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# 2024 Indiana Department of Transportation Title VI Implementation Plan



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## I. Introduction

Title VI of the Civil Rights Act of 1964, 49 CFR § 26 (“Title VI”) provides that:

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

The Civil Rights Restoration Act of 1987 defined the term “program or activity” and “program” to make clear that discrimination is prohibited throughout an entire agency if any part of an agency receives federal financial assistance, rather than just the particular program(s) or activities that receive the federal financial assistance. The United States Department of Transportation (USDOT) and the Federal Highway Administration (FHWA) Regulations 49 Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable Executive Orders and authorities provide guidelines, actions, and responsibilities for State DOT’s implementation of the FHWA Title VI Program.

The Indiana Department of Transportation (“INDOT”) is a recipient of federal funds, and this Title VI Implementation Plan is a part of INDOT’s continual and ongoing effort to proactively meet and exceed the compliance requirements established under Title VI of the Civil Rights Act of 1964 and all related anti-discrimination statutes and regulations.

With this Implementation Plan, INDOT seeks to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program. This Title VI Implementation Plan details the policies and procedures that together comprise INDOT’s Title VI Program. This Plan is intended to be a living document, regularly monitored, and updated by INDOT to meaningfully reflect the program as it advances and expands.

For information related to INDOT’s annual program goals and accomplishments, please refer to INDOT’s Annual Title VI Goals and Accomplishments Report.

### KEY DEFINITIONS

**Assurance:** A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

**Beneficiary:** Any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

**Compliance:** When a recipient has implemented all the Title VI requirements effectively and there is not any evidence of discrimination.

**Compliance Reviews:** Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulations. Compliance reviews determine compliance and non-compliance in the delivery of benefits and services in federally funded programs.

**Complaint:** A formal notification of alleged discrimination to the proper authority. A complaint consists of facts sufficient to support a claim and should contain enough information to permit an investigation.

**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.

**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.

**Disparate Impact:** Discrimination that occurs when a facially neutral policy, procedure, or practice results in different or unequal treatment, and such policy or practice lacks a substantial legitimate justification. Under USDOT regulations, recipients may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

**Disparate Treatment:** Intentional discrimination, or disparate treatment, happens when a recipient acts, at least in part, because of the actual or perceived race, color, or national origin of the alleged victims of discriminatory treatment. Discriminatory intent need not be the only motive, but a violation occurs when the evidence shows that the entity adopted a policy at issue “‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group.” While one must show that the recipient was motivated by an intent to discriminate, the recipient’s decision makers do not have to have acted in “bad faith, ill will or any evil motive.

**Federal financial assistance and Federal-aid (49 C.F.R. § 21.23(c)):**

- (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.

**Limited English Proficiency (LEP):** Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service, or benefit provided by a recipient.

**Local Public Agency (LPA) (23 C.F.R. § 635.102):** any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State in highway matters.

**Low-Income Population:** Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed or transient persons (such as migrant

workers or Native Americans) who will be similarly affected by a proposed program, policy, or activity.

**Minority:** A culturally, ethnically, or racially distinct group that coexists with but is subordinate to a more dominant group. The race and ethnicity categories below are included in the definition of “Minority” provided by the Council on Environmental Quality Environmental Justice Guidance Under the National Environmental Policy Act, the U.S. Department of Transportation (USDOT) Order 5610.2(a), and FHWA Order 6640.23A.

**Noncompliance:** A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the Title VI requirements.

**Programs or Programs and Activities (49 C.F.R. § 21.23(e)):** all of the operations of any of the following entities, any part of which is extended Federal financial assistance:

- (1) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
- (2) A college, university, or other postsecondary institution, or a public system of higher education; or local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system; and
- (3) An entire corporation, partnership, or other private organization, or an entire sole proprietorship if:
  - a. assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
  - b. which is principally engaged in the business of providing education, healthcare, housing, social services, or parks and recreation; or
  - c. the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
  - d. any other entity which is established by two or more of the entities described above.

**Recipient (49 C.F.R. § 21.23(f)):** any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, 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 financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

**Statewide transportation improvement program (STIP):** A statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and Transportation Improvement Program, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.”

**Sub-recipient:** A recipient entity that receives federal funding from a Primary recipient.

**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.

## II. Title VI Standard Assurances

### TITLE VI & NONDISCRIMINATION POLICY STATEMENT

INDOT implements compliance with Title VI 49 CFR § 21, 23 CFR Part 200 and as policy, assures nondiscrimination compliance on the grounds of race, color, national origin and disability as provided by Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act, Americans with Disabilities Act of 1990 (ADA), Title II of the ADA, Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency). INDOT's policy is to ensure no person is excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, or national origin.

INDOT's Title VI Non-Discrimination Notice and Policy is to value individual's civil rights and to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT adheres to Title VI of the Civil Rights Act of 1964 and all related statutes, regulations, and directives. INDOT strives to achieve nondiscrimination in its programs, services, or activities, directly or indirectly regardless of whether those programs, services, and/or activities are federally funded.

Whenever INDOT distributes federal-aid funds to a second tier subrecipient, such as a local public governmental entity, INDOT will include Title VI language in all written agreements with that entity.

The following individual has been identified as INDOT's Title VI Program Manager (Program Manager) and is delegated the authority necessary to maintain responsibility for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21 and is specifically designated as INDOT's responsible individual to coordinate, maintain, and report INDOT's Title VI compliance efforts to the Federal Highway Administration (FHWA) as well as to coordinate compliance efforts with other federal agencies as required.

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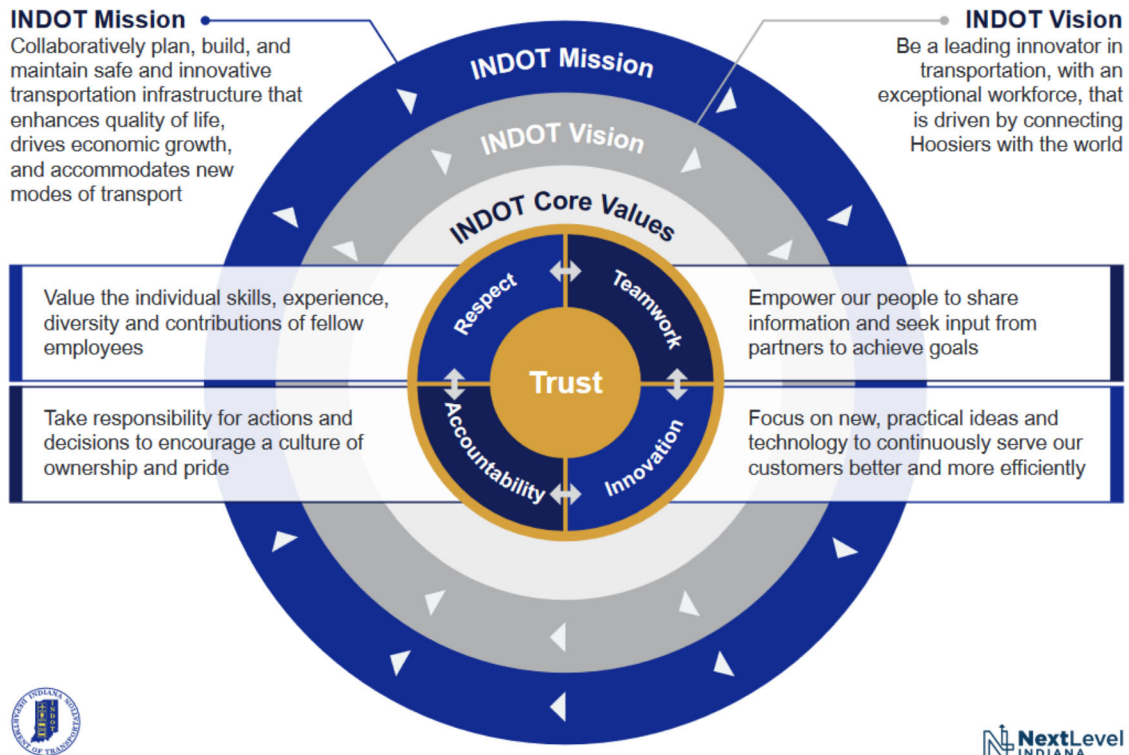
The INDOT Civil Rights Counsel/Title VI Manager and INDOT's Program Areas works closely to implement their mutual Title VI nondiscrimination program responsibilities. Furthermore, each Program Area works to discern and limit the adverse effects of its programs and activities on the health, safety, or economics of Title VI protected classes, and LEP populations. Each program area takes full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all INDOT programs and activities.

INDOT's Commissioner, Michael J. Smith signs assurances and delegates full authority to the Civil Rights Counsel /Title VI Nondiscrimination Program Manager to oversee and implement Title VI and all related regulations.

**In accordance with USDOT Order 1050.2A, a copy of INDOT's Title VI Nondiscrimination Assurances signed by INDOT's Director Michael J. Smith is attached as Appendix A.**

### III. Mission, Vision, and Values; Policy Overview and Objectives

## Our Mission, Vision, and Core Values



INDOT’s Mission, Vision, and Values are the drivers of our Title VI efforts and sets the standards for our employees, partners, and stakeholders to provide the highest quality to those we serve. All INDOT employees, partners and stakeholders have the responsibility to prevent, minimize, and eradicate all forms of discrimination. Specifically, there are two types of illegal discrimination prohibited under Title VI and its related statutes:

- (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination.)
- (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.



**INDOT's Title VI Nondiscrimination Program Objectives:**

1. Be transparent with the public on INDOT's standard operating procedures to ensure nondiscrimination in all INDOT programs and activities.
2. Assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI and all related nondiscrimination statutes.
3. Assure that all participants and beneficiaries affected by INDOT's programs, projects, and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, creed, age, sex, disability, income status, or limited English proficiency.
4. Bring awareness to all INDOT employees, including consultants and contractors performing work on behalf of INDOT of their roles and responsibilities to ensure nondiscrimination in all INDOT programs, services, and activities, regardless of funding source.
5. Establish procedures for identifying and eliminating discrimination when found to exist.
6. Establish INDOT processes for conducting Title VI internal program area reviews and external subrecipients reviews to determine effectiveness of the area's compliance activities at all levels.
7. Establish INDOT compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients.
8. Describe the procedures for processing complaints by persons who believe that they have been subjected to discrimination under Title VI in any INDOT service, program, or activity, to include programs administered by INDOT subrecipients.

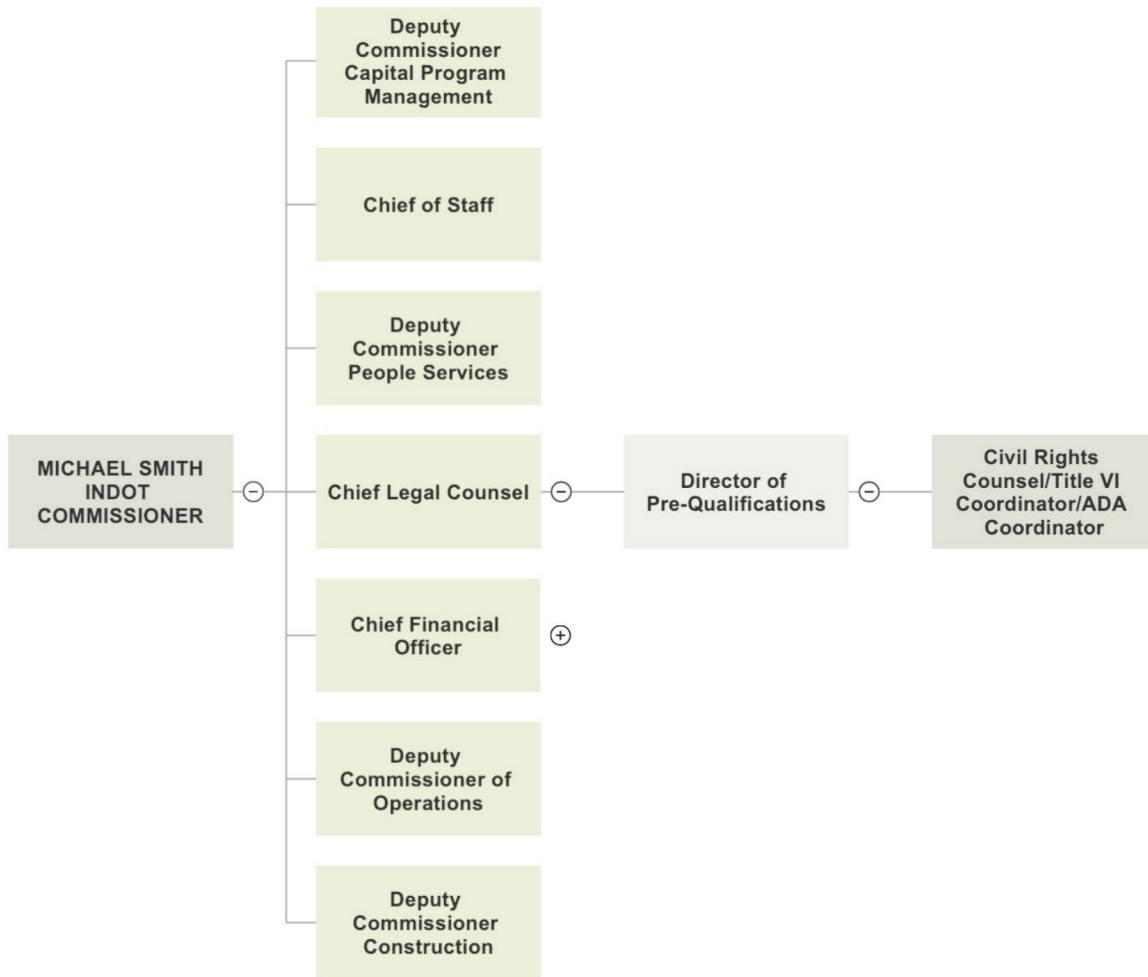
## **IV. Organization and Staffing of the Prequalification – Civil Rights Division Mission**

INDOT's Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope and responsibilities INDOT's Legal Department's Prequalification Division.

