
Indiana Department of Transportation

**2012 Title VI Plan Update and
Accomplishments and Goals Report**



INDIANA DEPARTMENT OF TRANSPORTATION

2012 TITLE VI PLAN UPDATE

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I. Introduction

This Title VI Plan Update and Accomplishments and Goals Report (Update) revises several portions of the last Update submitted to the Federal Highway Administration (FHWA). The revisions reflect the Indiana Department of Transportation's (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

Additionally, INDOT enhanced its external compliance review by implementing an electronic annual pre-award certification and review process for the local public agencies within the state using the Indiana Technical Application Portal (ITAP). Furthermore, this plan includes examples of the new and/or revised forms and checklists used by INDOT to monitor its Title VI compliance. Also included in the report are 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 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 11,141 centerline and 28,410 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 of the Civil Rights Act of 1964 (Title VI); 49 CFR § 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, sex, disability, national origin or income status.

V. INDOT's Title VI Policy Statement

The Indiana Department of Transportation (INDOT) values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, sex, disability, national origin or income status. INDOT has expanded its Title VI Program enforcement to include ancestry and religion.³

³ Indiana Code §§22-9-1 and 22-9-2.

VI. Title VI Assurances

Title VI Assurances

The Indiana Department of Transportation (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a)(1) of the Regulations, a copy of which is attached.

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

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 1.23(b) of the Regulations will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by or pursuant to the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-Aid Highway Program and in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle a, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises

will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, disability/handicap, or income status in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the clauses of Appendix B of this assurance shall be included as a covenant running with the land in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility or part of a facility the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance

under such program will comply with all requirements imposed by, or pursuant to, the Act, the Regulations and this assurance.

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

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



Michael B. Cline,
INDOT Commissioner

9-24-10

Date

Attachments:
Appendices A, B and C

A. Title VI Assurances: Appendix A

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

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

complies, and/or (b) cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Indiana Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

B. Title VI Assurances: Appendix B

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the INDIANA DEPARTMENT OF TRANSPORTATION, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the INDIANA DEPARTMENT OF TRANSPORTATION all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(ADDENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the INDIANA DEPARTMENT OF TRANSPORTATION, and its' successors forever, subject, however; to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the INDIANA DEPARTMENT OF TRANSPORTATION, its successors and assigns.

THE INDIANA DEPARTMENT OF TRANSPORTATION, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and] * (2) that the INDIANA DEPARTMENT OF TRANSPORTATION shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

C. Title VI Assurances: Appendix C

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

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

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

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

VII. Title VI Compliance Responsibilities

A. Commissioner

The Indiana Governor appoints INDOT's Commissioner. The Commissioner is responsible for organizing and administering INDOT.⁴

B. INDOT Deputy Commissioner and Chief Legal Counsel

The Deputy Commissioner manages the Economic Opportunity and Prequalifications, Internal Affairs, Contract Administration 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 and Prequalifications Division Director

The Economic Opportunity and Prequalifications Director (Director) is responsible for overseeing all aspects of INDOT's Disadvantaged Business Enterprise (DBE) certification services, contract compliance efforts and its Title VI program. The Director works toward maximizing contracting opportunities for disadvantaged businesses on INDOT contracts and ensures compliance with the Equal Employment Opportunity (EEO) provisions as required by INDOT contract and federal law. The Director's responsibilities include ensuring INDOT's compliance with Title VI of the Civil Rights Act of 1964, including provisions related to Environmental Justice (EO 12898) and Limited English Proficiency (EO 13166). The Director ensures that appropriate managerial and technical assistance is provided to DBE firms. The Director also oversees the prequalification of contractors and consultants. The Director is also the chair and a non-voting member of the Prequalification Committee.

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 of the Civil Rights Act of 1964 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 Chief Legal Counsel and Deputy Commissioner and Commissioner. General responsibilities of the Title VI/ADA Program Manger include, but are not limited to:

1. Implementing INDOT's Title VI and Americans with Disabilities Act of 1990, (ADA) plans;

⁴ Indiana Code 8-23-2-2.

2. Developing processes and procedures for the investigation of complaints filed under Title VI and the ADA;
3. Developing and implementing INDOT's Limited English Proficiency (LEP) Plan;
4. Coordinating Title VI Program development with the special program areas directors and division managers;
5. Providing technical assistance, guidance and advice on the Title VI Program;
6. Establishing procedures for processing Title VI reviews;
7. Conducting Title VI reviews of INDOT's subrecipients, special interest programs and activities;
8. Developing and conducting Title VI training;
9. Preparing required reports;
10. Participating in the design, development and dissemination of Title VI information to the public; and
11. Annually updating INDOT's Title VI Implementation Plan.

E. Title VI/ADA Liaisons & Interdisciplinary Team

1. Introduction

In March 2011, INDOT formed its Title VI/ADA Interdisciplinary Team. The Title VI/ADA Program Manager selected members of the team in coordination with the Division Director and District Deputy Commissioners. The Title VI/ADA Program Manager selected interdisciplinary team members based on their ability to solicit, collect and report on current activities within their respective divisions, districts and program areas. Additionally, they possess the authority to implement changes, if needed, to ensure INDOT's compliance with the nondiscrimination laws.

2. Mission

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

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

- To ensure meaningful access to INDOT’s services and programs to minorities, persons with limited English proficiencies and low-income persons; and
- To develop and continually review and update effective Title VI, ADA and LEP implementation plans for INDOT.

3. Methodology and Implementation

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

4. Title VI Liaison Responsibilities

The Title VI Liaisons shall:

1. Foster awareness of INDOT’s Title VI program and its requirements;
2. Assist with conducting Title VI reviews of division program areas;
3. Develop and maintain division procedures for the collection of statistical data (race, color, national origin, and sex) of participants in, and beneficiaries of INDOT programs, i.e. relocatees, impacted citizens and affected communities;
4. Participate in the development, revision and implementation of the Title VI Plan Annual Update;
5. Complete an annual division risk assessment for their respective division that identifies and prioritizes risk areas and the need to formulate mitigation strategies; and
6. 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.

5. Interdisciplinary Team Members

Table 1: INDOT Title VI/ADA Interdisciplinary Team

Name	Title	Division	Phone	Email
Albers, Mark	Local Programs Manager	Crawfordsville District	765-361-5224	malbers@indot.in.gov
Ann Bishop (Aug. 2012 - Present)	Grants and Special Initiatives Coordinator	LPA/MPO & Grant Administration	317-294-7395	abishop1@indot.in.gov
Bales, Ron (Sept. 2012- Present)	Senior Environmental Manager	Environmental Services	317-233-2093	rbales@indot.in.gov
Behling, K-Todd	Highway Engineer I	LaPorte District	219-325-7539	kbehling@indot.in.gov
Blasdel, Audra (Sept. 2011- Aug. 2012)	Director	LPA/MPO & Grant Administration	317-234-5142	ablasdel@indot.in.gov
Buckel, Larry	Manager	Multi-Modal Planning & Policy/Transit	317-232-5292	lbuckel@indot.in.gov
Cales, Robert	Director	Legal/Contract Administration	317-233-4794	rcales@indot.in.gov
Clark, Jr., Rickie	Manager	Communications - Office of Public Involvement	317-232-6601	rclark@indot.in.gov
Clift, W. Todd	Manager	Real Estate-Relocation	317-232-5060	tclift@indot.in.gov
Giller, Teresa	Attorney	Legal Department	317-232-6734	tgiller@indot.in.gov
Jittjumnongk, Brandi	Recruitment Consultant/HR Generalist I	Human Resources/State Personnel Department	812-895-7305	bjittjumnongk@indot.in.gov
Johns, Janice	Accountant	Research & Development	765-463-1521 ext 221	jjohns@indot.in.gov
Lawrence, Ben (Sept. 2011- Apr. 2012)	Environmental Policy Manager	Environmental Services	317-233-2093	blawrence@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	mmiller@indot.in.gov
Myers, Dwane	District Public Affairs Director	Greenfield District	317-467-3465	dmyers@indot.in.gov

Name	Title	Division	Phone	Email
Orcutt, Wayne (Sept. 2011- May 2012)	Safety and Health Director	Fort Wayne District	260-969-8204	worcutt@indot.in.gov
Schmidt, Dirk (May 2012- Present)	Traffic Investigations Engineer	Fort Wayne District	260-969-8287	Dschmidt2@indot.in.gov
Stoops, Ernie	Highway Engineer Supervisor	Vincennes District	819-895-7390	estopps@indot.in.gov
Ude, Jim	Planning and Program Director	Seymour District	812-524-3729	jude@indot.in.gov
Wright, John	Director	Highway Design & Technical Support	317-232-5147	jwright@indot.in.gov

6. 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.

