensure the division has all information necessary to meet its requirements for the 2015 report.

J. Subrecipients

Subrecipients include Metropolitan Planning Organizations (MPO's), Local Planning Agencies (LPA's), counties, cities, townships, colleges, universities, consultants, subcontractors and contractors. The sub-recipient may adopt INDOT's Title VI plan and practices or abide by their own. INDOT uses precertification processes as well as risk-analysis driven compliance reviews for its Subrecipient oversight. Key responsibilities of the sub-recipient include the following:

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

VIII. Title VI Compliance Review Process

A. Title VI Technical Assistance Tool Update

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

State Transportation Agency (STA) Responsibilities

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

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

B. Internal Title VI Compliance Reviews

In 2014-15 The Title VI/ADA Program Manager will conduct Individual meetings with each division to improve compliance by:

- Fostering and developing communications between the program manager and the division
- Preparing and disseminating relevant program information including requirements, objectives and training
- Specifically identifying in a coordinated effort tasks the division needs to complete and providing the resources to meet these objectives in a reasonable manner.

While most programs have a liaison assigned, not all are completing, or accurately completing the annual report. The reports that are completed indicate the divisions are not fully aware of or benefitting from the Title VI / ADA Program's resources. Where deficiencies exist, the Program Manager will, with the assistance of the program's Compliance Specialist, continue to track and support the division's compliance efforts through 2014-15 to ensure compliance is improved by the 2015 assessment period.

Title VI Liaisons

The Title VI/ADA Program Manager will continue to require INDOT's program areas to submit an annual Title VI report by August 30 of each year. The Title VI Liaisons will coordinate gathering this information from their respective divisions and compile the information into a report to which they will submit to the Title VI/ADA Program Manager. The reports will include statistical data regarding the race, color, national origin, sex, age, income status and limited English proficiency of beneficiaries of INDOT programs. Additionally, each report shall include a detailed summary of the division's accomplishments achieved during the year, training attended and goals for the upcoming year. By individually meeting with the liaisons from these program areas to communicate expectations and provide resources, the effectiveness of this evaluation is anticipated to improve for 2015.

C. External Title VI Compliance Review Process

1. Purpose

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.

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

a) Compliance Review Process

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.

Starting in 2015, the Program's objective is to cast a broader net for review with an ultimate goal of Title VI program reporting and self-certification being made part of the prequalification process required to do business with INDOT. To begin with, the Program Manager and Compliance Specialist will solicit a group of contractors to provide information necessary for a desk review / audit. Of this pool of desk reviews, the information provided (or in many cases, that which has not been provided) will determine which contractors will be subject to an onsite review. These may or may not coordinate with the EEO Contract reviews.

The Compliance Reviews pools will be selected and notified quarterly, with at least one quarter being devoted to LPA and MPO reviews. Additionally, the Title VI/ADA Program Manager will select entities for review based on documented specific evidence of an existing or suspected violation.

b) Notifications of Title VI Onsite Compliance Reviews

The Title VI/ADA Program Manager or Compliance Specialist will provide written notice to the contractor of the scheduled desk review, which will include a notice that a follow up onsite compliance review may be conducted if necessary. The Title VI/ADA Program Manager or Compliance Specialist shall mail the notice at least thirty (30) days before the submission of information is due and notice of an onsite review will be mailed two weeks before the scheduled onsite visit. The notices shall include the date, time and location of the scheduled onsite visit or, for the desk review, 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.

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

In 2015, the Program will also begin responding to voluntary compliance review requests. In these situations, a presumption of good faith efforts is given the requestor and the timeframes for providing the required information will be extended so long as the requestor continues to make

reasonable good faith efforts to provide the information necessary for review in a timely manner. This is to encourage the solicitation of compliance reviews.

c) Scope of the Compliance Review & Preliminary Preparation

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

d) Onsite Review Procedures

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

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

e) Conclusion of Onsite and Desk Reviews, as applicable

1) Preliminary Findings

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

(1) Examples of Deficiencies:

- (a) Title VI Coordinator needs to participate in Title VI training;
- (b) Contracts do not contain nondiscrimination assurance language;
- (c) No method to solicit Disadvantaged Business Enterprises and/or businesses with meaningful minority representation; and beyond that, to solicit participation from the broader scope of Title VI protected individuals regardless of race, color, national origin, sex, age, disability, income status, and limited English proficiency.