### **Organization**

In accordance with 23 CFR 200.9(b)(1), INDOT appointed the Civil Rights Counsel, Title VI Manager (hereinafter referred to as the Title VI Manager) to oversee and implement Title VI and all related regulations in all INDOT's programs and activities. With support from INDOT's Director of Prequalification, the Title VI Manager is responsible for all operational aspects of INDOT's Title VI/Nondiscrimination Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position.

The Title VI Manager is responsible for INDOT's Title VI/Nondiscrimination Program operations. The Title VI Manager reports to the Director of Prequalification & Compliance. The Director of Prequalification & Compliance reports to the Deputy Commissioner and Chief Legal Counsel who reports directly to INDOT's Commissioner. (See Organization Chart snapshot below which identifies the Civil Rights Counsel/Title VI Manager's placement in INDOT). The Civil Rights Counsel/Title VI Manager has direct access to the Commissioner if needed. INDOT's Commissioner has issued and signed a Policy Statement which assures that the Title VI Program Manager will have sufficient authority to effectively carry out the duties assigned to this position. A copy of this notice is included as [Appendix C](#) of this plan. [Click to view links to INDOT's operational divisions](#). INDOT's organization chart is attached as [Appendix B](#).



**Commissioner**

INDOT’s Commissioner is appointed by the Governor of the State of Indiana. Indiana Code § 8-23-2-2. The Commissioner is responsible for supervising and administering the overall activities of INDOT, its districts, divisions, and employees. As such, the Commissioner signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. Additionally, the Commissioner delegates duties and powers to efficiently aid in the operation of INDOT.

Michael J. Smith  
 Commissioner  
 Indiana Department of Transportation  
 100 N. Senate Avenue, Room N758  
 Indianapolis, IN 46204

**Deputy Commissioner and Chief Legal Counsel**

The Deputy Commissioner and Chief Legal Counsel manages Contract Administration, Prequalification and Compliance, Internal Affairs, Litigation, Legal Services, Digital Transformation, IT, and Data Governance Divisions of INDOT. As Deputy Commissioner & 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, and preparing legal opinions.

Kate Shelby, J.D.  
Deputy Commissioner & Chief Legal Counsel  
Indiana Department of Transportation  
100 N. Senate Avenue, Room N758  
Indianapolis, IN 46204

**Director of Prequalification & Construction Compliance**

Director of Prequalification & Compliance is responsible for implementing and administering a quality-based prequalification process to ensure all road construction projects are awarded to the most qualified contractors in a nondiscriminatory manner.

Christopher B. Serak, J.D./M.P.A  
Indiana Department of Transportation  
Director of Prequalification & Compliance  
100 N. Senate Avenue, Room N755  
Indianapolis, IN 46204

**Civil Rights Counsel**

INDOT's Civil Rights Counsel is INDOT's Title VI Program Manager. The Title VI Program Manager is responsible for the oversight and coordination of INDOT's compliance with Title VI and all related statutes, regulations, and directives. The Title VI Program Manager reports to the Director of Prequalification and Construction Compliance, but also has direct and independent access to INDOT's Chief Counsel and INDOT's Commissioner as warranted to ensure INDOT's Compliance with nondiscrimination requirements.

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**A. Staffing**

**Title VI Program Manager**

General responsibilities of the Program Manager include, but are not limited to:

1. Provide Title VI training for INDOT internal staff and Subrecipients.
2. Complete INDOT's Title VI Implementation Plan for submission to FHWA by October 1 each year.
3. Complete INDOT's Title VI Annual Accomplishment Report for submission annually to FHWA by November 1.
4. Complaint investigation and resolution regarding complaints referred by FHWA HCR.
5. Work with program areas to collect and document statistical data.
6. Distribute, and where necessary, ensure translation of Title VI documents for the public.
7. Review INDOT's program manuals, contracts, and policy documents to determine whether Title VI is appropriately addressed and implemented agency wide.

8. Develop and implement INDOT's Limited English Proficiency (LEP) Plan.
9. Coordinate Title VI Program development and implementation with internal program areas.
10. Provide legal and technical assistance and advice on Title VI matters to program area Subject Matter Experts and program area managers.
11. Conduct Title VI reviews of internal program areas, MPOs, and local Subrecipients to ensure Title VI compliance.
12. Review DOT program areas to correct identified Title VI problems, including discriminatory practices or policies.
13. Review environmental documents to identify and address social, economic, and environmental effects and impacts.

## **B. Interdisciplinary Approach**

INDOT believes in a collaborative approach to ensure non-discrimination in all its programs, services, and activities. A collaborative relationship be maintained between the Title VI Manager and INDOT's divisions and districts. INDOT has established an Interdisciplinary Team that provides organizational knowledge of their respective area disciplines and standard operating policies while the Title VI Manager provides a practical application of Title VI non-discrimination regulations and practicalities.

The Title VI Manager works with district and division team members and fosters regular communication with team members to provide technical assistance, to conduct reviews, and to develop action plans, training courses and language assistance tools.

INDOT's Title VI Interdisciplinary Team is comprised of Program Area (District Offices) liaison and Program Area Representatives (PARS) which are subject matter experts. The Interdisciplinary Team meet quarterly to discuss the program area issues to ensure consistency of policies and non-discrimination across the agency.

### **Title VI Program Area Representation**

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

1. To use an interdisciplinary and cross-division workflow approach to ensure compliance with Title VI and related nondiscrimination laws in the implementation of INDOT's programs and activities.
2. To remove programmatic and architectural barriers from INDOT's programs and activities in accordance with the relevant nondiscrimination laws.
3. To ensure meaningful access to INDOT's services and programs to all individuals regardless of race, color, or national origin.
4. To develop, fully integrate and effectively maintain INDOT's Title VI Implementation Plans.

Each year INDOT will evaluate whether additional program areas should be included in the Title VI Implementation Plan and, if so, who will serve as a liaison and PAR(s). INDOT may also eliminate program areas from representation and/or reduce or expand the number of representatives and areas represented to best accomplish agency goals.

### **District and Program Area Title VI Liaison Responsibilities**

The responsibilities of the district and Program Area liaisons include fostering awareness of INDOT's Title VI program and its requirements in the following respects:

1. Ensuring each employee in their program area or district receives Title VI training yearly.
2. Ensuring nondiscrimination is periodically a topic for discussion on program area meeting agendas.
3. Developing and maintaining district and division procedures for the collection and analysis of voluntarily reported statistical data (race, color, or national origin) of participants in, and beneficiaries of INDOT programs within the program area or district,
4. Ensuring the collection and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population, including minority and low-income populations.
5. Identifying eligible Limited English Proficient (LEP) populations and the dissemination of agency information, where appropriate, in languages other than English.
6. Working with PARs to accomplish annual division program areas or district Title VI tasks.
7. Participating in an annual agency-wide Title VI Liaison meeting as required and schedule quarterly program area or District Title VI meetings (independently or as part of another area meeting) to establish and accomplish annual Title VI goals, inviting the Program Manager to attend each quarterly meeting and ensuring minutes are kept for the same.
8. Coordinating with the Program Manager to complete an annual Program Area or District discrimination risk assessment that identifies and prioritizes risk areas and formulates mitigation strategies to be included in the annual Title VI Implementation Plan no later than August 30th annually.
9. Ensuring all aspects of their program area's operation occurs in a manner consistent with INDOT's nondiscrimination policies and compliant with Title VI and nondiscrimination laws and regulations.
10. Title VI Liaisons prepares an annual summary of their Title VI tasks and accomplishments with supporting documentation and submit the same to the Program Manager annually by August 30<sup>th</sup> of each year.
11. Referring Title VI allegations and complaints to the Title VI Manager for further Investigation.

*\*INDOT is appointing new Title VI Liaisons to account for reorganization across the Department.*

### **Title VI Program Area Representative**

The responsibilities of the Title VI PARs are outlined below:

1. Promoting awareness of nondiscrimination requirements throughout the day-to-day operation of the program area.
2. Assisting the Title VI Liaison in ensuring all employees in the program area have received Title VI training within the past two years.
3. Attending quarterly or other regularly scheduled program area nondiscrimination meetings as deemed necessary by the liaison. (Nondiscrimination may be an agenda item on meetings that are broader in scope, but copies of the agenda, any meeting minutes, and attendees should be maintained by the PAR or liaison for inclusion in the annual report in evidence of the work accomplished).
4. Work with Liaisons to accomplish annual Title VI Tasks within the program area. If necessary, collect, analyze, and report statistical data (race, color, or national origin) of participants in, and beneficiaries of INDOT programs within the program area or district.

*\*INDOT is appointing new PARS to account for reorganization across the Department.*

## V. Program Area Internal Review Procedures

### **Internal Program Review**

INDOT conducts Title VI reviews of its programs, projects, activities, and services. The purpose of Program Area Compliance Reviews are to ensure INDOT's policies and procedures do not have a disparate impact on Title VI protected classes and LEP populations. INDOT conducts data-driven, empirical reviews of its programs to mitigate risk of potential disparate impacts upon affected populations. The review process provides an opportunity to identify deficiencies and corrective actions to bring programs and services into compliance with the terms of Title VI and all related statutes. On an annual basis, the Title VI/Nondiscrimination Accomplishments and Goals report will be reviewed to ensure it contains the necessary information to evaluate the INDOT Title VI/Nondiscrimination program as it pertains to its accomplishments, shortfalls, and problem areas.

Internal Title VI reviews are performed annually in the form of a Title VI questionnaire. (See Appendix D) Each INDOT program area and appointed Interdisciplinary Team member from the respective area are notified of the review from the Title VI Manager. The internal review request includes a questionnaire that is tailored with general and program specific questions that focus on gathering information about the implementation of Title VI/Nondiscrimination requirements.

Desk audits will also be conducted. The Title VI Manager will request and review documents, as well as standard operating procedures from the program areas to determine the extent to which Title VI requirements and activities are incorporated into standard operating procedures, services, and activities of the program area. This review looks for the presence of standard Title VI assurance language, as needed, and compliance with federal Title VI related rules and regulation.

During the desk audit, the program area reviewer may conduct in-person interviews with program area staff, both managerial and frontline, to determine the extent of personnel knowledge of Title VI as well as compliance with Title VI obligations. The program area review is inclusive by not limited to the following:

1. Procedures to ensure non-discrimination in methods of administration, i.e., criteria for selection of and order of projects.
2. Procedure for reviewing directives for compliance with Title VI requirements.
3. Procedures for eliminating or remediating discrimination
4. Procedures for resolving Title VI deficiencies
5. Training measures for employees
6. Title VI assurances
7. Language assistance to LEPs
8. Public notifications & involvement
9. Title VI complaints

Once the questionnaire and desk audit are completed, the data will be reviewed. A "Determination of Findings" will be issued within a 30-day period following receipt of documentation, desks audits and interviews. A copy of the findings will be provided to the division head of the program being reviewed. No action on the part of the program will be required on findings of compliance unless a condition of compliance is specified.

### **Corrective Action**

Effective compliance with Federal regulations requires the INDOT to take corrective action to resolve Title

VI/Nondiscrimination deficiencies. Programs found not in compliance will result in the development of a Corrective Action Plan (CAP) to overcome any deficiencies noted in the Determination of Finding within a period not to exceed 90 days. INDOT's Internal affairs will also receive the notice of the division's need to develop a CAP and, if necessary, will aid the division in the development and execution of its CAP. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the Commissioner.

The Title VI Manager will also provide technical assistance and guidance as needed to aid the program area. Efforts to resolve deficiencies found at the outset of the review will be pursued throughout the compliance review process.

### **Self-Monitoring**

Self-monitoring requires program areas to track, regulate and observe their processes to ensure compliance with Title VI/Nondiscrimination. Documentation is a critical element of the compliance monitoring process. It is relied upon to provide evidence, proof, and support of historical facts during monitoring and compliance review activities. Policy decisions, procedures, analysis, actions, and outcomes should be documented as part of the program area staffs' daily routine.

### **Program Areas**

## **1. CAPITAL PROGRAM MANAGEMENT**

The Capital Program Management within INDOT develops projects following state and federal regulations to meet transportation asset management targets and to improve safety, mobility, and economic development for the state of Indiana. Capital Program Management is responsible for projects from when they are initially scoped, and a need is identified through to construction.

### ***A. MAJOR PROJECTS***

#### ***i. Planning Division***

The Planning division is housed in INDOT's Capital Program Management Department. It is responsible for the development of and the maintenance of an integrated, comprehensive, planning and programming process for safe, efficient, cost-effective, and high-quality transportation services. It also conducts transportation studies and administers transportation planning programs statewide. It assists in the preparation and implementation of public involvement plans and programs aimed at improving attendance and participation of all population groups. It ensures that multi-modal planning is executed in accordance with Title VI. This process requires the consideration of social, economic, and environmental effects of a proposed plan or program to avoid biased or discriminatory programs. The Division also monitors the transportation planning activities of the various Metropolitan Planning Organizations (MPO'S).