F. INDOT Divisions, Program Areas and Districts

Each division within INDOT and all of its departments and program areas are charged with the following general responsibilities under Title VI:

1. Collecting and analyzing data on minority and low income populations to determine the potential impact of proposed plans, programs and projects;
2. Ensuring all contract documents contain the appropriate Title VI provisions;
3. Consulting with the EOD when Title VI complaints are received or issues arise during a public hearing/meeting;
4. Ensuring that all people are treated equitably regardless of race, color, national origin, sex, age, disability, ancestry, religion or income status;
5. Monitoring Title VI accomplishments, notifying the EOD of problem areas and summarizing activities for inclusion in the Title VI Plan Update;
6. Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;

7. 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, ancestry, religion or income status;
8. Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts;
9. Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and
10. Providing information in the appropriate language or interpreters as needed for disabled and LEP persons.

G. INDOT Division and Core Program Area Reporting

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

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

- Demographic information collected during the delivery of services;
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non - discrimination statement;
- A description of the steps taken to ensure meaningful access to programs, activities and services to LEP persons;
- An explanation of whether staff is knowledgeable of INDOT's LEP policies and procedures;
- A description of any additional costs the division incurred during the year related to providing LEP assistance. The description must include the dollar amount;
- An analysis of whether existing assistance meets the LEP needs of those served by the division/program;
- A description of the current communication needs of LEP persons;

- Information regarding whether the sources of and arrangements for LEP assistance are still current and viable; and
- A description of Title VI training attended by division personnel, including a roster of attendees, dates and locations of the training and information regarding the sponsoring organization.

H. Summary of 2012 Assessments

1. Communications Division

The Communications Division manages INDOT's internal and external communications. It includes the Customer Service Center and Office of Public Involvement. Additionally, the Communications Division is a clearinghouse for all information supplied to the various media outlets, and provides uniformity and control over all content.

a) Customer Service Center

TITLE VI/ADA LIAISON(S)

Linda McGrannahan Roberson – Communications Director

RESPONSIBILITIES

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

Collection of Demographic Data

The CSC and Communications Division do not collect demographic data.

Interpreter Services

The CSC did not have any external customers request language services. Several internal customers contacted the CSC about locating language services. The CSC provided the internal customers with the interpreter list maintained by the EOD and advised them to contact the Relocation Department in the Office of Real Estate since the department has an employee who has previous experience with translating information into Spanish. The CSC also forwards revisions to the interpreter list maintained by the EOD to the Title VI/ADA Program Manager as needed.

Auxiliary Aids & Services

The CSC does not provide public phones and is not located in a public area. The call center did not receive any relay calls this year. Over the last seven years, the call center received one relay call.

ACCOMPLISHMENTS

Goal	Status
Monitor and document all requests for language services.	Completed
Maintain a list of all resources used to provide language assistance services, including but not limited to the name of the person/organization providing the service, a description of the service provided, amount budgeted for language services and the actual amount expended for language services, and a brief description of the language services provided.	Completed
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Not applicable

b) 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).

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

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

INDOT publishes legal notices in newspapers throughout the state to: (1) announce a planned improvement project or a public hearing, (2) inform the community where project related

documents and preliminary design plans are available for public review, (3) solicit public comment on the proposed project, and (4) inform individuals with disabilities of the right to request an accommodation if needed so that the individual can participate in the public involvement process.

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

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

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

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

Collection of Demographic Information

OPI collects demographic information regarding the race, national origin, gender, disability status and age of the public during its delivery of services using the Voluntary Title VI Public Involvement Survey, which it makes available at public meetings and hearings. Additionally, OPI includes the survey in all of its mailings to property owners and project stakeholders that it routinely sends out in conjunction with the public involvement process for a project. OPI forwards completed surveys to the Title VI/ADA Program Manager who reviews the surveys and incorporates the information gathered in INDOT's annual Title VI Implementation Plan and Accomplishments and Goals Report.

Limited English Proficiency Services

In 2012, OPI worked with a local community in Elkhart to have project material translated into Spanish and to provide translation service for the public hearing. One of the key stakeholders was a very involved community advocate who greatly assisted INDOT and the LPA in

distributing information throughout the community. OPI incurred normal printing costs associated with printing the translated materials. OPI did not incur actual costs for language services because the stakeholder provided languages services for free. Additionally, OPI produced copies of the handouts in-house using the office copier.

Interpreter, Auxiliary Aids and Services

OPI has a policy for handling requests from the public for sign language, oral and cued speech interpreters. This information is available on the INDOT website in the Public Involvement Manual, which can be found 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.

OPI provided interpreters and/or materials in an alternative format in 11 of the 70 public involvement events held during the reporting period.

Public Involvement Activities

During the reporting period, INDOT organized 70 public involvement events (hearings, meetings and open houses) covering 52 projects with more than 3,000 attendees. An additional 62 projects required formal public involvement action, which involved publishing legal notices, mailing project correspondence to impacted property owners, making project documents and materials available to the public via viewing locations and repositories and working individually with project stakeholders to address concerns.

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

ACCOMPLISHMENTS

2011 - 2012 Goals	Status
Prepare a written summary of the results of the Voluntary Public Involvement Survey obtained from all public meetings or hearings held and submit the same to the Title VI/ADA Program Manager.	Completed
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Completed
Create a working list of minority and community media sources used to ensure notification of public meetings or public review of agency documents for residents in minority and low-income communities.	Completed
Monitor and document the frequency with which INDOT uses minority media and non-traditional newspapers and submit a report of the number of times INDOT used these media outlets in comparison to other media resources.	In Progress
Monitor and document the frequency with which INDOT advertises in newspapers in a language other than English so that it can reach LEP populations in areas with proposed transportation projects.	In Progress
Monitor and document all requests for reasonable accommodations for public hearings and meetings. Documentation should include a copy of the written request for accommodation and a description of the accommodation provided. If the request was denied, the documentation should include a detailed explanation of why the accommodation was denied and list any alternative accommodations provided.	In Progress
Monitor and document all requests for language services at public hearings and meetings.	In Progress
Maintain a list of all resources used to provide language assistance services, including but not limited to the name of the person/organization providing the service, a description of the service provided, amount budgeted for language services and actual amount expended for language services, and a brief description of the language services provided.	In Progress

DEFICIENCIES

1. Customer service representatives need training on the correct procedure to follow when a person requests an interpreter.
2. Videos and other multimedia on the website lack accessible features.
3. Relevant employees need training on Title II of the ADA, Section 504 or section 508 of the Vocational Rehabilitation Act of 1973.
4. OPI needs to notify constituents of the Title VI/ADA complaint process.
5. OPI needs to distribute the Title VI/ADA complaint procedures to division staff.

6. OPI needs a procedure for recording and monitoring requests for auxiliary aids.

2012-2013 GOALS

The Communications Division set the following goals for federal fiscal year 2012-2013:

1. Train customer service representatives on the correct procedure to follow when a person requests an interpreter.
2. Provide 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.
3. Provide text caption synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard of hearing.
4. Post the State of Indiana website policy where it can be easily found.
5. Develop internal controls and policies to ensure that website content is not added to the website until it has been made accessible.
6. Add text based versions of documents at the same time as PDF versions.
7. Develop a process to inform employees, contractors and consultants of INDOT's website accessibility procedures and policies.
8. Develop a specific written plan including timeframes for making all of INDOT's existing web content accessible.
9. Post the website improvement plan on the INDOT.
10. Incorporate the website improvement plan in INDOT's ADA Transition Plan.
11. Coordinate 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.
12. Develop 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.
13. Test the INDOT website for accessibility.
14. Schedule employees responsible for website content and design to attend ADA and/or Section 508 training regarding effective communication within the next year.
15. Distribute the Title VI/ADA complaint procedures to division staff.

16. Notify constituents of the Title VI/ADA Complaint process.
17. Develop a procedure for recording and monitoring requests for auxiliary aids.

2. Environmental Services

TITLE VI/ADA LIAISON(S)

Ronald (Ron) Bales – Senior Environmental Manager

RESPONSIBILITIES

The Office of Environmental Services (OES) identifies and addresses the environmental needs during the development process of all INDOT projects.

For high level environmental documents such as Environmental Impact Statements (EIS) and Environmental Assessments INDOT must coordinate with the Environmental Protection Agency (EPA) and FHWA.

For state sponsored projects consultants typically contact OES to determine the best course of action for public outreach. For local projects, sometimes INDOT is not asked for guidance; however, during the OES review of the NEPA document (state or local), OES reviews to ensure that the consultant correctly analyzed the community impacts/environmental justice (EJ) impacts. Categorical Exclusions (CE) usually do not have large community/EJ impacts.

ACCOMPLISHMENTS

One example of OES successfully monitoring a consultant for Title VI compliance involved the LPA sponsored Prairie Street Grade Separation Project. Upon review of the environmental statement prepared by the consultant, OES determined that there were EJ impacts despite the consultant's assertion that there were none. OES directed the consultant to conduct additional analysis for community/EJ impacts. Subsequently, the consultant engaged in additional public outreach including producing more public notices (English and Spanish news publications) and fliers, hosting more meetings and distributing public involvement surveys. Additionally, other design alternatives were looked at to minimize impacts. OES' requirement that the consultant conduct additional EJ analysis delayed the project; however, OES was able to ensure accurate completion of the public involvement planning portion of the project.