- (d) No method to provide services to LEP persons;
 - (e) No Title VI complaint log;
 - (f) No Title VI complaint and hearing procedure; and
 - (g) No method to monitor race, ethnicity and gender of contractors.
- (2) Extension of Time
- (a) The entity may request an extension of time to reply. The request must include a reason for a request for a time extension. An entity must submit its requests for an extension in time to reply in writing to the Title VI/ADA Program Manager at least five (5) business days before the prescribed deadline for a response. INDOT may waive the five (5)-business day deadline for good cause at its discretion.
 - (b) The Title VI/ADA Program Manager has discretion to grant or deny an extension of time based on the circumstances.
- (3) Failure to Comply
- (a) If the contractor does not voluntarily comply within 30 days of the original notification or by the agreed upon extension of time, INDOT will issue a notice of noncompliance.
 - (b) If the contractor fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT will issue a noncompliance letter and forward a copy to FHWA.

-Or-

- ii) Certify the contractor's compliance.

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

f) LPA Pre-Award Certification Process

The Pre-Award Certification and Assurance is a self-reporting tool accessible online via the following link: <https://itap.indot.in.gov/>. The purpose of the Annual Pre-Award Certification and Assurances is to monitor LPA compliance with the civil rights laws on an ongoing basis. The Annual Pre-Award Certification and Assurance is an online survey that the LPA completes each year.

The LPA Annual Pre-Award Certification and Assurance outlines the basic requirements to ensure nondiscrimination in LPA transportation projects and is a preview of the process,

procedures and policies and that an LPA should follow in the event INDOT's EOD selects the LPA for a compliance review. INDOT will report the information provided in the Annual Title VI Implementation Plan Update and ADA Transition Plan.

The Title VI/ADA Program Manager and Compliance Specialist shall use the information reported (Title VI program requirements) as an assessment tool to determine whether an LPA complies with Title VI, the ADA and Section 504. INDOT will analyze the responses and use the information provided to ascertain instances where INDOT may be able to provide technical assistance to help LPAs fulfill their Title VI, ADA and Section 504 obligations and maintain compliance. From this analysis, the TITLE VI/ADA Program Manager can determine which LPAs will be subject to compliance reviews utilizing a risk-based analysis to prioritize those reviews.

g) LPA Review Process

Based on the information received, the Title VI/ADA Program Manager and Compliance Review Specialist may select LPAs who fail to complete the LPA Annual Pre-Award Certification and Assurance or who are otherwise in noncompliance for an onsite compliance review in addition to those selected for desk review during the quarter allocated to LPA reviews. In 2014, the Title VI/ADA Program Manager and Compliance specialist laid ground for conducting compliance reviews of INDOT's LPAs throughout the state. The Title VI/ADA Program Manager and / or Compliance Specialist will select LPAs for review giving priority to conducting compliance reviews with LPAs who have transportation projects with the greatest potential impact on those groups covered under Title VI, the ADA and Section 504. Additionally, the Title VI/ADA Program Manager will select LPAs for review based on documented specific evidence of existing or suspected noncompliance.