#### **Activities to ensure nondiscrimination in the Planning Program Division:**

1. Monitor the utilization of demographic information that identifies populations and evaluate the equitable distribution of the benefits/burdens of the transportation plans and activities, as well as transportation system investments, on these populations.
2. Review the process in which projects are selected to ensure that project selection does not subject any populations to disparate, adverse effects based on race, color, or national origin.
3. Compliance regarding nondiscrimination in the public involvement process, including the analysis and removal of potential barriers to participation.
4. Ensure language assistance is available to LEPs as part of public outreach and community involvement activities.

5. Employ methods to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations are considered in the decision-making process.
6. Ensure economic, social, topographic, and environmental impacts are considered for planned project locations.
7. The assessment of transportation needs through the outcomes of studies on travel habits, physical environments, and neighborhoods of various demographic groups.
8. Ensure transportation planning designs and facilities are accessible to disabled populations.
9. Provide Title VI training to division employees.
10. Promptly referring Title VI complaints to the Title VI Manager for referral to FHWA.

**ii. Technical Plan & Programs Division**

The Technical Plan & Programs Division is also housed in Capital Program Management. This Division is responsible for the development of INDOT's Statewide Transportation Improvement Program Plan (STIP) and Long-Range Transportation Plan (LRTP). The STIP identifies the funding and the scheduling of transportation projects and programs. It includes all state and local transportation projects funded with federal highway and/or federal transit funding along with 100 percent state funded transportation projects.

**Activities to ensure nondiscrimination in the Technical Plan & Programs Division:**

1. Implement methods to collect demographic information to be used by Operating Bureaus to determine transportation benefits for both the Long-Range Transportation Plan (LRTP) and the Statewide Transportation Improvement Program Plan (STIP).
2. Take measures to ensure that reasonable accommodations for persons with disabilities are provided and meaningful access for LEP persons is provided during the STIP process.
3. Provide opportunities to minority, low-income, disabled, and elderly groups to provide input on transportation projects and priorities as part of the continuing transportation planning process for the development of the STIP.
4. Take measures to ensure that all population groups are adequately informed to participate in the development of the STIP process.
5. Provide Title VI training to division employees.
6. Promptly referring Title VI complaints to the Title VI Manager.

**B. *PROJECT DELIVERY***

**i. Project Delivery**

Project Delivery ensures that major project and district projects are designed and delivered and performed pursuant to federal and state design requirements. This division ensures that coordination efforts are made by all stakeholders within project for all stages of a major or district project.

**Activities to ensure nondiscrimination in the Project Delivery Division:**

1. Ensure all aspects of the planning and programming delivery process operations comply with Title VI, by identifying and analyzing appropriate data, state-wide and project specific to address issues of equity and non-discrimination.
2. Review the magnitude of the project's activity, and any discriminatory impact on Title VI protected classes for project development activities.
3. Ensure all proposed contracts are advertised in minority publications.
4. Ensure consultants' compliance with State and Federal requirement guidelines.
5. Use federal requirements for procurement to ensure merit-based selection.
6. Set rules regarding DBE utilization across procurement methods.



7. Review awards for fairness and equity in provision of contract opportunity.
8. Advertise the availability of contract opportunity on INDOT's website to assure full and fair notification to any interested vendor.
9. Include Title VI language in contracts and Requests for Proposals (RFP).
10. Maintain a record of any complaints received regarding the application of construction rules and regulations to ensure that they are being applied in an equitable fashion.

### **Environmental Services Division**

The Environmental Division oversees all environmental programs within INDOT. This division ensures that local, state, and federal environmental laws are complied with during the development, construction, and operation of INDOT projects.

The Environmental Division integrates environmental considerations into all INDOT activities to achieve environmental compliance. The division manages environmental programs, works to streamline the environmental process and monitors changing laws and regulations.

The Environmental Services Division utilizes a scientific approach to providing education, training, technical expertise, and policy development to achieve a safe, efficient, and environmentally compliant plan for Indiana's transportation system.

Environmental Services is responsible for carrying out activities related to Environmental Justice and providing guidance on addressing the needs and potential impacts of transportation projects on traditionally underserved populations to ensure greater transportation equity.

### **Activities to ensure nondiscrimination in the Environmental Services Division:**

1. Ensure nondiscrimination in efforts to solicit public involvement.
2. Ensure all public hearings are accessible to persons with disabilities and LEP.
3. Conduct studies of the potential project sites for effects on such issues as cultural resources, community life, and land use patterns.
4. Ensure nondiscrimination in the procurement process.
5. Monitor compliance with Title VI requirements in all aspects of the environmental process.
6. Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
7. Develop methods to avoid, minimize or mitigate for disproportionately high and adverse human health and environmental impacts to low-income and minority populations caused by our policies, programs, or activities.
8. Use site visits, census data, and local contacts (local officials, etc.) to profile the community where a federally funded project is planned, so that Limited English Proficient (LEP) persons are identified and accommodated.
9. Disseminate to the public their rights to call or write the department to view plans and discuss environmental problems.
10. Notify and make accessible to affected protected group residents, public meetings, or hearings regarding a proposed project.
11. Ensure Title VI compliance in all Environmental Impact Statements.
12. Provide Title VI Manager a copy of all environmental assessments and studies prior to public release for information for review and comments.
13. Provide Title VI training to division employees and refer Title VI complaints to Title VI Manager.

## C. RIGHT OF WAY

### 1. Real Estate & Right-of-Way

INDOT's right-of-way plan provides information to define the extent of the right-of-way required to construct and maintain a highway. Right-of-way plans provide information needed to facilitate an accurate appraisal of the proposed undertaking and serve to expedite the required negotiations leading to the acquisition of the rights required for the highway facility.

INDOT's acquisition program is nondiscriminatory and is conducted without regard to race, color, and national origin. The right-of-way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, and nonprofit organizations, as well as property management. Real Estate works to ensure the fair and equitable treatment of all parties affected by the purchase of right-of-way to further INDOT's highway projects.

The Division ensures the equitable treatment of business and persons displaced by highway projects, regardless of race, color, or natural origin by operating under the Federal Code of Regulations (49 CFR Part 24) to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended.

#### **Activities to ensure nondiscrimination in the Real Estate & Right of Way Division:**

1. Ensure the utilization of minority firms in the selection of consultants and other resources.
2. Provide translators in instances where affected landowners have LEP.
3. Ensure that all displaced persons are treated fairly, consistently, and equitably under laws of the United States and State of Indiana.
4. Provide reasonable accommodations for property owners with disabilities, when requested.
5. Provide replacement housing listings to persons displaced without regard to race, color, national origin, sex, age, disability or low-income.
6. Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiations, relocation, condemnation, and other aspects of the acquisition process.
7. Incorporate Title VI language and assurance statements in all surveys of property owners & tenants.
8. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
9. Provide Title VI training to division employees.
10. Ensure that when granting an authorization to proceed with any phase of a project, which may cause relocation of any displaced person or to proceed with any construction project concerning right-of-way acquired by INDOT, will not be given until there has been a specific plan submitted to provide orderly, timely and efficient relocation of displaced persons.
11. Document that no person to be displaced shall be required to move permanently from his or her dwelling unless at least one comparable replacement dwelling has been made available.
12. Ensure and evaluate policy and practice so that persons will not suffer disproportionate injuries because of projects designed for benefit of the public.
13. Promptly refer Title VI complaints to the Title VI Manager.
14. Train and meet with those staff responsible for assignments and discuss how to mitigate risk.

### 2. CONSTRUCTION & MATERIALS MGMT

The Construction and Materials Management Department provides transportation facilities, and utilizes an effective program for the advertisement, award, and administration of contracts for the construction,

improvement, and maintenance of these facilities. The Department's role within INDOT is to build and maintain a safe and efficient transportation system through the application of current materials engineering and testing procedures. The Division procures and administers consultant contracts as well as perform testing and inspection of highway construction and maintenance materials. This department provides technical and administrative support to INDOT and highway construction industries by assisting in the resolution of construction and materials issues. This includes consulting with district construction engineers, district materials engineers, project engineers and other Central Office staff regarding specifications, methods, techniques and policies of highway construction and materials, inspection, and contract administration.

#### *A. CONSTRUCTION MGMT & SUPP*

##### **Construction Management & District Supply Division**

This Division has the responsibility for assuring that highway construction practices adhere to Title VI requirements. INDOT Construction Division ensures that any firm interested in working on construction projects can do so without regard to race, color, or national origin.

##### **Activities to ensure nondiscrimination in the Construction Mgmt. & District Supp Division:**

1. Ensure nondiscrimination in the approval of materials suppliers and sources.
2. Review contractor selection procedures to determine uniformity in their application to minority and non-minority contractors.
3. Review all proposal documents for required nondiscrimination provisions are included in the proposal are the nondiscrimination provisions listed in Title VI assurances.
4. Ensure project information is adequately distributed to stakeholders and the public, following INDOT's public involvement procedures and LEP plan.
5. Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public, e.g., work zone safety, measures to reduce noise and air impacts, erosion control measures.
6. Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the construction phases.
7. Promptly referring Title VI complaints to the Title VI Manager.
8. Train and meet with those staff responsible for assignments and discuss how to mitigate risks.

#### *B. RESEARCH & DEVELOPMENT*

##### **Research & Development**

The Research & Development Division provides decision makers with the information and tools they require to ensure Indiana's transportation system meets the evolving needs of residents and the traveling public. The program works to anticipate and address transportation concerns before they become critical problems. Projects for research are prioritized based on the INDOT's needs and availability of funding. INDOT partners with Purdue University and other surrounding State of Indiana Universities to conduct research projects. The Division program personnel monitors research projects to ensure they are not conducted in a discriminatory manner.

##### **Activities to ensure nondiscrimination in the Research & Development Division:**

1. Identify and inform minority technical or research associations receive all proposal or problem statement solicitations and instructions on how to develop and tailor the services they offer to participate in INDOT projects.
2. Review Research Office internal operational procedures, guidelines, directives, and policies to

ensure compliance with Title VI requirements.

3. Verify the use of a nondiscriminatory process for the selection of grant recipients.
4. Assist the Title VI management in gathering and organizing the reporting data for the Research Division portion of the Annual Title VI Goals & Accomplishments Report.

### **3. LEGAL**

The INDOT Legal is charged with the responsibility of serving as legal counsel for INDOT. Specific 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; attending and testifying at legislative committee hearings; directing and monitoring INDOT litigation and appeals; analyzing litigation claims against and in favor of INDOT; and performing related duties. Legal is divided into several service areas: ADA/Title VI, Bus Analytic & Visual, Contract Administration, Digital Transformation, Ethics, Internal Affairs, Information Technology, Legal Services, Litigation Team, Permitting, and Prequalification & Compliance.

#### *A. PREQUALIFICATION & COMPLIANCE DIVISION*

##### **Prequalification**

The Civil Rights Counsel/Title VI Program Manager is housed within the Prequalification Division. The Prequalification Division conducts consultant and contractor prequalification process. Prior to bidding or subcontracting on any INDOT projects, firms must be prequalified which is inclusive of understanding and adhering to all Title VI laws, rules, and regulations.

The Prequalification Division Compliance Team maintains information related to Title VI compliance. Each application for prequalification requires certification with Title VI nondiscrimination policies, training, compliance, forms, and other program requirements. Additionally, the Prequalification Division Compliance Team conducts audits of businesses. The Team provides technical assistance giving priority to the contractors who may be at the lowest level of compliance related to Title VI and make efforts to bring these contractors into compliance.

The Prequalification Division also conducts LPA compliance reviews of Indiana communities who request and/or likely to become subrecipients of federal funds to ensure LPAs are in compliance with Title VI requirements. The Compliance Teams reviews LPAs Title VI Implementation Plans and ADA Transition Plans, nondiscrimination assurances, compliant policies LEP compliance and Environmental Justice compliance.

##### **Activities to ensure nondiscrimination in the Prequalification Division Program Area:**

1. Regularly check all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract inclusions.
2. Review a sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions.
3. Collect and forward data supporting possible trends of discrimination.
4. Ensure adequacy and consistency of the process; provide documentation illustrating nondiscrimination in the approval of material suppliers and sources.
5. Examine uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification.
6. Review LPAs submitted Title VI Implementation Plans for compliance per FHWA compliance

- checklist and review LPAs assurances.
7. Review LPAs compliance with LEP requirements and standards.
  8. All the responsibilities of the Title VI Program Manager as detailed herein.

## *B. CONTRACT ADMINISTRATION DIVISION*

### **Contract Administration**

The Contract Administration Division mission is to manage the process of selecting vendors (consultants and construction contractors) to complete projects in the most effective manner. Contract Administration is responsible for reviewing and approving all contracts for professional services, grants, and agreements by and between state agencies. Contract Administration's purpose is to develop agreements (contracts) with our vendors (consultants and contractors). The Division's mission is to adhere to Indiana law to drive these agreements with the highest quality consultants and lowest cost contractors to design and build our next level roads. The Division manage the Construction and Professional Services (Consultant) vendor selection, contract development and execution.

The division assists INDOT by:

1. Publishing and distributing a manual about consultant and contractor contract development.
2. Providing training on an annual basis about contract development.
3. Assisting personnel, or pre-contracts to facilitate the contracting process.
4. Reviewing contracts for approval.