Following this incident, OES implemented a new process to evaluate consultant performance. Under the new process, a consultant's low performance evaluation score could affect the consultant's ability to continue to do work with INDOT on future projects.

During the 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.

2011 - 2012 Goals	Status
Have relevant staff attend environmental justice training.	In progress
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Not Applicable

DEFICIENCIES

1. OES needs to make staff aware of the Title VI and ADA complaint process.
2. OES needs to make constituents aware of the Title VI and ADA complaint process.

2012-2013 GOALS

The OES set the following goals for INDOT fiscal year 2012-2013:

1. Ensure OES makes its staff aware of INDOT’s external complaint process for Title VI and ADA complaints.
2. Ensure OES informs constituents of INDOT’s Title VI and ADA External Complaint process.

3. Contract Administration

TITLE VI/ADA LIAISON(S)

Robert Cales - Director Contract Administration (Construction)

Jeff Clanton - Contracts Manager (Professional Services)

RESPONSIBILITIES

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

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

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

ACCOMPLISHMENTS

From October 1, 2011 through September 11, 2012, the division awarded 992 construction contracts. Sixty-seven of which were to DBEs. Five hundred and eighty-eight of the contracts awarded included some DBE participation. Furthermore, INDOT awarded 102 consultant contracts from October 1, 2011 through September 12, 2012.

Contract Administration conducted 102 negotiations for professional services contracts, eight of which were with DBE, MBE or WBE firms. Eight DBE, MBE and/or WBE firms and gave them notice to proceed. INDOT did not have any failed negotiations from October 1, 2011 through September 12, 2012. INDOT used 89 DBEs as subconsultants and 64 MBE or WBE firms as subconsultants.

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

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

Consultant/Service Provider	Total Number of Contracts
VS Engineering, Inc.	15
ASC Group, Inc.	11
Siva Corrosion Services, Inc.	9
Parsons Cunningham & Shartle Engineers, Inc.	7
Farah & Sons Incorporated	6
Shrewsberry & Associates, Inc.	6
Stephen J. Christian & Associates, PC	6
Courtland Title & Escrow, Inc.	4
NS Services, LLC	4
K & S Engineers, Inc.	3
McCormick Engineering LLC	2
CPS Acquisitions, LLC	2
Dodd Title Corporation	2

Of the DBE, MBE and WBE firms used on professional services contracts there was one firm new to doing business with INDOT. That firm was CPS Acquisitions, LLC.

The division regularly fields calls and emails from the public regarding doing business with INDOT. Additionally, staffers will, as their schedules permit, provide onsite technical support and guidance upon request. Alternatively, the division staff will invite persons doing business with or interested in doing business with INDOT to come into the office to receive technical assistance and guidance. The division provides this service to all individuals who request assistance, if the resources are available.

Contract Administration personnel participated in the new DBE orientation put on by the EOD. The Contract Administration staff provided presentations on navigating INDOT’s website for information on construction contracts and professional services contracts.

Contract Administration recently reduced the use of large on-call contracts and has been using smaller project specific contracts when possible to provided increased opportunities for smalls firms to do business with INDOT.

2011 – 2012 Goals	Status
Have relevant staff attend Title VI and ADA training.	Completed
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Not Started

DEFICIENCIES

1. Contract Administration needs to disseminate the Title VI complaint procedures to staff.
2. Contract Administration needs to monitor 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.

2012-2013 GOALS

The Contract Administration Division set the following goals for INDOT fiscal year 2012-2013:

1. Review operational guides, manuals and policies for Title VI and ADA compliance.
2. Coordinate with the Title VI/ADA Program Manager to develop a procedure for performing Title VI compliance reviews of consultants.

4. Construction Management

TITLE VI/ADA LIAISON(S)

Mark Miller – Director of Construction Management

RESPONSIBILITIES

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

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

DEFICIENCIES

None identified.

2012-2013 GOALS

Have relevant staff attend Title VI and ADA training.

5. 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, oversee all roadway standard sheets, review all LPA and state plans for conformance to standards, produce road and traffic plans and monitor the design sections in INDOT's six districts.

ACCOMPLISHMENTS

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

DEFICIENCIES

None identified.

2012-2013 GOALS

Have relevant staff attend Title VI and ADA training.

6. Human Resources & Recruiting

TITLE VI/ADA LIAISON(S)

Brandi Jittjumnongk – Recruitment Consultant

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.

Collection of Demographic Information

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

LIMITED ENGLISH PROFICIENCY

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

ACCOMPLISHMENTS

Public Outreach Activities

During the reporting period, Human Resources engaged in the following recruitment efforts:

1. Attended career fairs at the following schools:

January 25, 2012	Rose-Hulman Institute of Technology
February 14, 2012	University of Evansville
September 12, 2012	Purdue University
September 20, 2012	Lincoln College of Technology
September 26, 2012	Indiana State University

2. INDOT's Cooperative Education program is open to civil engineering students with a minimum 2.8 grade point average, who have completed at least one year of college and who have a satisfactory academic and disciplinary record. Participants obtain practical paid on-the-job experience in one of several areas, including construction, materials and testing, planning, environmental, hydraulics, design, traffic and survey. The program also provides a mentoring atmosphere.
3. Advertised in the following newspapers for positions:

Indianapolis Star

New Sentinel
 Fort Wayne Journal
 Gary Post Tribune
 Renssalaer Republican

4. Participated in the Indiana Black Expo
5. Participated in the Young Hoosier Conservation Corps (YHCC) for the third year in a row in 2012. The YHCC is a program partnership between INDOT, the Department of Workforce Development (DWD) and the Department of Natural Resources (DNR). Under the YHCC program, from May to October, INDOT employs young women and minorities from historically socially and economically disadvantaged households to perform various construction and roadway maintenance activities at a rate of \$11.15 an hour.

In 2012, INDOT provided seasonal employment opportunities to 225 young adults. The YHCC employees worked up to 24 hours a week. During the past three years, INDOT offered 22 participants in the YHCC program permanent employment. INDOT plans to participate in the program in 2013.

Table 3: 2010 YHCC Participation by Gender

2010 YHCC Participation by Gender							
District	Crawfordsville	Fort Wayne	Greenfield	LaPorte	Seymour	Vincennes	Total
Male	9	82	19	182	0	0	292
Female	7	52	5	69	0	0	133
Total	16	134	24	251	0	0	425

Table 4: 2010 YHCC Participation by Race and Ethnicity

2010 YHCC Participation by Race and Ethnicity							
Race/Ethnicity	Crawfordsville	Fort Wayne	Greenfield	LaPorte	Seymour	Vincennes	Total
American Indian	0	8	1	9	0	0	18
Asian	0	0	0	0	0	0	0
Black	3	44	3	131	0	0	181
Hispanic	0	2	0	1	0	0	3
Pacific Islander	0	0	0	1	0	0	1
White	13	80	20	109	0	0	222
Total	16	134	24	251	0	0	425

Table 5: 2011 YHCC Participation by Gender

2011 YHCC Participation by Gender								
District	Central Office	Crawfordsville	Fort Wayne	Greenfield	LaPorte	Seymour	Vincennes	Total
Male	2	6	5	18	54	0	3	88
Female	3	9	15	11	27	10	29	104
Total	5	15	20	29	81	10	32	192

Table 6: 2011 YHCC Participation by Race and Ethnicity

2011 YHCC Participation by Race and Ethnicity								
Race Ethnicity	Central Office	Crawfordsville	Fort Wayne	Greenfield	LaPorte	Seymour	Vincennes	Total
American Indian	0	1	1	0	1	0	0	3
Asian	0	0	0	0	0	0	1	1
Black	4	4	5	6	38	1	3	61
Hispanic	0	2	1	0	4	0	2	9
Pacific Islander	0	0	0	0	1	0	0	1
White	1	8	13	23	36	9	26	116
Total*	5	15	20	29	80	10	32	191

* The total differs from the information in Table because the race and/or ethnicity of one participant was not available.