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

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

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

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

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

(3) Notification of Title VI Post Award Compliance Review

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

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

(4) Scope of the Compliance Review & Preliminary Preparation

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

(5) Onsite Review Procedures

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

(6) Conclusion of LPA Onsite Review

4. Preliminary Findings

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

1. Examples of Deficiencies:

- a. No method of administration designed to ensure Title VI compliance;
- b. Title VI Coordinator needs to participate in Title VI training;
- c. Contracts do not contain nondiscrimination assurance language;
- d. No public involvement process;
- e. No method to solicit Disadvantaged Business Enterprises and/or businesses with meaningful minority representation;
- f. Lack of diversity on decision making transportation boards/commissions;
- g. No method to provide services to LEP persons;
- h. No Title VI complaint log;
- i. No Title VI complaint and/or hearing procedure;
- j. No method of collecting statistical data of participants in and beneficiaries of programs; and
- k. No plan for bringing discriminatory programs into compliance.

2. Extension of Time

- a. The LPA may request an extension of time to reply. The request must include a reason for a request for a time extension. An LPA requesting an extension in time to reply shall submit its request in writing to the Title VI/ADA Program Manager at least five (5) business days before the prescribed deadline for a response. INDOT may waive the five (5)-business day deadline for good cause at its discretion.
- b. The Title VI/ADA Program Manager has discretion to grant or deny an extension of time based on the circumstances.

3. Failure to Comply

- a. If the LPA does not voluntarily comply within 30 days of the original notification or by the agreed upon extension of time, INDOT will issue a notice of noncompliance.
- b. If the LPA fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT will issue a noncompliance letter and forward a copy to FHWA.

-Or-

- ii. Certify the LPAs compliance.

4. Compliance Review Reporting and File Maintenance

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

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

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

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

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

XI. 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. INDOT will determine whether the person or entity purportedly engaged in the alleged discriminatory act is an INDOT sub-recipient (the legal entity to which INDOT made a sub-award and which is accountable to the recipient for the use of the funds provided). If the complaint does not specifically mention that the alleged discriminatory actor is an INDOT sub-recipient, INDOT may presume so in deciding whether to accept the complaint for further processing.

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

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

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

B. Who May File a Complaint

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

C. Timeliness of Complaints

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

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

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

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

D. Location/Availability of Complaint Forms

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

E. How to File a Complaint?

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

Direct Title VI complaints to:

Erin 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)

F. Elements of a Complete Complaint

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

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

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

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

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

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

G. Processing Complaints

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

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

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

H. Corrective Action

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

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

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

I. Pre-Investigative/Administrative Closures

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

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

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

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

J. Appeals Procedures

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

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

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

K. Confidentiality

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

L. Records

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

M. Summary of Complaints Received

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

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

X. Public Involvement and Outreach

A. Website

INDOT's Title VI/ADA Program Manager shall periodically update the Title VI webpage as needed and provide technical assistance via the website as appropriate. In 2014 the Program Manager is evaluating the website resources available to more effectively and efficiently disseminate program information, make training more available, and serve as a recipient portal for collected program data and information.

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

B. Data Collection

INDOT uses a voluntary public involvement survey to collect information regarding persons affected by proposed transportation projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their, race, color, national origin, sex, age, disability status, 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.

XI. Manuals, Directives and Guidance

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

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

XII. Limited English Proficiency

A. Overview

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

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

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

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

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

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

B. LEP Four Factor Analysis

SCOPE:

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

METHODOLOGY:

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

ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Factor 4: Agency Available Resources

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

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

C. INDOT Six-Point LEP Plan

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

Some notification ideas include:

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

2. Translate Vital Documents

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

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

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

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

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

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

3. Interpretation Services

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

Best practices suggest that:

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

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

4. Staff Training

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

5. Multilingual Staffing

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

Best practices suggest that:

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

D. LEP Volunteers

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

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

E. Interpretation Services

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

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

F. Summary of Language Services requests 2013-2014

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

IX. Accomplishments

A. Summary of Status of 2013 Goals and Work Plan

DESCRIPTION

- Goal:** Distribute Title VI Implementation Plan Update internally and externally via web and through district offices and the state library
- Target:** December 2014
- Status:** The plan is distributed via the web and through district offices. At this time it has not been distributed through the State library.
-
- Goal:** Develop a Pre-Award Certification and Assurance process for reviewing consultants
- Target:** June 2014
- Status:** Coordinated with LPA Division to develop and implement this process
-
- Goal:** Collect public involvement data quarterly from core program areas and districts via the INDOT Public Involvement Matrix
- Target:** January 20, 2014
April 20, 2014
July 20, 2014
October 20, 2014
- Status:** Incomplete
-
- Goal:** Review and revise Title VI / ADA liaison program
- Target:** August 2013
- Status:** Ongoing: Meetings have been scheduled with the district liaisons to determine who would best serve in this capacity. Meetings are being set with INDOT division liaisons to improve communications and establish teams to promote coordinated training and information efforts.

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

Target: Ongoing

Status: In progress, many additional core participants received training in 2013-14. The trainings themselves are being revised into a module format with additional targeted trainings being developed to focus on a variety of audiences.

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

Target: TBD

Status: In process by current Title VI Program Manager

Goal: Present Title VI Compliance workshops to subrecipients

Target: Ongoing

Status: Completed

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

Target: October 2014

Status: In process. While a number of contracts have been reviewed, there are more to be obtained and processed.

B. Community Outreach and Public Education

1. INDOT Website

INDOT updated its website to include its Title VI Assurances and current contact information for the Title VI program staff. The updated website is a comprehensive resource for the construction and consultant community and public. This resource will continue to be improved upon with additional resources being added during the 2014-15 report year. In addition, useful links will be included and online training will be evaluated.

2. Commercially Useful Function and Title VI Training Program

The EOD again scheduled six three-hour workshops on INDOT's Title VI Program DBE program for federal fiscal year 2013-14. INDOT offers these workshops free of charge. Each component of the workshop is 90 minutes.

TRAINING SITES AND ATTENDANCE

Table 3: 2012 Title VI Training Locations

Date	Location	Total Attendees
3/22/2014	Indiana Government Center South 402 W. Washington Street Indianapolis, IN 46204	52
4/22/2014	INDOT Greenfield District Office 32 South Broadway Greenfield, IN 46140	43
5/20/2014	INDOT LaPorte District Office 315 E. Boyd Blvd LaPorte, IN 46350	41
9/16/2014	INDOT Seymour District Office 185 Agrico Lane Seymour, IN 47274	44

10/21/2014	Vigo County Public Library One Library Square Terre Haute, IN 47807	43 registered
11/18/2014	Indiana Government Center South 302 W. Washington Street Indianapolis, IN 46204	50 registered
TOTAL ATTENDEES		273

TRAINING OBJECTIVES:

The Title VI training session has four objectives:

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

TITLE VI TRAINING COMPONENTS:

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

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

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

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

REGISTRATION: Participants register online and by telephone. INDOT requires each participant to verify his or her attendance by signing in on a participant roster on the day of training. Additionally, INDOT requires participants to remain for the entire session to receive a letter certifying their attendance at the training. Contractors whom INDOT determined were not in compliance based on Title VI onsite reviews because of a lack of training received a letter of compliance upon completion of the Title VI training. All attendees receive a follow up thank you letter acknowledging their attendance and participation.

C. Internal Training

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

1. Generalized Training for All New Employees

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

2. Training for Managers

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

TRAINING OBJECTIVES:

The Title VI training session has three objectives:

- To provide a concise overview of Title VI and its related statutes;
- To inform human resources personnel, supervisors and managers of their duty to ensure effective Title VI implementation and enforcement; and

- To outline INDOT's complaint and compliance process.

TRAINING COMPONENTS:

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

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

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

- Presentations from both presenters
- Sample Documents
- Evaluation Form

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

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

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

D. Title VI. External Compliance Reviews

1. Contractors

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

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

a) Summary of Contractor Title VI Onsite Compliance Review Results

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

Common deficiencies continued to include the following:

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

INDOT provided each contractor reviewed a preliminary finding of determination with 30 days to develop a voluntary compliance plan or to demonstrate compliance with Title VI. In addition, INDOT recommended training for appropriate staff within each organization and was able to direct the responsible individual to available resources, both online and in print, to assist in their compliance efforts.