### **Activities to ensure nondiscrimination in the Contract Administration Division**

Program Area:

1. Ensure that clauses of Appendix A and Appendix E of U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances are programmed to automatically build into the standard provisions for design engineering contracts.
2. Ensure that clauses of Appendix A and Appendix E of U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances are programmed to automatically build into the general provisions for construction engineering contracts.
3. Ensure inclusion of required nondiscrimination provisions as well as nondiscrimination in the selection of consulting firms.
4. Ensure professional service agreements contain appropriate nondiscrimination language.
5. Ensure Title VI compliance is integrated into the Contract Division's internal procedures and is reviewed and updated as necessary to maintain compliance.
6. Promptly refer Title VI complaints to the Title VI Program Manager to refer to FHWA.

## **4. DEPUTY COMMISSIONER OF OPERATIONS**

The Deputy Commissioner of Operations manages INDOT's Six District Offices. INDOT has six districts for the purpose of organizing and managing highway construction, maintenance, traffic, development, and testing. The six districts are Crawfordsville, Fort Wayne, Greenfield, LaPorte, Seymour, and Vincennes. Indiana has 92 counties which are divided amongst the six districts.

The district offices provide a local point of contact on programs, projects, and activities happening within their geographic location. Each district office conducts project-specific public engagement that is consistent with environmental justice and limited English proficiency requirements for public outreach during the development of INDOT projects within their district. Each district office compiles the demographic data in the project area and details the required public outreach and recommendations for community resources to

aid in information dissemination. The district offices coordinate necessary language access needs, including document translation and oral interpretation of presentations. The district offices also engage in inclusive public engagement and relationship-building with the public to earn trust and mutual understanding.

**Activities to ensure nondiscrimination in District Offices**

1. Compile demographic data on each project to ensure that public outreach is targeted to the identified populations.
2. Through cooperation with central office, identify low-income and minority populations and take steps to appropriately address disproportionately high and adverse effects to their health and environment.
3. Ensure meaningful participation opportunities exist for LEP individuals and underserved communities.
4. Ensure that information is disseminated in alternative formats upon request consistent with the INDOT LEP Plan.
5. Monitor and review the right-of-way activities of cities and counties to verify compliance with Title VI in their right-of-way processes.

## **VI. External Review Program**

***General***

In compliance with 23 CFR section 200.9(b)(7) and FHWA guidance, INDOT reviews and monitors subrecipients that receive FHWA funding through INDOT for compliance with Title VI requirements. Prior to receiving FHWA funding, subrecipients must sign an Intergovernmental Agreement with INDOT, including assurances of nondiscrimination in accordance with USDOT Order 1050.2A. INDOT requires subrecipients to submit a Title VI plan that aligns with FHWA Title VI requirements and guidance. INDOT provides assistance to subrecipients in creating and updating Title VI plans, including one-on-one technical assistance.

**Pre-Award Subrecipient Review: Title VI Assessment**

The Civil Rights Counsel Title VI Manager is responsible for conducting Pre-Award assessments of LPAs to ensure LPAs will not use Federal financial assistance to discriminate on the basis of race, color, national origin, and Limited English proficiency. The Civil Rights Counsel Title VI Manager shares and disseminates federal financial assistance application guidelines that set forth in detail the specific information that must be included in the federal financial assistance application process to meet the Title VI assessment requirements prior to the award of Federal Financial assistance.

**The Pre-Award process is as follows:**

A statement of compliance is submitted with the application that verifies that the LPA has a current Title VI Implementation Plan and has taken mitigation efforts to ensure nondiscrimination as well as identify their managers. If the LPA does not have a current Title VI Implementation Plan or has a Plan with deficiencies, the LPA must submit a voluntary compliance action plan (VCAP Letter) stating that they will cure all deficiencies within 120 days of the date of their submission.

Certification is verified with INDOT’s record of the LPA prior submissions. If the applicant states it has submitted a current Title VI Plan when INDOT records indicates otherwise, the LPA then must submit verification and resubmit the plan.

Once compliance documents are received, the Civil Rights Counsel Title VI Manager will review the

documents for compliance with Title VI and its related rules, regulations, and orders as well with FHWA Title VI requirements. The review will entail whether the LPA have taken mitigation measures and have documented measures to minimize or eliminate disparate impacts.

#### **Post Award Subrecipient Compliance Review**

INDOT requires subrecipients to include the following information in their Title VI plans: a nondiscrimination policy statement, standard DOT Title VI assurances, a designated Title VI Manager, a description of primary program areas, program review, compliance and enforcement procedures, data collection and analysis, staff training procedures, complaint procedures (including routing Title VI complaints to FHWA), dissemination of Title VI information procedures, a statement of review of local directives, and a language assistance plan.

As part of INDOT's Title VI subrecipient review procedures, INDOT conducts desk reviews of subrecipient Title VI plans. During this process, INDOT coordinates with subrecipients and their Title VI Managers to collect Title VI plans and related documents. If subrecipient Title VI plans do not comply with FHWA requirements and guidance, INDOT provides constructive comments and technical support. Once a subrecipient Title VI plan satisfies the requisite elements, INDOT will issue a concurrence letter. Title VI plans are then due yearly on or before October 1<sup>st</sup>.

#### **The annual review may cover the following areas of inquiry:**

1. Program administration
2. Number of federally funded projects awarded in previous year
3. Dollar value of those projects
4. Copies of Title VI Policy, Assurances, Plan
5. Proof of public dissemination methods used for the Policy, Assurances, Plan
6. Title VI Complaint Procedure
7. How Complaint Procedure are disseminated to the public
8. Number and description of any Title VI complaints received in the previous year
9. Outcomes of any Title VI complaints received in the previous year
10. Title VI considerations in any manuals, SOPs, guidelines, policies, directives
11. Any Title VI training, (trainer and copy of presentations)
12. Records of attendance by name, date, position title
13. Planning activity
14. Public notice, (how provided, to whom, identify groups/individuals provided notice)
15. Explain how determination of individuals/groups to be notified is made
16. Records of attendance (race, color, national origin, geographic location, language spoken)
17. Records of any questions, concerns, complaints received during any open meeting

#### **INDOT will identify subrecipients for review based on the following criteria:**

1. INDOT knows of or has received formal or informal complaints regarding the subrecipient.
2. INDOT staff has identified subrecipients with known Title VI issues/concerns.
3. INDOT receives a request from FHWA to perform a review.
4. The subrecipient receives a large amount of funding from INDOT relative to other subrecipients.
5. The subrecipient is new to INDOT, receives a large amount of funding from INDOT and requires Title VI training.

#### **Review Steps**

1. *Notice of compliance review*
  - a. When a compliance review commences, the Title VI program staff will send a notice of

compliance review providing the reason for the review and a request for documents to the Subrecipient.

- b. The Subrecipient will be given an initial thirty (30) days to produce the requested documentation. This time period may be extended when a reasonable request for extension is made and at the discretion of Title VI Manager.
  - c. Any Subrecipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status from the Title VI Manager. The subrecipient will be notified that failure to comply may result in a suspension of federal funding.
2. Desk review
- a. Information received from the Subrecipient is reviewed in office by the Title VI staff and telephone call may be scheduled to discuss preliminary deficiencies observed and to request additional information as necessary.
  - b. The following factors will play a role in determining whether an on-site review is necessary:
    - i. Deficiencies are directly related to improvements being constructed or maintained by the Subrecipient.
    - ii. Deficiencies include missing entire program components or are otherwise considered major deficiencies.
    - iii. The Subrecipient's program Manager or representative has not been identified and/or does not appear to have the support of the executive leadership of the agency in ensuring program compliance; and,
    - iv. The review is based upon the receipt of a complaint.
3. Preliminary findings
- a. Following the conclusion of the desk review and/or on-site review, the Title VI Manager will provide the subrecipient with a written report of preliminary findings, which shall:
    - i. Document any deficiencies observed and direct the subrecipient to come into compliance within 120 days; and
    - ii. Require that any deficiencies, which cannot be resolved within 120 days, be reflected in a corrective action plan to be submitted to the Title VI Manager for approval within the 120-day period.
  - b. The plan shall include dates for when compliance will be achieved, along with the specific action steps to be taken and who will be responsible for each task identified.

It is the subrecipient's responsibility to notify INDOT that it has achieved its approved corrective action plan goals. Failure to provide such notice will place them in deficiency status. If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT's Title VI Manager will issue a noncompliance letter and forward a copy to FHWA and may then take or participate in other legally available action against the subrecipient for failure to comply, such as withholding payment on a contract, and/or suspending or terminating the contract.

Following the expiration of 90 days, INDOT may do any of the following:

1. Certify the current subrecipient compliant and eligible to receive funds;
2. Identify the current subrecipient as deficient but on an approved corrective action plan; OR
3. Issue a notice of failure to comply.

## VII. Data Collection and Analysis



## ***General***

### **Data Collection**

Per 23 CFR § 200.9(b)(4) INDOT is required by federal regulations to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs. The Title VI Manager works individually with each program area to develop a collected data set which will support both the internal audit and reporting to FHWA. Potential sources of data include but are not limited to, Census data, school districts, forms or surveys, management systems, land use plans, geographic information systems (GIS,) transportation models, and Metropolitan Planning Organization committees.

INDOT strives for a holistic approach to Title VI and Environmental Justice issues. The Title VI Manager works with the program areas to consider economic and social impacts. Each program area's data process will include the following:

1. Defining the project and conducting demographic analysis
2. Developing a communications plan including specific EJ communication strategies for continuous and meaningful involvement
3. Identifying potential impacts, mitigation, and benefits
4. Documenting methodology, findings, and public involvement

**INDOT Statewide Planning Process:** As part of the Statewide Planning Process, INDOT staff analyze demographic maps that include median income levels per county, racial/ethnic makeup at the U.S. Census tract level, and trends regarding transportation equity. Additionally, demographic data will be collected at all public meetings hosted.

**Language Assistance:** Technical Planning and Programming Division sends out an annual survey form to central office right of way, environmental planning, and district offices in order to collect data about the number of occasions INDOT staff has provided translation or interpretation services to members of the public. Feedback from this report form is included in the Title VI Goals and Accomplishments report.

**Public Involvement:** INDOT data collected tool: the Public Involvement Survey, used to gather demographic data on the participants of public meetings/hearings. The intent is to gather a sufficient pool of data to determine whether INDOT is reaching all population groups and receiving input in the transportation decision-making process. The surveys are scanned into a database. The data for each category is transferred onto a data table report. U.S. Census Bureau, American Fact Finder data files are collected at city level, if available, county level, or service area for other meeting/hearings. The data of the participants is compared to the US Census data for the project area to help identify underserved populations in each category. Our Title VI Public Involvement Survey can be found at the link below:

<https://www.in.gov/indot/public-involvement/public-involvement/>

The following is a brief description of data collection efforts conducted by INDOT:

**Right of Way, Real Estate Division:** INDOT gathers demographic data from its internal Land Records System "LRS", and other agency data sources as identified related to real estate transaction activity from relocations, condemnations, purchases, and other activities such as appraising. This demographic data is collected by paper survey during real estate transactions by INDOT approved buyers and appraisers. Since 2019, LRS allows INDOT staff to flag a transaction which may have a Title VI impact to enhance our data collection efforts.

The Title VI liaison in the Real Estate Division as well as managers and supervisors of buying and appraising activity are tasked with identifying potential issues as they arise and compiling this data on a quarterly basis to review with the Title VI Program Manager or designee to detect trends that may or may not be discriminatory practices and to adjust procedures and practices accordingly. If managers or liaisons identify a risk of discrimination in a particular transaction, they are trained and advised to immediately contact the Title VI Program Manager.

INDOT gathers additional information from its Professional Services contract records, including demographic information related to the opportunity to do business with INDOT and the equity of work assignments for professionals qualified to do appraising and buying work. Program area liaisons and managers in this division are trained to identify trends that may appear discriminatory. If such trend is noted, the PARs and managers are required to promptly notify the Title VI Program Manager should an individual concern or complaint arise.

***Environmental Planning:*** INDOT collects and analyzes U.S. Census and other data as a part of the Environmental Justice analysis, regarding populations expected to be impacted by INDOT projects. Demographic data is collected during the environmental review process. Additionally, Environmental staff collect voluntary demographic data during public meetings.

INDOT's Environmental and Planning Division gather and retain information that support the selection of projects and their scopes, including route selection and any public involvement. In addition, the Environmental Division retains copies of NEPA analysis which determine what level of environmental study was required, as well as the actual environmental studies.

Environmental Studies will be provided to the INDOT Title VI Manager for review. The Title VI Program Manager will meet quarterly with the liaisons from Environmental Planning Division to discuss recent decisions and to obtain any necessary supporting documents where there is a concern which requires further analysis.

#### ***Data Analysis***

Once the Title VI data is collected, the data must be analyzed for identifying patterns of discrimination or the potential for discrimination. Each program area is responsible for analyzing the data collected and recommending corrective action, as appropriate to the Title VI Manager. A pattern of discrimination may result from a specific process, or as the result of a process or procedure being implemented in a discriminatory manner.

When determining compliance with Title VI, each program area may consider the following:

1. The way services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of their protected class as defined by Title VI authorities.
2. The population eligible to be served by race, color, and national origin.
3. The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination.
4. The present or proposed membership by race, color, and national origin, in any planning or advisory body which is an integral part of the program.
5. Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color and national origin.

Types of analysis to address compliance with Title VI include:

1. Percent of benefits allocated to persons below the poverty line versus persons above the poverty line.
2. Distribution of benefits (dollars, facilities, systems, projects) by groups and communities.
3. Allocation of funds by mode (highway, rails, etc.).
4. Impact of investments on income, race, color, national origin, sex, age and disability groups.
5. Projected population increases versus planned facilities and type of facilities.
6. Impacts of the location of existing or proposed facilities connected with a project.
7. Alternatives to modes, locations, and types of facilities.
8. Language assistance needs assessment.
9. Transportation needs of all persons within boundaries of plans or projects.
10. Persons included in the decision-making process.
11. Strategies to address impacts and develop mitigation.
12. Priorities for investments.
13. Strategies to disseminate information.