Table 7: 2012 YHCC Participation by Gender

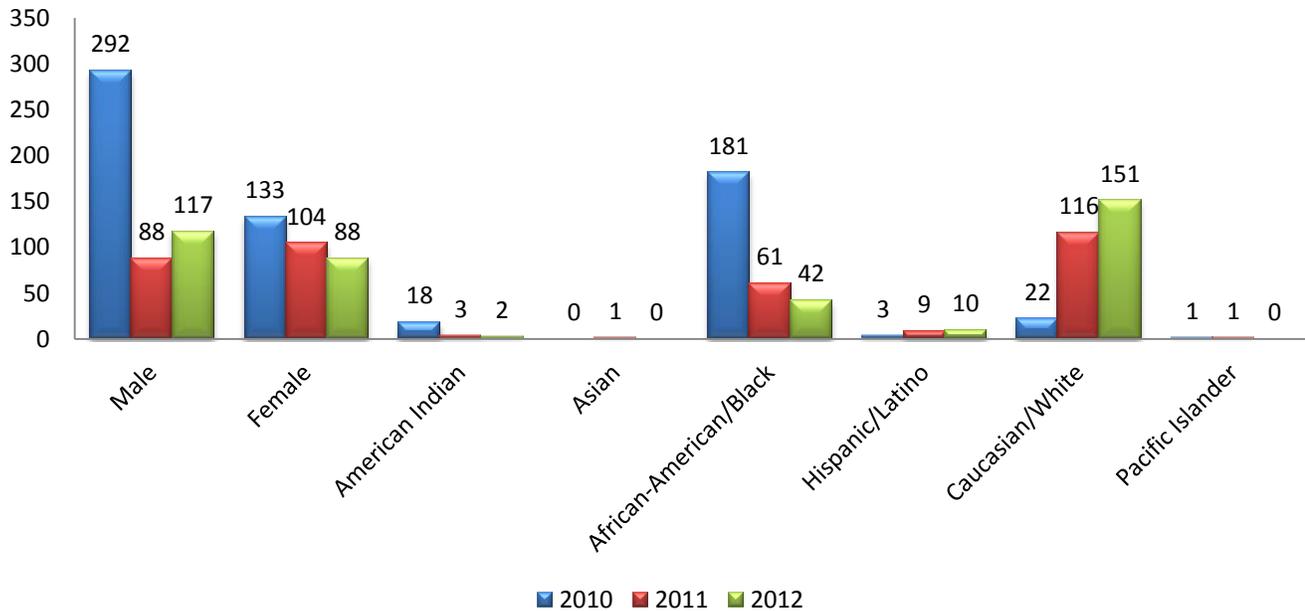
2012 YHCC Participation by Gender								
District	Central Office	Crawfordsville	Fort Wayne	Greenfield	LaPorte	Seymour	Vincennes	Total
Male	0	13	12	17	52	21	2	117
Female	0	5	3	10	34	16	20	88
Total	0	18	15	27	86	37	22	205

Table 8: 2012 YHCC Participation by Race and Ethnicity

2012 YHCC Participation Race & Ethnicity								
Race Ethnicity	Central Office	Crawfordsville	Fort Wayne	Greenfield	LaPorte	Seymour	Vincennes	Total
American Indian	0	0	0	2	0	0	0	2
Asian	0	0	0	0	0	0	0	0
Black	0	1	4	4	30	3	0	42
Hispanic	0	0	1	0	8	0	1	10
Pacific Islander	0	0	0	0	0	0	0	0
White	0	17	10	21	48	34	21	151
Total	0	18	15	27	86	37	22	205

Table 9: Three Year Comparison of the Race, Gender and Ethnicity of YHCC Participants

Three Year Comparison Race, Gender and Ethnicity of YHCC Participants (2010-2012)



2011 – 2012 Goals	Status
Have relevant staff attend Title VI and ADA training.	In Progress
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Not Started

DEFICIENCIES

1. Human Resources needs to advertise job fairs or employment opportunities in the minority media or through diversity professional organizations in addition to the current media outlets used.
2. Human Resources needs to participate in public outreach at colleges and universities with substantial enrollment of minorities and low income students when trying to located a diverse pool of potential employees.

2012-2013 GOALS

The Human Resources Department set the following goals for federal fiscal year 2012-2013

1. Ensure advertisements of employment opportunities and job fairs are placed with minority media outlets when appropriate. Examples of minority media outlets include the Indianapolis Recorder and Gary Crusader.

In addition to the current resources used such as the American Society of Civil Engineers and the career website DICE, Human Resources should consider diversifying its recruiting efforts to include advertising employment opportunities with minority and female professional organizations such as the:

- Society of Women Engineers (SWE)
- Society of Hispanic Professional Engineers (SHPE)
- National Society of Black Engineers (NSBE)
- American Indian Science and Engineering Society (AISES)
- Association for Women in Computing (AWC)
- Chinese Institute of Engineers USA (CIE-USA)
- Society of Mexican American Engineers and Scientists (MAES)

2. Contact a diverse group of colleges and universities in the state and surrounding area for job fair opportunities and recruitment.
3. Update the Human Resources data collection process to ensure that it is clear that the refusal to provide responses to the voluntary disclosure request will not subject the applicant or employee to any adverse treatment. Additionally, Human Resources should update its data collection

process to ensure that it is clear to applicants and employees that the decision to provide information in response to the voluntary disclosure request will not subject the applicant or employee to any adverse treatment.

4. Record and monitor requests for reasonable accommodation.
5. Provide ongoing training to staff regarding INDOT's policy on nondiscrimination based on disability.
6. Begin collecting demographic data during public outreach activities.
7. Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.

7. Real Estate

TITLE VI/ADA LIAISON(S)

W. Todd Clift – Relocation Manager

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.

a) Acquisition

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

b) Relocation

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

c) Property Management Services

During the comparable sales and rental properties process, each agent is required to locate a comparable property based on the Indiana Code (IC), Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), and Code of Federal Regulations (CFR), which meets Functional Equivalent standards. The URA and CFR require that agents provide minority

persons reasonable opportunity to relocate to decent, safe and sanitary (DS&S) housing not located in an area of high minority concentration.

LIMITED ENGLISH PROFICIENCY

Data unavailable

ACCOMPLISHMENTS

Data unavailable

2011- 2012 Goals	Status
Collect Title VI data for all relocations, appraisals and condemnations.	Data Unavailable
Collect Title VI data for all appraisers and professional service consultants assigned to a project.	Data Unavailable
Develop a selection procedure to ensure appraisers are assigned based on objective fixed criteria for all projects.	Data Unavailable
Have relevant staff attend Title VI and ADA training.	Data Unavailable
Monitor and document all requests for language services.	Data Unavailable
Maintain a list of all resources used to provide language assistance services, including but not limited to the name of the person/organization providing the service, a description of the service provided, amount budgeted for language services and the actual amount expended for language services, and a brief description of the language services provided.	Data Unavailable
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Data Unavailable

DEFICIENCIES

1. Relevant staff not trained on INDOT’s Title VI responsibilities.
2. Not currently monitoring and collecting data regarding Title VI compliance efforts during the delivery of services.

2012-2013 GOALS

The Real Estate Division set the following goals for federal fiscal year 2012-2013:

1. Collect Title VI data for all relocations, appraisals and condemnations.
2. Collect Title VI data for all appraisers and professional service consultants assigned to a project.

3. Develop a selection procedure to ensure appraisers are assigned based on objective fixed criteria for all projects.
4. Have relevant staff attend Title VI and ADA training.
5. Monitor and document all requests for language services.
6. Maintain a list of all resources used to provide language assistance services, including but not limited to the name of the person/organization providing the service, a description of the service provided, amount budgeted for language services and the actual amount expended for language services, and a brief description of the language services provided.
7. Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.

8. Research and Development

TITLE VI/ADA LIAISON(S)

Janice Johns – Accountant

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.

ACCOMPLISHMENTS

The Research and Development program had 88 research projects underway in federal fiscal year 2011-2012. Purdue University located in West Lafayette, Indiana is responsible for 100% of the research projects.

In June 2012, the JTRP managing director at Purdue University distributed a memo containing INDOT's Voluntary Public Involvement Survey to the 190 JTRP faculty, staff, Study Advisory Committee (SAC) members, consultants and subcontractors. Twenty-five individuals responded to the survey.

Table 10: Race of Research Participants 2011 – 2012

Race of Research Participants	
American Indiana/Alaskan Native	0
Asian	5
Black/African American	1
Caucasian/White	18
Hawaiian or Other Pacific Islander	0
Multiracial	1
Total	25

Table 11: Ethnicity of Research Participants 2011- 2012

Ethnicity of Research Participants	
Hispanic/Latino	1
Not Hispanic/Latino	24
Total	25

Table 12: Gender of Research Participants 2011- 2012

Gender of Research Participants	
Female	7
Male	18
Total	25

2011 - 2012 Goals	Status
Monitor and collect data on all research projects placed with any university for Title VI compliance.	In progress
Notify all universities conducting research on behalf of INDOT of their Title VI responsibilities including, encouraging colleges and universities to include women, minorities and persons with disabilities in their research.	Not Started
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Not applicable

DEFICIENCIES

1. Title VI Assurances are not included in current relevant contracts.
2. Research and Development needs to engage in aggressive outreach to diverse universities and consultants interested in performing research for INDOT.

3. Research and Development needs to conduct Title VI reviews of universities and consultants conducting research.
4. Relevant needs training on INDOT's Title VI and ADA responsibilities.
5. Does not currently engage in ongoing data collection and analysis of statistical data regarding division Title VI compliance efforts.

2012-2013 GOALS

The Research and Development Program set the following goals for federal fiscal year 2012-2013:

1. Ensure that the Standard U.S. DOT Title VI Assurances are included in every contract subject to Title VI and its implementation regulations.
2. Engage in aggressive outreach to universities (including minority universities and universities with significant minority student representation) and consultants interested in performing research for INDOT.
3. Investigate and consider providing supporting services to universities and consultants interested in performing research for INDOT.
4. Develop and implement a process to conduct Title VI reviews of universities and consultants performing research for INDOT. The process should include direct and personal monitoring of the universities and consultants performing research by an INDOT employee.
5. Have relevant staff attend Title VI training.
6. Implement a process for ongoing collection of demographic data for all programs and activities that have a significant impact on the public.