2. LPAs

In March 2012, INDOT expanded its external compliance review process by implementing a pre-award certification and assurance process for LPAs using the web based Indiana Technical Application Portal. INDOT continued this process for the 2014 reporting period. The Title VI / ADA Program Manager is coordinating with the LPA Division and their LPA trainer to streamline information available to LPAs through training and internet resources. The first

coordinated training effort occurred September 24, 2014. For 2014-15, the Title VI program goals of improving communication and effectively disseminating information will result in a focused effort in the LPA area to lay the groundwork for the review and auditing of LPA compliance by first communicating the agency expectations and the program requirements through training and information outreach efforts. This group will then become the initial group for the implementation of our new review process and the use of our “CGRE” evaluation scale.

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

The Title VI/ADA Program Manager came onboard at INDOT on September 2, 2014. Since employment, this manager received the following training during the reporting period.

Webinars

September 23, 2014 ADA Indiana, Indiana ADA Coordinator’s Webinar: Irene Bowen, J.D. presenter

Workshops

There have been no workshop opportunities in September.

X. 2014-2015 Goals (Annual Work Plan)

Program Manager’s Note: Having recently transitioned into this role of Title VI / ADA Program Manager, I have had the invaluable opportunity to have fresh insight into the program from the advantage point of an outsider and a newcomer. One of my key observations is that the program could be strengthened at its core by better connecting its internal and external resources through improved communication. This led to the following general goals for the 2014-15 Annual Work Plan. These goals are consistent with the intra-agency goals established by our Commissioner and should lay a stronger foundation for our compliance efforts.

GOAL	TARGET COMPLETION DATE
♦ Foster and Develop a functional communication network internally and externally	Ongoing
♦ Meet with all internal division and district liaisons to coordinate compliance goals for the division as well as coordinating efforts for overall agency compliance	March 1, 2015
♦ Establish internal teams comprised of related division leaders and liaisons to achieve compliance goals through coordinate outreach, training, and supervisory endeavors	June 1, 2015
♦ Foster relationships with LPAs to determine resources needed for their compliance efforts	Ongoing effort with quarterly progress self-evaluations
♦ Disseminate program information more efficiently and more effectively ♦ Improve existing training materials and develop new training modules. ♦ Organize and provide relevant toolkit materials ♦ Improve existing website through reorganization and addition of more targeted resources and links ♦ Improve internal division collaboration efforts with regard to information sharing ♦ Develop web-based training where appropriate to reach a larger	These goals are ongoing with quarterly progress analysis. With each quarter based on the federal fiscal year.

GOAL

**TARGET
COMPLETION
DATE**

audience (including subrecipients and LPAs)

- ◆ Implement more effective enforcement and supervisory mechanisms to achieve greater compliance internally and within the entities reviewed by INDOT

- ◆ Communicate compliance review expectations to all parties subject to review through training, public outreach, and correspondence. Cast a broader net by implementing desk reviews of a larger group of recipients each quarter and utilizing the results of the desk reviews to determine who would benefit most from an onsite review

} Ongoing,
effective
immediately

Beginning
January 2015

XV. 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 2005(g)
Federal assistance	Includes: (1) Grants and loans of Federal funds, (2) The grant or donation of Federal property and interests in property, (3) The detail of Federal personnel, (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) Any Federal agreement, arrangement or other contract, which has, as one of its purposes, the provision of assistance. 23 CFR 200.5(h)
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. 62 FR 58782-01
Multiracial	Having a biological parent who is of a different race from the other biological parent. ⁴ IC 5-15-5.1-6.5
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. 62 FR 58782-01

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

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

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

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

White

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

XVI. Appendix

Some of the language and forms appearing in the appendix were excerpted from the Department of Justice's Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes. (September 1998)
<http://www.justice.gov/crt/cor/Pubs/manuals/complain.php>