## VIII. Training

### **Internal Training**

INDOT has implemented both an in-person training and an online training which is offered through INDOT's SuccessFactors platform. The online courses include an assessment that ensures adequate participation and knowledge retention since they are self-learning tools.

***New Staff:*** New employees will receive training as part of INDOT's onboarding process. This training maybe online via SuccessFactors. Training includes viewing Title VI, EJ, and LEP videos followed by a brief multiple-choice test. The completion of the training is retained in the employee's SuccessFactors account.

***All Staff:*** Training for all staff will occur at a minimum of one hour to all employees annually. The training may be offered on more than one day or recorded via SuccessFactors to accommodate work schedules.

***Directors:*** This training is specifically tailored to identify and address major challenges and special emphasis areas. It will occur annually and functions as part training and part debriefing regarding highlights, and challenges from the previous reporting year.

***Program Area Staff:*** Training will occur semi-annually and will focus on major challenges and special emphasis areas in each program area. It will highlight challenges that require coordination between the program areas.

***Title VI Liaisons and PARs:*** Training will be conducted semi-annually and will provide liaisons and PARs with the opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios, and share experiences. The training will provide training related to Title VI requirements and how to apply the requirements to program areas. The training is intended to be a trickle-down approach for dissemination to staff under liaisons and PARs.

Liaisons and PARs will receive the greatest degree of training while other INDOT employees receive

training sufficient to comply with Title VI requirements. All Title VI Liaisons and PARs have received and will receive in person training targeted at and tailored toward their work area and program requirements.

## **External Training**

***Subrecipient Training:*** INDOT conducts annual live virtual via Microsoft Teams training to LPA subrecipients. This platform allows a question-and-answer session for LPAs to aid in maximum compliance. Additionally, Title VI Program Manager offers an external online training module to satisfy the training needs of Subrecipients, Consultants, and Contractors in an expeditious manner. The Title VI Manager provides individual (one-on-one) technical training to Subrecipients on an “as needed basis” and specialized training upon request.

The Title VI Program Manager requires all LPAs to participate in training annually. The LPAs can attend the annual live virtual training or an online Subrecipient Title VI training, or request a specialized Title VI training, in which case, the Title VI Program Manager will schedule a time to train the LPA’s Title VI Manager and agency staff. Subrecipients are required to conduct annual Title VI training with their respective agency’s employees and document the results. INDOT’s Title VI Manager will review LPAs training requirements for compliance during the external review process.

## **IX. Complaint Disposition Procedures**

### ***Complaint Policy***

INDOT promptly reviews complaints received and refers to the FHWA. FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

### ***How are complaints routed?***

Complaints are routed in the following ways:

1. All complaints are routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against INDOTs or Subrecipients of Federal financial assistance.
2. Complaints are forwarded from the initial receiving agency through the Federal aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with a Subrecipient City, that receiving agency should forward the complaint to INDOT, which should forward the complaint to the State’s FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with INDOT, then INDOT should forward the complaint to the State’s FHWA Division Office, which should forward the complaint to HCR.
3. INDOT and Subrecipients must log all complaints received.
4. When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, INDOT, and Subrecipient (where applicable).

### ***What are the potential outcomes for processing a complaint?***

There are four potential outcomes for processing complaints:

1. **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
2. **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
3. **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
4. **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

HCR is responsible for conducting all investigations of INDOT and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient, INDOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but INDOT will conduct all data requests, interviews, and analysis. The INDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI. All Letters of finding issued by FHWA are administratively final.

#### **INDOT's Complaint Policy**

INDOT has a complaint policy for complaints of discrimination related to Title VI and will promptly investigate all complaints transferred to INDOT from HCR. INDOT will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, INDOT will submit its final confidential investigative report to FHWA. INDOT's current complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination.

INDOT's complaint procedures outlined below reflect INDOT's current policies and procedures.

#### **Complaint Investigation Procedures**

Complaints are not considered received until they are submitted to INDOT as complete complaints, both signed and in writing. INDOT will determine whether the person or entity purportedly engaged in the alleged discriminatory act is an INDOT subrecipient (the legal entity to which INDOT made a sub-award of federal funds and which is accountable to the INDOT for the use of the funds provided). If the complaint does not specifically mention that the alleged discriminatory actor is an INDOT subrecipient, 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, as amended. 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, such as for punitive or compensatory damages for the Complainant. INDOT will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. INDOT may exercise the option of informal resolution at any stage of the process.

### **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, or national origin may file a complaint. A complainant's representative may also file a complaint on behalf of such a person.

### **Timeliness of complaint**

For a complaint against INDOT or a subrecipient to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. The file date of a complaint is the earlier of the postmark or the date a signed, written complaint is received by INDOT. INDOT may determine on a case-by-case basis whether to waive the 180-calendar daytime limit for a “good cause” at its discretion. Good cause for a waiver shall include, but is not limited to, lack of knowledge or incapacity.

### **Lack of Knowledge**

INDOT may waive the time limit in situations where the person on whose behalf the complaint was filed did not know of and could not have reasonably known of the violation during the 180-day time limit. The complainant must file his or her complaint within 60 days of becoming knowledgeable of the violation.

### **Incapacitation**

INDOT may also waive the time limit in situations where the person on whose behalf the complaint was filed was incapacitated because of illness or other incapacitating circumstances. The Complainant must provide independent documentation of the purported incapacitation. The complainant must file his or her complaint within 60 days after the period of incapacity ends.

**Location and Availability of Complaint Forms:** INDOT provides complaint forms online via the INDOT website <https://www.in.gov/indot/3584.htm>.

Contact the Title VI Program Manager to request a copy of the complaint form via email, facsimile, or United States mail. The Program Manager provides copies of the complaint form in alternative formats upon request and provides copies of the form in Spanish and other languages as determined by INDOT’s LEP plan. Complainants are encouraged, but not required, to use the complaint form when filing a complaint.

### **How To File a Complaint**

A complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email. However, the complainant must submit a signed, original copy of the complaint by first-class U. S. Postal Mail to the Title VI Program Manager to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. INDOT does not require a complainant to use the INDOT complaint form when submitting his or her complaint. A copy of INDOT’s Complaint Form is found in [Appendix H](#).

***Direct all complaints of discrimination pursuant to Title VI to:***

Title VI Program Manager & Title VI Manager  
Indiana Department of Transportation  
100 N. Senate, Room N755  
Indianapolis, IN 46204  
Email address: [AccessForAll@indot.in.gov](mailto:AccessForAll@indot.in.gov)

And/or

Federal Highway Administration Headquarters - Office of Civil Rights  
1200 New Jersey Avenue, SE HCR-40, Room E81-101  
Washington, DC 20590  
202-366-0693 or Fax: 202-366-1599  
TTY: 202-366-5751

Additionally, complaints may be filed the U.S. Department of Justice at:  
Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

**Elements of a Complete Complaint**

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the complainant for confirmation, review, and signature before processing. The complaint form is available for download from the INDOT website at: <https://www.in.gov/indot/3584.htm>.

***A complaint must include the following information:***

1. The full name and address of the complainant
2. The full name and address of the respondent, which may be the individual, agency, department or program that allegedly discriminated against complainant;
3. 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, or national origin; and
4. 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:

1. Anonymous complaints
2. Inquiries seeking advice or information
3. Newspaper articles
4. Courtesy copies of court pleadings
5. Courtesy copies of complaints addressed to other agencies
6. Courtesy copies of internal grievances
7. Oral complaints

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

**Processing Complaints:** The Title VI Program Manager processes all complaints.

**Logging Complaints:** The Title VI 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 a complaint on March 4, 2023, the case number would be 2023-03-04.

**Acknowledging receipt:** The Title VI Program Manager will acknowledge receipt of the complaint and informing the Complainant of the action taken or proposed action to be taken to process the complaint by letter. This acknowledgement letter shall include a restatement of the complaint, brief statement of INDOT's jurisdiction over the subrecipient, and contact information for the investigator assigned to conduct the investigation.

**FHWA Notice:** INDOT shall forward the complaint to the FHWA within 10 business days of receipt of the complaint for assignment.

**Respondent Notice:** If assigned by HCR, INDOT forwards 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.

**Complainant Notice:** INDOT informs 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.

**Opportunity to Respond:** INDOT will provide the Respondent a reasonable opportunity to respond to all aspects of the Complainant's allegations.

**Witnesses:** INDOT will determine if witnesses will be contacted and interviewed as part of its investigation.

**Additional Information:** INDOT may reach out to gather additional information from the parties.

**Investigative Report:** INDOT will draft a confidential investigative report (IR) and forwarding a copy of the same to the FHWA within 180 calendar days following the receipt of the complaint by INDOT.

The report shall not be disclosed to the Complainant or Respondent. The report typically includes the following:

1. A summary of the written complaint
2. A brief description of the standard of review/methodology used to investigate the complaint
3. Summarized statements taken from witnesses interviewed by INDOT
4. Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position
5. A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated; and • Proposed corrective action for substantiated cases

**Letter of Findings:** INDOT is responsible for drafting a Letter of Findings (LOF) and mailing the LOF to the FHWA, Respondent and Complainant within 180 calendar days of the date the complaint was received by INDOT. The LOF may include the following:

1. A summary of the written complaint
2. A brief description of the standard of review/methodology used to investigate the complaint
3. Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position



4. A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated
5. Proposed corrective action for substantiated cases

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

INDOT may refer complaints to the appropriate agency or entity without obtaining permission as referral may be required. INDOT will notify Complainant of the referral at the time the referral is made. Otherwise, INDOT shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party.

The Title VI Program Manager shall maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation.

## **X. Compliance and Enforcement Procedures**

### ***Identification & Elimination of Discrimination***

INDOT actively pursues the prevention of Title VI deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further the ability to identify and eliminate patterns of discrimination, the Title VI Manager ensures that Program Areas, sub-recipients, and beneficiaries are educated and informed regarding Title VI roles and responsibilities. Currently, work is underway to hold regular meetings with INDOT Title VI liaisons and training webinars related to Title VI compliance. Training is the key tool used to address discriminatory trends or patterns.

Training is provided to the divisions/program areas/districts to engage them in the recognition of discriminatory behavior to ensure trends or patterns don't materialize or is eliminated. Title VI training is provided to as many different audiences as possible, internal and external, to reduce the occurrence or likelihood of discrimination.

Training includes history and the reason the law was enacted to aid those antagonistic to the law understand its' purpose. Examples will be provided from case law from state and federal seventh circuit to aid in the understanding of its importance and applicability.

### **To ensure compliance and enforcement procedures, the Title VI Manager:**

1. Conducts compliance reviews
2. Provides technical assistance in the implementation of the Title VI program
3. Implements corrective action to correct deficiencies
4. Outreach activities – internal and external input and feedback
5. Referrals from Program Area Title VI Designees

### ***Remedial Action***

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report includes a draft corrective action plan (CAP) with projected due dates. A final CAP is issued following a compliance conference ("conference") meeting or phone call with the program area or Subrecipient. During the conference, the program area or

Subrecipient will be able to propose remedial actions to correct the deficiencies. The CAP for Departmental/Division programs areas is called the Title VI Work Plan.

Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Manager to the review. The Title VI Manager will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Manager to ensure implementation of the CAP. When the Title VI Officer has determined that a subrecipient's deficiencies are sufficiently corrected, the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Title VI Manager.

**Subrecipients:** When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report:

1. The Subrecipient moves from a "deficiency status" to noncompliance;
2. INDOT will submit two copies of the case file to FHWA with a recommendation that the sub-recipient be found in noncompliance; and/or,
3. INDOT may, with the concurrence of FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

### **Sanctions**

Should a Subrecipient or contractor ("recipient") fail or refuse to comply with Title VI, the first step taken by INDOT is an attempt to resolve the issue utilizing INDOT's standard operating procedures.

However, INDOT may take any or all the following steps, with the concurrence of USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by INDOT to voluntarily resolve the compliance issue:

1. Cancel, terminate, or suspend the contract or agreement in whole or in part
2. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient
4. Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings
5. Other means authorized by law

## **XI. Review Of State Directives**

Development and issuance of Title VI policies, procedures, directives, and policy interpretations are major functions of INDOT. INDOT incorporates Title VI policy and mission statements into its procedures and manuals through review by INDOT's Legal Division as well as the Title VI Manager at the time such policies are drafted. In each of the Core Program areas, the Title VI liaisons have been trained to identify issues, questions, or concerns relative to Title VI and understand the need to consult with Legal Department and Title VI Manager, in reviewing any new policy documents.

INDOT is currently constructing comprehensive policy and procedural development practices led by the Legal Operations Director. This process will center nondiscrimination and related principles in the resultant programming. Prior to establishing a new directive, the Title VI Program Manager will be copied so that

new directives can be reviewed, and discrimination concerns identified and addressed in a timely manner. This may or may not occur prior to the directive being established as some directives are time-sensitive, but the Title VI Program Manager will have a meaningful opportunity to raise and address concerns and report the same in INDOT's annual Goals and Accomplishments Report. The Title VI Program Manager has direct access to Chief Counsel, Agency Directors and the Commissioner as needed to address concerns.

INDOT lists some specific directives on its website at:

<https://www.in.gov/indot/div/mt/directives/directives.htm>

These are not the only "directives" INDOT issues in the sense that other policies may be directive in nature.