9. Office of Transit

TITLE VI/ADA LIAISON(S)

Larry Buckel- Manager

RESPONSIBILITIES

INDOT's Office of Transit provides financial and technical assistance to 67 public transit systems across the state, which results in support for more than 34 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.

DEFICIENCIES

1. The Office of Transit needs to monitor direct subrecipients for compliance.

2012-2013 GOALS

The Office of Transit set the following goals for federal fiscal year 2012-2013:

1. Provide Title VI and ADA training to relevant staff, grantees and sub-grantees.
2. Make Title VI and the ADA an emphasis area during the grant compliance reviews.

10. LPA and MPO Division

TITLE VI/ADA LIAISON(S)

Ann Marie Bishop – Grants and Special Initiatives Coordinator

RESPONSIBILITIES

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

ACCOMPLISHMENTS

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

DEFICIENCIES

1. Relevant staff needs to be trained on INDOT's Title VI and ADA responsibilities.
2. The LPA/MPO Division needs to monitor MPOs or LPAs procedures or efforts to obtain public involvement in planning from persons with disabilities, low income populations and minorities.

2012-2013 GOALS

The LPA/MPO Division set the following goals for federal fiscal year 2012-2013:

1. Have relevant staff attend Title VI and ADA training.

2. Develop a process for monitoring MPO and LPA procedures and efforts to obtain public involvement in planning from persons with disabilities, low income populations and minorities.

11. District Assessments

RESPONSIBILITIES

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

INDOT has six districts: Crawfordsville, Greenfield, Fort Wayne, LaPorte, Seymour and Vincennes. Each district is managed by a District Deputy Commissioner who reports to the Operations Deputy Commissioner. 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.

LIMITED ENGLISH PROFICIENCY

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

ACCOMPLISHMENTS

The INDOT External Complaint of Discrimination Form is available in the district offices. Additionally, the INDOT nondiscrimination notice is posted in each district office.

In August 2012, the central office collaborated with the Greenfield, Crawfordsville and Seymour districts to host a consultant open house. The purpose of the event was to give consultants and INDOT staff an opportunity to ask one another questions in an informal setting.

The event goals included the following: (1) allowing consultants and INDOT staff to get to know one another, (2) educating INDOT staff about the role of consultants, and (3) educating consultants about what INDOT looks for in a well written letter of interest. This was the first time central office and the Greenfield, Crawfordsville and Seymour Districts held a consultant open house. The Vincennes and Fort Wayne Districts host similar events. The Laporte District plans to host an event in the future. In the future, INDOT will attempt to host the consultant open house at least once a year.

Forty-eight consultants attended the three-day event held in Indianapolis. The Director of District Project Management will continue to explore additional opportunities to host open houses since INDOT had 32 individuals who were wait listed and could not attend the August 2012 event. The Director of District Project Management advertised the event to consultants through the Request for Proposals process.

2011 – 2012 Goals	Status
Collect Title VI data for all external constituents to whom the district delivers services.	In Progress
Have relevant staff attend Title VI and ADA training.	In Progress
Monitor and document all requests for language services.	In Progress
Maintain a list of all resources used to provide language assistance services, including but not limited to the name of the person/organization providing the service, a description of the service provided, amount budgeted for language services and the actual amount expended for language services, and a brief description of the language services provided.	In Progress
Submit quarterly Public Outreach Matrix reports to the Title VI/ADA Program Manager for all programs and activities that have a significant impact on the public.	Not Started

DEFICIENCIES

1. Relevant staff needs training on INDOT’s Title VI and ADA responsibilities.
2. Each district needs to engage in ongoing data collection and analysis of statistical data regarding district Title VI compliance efforts.

2012-2013 GOALS

The district goals for federal fiscal year 2012-2013:

1. Have relevant staff attend Title VI and ADA training.
2. Implement a process for ongoing collection of demographic data for all programs and activities that have a significant impact on the public.

Table 13: INDOT District Title VI/ADA Liaisons

DISTRICT TITLE VI/ADA LIASIONS			
District	Title VI/ADA Liaison	District Deputy Commissioner	Contact
Crawfordsville	Mark Albers – Local Programs Manager	Alan Plunkett	41 West 300 North Crawfordsville, IN 47933 Phone: (765) 362-9484 Email: westcentralindiana@indot.in.gov www.crawfordsville.indot.in.gov
Fort Wayne	Wayne Orcutt-Safety Director (Sept. 2011- Aug. 2012)	Robert Alderman (Sept. 2011- 2012)	5333 Hatfield Road Fort Wayne, IN 46808 Phone: (260) 484-9541 Email: NEinformation@indot.in.gov
Fort Wayne	Dirk Allen Schmidt – Traffic Investigations Engineer (Aug. 2012-Present)	Todd Johnson (May 2012-Pres.)	www.fortwayne.indot.in.gov
Greenfield	Dwane Myers - Customer Service Director	Brandye Hendrickson	32 South Broadway Greenfield, IN 46140 Phone: (317) 462-7751 Email: eastcentralin@indot.in.gov www.greenfield.indot.in.gov
LaPorte	K-Todd Behling – Highway Engineer I	Bob Alderman	315 East Boyd Boulevard LaPorte, IN 46350 Phone: (219) 362-6125 Email: LaPorteDistrictCommunications@indot.in.gov www.laporte.indot.in.gov
Seymour	Jim Ude - Planning/Production Director	Kathy Eaton- McKalip	185 Agrico Lane Seymour, IN 47274 Phone: (877) 305-7611 secommunications@indot.in.gov www.seymour.indot.in.gov
Vincennes	Ernie Stoops – Highway Engineer Supervisor	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

I. Subrecipients

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

1. An obligation not to discriminate in its programs, activities or employment practices;
2. An obligation to submit an assurance that its programs, activities and facilities will be operated in a nondiscriminatory manner;
3. An obligation to cooperate in obtaining voluntary compliance under Title VI;
4. 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
5. 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 2012 Update

In the 2010 Civil Rights Program Assessment Report of INDOT, the FHWA noted that INDOT had made many improvements since its original Civil Rights Baseline Assessment in 2007. During the two years since that report, INDOT has continued to strive to make additional improvements.

Of the recommendations included in the report, INDOT has made substantial progress in meeting the two recommendations identified as most important by the FHWA. The first recommendation was to complete an ADA Transition Plan. In December 2011, INDOT completed its updated ADA Transition Plan. INDOT continues to collect data to update its transition plan. The second recommendation was to conduct reviews of INDOT's subrecipients. INDOT currently monitors its contractors with reviews and in 2012 initiated monitoring its LPAs. INDOT is in the process of developing a methodology for monitoring the remainder of its subrecipients.

In 2010, INDOT's nondiscrimination programs were rated as yellow, which stands for needs improvement. Specifically, FHWA posed 28 questions to INDOT regarding its nondiscrimination compliance efforts. FHWA rated three items as red (non compliance), 11 as yellow and 13 as green (operating according to regulatory requirements).

The recommendations included encouraging INDOT to:

1. Refine its policies and procedures as needed as well as developing a method for capturing the changes or recommendations.
2. Fully implement the Title VI Work Plan and provide Title VI and nondiscrimination training for the department and its recipients.
3. Develop specific strategies to collect and evaluate data on program and project impacts and benefits. Additionally, FHWA stated that INDOT should include an evaluation of the data in its Title VI Plan Update submitted to FHWA each October.
4. Develop and conduct training for supervisors and managers, as well as staff during each fiscal year.
5. Involve individuals from each division in the Title VI and nondiscrimination reviews to develop an integrated approach to nondiscrimination.
6. Establish specific guidelines to meet tasks to complete an ADA Transition plan.
7. Work with MPOs to clarify requirements for ADA Transition Plans, update the local guidance document of procedures and ensure all public facilities, projects and programs are accessible to persons with disabilities.

INDOT revisited the FHWA report and the technical assistance tools used to gather data for the report in preparing this 2012 Title VI Implementation Plan and Accomplishments Report.

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		X
D. Program Reviews:	Yes	No	?
1. Has the STA developed a program to conduct Title VI reviews of program areas? (23 CFR 200.9(b)(5))	X		
2. Has the STA conducted annual Title VI Reviews of its [major] program areas to determine the effectiveness of program area activities at all levels? (23 CFR 200.9(a)(4)(b)(6))	X		
3. Has the STA conducted Title VI reviews of sub-recipients (i.e., cities, counties, consultants, contractors, colleges, universities, MPOs, and other recipients of Federal-aid highway funds)? (23 CFR 200.9(b)(7))	X		

INDOT is in the process of establishing procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with the Title VI requirements. Additionally, INDOT is in the process of ensuring that the Title VI and related requirements are included in all the applicable INDOT program directives.

B. Internal Title VI Compliance Reviews

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

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

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

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

1. Title VI Liaisons

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

C. External Title VI Compliance Review Process

1. Purpose

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

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

a) Compliance Review Process

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

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

b) Notifications of Title VI Onsite Compliance Reviews

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

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

c) Scope of the Compliance Review & Preliminary Preparation

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

d) Onsite Review Procedures

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

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

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

e) Conclusion of Onsite Review

1) Preliminary Findings

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

(1) Examples of Deficiencies:

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

(g) No method to monitor race, ethnicity and gender of contractors.

(2) Extension of Time

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

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

(3) Failure to Comply

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

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

-or-

ii) Certify the contractor's compliance.

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

a) LPA Pre-Award Certification Process

The Pre-Award Certification and Assurance is a self-reporting tool accessible online via the following link: <https://itap.indot.in.gov/>. The purpose of the Annual Pre-Award Certification and Assurances is to monitor LPA compliance with the civil rights laws on an ongoing basis. The Annual Pre-Award Certification and Assurance is an online survey that the LPA completes by June 30 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 you will be expected to follow in the event INDOT's EOD selects the LPA for a compliance review. INDOT will report the information provided in the Annual Title VI Implementation Plan Update and ADA Transition Plan.

The Title VI/ADA Program Manager shall use the information reported as an assessment tool to determine whether an LPA complies with Title VI, the ADA and Section 504. INDOT will analyze the responses and use the information provided to ascertain instances where INDOT may

be able to provide technical assistance to help LPAs fulfill their Title VI, ADA and Section 504 obligations and maintain compliance.

b) LPA Review Process

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

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

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

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

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

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

(3) Notification of Title VI Post Award Compliance Review

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

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

(4) Scope of the Compliance Review & Preliminary Preparation

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

(5) Onsite Review Procedures

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

(6) Conclusion of LPA Onsite Review

2) Preliminary Findings

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

(1) Examples of Deficiencies:

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

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

-or-

- ii) Certify the LPAs compliance.

4. Compliance Review Reporting and File Maintenance

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

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

- Title VI Compliance Review Checklist

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

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

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

IX. 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 the date a complaint is received, 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 a sub-award is made 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. The option of informal resolution may be used at any stage of the process. The Title VI/ADA Program Manager will make every effort to pursue a resolution of the complaint.

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

B. Who May File a Complaint

Any person who believes that he or she has been excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any INDOT service, program or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, religion, ancestry, income status or Limited English Proficiency may file a complaint. A complaint may also be filed by a representative 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 complaint must be filed within 60 days of Complainant 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 complaint must be filed within 60 days after the period of incapacity ends.

D. Location/Availability of Complaint Forms

Complaint forms shall be made available online via the INDOT website, in all district offices and at all rest parks. 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.

Title VI complaints should be directed to:

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

F. Elements of a Complete Complaint

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

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

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

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

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

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

G. Processing Complaints

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

1. 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.
2. 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.
3. Providing written notice of the complaint to the FHWA within 10 working days of receipt of the complaint.
4. 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.
5. 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.
6. Providing the Respondent an opportunity to respond to all aspects of the Complainant's allegations.
7. Determining which witnesses will be contacted and interviewed.

8. 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.
9. 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.
10. 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 complaints that are complete; 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:

1. 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.
2. 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.
3. INDOT will forward the appeal and the record within seven calendar days to FHWA for review.
4. FHWA has 30 calendar days after the receipt of the appeal to complete its review.
5. Written findings of FHWA are then sent to the Complainant and the INDOT Commissioner.

K. Confidentiality

In accordance with DOT Order 1000.12, Complainant's identity shall be kept 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, Complainant's written consent must be obtained before a copy of the complaint may be provided to Respondent or a third party.

L. Records

INDOT's Economic Opportunity Division shall maintain all records of an investigation in a confidential area for three years.

M. Summary of Complaints Received

INDOT received five complaints and four 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 administratively closed seven of the complaints and inquires and referred one complaint to the FHWA for further investigation because the complaint was against INDOT.

One person failed to respond to the Title VI/ADA Program Manager to collect additional information regarding her inquiry, and the inquiry was never fully opened because the Title VI/ADA Program Manager did not receive sufficient contact information to respond to the inquiry.

X. Public Involvement and Outreach

A. Website

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

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

B. Data Collection

1. Voluntary Public Involvement Survey

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

INDOT shall make voluntary public involvement surveys available at all public hearings and meetings. Additionally, the INDOT facilitator of the meeting or hearing shall make 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 voluntarily complete the survey.

INDOT shall retain completed surveys for three years.

INDOT received 55 completed surveys during the reporting period. Some of the surveys returned did not contain complete information (i.e. some survey participants left some fields blank).

Table 14: Summary of INDOT Voluntary Public Involvement Survey Results

Summary of INDOT Voluntary Public Involvement Survey Results Federal Fiscal Year 2011-2012 – Part 1						
Project Name		Proposed interchange modification and reconstruction project at I-65 & I-465	Major Moves- US 31	Roundabout at Auburn and Diebold Roads	641 Bypass	I-69
Proposed Location		I-65 /I-465	Hamilton County	Fort Wayne at Union Chapple, Diebold and Auburn Road	Terre Haute, IN	Stanford, IN
Gender	Female	3	7	0	0	2
	Male	6	9	1	1	1
Ethnicity	Hispanic	0	0	0	0	0
Individuals with a Disability		0	0	0	0	0
Race	American Indian or Alaska Native	1	0	0	0	0
	Asian	0	0	0	0	0
	Black or African American	0	0	0	0	0
	Native Hawaiian or Other Pacific Islander	0	0	0	0	0
	White	7	16	1	1	3
	Multiracial	0	0	0	0	0
Age	1-21	0	3	0	0	0
	22-40	0	6	0	0	1
	41-65	5	6	1	0	1
	65+	3	1	0	1	1
Household Income	<\$12, 000	1	0	0	1	0
	\$12,000-\$24,000	11	1	0	0	0
	\$24, 001-\$36,000	0	1	0	0	0
	\$36,0001- \$48,000	0	1	0	0	0
	\$48,0001- \$60,000	1	0	1	0	0
	> \$60,000	5	10	0	0	3
Total Surveys		8	16	1	1	3

**Summary of INDOT Voluntary Public Involvement Survey Results
Federal Fiscal Year 2011-2012 Part 2**

Project Name		SR 256 Improvement Project	Pontiac Chicago Corridor	Major Moves – I-465 and Allisonville Road Project	SR 49 Project	US 50 North Bypass
Proposed Location		SR 256 East of 256/US 31 Intersection –Austin, IN	Michigan City, IN	Allisonville Road Bridge	County Road 400 N	North Vernon, IN
Gender	Female	3	2	7	1	4
	Male	0	3	0	0	6
Ethnicity	Hispanic	0	0	0	0	0
Individuals with a Disability		0	0	0	0	0
Race	American Indian or Alaska Native	0	0	0	0	0
	Asian	0	0	0	0	0
	Black or African American	0	0	1	0	0
	Native Hawaiian or Other Pacific Islander	0	0	0	0	0
	White	3	5	5	1	10
	Multiracial	0	0	0	0	0
Age	1-21	0	0	0	0	0
	22-40	0	1	1	0	0
	41-65	3	4	4	0	10
	65+	0	0	2	1	0
Household Income	<\$12,000	0	0	0	0	4
	\$12,000-\$24,000	0	0	1	1	0
	\$24,001-\$36,000	0	0	0	0	0
	\$36,0001- \$48,000	0	1	1	0	3
	\$48,0001- \$60,000	0	1	1	0	1
	> \$60,000	3	3	4	0	2
Total Surveys		3	5	7	1	10

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 Census 2010 American Community Survey, 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.” Furthermore, 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 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. 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.

C. LEP Volunteers

In 2011, INDOT distributed a voluntary language survey to all of its employees and received more than 250 responses. INDOT continues to distribute the 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 if employees terminate their employment.

XIII. Accomplishments

A. Summary of status of 2012 Goals and Work Plan

DESCRIPTION

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

Target: October 2011

Status: Completed

Goal: Initiate the Pre-Award Certification and Assurance process for reviewing Local Planning Agencies and Metropolitan Planning Organizations

Target: January 2012

Status: Completed

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

Target January 20, 2012
April 20, 2012
July 20, 2012
October 20, 2012

Status: In Progress

Goal: Revise forms to include statement that documents are available in alternative format upon request

Target: March 2012

Status: In Progress

Goal: Meet annually with Title VI/ADA Liaisons

Target: March 2012

Status: In Progress

Goal: Provide Title VI and ADA training at 2012 Road School

Target: March 2012

Status: Completed

Goal: Present Title VI Update to senior management

Target: TBD

Status: Not Completed

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: Not Completed

Goal: Attend at least one public hearing and/or meeting regarding a proposed transportation project

Target: TBD

Status: Completed. The Title VI/ADA Program Manager attended a Public Hearing in Beech Grove on April 10, 2012 regarding a reconstruction and modification project at I-65 and I-465 in Marion County and an Open House on March 29, 2012 in Carmel regarding the US 31 project

Goal: Present Title VI Compliance workshops to subrecipients

Target: Ongoing

Status: Completed

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

Target: Ongoing

Status: Completed

Additional accomplishments include participation by the Title VI/ADA Program Manager at district construction conferences, MPO council meetings and EOD Compliance and EEO Officer Staff meetings.