Additionally, by conducting Title VI compliance reviews, INDOT ensures that Title VI requirements are included in program directives and that procedures used have built-in safeguards to prevent discrimination. Any directive identified by Program Division Heads and/or Title VI liaisons as noncompliant will be referred to the Civil Rights Counsel.

Outside the Agency, prior to awarding funds for any local government project, the Title VI Manager is contacted to secure information regarding assurances, plans or other relevant Title VI considerations have been met. If it is determined that directives do not meet the requirements of Title VI and other related statutes, the Title VI Manager advises the appropriate Program Manager and provides recommendations for ensuring compliance.

**Directives and procedures that may be reviewed include, but are not limited to:**

1. Procedures for dissemination of information on opportunities of inclusion to participate in bidding of contract for minorities
2. Consultant selection procedures and personnel who monitor consultants for Title VI compliance
3. Procedures for prequalification of minority contractors and contractor selection
4. Procedures for selection of university research contracts
5. Procedures for identifying and selecting fee appraisers/fee attorneys to ensure nondiscrimination, retention considerations

## **XII. Dissemination of Information**

The Title VI Manager works with agency staff to develop and disseminate Title VI program information to INDOT employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the public. Determinations regarding the nature of the information to be disseminated and the members of the public with whom that information will be shared is generally done by considerations of project location and impact. Internally, the Title VI Plan is provided to INDOT employees electronically. The Plan is also made available on INDOT's website.

Publicly disseminated information includes, postings of official statements, inclusion of Title VI language in contracts or other agreements, displays at public information open meetings proceedings and informational brochures. INDOT ensures public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. The community is identified through review of statistical data gathered by the Planning and STIP team with regard to the residential and business communities in and around the project area. INDOT further ensures the full utilization of available minority publications or media; and, where appropriate, provides written or verbal information in languages other than English. The Title VI Manager

works with the INDOT Office of Communications to ensure that current information is available and accessible on the INDOT website. These activities are undertaken to ensure that the public is educated about their rights, pursuant to Title VI, relative to the transportation decision making process.

During public information meetings and other meeting opportunities, surveys and comment cards are provided for feedback. The feedback includes information regarding demographics and public opinions.

#### ***Notification to Beneficiaries - Website***

INDOT's website is designed to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on INDOT's website includes:

1. INDOT's Title VI Plan
2. Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
3. Title VI Nondiscrimination Assurances
4. INDOT's Title VI Annual Goals & Accomplishment Report
5. INDOT's External Discrimination Complaint Form (English and Spanish)
6. Title VI Requirements for Subrecipients (attached Appendix F)
7. INDOT's Title VI Technical Assistance Guide for Subrecipients
8. INDOT's Language Assistance Plan

#### ***Notification to Beneficiaries - Posters and Brochures***

INDOT provides posters, brochures, and survey cards at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed.

### **XIII. Public Involvement**

INDOT re-designed its public involvement strategy. The Planning, STIP, Technical Planning & Programming Divisions assists in the public's awareness and participation in the planning of long-term twenty to thirty-year projects, including those that will require National Environmental Policy Act (NEPA) federal legislation pertaining to public involvement in project development by state departments of transportation throughout the country.

INDOT currently utilizes its 2022 Planning Public Involvement Plan (PIIP) and the Planning Outreach Procedure (POP). The PIIP explains when and how public outreach is to take place, including outreach to underserved populations. First, to identify disadvantaged communities (as defined by the OMB) and enable the use of appropriate location-based outreach strategies, INDOT uses tools developed through the Bipartisan Infrastructure Law's Justice40 initiative, including the Climate and Economic Justice Screening Tool and a mapping tool available at Transportation Disadvantaged Census Tracts ([arcgis.com](http://arcgis.com)). See map in Figure 5 in next section.

Once underserved populations are identified, PIIP guides the when and how notifications are to be performed and where they must be sent, printed, or posted. Socio-economic profiles for each district determine which strategies listed in the PIIP will be best served to reach and involve specific disadvantaged communities throughout the state.

Additionally, INDOT uses a voluntary public involvement survey which can be located at the INDOT'S website, Public Involvement Page at <http://www.in.gov/indot/2366.htm> .The survey is a tool to collect

information regarding persons affected by proposed transportation projects. The survey permits persons to remain anonymous, while voluntarily answering questions regarding their, race, color, or national origin. INDOT distributes the voluntary public involvement survey at all public hearings and meetings.

Additionally, the INDOT facilitator of the meeting or hearing is responsible for making an announcement at the beginning and end of the meeting or hearing informing the attendees of the purpose of the survey. The facilitator shall then make a request for the attendees to complete the survey. The facilitator may also capture his or her impressions regarding attendees and the opportunity to attend which shall be submitted to the program manager. INDOT retains completed surveys for three years from the date of the meeting and/or completion of the related project if applicable. These surveys will be retained by the Program Manager. For current data specific to this area, please refer to the Goals and Accomplishments report. INDOT Planning Public Involvement Plan (PIIP) and the Planning Outreach Procedure (POP) can be found online at: <https://www.in.gov/indot/2366.htm>. The Planning Program Public Involvement Process is available at: <https://www.in.gov/indot/public-involvement/public-involvement/>

## XIV. Limited English Proficiency (LEP)

One of INDOT's program goals in implementing and adhering to its Title VI obligations is to improve the accessibility of its programs and activities to eligible Limited English Proficiency (LEP) persons, e.g. those persons who have a limited ability to read, write, speak or understand English. INDOT continues to strive to improve its data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that INDOT may continue to evaluate the effectiveness of its LEP Implementation Plan. Training provided to INDOT employees in person or via the online module contains information about LEP requirements and tools INDOT uses to gather information on an ongoing basis about LEP needs.

Translations (of vital documents) must be in each LEP language group that is 5% or 1,000 people (whichever is less) of the total population eligible to be served. Providing these translations show compliance and provides a "safe harbor" for transit providers that receive federal funding.

### ***INDOT's LEP information gathering tools include the use of the following:***

1. Internal LEP Report Form
2. "I Speak" Cards
3. Ability of the public to request language services and translation services as appropriate.
4. Use of demographic information, not limited to but including census information to determine whether LEP resources and / or alternative advertising measures should be considered as part of public involvement activities. (This information can be found in our LEP Plan)
5. Employee language questionnaires

LEP information is included in INDOT's internal training and customer service staff will track, record, and monitor the number of LEP requests and individuals encountered.

INDOT's LEP Plan is included herein as Appendix I.

## XV. LIST OF ATTACHMENTS

- **APPENDIX A:** Standard USDOT Title VI Assurances
- **APPENDIX B:** Organizational Charts
- **APPENDIX C:** Title VI Policy Statement
- **APPENDIX D:** Sample Questions for Program Area Reviews
- **APPENDIX E:** Sample Questions for Subrecipient Reviews
- **APPENDIX F:** Title VI Requirements for Subrecipients
- **APPENDIX G:** Checklist for Subrecipient Reviews
- **APPENDIX H:** Title VI Complaint Form
- **APPENDIX I:** LEP Plan

**Standard U.S. DOT Title VI Assurances**  
**DOT Order No.1050.2A**

The *Indiana Department of Transportation (INDOT)* (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, (FHWA) is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally-Assisted Programs Of The Department Of Transportation – Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

**General Assurances**

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

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

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

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

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

*"The Indiana Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

1. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
2. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
3. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
4. 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 will extend to rights to space on, over, or under such property.
5. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
6. 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.
7. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
8. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *the Indiana Department of Transportation* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *FHWA*. You must keep records, reports, and submit the material



for review upon request to, FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

*The Indiana Department of Transportation* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal-Aid Highway Program*. This ASSURANCE is binding on Indiana, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Executed this 27<sup>th</sup> day of September 2023, by:

By:   
\_\_\_\_\_  
Michael J. Smith, Commissioner  
Indiana Department of Transportation

## 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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal Aid Highway Program, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation 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 U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

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

*INDOT* in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, 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 *INDOT* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

1. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - a. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
2. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the INDOT will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
3. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the INDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the INDOT and its assigns.\*

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

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Indiana Department of Transportation (INDOT)* pursuant to the provisions of Assurance 7(b):

1. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
2. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the *INDOT* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
3. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the *INDOT* will there upon revert to and vest in and become the absolute property of the *INDOT* and its assigns.\*

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

## APPENDIX E

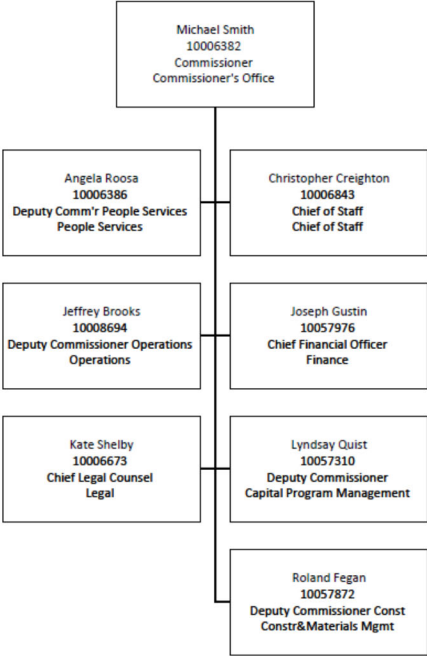
During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

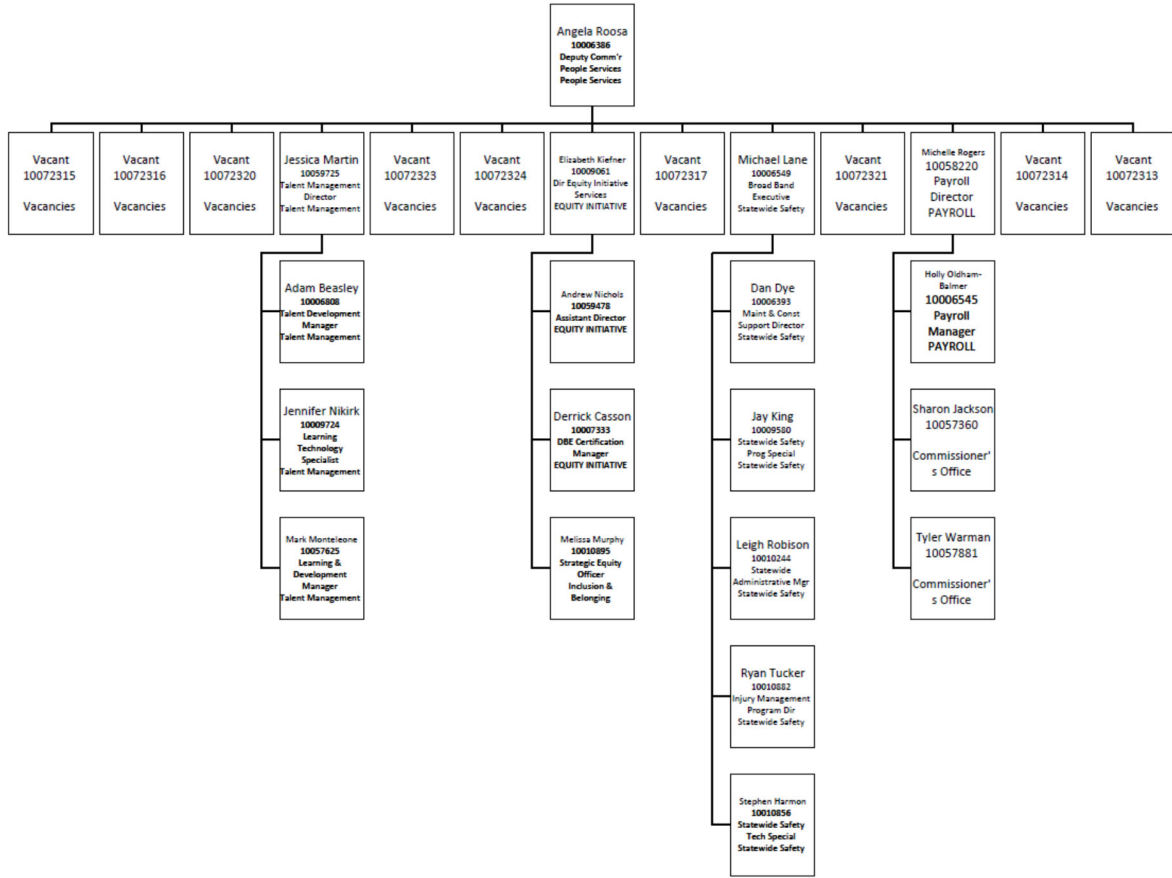
### **Pertinent Nondiscrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