B. Community Outreach and Public Education

1. INDOT Website

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

2. Commercially Useful Function and Title VI Training Program

The EOD scheduled six three-hour workshops on INDOT’s Title VI Program and Disadvantaged Business Enterprise (DBE) program for federal fiscal year 2011-2012. INDOT offers these workshops free of charge. Each component of the workshop is 90 minutes.

TRAINING SITES AND ATTENDANCE

Table 15: 2011 Title VI Training Locations

Date	Location	Target District(s)	Total Attendees
11/3/2011	Traffic Management Center 8620 East 21 Street Indianapolis, IN 46219	Catch All (Open to all unable to attend previous sessions)	47
1/31/12	Seymour District Office 185 Agrico Lane Seymour, IN 47274	Seymour	29
2/28/12	Vincennes District Office 3650 south US Hwy 41 Vincennes, IN 47591	Vincennes	12
3/27/12	Auditorium, Indiana Government Center South 402 W. Washington St. Indianapolis, IN 46204	Crawfordsville/Greenfield	107
9/25/12	Fort Wayne District Office 533 Hatfield Road Fort Wayne, IN 46808	Fort Wayne	11
TOTAL ATTENDEES			206

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. Complaints

INDOT’s complaint form is available online in PDF and Word form. The form is also available in each of the district offices and rest areas.

D. Data Collection

1. Public Involvement Survey



Figure 1: Major Moves - US 31 –Hamilton County Corridor Project Open House

Under the new public involvement survey collection process, a representative of INDOT makes an announcement at the beginning and end of the event informing attendees of the survey and requesting their voluntary participation. The INDOT representative collects the surveys at the end of the event and invites participants to mail, fax or email their completed surveys later.

E. Internal Training

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

1. Generalized Training for All New Employees

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

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

2. Training for Managers

The Title VI/ADA Program Manager coordinates with the human resources department to present training to human resources staffers and management regarding their duties under Title VI. Due to scheduling conflicts the Title VI/ADA Program Manager did not offer this training during this reporting period; however, the training is scheduled for the 2012-2013 federal fiscal year.

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

F. Title VI. External Compliance Reviews

1. Contractors

In conjunction with the Contract Compliance team of INDOT's EOD, the Title VI/ADA Program Manager inventoried current contracts for contractors who had not been subjected to either a contract compliance review or Title VI onsite review within the past three years. INDOT reviewed the list of contractors and contracts and selected 19 contractors for onsite reviews. INDOT selected the contractors with the three largest contracts along with those that, based on the type of contract and project location, appeared to have the greatest impact on groups covered by Title VI.

The district Equal Employment Opportunity Officer for each district where the work was being performed attended the onsite review. Additionally, INDOT provided notice to and invited the Indiana Division Office of FHWA to the scheduled onsite reviews.

a) Summary of Contractor Title VI Onsite Compliance Review Results

During this reporting period, INDOT conducted 19 Title VI onsite compliance reviews. The Title VI/ADA Program Manager cancelled scheduled one onsite because of a scheduling conflict and selected an alternate contractor to review at a later date during the reporting period. The Title VI/ADA Manager conducted the onsite reviews in conjunction with the EOD contract compliance reviews. As in 2010 and 2011, the following technical deficiencies were common during each of the reviews.

Common deficiencies included the following:

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

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

2. LPAs

In March 2012, INDOT expanded its external compliance review process by implementing a pre-award certification and assurance process for LPAs using the web based Indiana Technical

Application Portal. Thus far, less than 25% of the LPAs have completed the pre-award certification and assurance survey, which was due June 30, 2012. On August 2, 2012, the INDOT Chief of Staff issued a follow up letter to each of the LPAs reminding them to complete the pre-award certification and assurance process. On August 6, 2012, the customer service representatives located in the district offices began making follow up telephone calls and sending emails to the LPAs to remind them of their obligation to voluntarily comply by completing the pre-award certification and assurance process. Each district customer service representative logged their attempts to reach the LPAs and captured a contact person's name when possible. The Title VI/ADA Program Manager will follow up with a letter to each community that did not comply.

G. Miscellaneous Meetings & Presentations

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

1. Indiana Construction Association (ICA)

- February 3, 2012 Eastern Region Joint Cooperative meeting held in Seymour, IN.
- February 23, 2012 Western Region Joint Cooperative meeting held in Terre Haute, IN.

2. INDOT District Construction Conferences

- February 7, 2012 Fort Wayne Construction Conference
- February 26, 2012 Seymour District Construction Conference
- February 28, 2012 LaPorte District Construction Conference
The EOD Director and Contract Compliance Manger attended in the absence of the Title VI/ADA Program Manager and discussed Title VI and DBE/CUF requirements as well as On the Job Training (OJT).
- March 20, 2012 Greenfield District Construction Conference
- March 21, 2012 Crawfordsville District Construction Conference

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

3. Statewide Indiana DBE Initiative (SINDI)

- July 13, 2012 Central Indiana Workshop

4. INDOT Open Houses & Public Hearings

- March 29, 2012 Open House- Regarding the new US 31 Hamilton County Corridor Project at Carmel High School in Carmel, IN
- April 10, 2012 Public Hearing- Regarding the proposed interchange reconstruction and modification project at I-65 and I-465 in Marion County.

5. Indiana Latino Expo

- June 23, 2012 Indiana's first Latino Expo held at the State Fairgrounds. INDOT had a booth and volunteered to present information at a seminar for persons interested in doing business with INDOT. The EOD Director and a DBE Certification Specialist also attended.

6. New DBE Orientation

- April 26, 2012 EOD's first DBE Orientation

7. MPO Council Meetings

During this reporting period the Title VI/ADA Program Manager attended the August 2012 MPO Council Meeting.

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

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

1. Audio Conferences

Did You Hear Me? Ensuring Effective Communication with Your Customers – Sponsored by the Southeast ADA Center, November 15, 2011

ADA Audio Conference Series: Open Dialogue with the DOL, December 13, 2011

2. Webinars

Accessible Communication Elements and Features Webinar, May 3, 2012

Access Board Webinar on the ADA and ABA Standards: "The Basics," April 5, 2012

3. Workshops

Federal Transit Administration Title VI and ADA Workshop, November 16-17, 2011 (Chicago, IL)

2012 National ADA Symposium, May 30-June 1, 2012 (Indianapolis, IN)

Creating Accessible PDF Documents: Effective Communication for State and Local Government, co-sponsored by ADA-Indiana, The Indiana Governor's Council for People with Disabilities and the Great Lakes ADA Center, August 2, 2012 (Indianapolis, IN)

XIV. 2012-2013 Goals (Annual Work Plan)

GOAL	TARGET COMPLETION DATE
♦ Distribute Title VI Implementation Plan Update internally and externally via web and through district offices and the state library	October 2012
♦ Develop a Pre-Award Certification and Assurance process for reviewing consultants	October 2013
♦ Collect public involvement data quarterly from core program areas and districts via the INDOT Public Involvement Matrix	January 20, 2013 April 20, 2013 July 20, 2013 October 20, 2013
♦ Meet annually with Title VI/ADA Liaisons	March 2013
♦ Provide Title VI and ADA training in 2013 Road School	March 2013/Tentative
♦ Present Title VI Update to senior management	TBD
♦ Ensure core program areas such as public hearings, environmental services, and the district offices receive targeted Title VI training for all relevant staff	Ongoing
♦ Attend at least one public hearing and/or meeting regarding a proposed transportation project	TBD
♦ Present Title VI Compliance workshops to subrecipients	Ongoing
♦ Widely distribute public involvement surveys at all programs and activities that have a significant impact on the public	Ongoing
♦ Compile a list of all boilerplate contracts used on federal projects and ensure each contains the requisite nondiscrimination language and assurances as appropriate	October 2013

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 complaint must be signed by the complainant or an authorized representative of the complainant.
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. ⁵ 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

⁵ 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

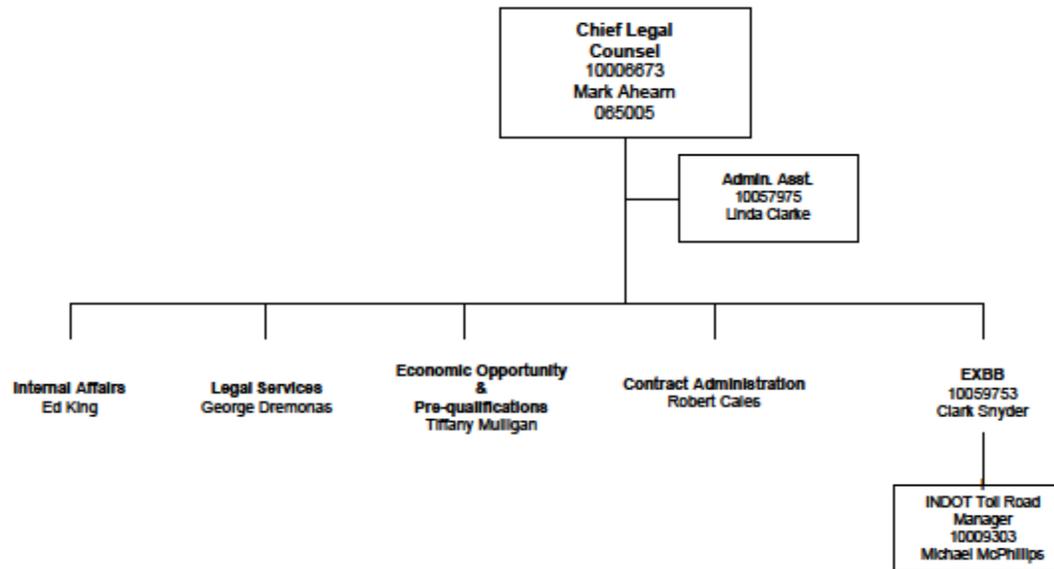
Some of the language and forms appearing in the appendix were excerpted from the Department of Justice's Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes. (September 1998)