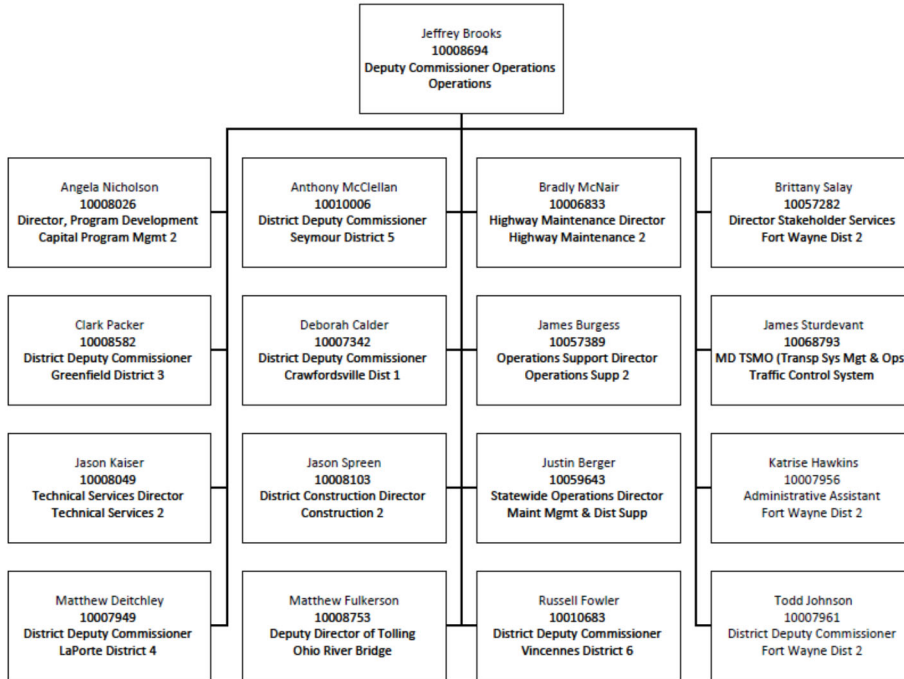
Appendix B

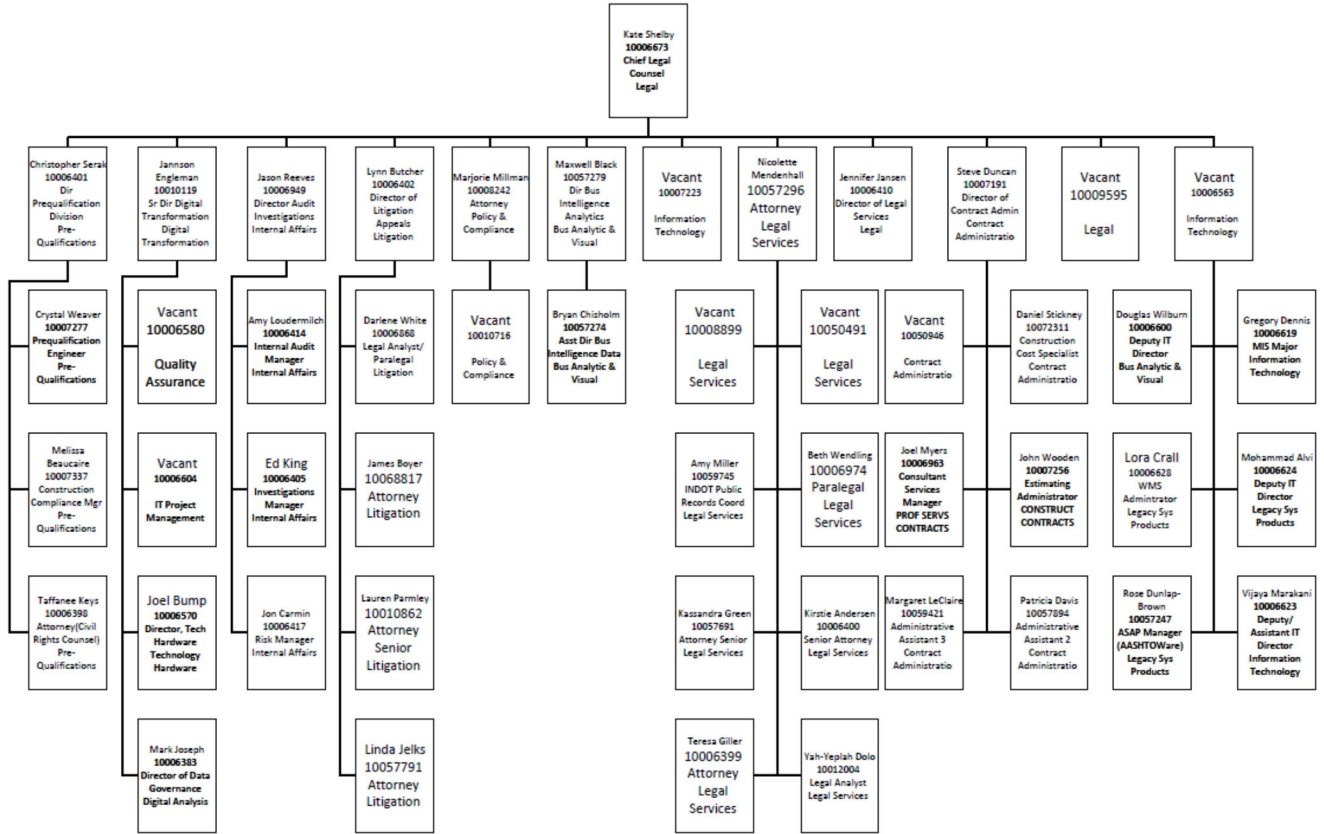
Indiana Department of  
Transportation  
August 2023