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

A. INDOT Organizational Charts

Indiana Department of Transportation Legal 065005

Revised 9/14/2012

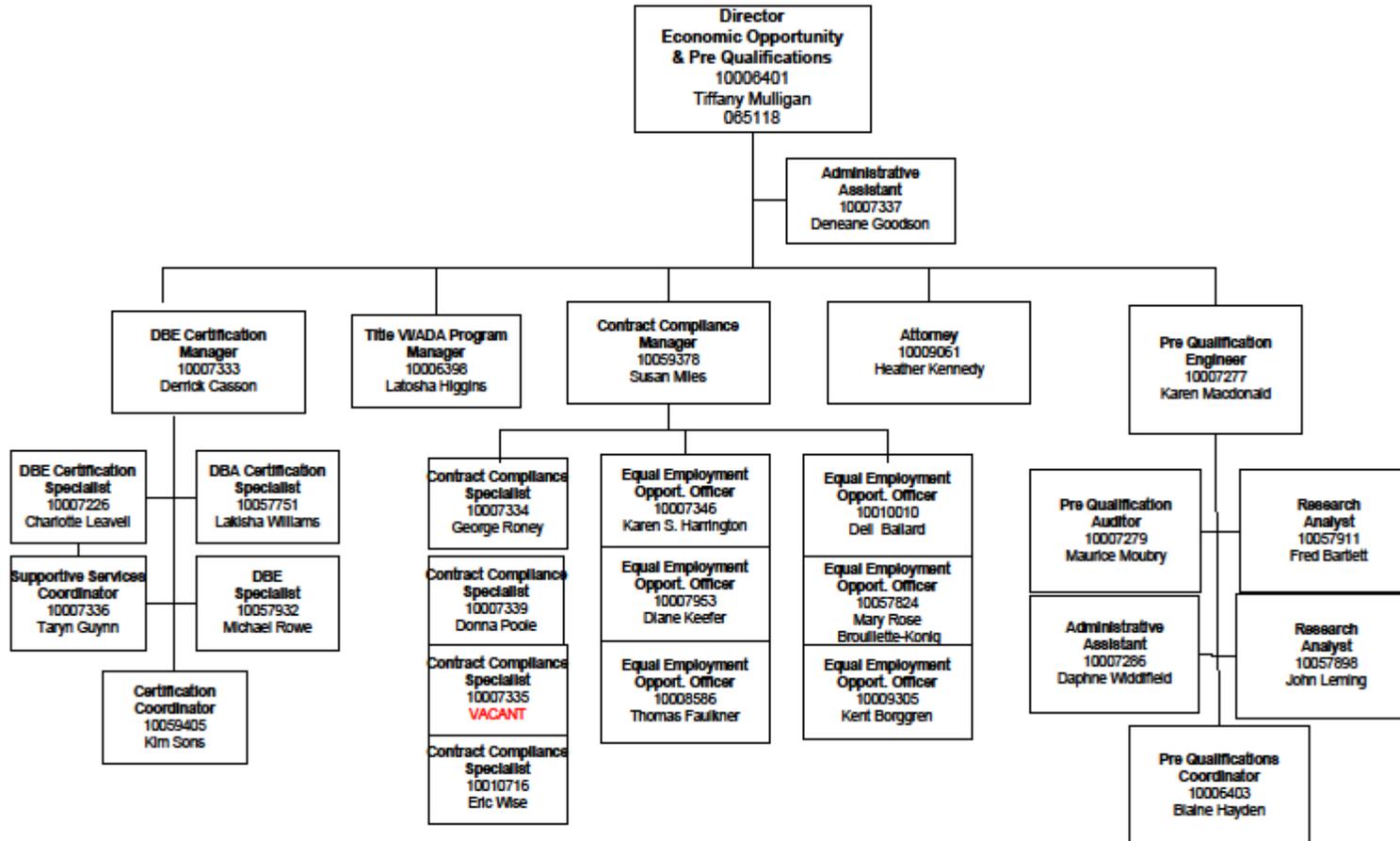


Legal	
Total Current Headcount:	88
Total Current Vacancies:	7
Current Headcount:	3
Vacant:	
Contracts Eng.	10007284
Contracts Sped.	10059419
Web Posting	10059422
Program Director 2	10007335
Admin Asst. 5	10007337
Program Coord. 3	10007283
Program Coord. 3	10007016

Indiana Department of Transportation
 Economic Opportunity & Pre Qualifications
 065118

Revised 9/14/2012

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



B. Complainant Consent/Release



COMPLAINANT CONSENT / RELEASE

State Form 54514 (R / 9-12)
INDIANA DEPARTMENT OF TRANSPORTATION
ECONOMIC OPPORTUNITY DIVISION

Latosha N Higgins, Title VI / ADA Program Manager
INDIANA DEPARTMENT OF TRANSPORTATION
ECONOMIC OPPORTUNITY DIVISION
100 N Senate RM N750
Indianapolis, IN 46204
Telephone number : (317) 234-6142
Fax number : (317) 233-0891
E-mail address: LHiggins@indot.in.gov
www.in.gov/indot/

Name (first, middle, and last)	Telephone number () -
Address (number and street, city, state and ZIP code)	
Case number(s) (if known)	
<p>I have read the Title VI Notice of Complainant and Interviewee Rights provided by the Indiana Department of Transportation (INDOT). As a complainant, I understand that during an investigation it may become necessary for INDOT to reveal my identity to individuals outside of INDOT in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for INDOT to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the non-discrimination statutes enforced by INDOT.</p>	
<p>Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign below. (Please mark one.)</p> <p><input type="checkbox"/> Consent</p> <p>I have read and understand the above information and authorize INDOT to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize INDOT to receive, review and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.</p> <p><input type="checkbox"/> Consent Denied</p> <p>I have read and understand the above information and do not want INDOT to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without INDOT making a determination in my case.</p>	
Signature	Date (month, day, year)

Available in alternative format upon request.

C. External Complaint of Discrimination



EXTERNAL COMPLAINT OF DISCRIMINATION

State Form 54516 (R / 9-12)
INDIANA DEPARTMENT OF TRANSPORTATION
ECONOMIC OPPORTUNITY DIVISION

Latosha N Higgins, Title VI / ADA Program Manager
INDIANA DEPARTMENT OF TRANSPORTATION
ECONOMIC OPPORTUNITY DIVISION
100 N Senate RM N750
Indianapolis, IN 46204
Telephone number : (317) 234-6142
Fax number : (317) 233-0891
E-mail address: LHiggins@indot.in.gov
www.in.gov/indot/

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the Indiana Department of Transportation (INDOT). If the complaint is against INDOT, INDOT's Title VI/ADA Program Manager will forward it to the appropriate federal agency for investigation.

You are not required to use this form. You may write a letter with the same information, sign it and return it to the address printed above.

All items in bold must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap or income status in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration and/or Federal Transit Administration. These prohibitions extend to INDOT as a direct recipient of federal financial assistance and to its sub-recipients, consultants, and contractors, whether federally funded or not.

INDOT is also required to implement measures to ensure that persons with limited English proficiency and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990, as amended.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats, such as computer disk, audiotape or Braille. For TTY customers, dial 711 to reach the Indiana Relay Service.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to INDOT. Additionally, you have a right to seek private counsel.

INDOT and its sub-recipients, consultants, and contractors are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address above.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

****Your complaint cannot be processed without your signature.**

COMPLAINANT INFORMATION		
Name (first, middle, and last)		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -

Available in alternative format upon request.

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Provide the names of any individuals with additional information regarding your complaint:		
Name of witness 1 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
Name of witness 2 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		

Name of witness 3 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
How would you like your complaint to be resolved?		

Available in alternative format upon request.

Name of complainant		Date (month, day, year)
Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<i>If yes, please provide the following information for each agency:</i>		
Name of the agency		Date complaint filed (month, day, year)
Case number assigned to your complaint	Current status of your complaint	
How did you learn about your right to file a discrimination complaint with INDOT?		
.....		
.....		
Signature		Date signed (month, day, year)

Available in alternative format upon request.