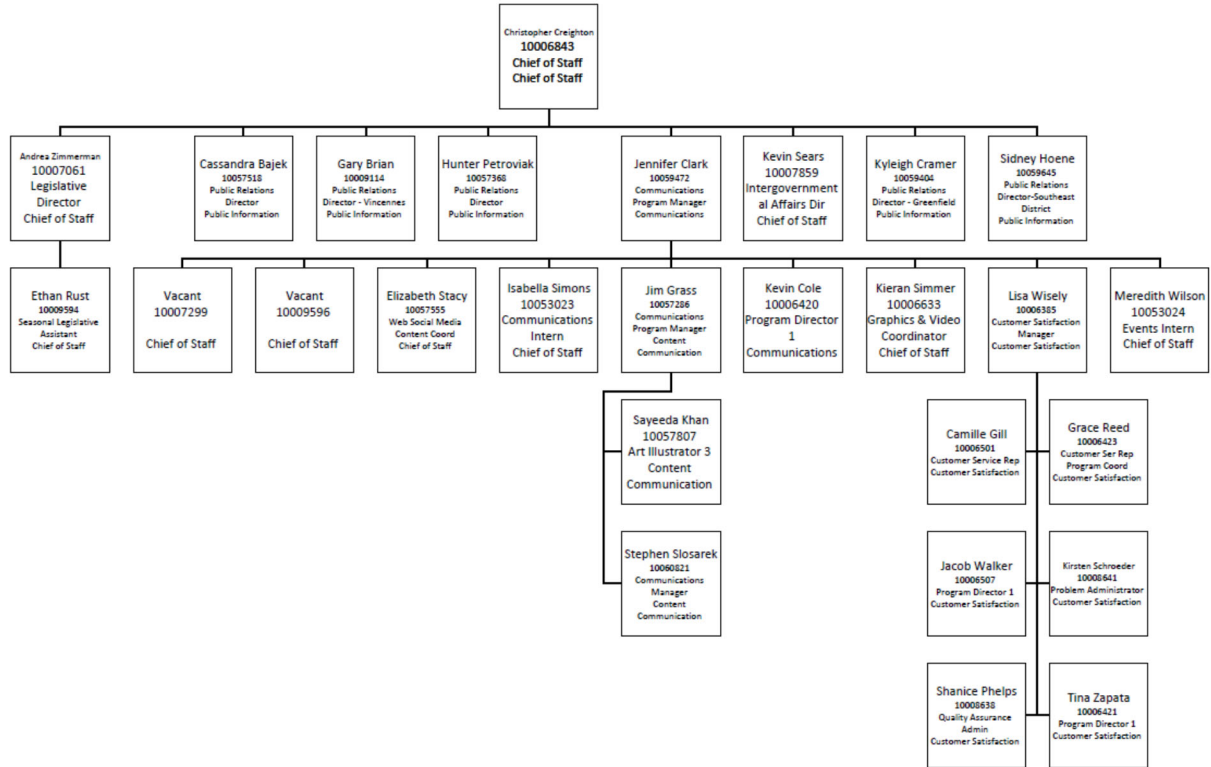


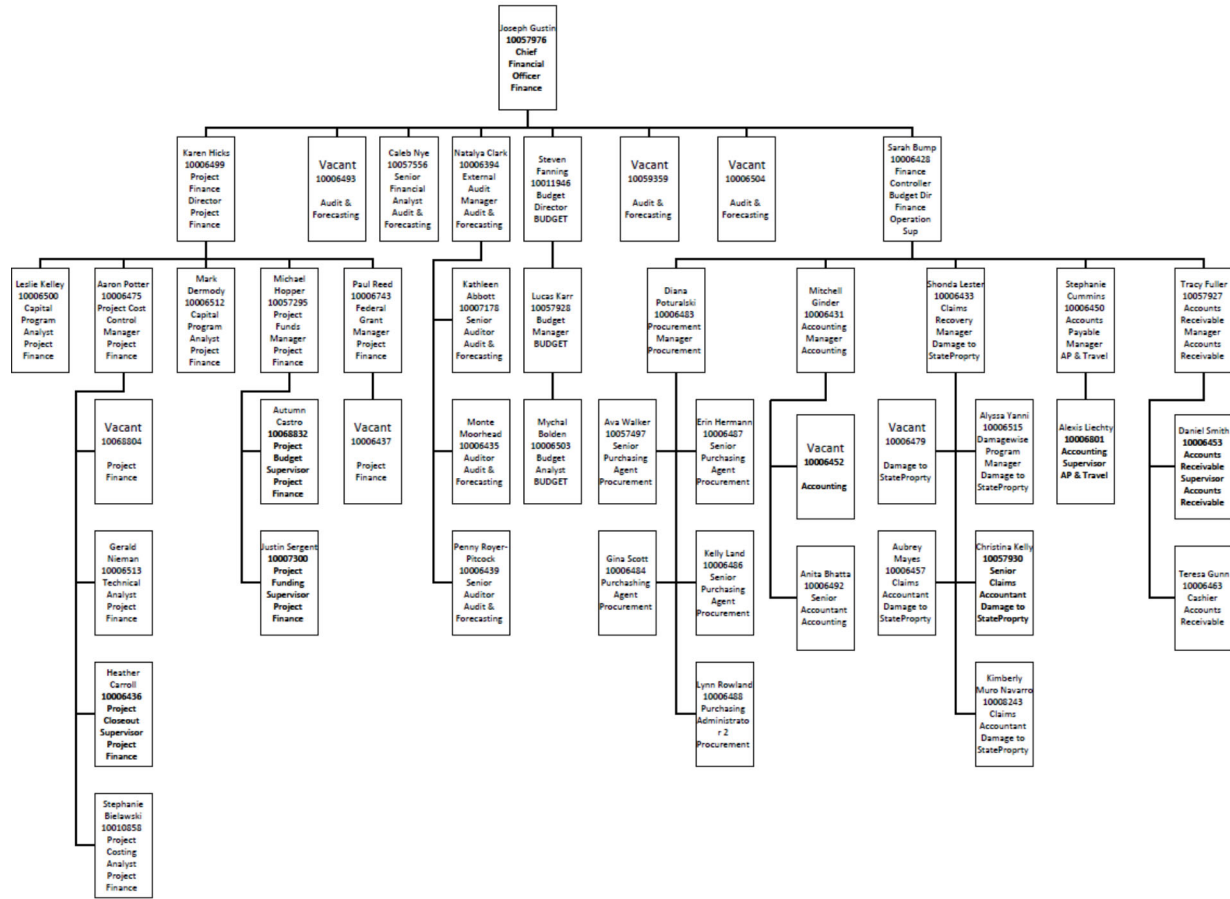


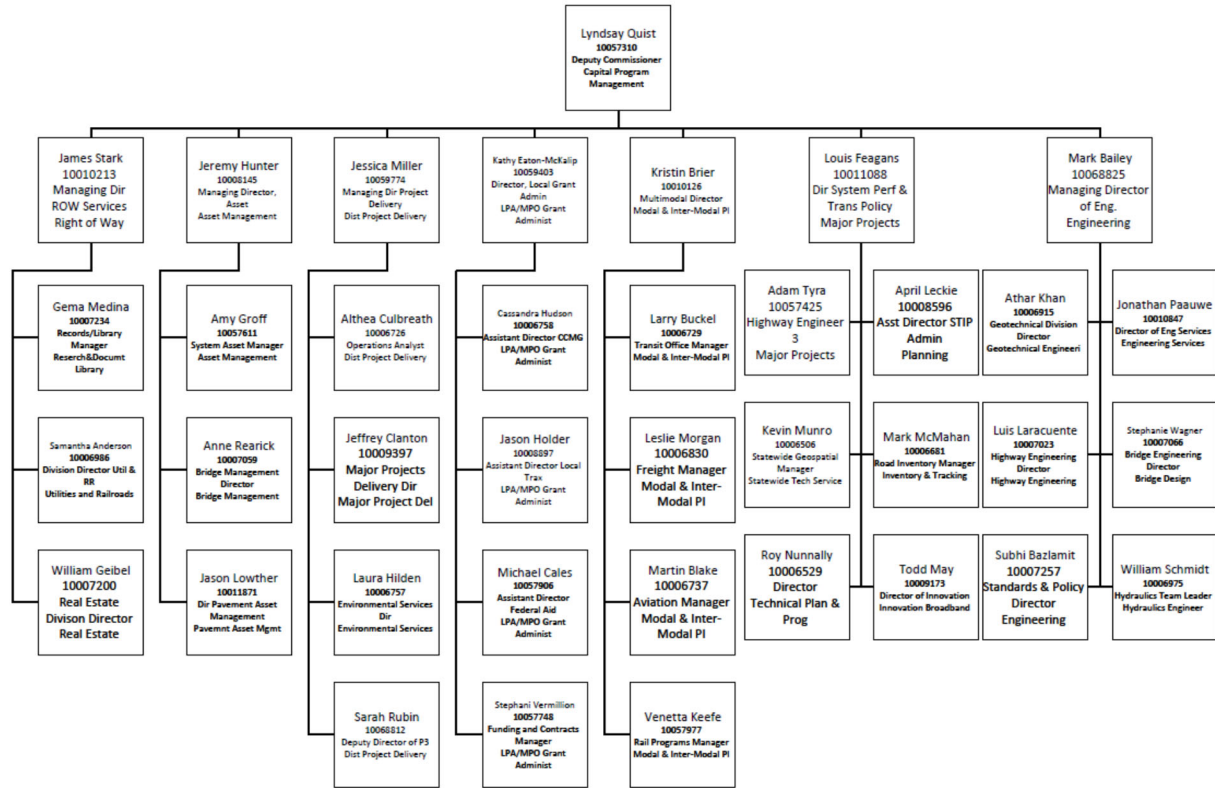


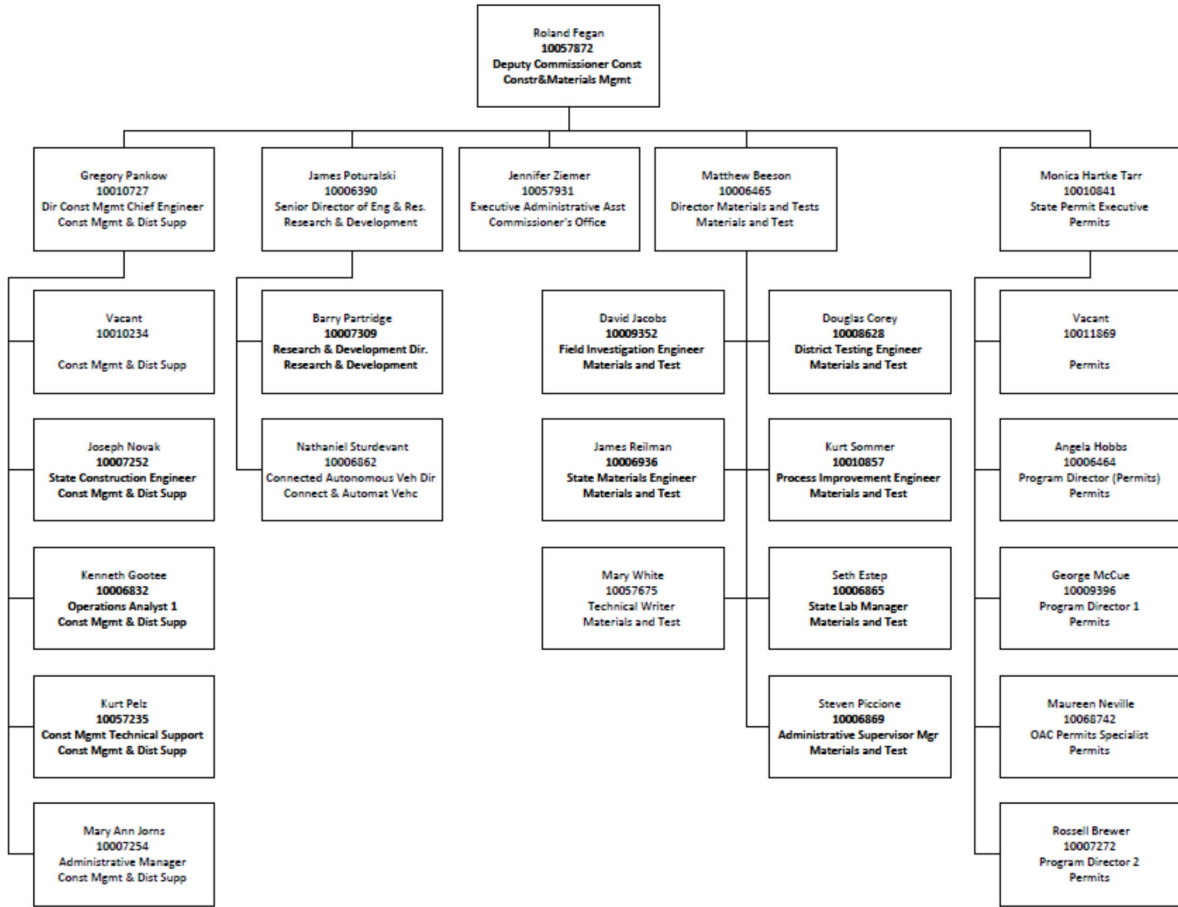












## Appendix C

### TITLE VI AND NONDISCRIMINATION POLICY STATEMENT

INDOT is committed to nondiscrimination compliance on the grounds of race, color, national origin, and disability as provided by Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act, Americans with Disabilities Act of 1990 (ADA), Title II of the ADA, Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency). INDOT's policy is to ensure no person is excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, or national origin.

INDOT values individual's civil rights and intends to provide equal opportunity and equitable service for the citizens of this state. INDOT strives to achieve nondiscrimination in its programs, services, or activities, directly or indirectly regardless of whether those programs, services, and/or activities are federally funded.

Whenever INDOT distributes federal-aid funds to a second tier subrecipient, such as a local public governmental entity, INDOT will include Title VI language in all written agreements with that entity.

The following individual has been identified as INDOT's Title VI Program Manager (Program Manager) and is delegated the authority necessary to maintain responsibility for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21 and is specifically designated as INDOT's responsible individual to coordinate, maintain, and report INDOT's Title VI compliance efforts to the Federal Highway Administration (FHWA) as well as to coordinate compliance efforts with other federal agencies as required.

Taffanee L. Keys  
Civil Rights Counsel  
ADA Manager/Title VI Manager  
Prequalification – Policy & Compliance  
100 N. Senate Avenue, Room N58-PQ  
Indianapolis, IN 46204  
317-941-4512  
[tkeys@INDOT.in.gov](mailto:tkeys@INDOT.in.gov)

INDOT's Commissioner, Michael J. Smith signs assurances and delegates full authority to the Civil Rights Counsel /Title VI Nondiscrimination Program Manager to oversee and implement Title VI and all related regulations.



Michael J. Smith, Commissioner  
Indiana Department of Transportation

9/28/2023  
Date

## Appendix D

### **Title VI Audit Questionnaire**

#### **Capital Program Management (DC Lyndsay Quist)**

- Major Projects/STIP (Louis Feagans; Roy Nunley; April Lecke)
- Project Delivery (Jessica Miller)
- Right Of Way (Jim Stark)

#### *Capital Program Management*

*The capital program management division within INDOT develops projects following state and federal regulations to meet our transportation asset management targets and to improve safety, mobility, and economic development for the state of Indiana. Capital program management is responsible for projects from when they are initially scoped, and a need is identified through to construction.*

#### **Annual Review**

Each responsible person(s) within the Department's divisions gathers and provides data to the INDOT Title VI Coordinator on or before August 25, 2023. The information gathered will be included in the goals and accomplishment report that is required to be submitted to the FHWA.

#### **Title VI Questionnaire- General Questions**

1. Do your Standard Operating Procedures (SOP) include Title VI non-discrimination policies and procedures?
2. If yes, please list all non-discrimination policies and procedures contained in your SOP.
3. Are all Title VI population groups adequately informed of planning activities regarding projects that may impact their area to allow for participation and input?
4. Are public meeting notices disseminated to the public? If so, by what methods?
5. Has meaningful access to citizens who are of LEP been provided? How?
6. Did the department collect, maintain, and analyze data on race, national origin, and income level, elderly, persons with disabilities, to adequately assess impacts and mitigation options on each proposed or planned project?
7. If so, by what methods was data on race, national origin, income levels, elderly, persons with disabilities and sex collected for each proposed plan?
8. Were any complaints lodged for failure to inform the public acting as a barrier to participation? If so, how were the complaints handled?
9. Were any complaints lodged for disproportionate or adverse impact for the proposed plan?
10. What economic, social, topographical, and environmental impacts were considered for planned project locations?
11. To what extent are Title IV requirements, specifically those that effect disabled citizens, included in all project designs?
12. To what extent was training provided on Title VI and LEP?



*Major Project- Technical Plan & Prog → STIP*

1. Please state in detail what opportunities were afforded for minority, low-income, disabled, and elderly groups to provide input on transportation projects and priorities as part of the continuing transportation planning process for the development of the STIP.
2. What measure are taken to ensure that reasonable accommodations for persons with disabilities are provided and meaningful access for LEP persons is provided during the STIP process.
3. Were any complaints lodged for disproportionate or adverse impact for the proposed and approved STIP? If so, who handled the complaints and how were they resolved?
4. What were Major Project team's goals & accomplishments for the year 2023? If goals were not met, what were the barriers?

*Project Delivery- Jessica Miller*

*Ensuring district and major project delivery is performed in manner that meets state, federal design requirements. Ensuring coordination between delivery stakeholders, including project management and project support services like real estate, contract administration, and environmental services. Oversight of construction process, particularly with major projects. Project manager assigned from Jessica's team throughout delivery process.*

1. How were consultant contracts administered in a non-discriminatory manner?
2. Was Title VI language included in all contracts.
3. Where directives and procedures reviewed to ensure Title VI compliance.
4. Where requests for proposal advertised in all segments of the community including minority publications?
5. What measures are used to ensure services are provided in a nondiscriminatory manner?
6. Where there any complaints of discriminatory practices lodged in 2023? If so, how many? What were the outcomes?
7. What were Major Project team's goals & accomplishments for the year 2023? If goals were not met, what were the barriers?

*Right Of Way -Jim Stark*

*Management of INDOT right of way from legal perspective, including condemnation, relocations, secured parcels, legal responsibilities, and statutory changes. Real estate is the land we need to buy and right of way is the land we own.*

1. Did the department document and report any complaints by property owners and/or those displaced? If so, to whom were the complaints reported? If known, what were the outcomes?
2. Did the department document and report any relocation appeals resulting from a claim of discrimination?

3. Were interpreters provided for landowners when required, if ever?
4. Did the department provide available replacement comparable housing to persons in compliance with Title VI and the Uniform Act. Will any reported instances of discrimination for replacement housing be documented and investigated?
5. Did the department advise affected property owners, those displaced, and others impacted by a transportation project, of their rights and benefits regarding valuation, acquisition, relocation, condemnation, and other aspects of the right of way process?
6. Did the department incorporate non-discriminatory language and assurance statements in all advisory materials presented to property owners and those displaced?
7. Did the department follow non-discriminatory Real Estate Procedure Manual procedures with potential buyers during the sale and licensing of INDOT property?
8. In what roles does INDOT use outside consultants in the r/w division?
9. Did department ensure vendors Title VI compliance when performing real estate appraisal activities? Acquisition activities including in condemnations?
10. Did the r/w division collect information for the Annual Title VI Report?
11. What data was collected to determine if there were Title VI impacts and/or unfair practices in relation to r/w management?
12. Describe the methods used to capture data?
13. What methods were used to analyze the data captured?
14. Did the department use environmental justice or other baseline data regarding the project area to determine the demographics of the inhabitants prior or as part of the right-of-way process? If so, how was the data used?
15. Did the department hold public meetings to advise property owners and inhabitants of the process once it was determined that the inhabitant's dwellings would be acquired?
16. If so, were voluntary demographic surveys disseminated at all public interest meetings?
17. What were R/W team's goals & accomplishments for the year 2023? If goals were not met, what were the barriers?

### **Subrecipient Title VI Compliance Questions**

To ensure compliance with Title VI, subrecipients must be able to answer the following questions related to their agency's Title VI Program, including but limited to:

- Does your agency have a signed Title VI Policy Statement and Title VI Assurances?
- Do you have a current Title VI/Nondiscrimination Plan?
- Who in your agency serves as the Title VI Coordinator?
- Does your agency have an external discrimination complaint handling and processing procedure?
- Does your agency include Title VI contract provisions in solicitations, contracts and awards?
- How does your agency ensure that Limited English Proficient (LEP) individuals have access to your agency's programs and services?
- What outreach efforts does your agency utilize to solicit input from minority populations within your jurisdictional boundaries in order to ensure nondiscrimination in your public participation process?
- What data collection sources do you use for analyzing demographic data in the areas within your jurisdictional boundaries?
- How does your agency advise the public of Title VI/Nondiscrimination policies and procedures?

Subrecipients will be required to provide all supporting documentation for each questioned answered in the affirmative. If answers to any of the above questions are in the negative, Subrecipients must give a detailed reason why as well as what steps will be taken to become compliant.

## Appendix F

### **Title VI Requirements for Subrecipients**

Recipients of Federal financial assistance are required to comply with various nondiscrimination laws and regulations. The requirements extend to subrecipients such as cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and subcontractors of those subrecipients who receive federal financial assistance through INDOT

The following information, while not comprehensive, highlights steps subrecipients should take to achieve compliance with INDOT's Title VI program.

1. A policy statement that assures nondiscrimination to the effect that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity must be signed by the head of the agency and circulated internally and to the general public.
2. Nondiscrimination Assurances. Subrecipients must sign the U.S. DOT Standard Title VI Assurances. General nondiscrimination language from the assurances must be included in all solicitations for bid or requests for proposals. The clauses of Appendix A and Appendix E must be included in every contract or agreement that you enter into. Form FHWA-1273 must also be physically attached to all federal-aid construction contracts of \$10,000 or more.
3. Nondiscrimination Coordinator. A Title VI Coordinator must be designated, who has a responsible position in the organization with access to the head of the agency.
4. Nondiscrimination Plan. Subrecipients must have a Title VI Nondiscrimination plan that communicates how the agency implements its nondiscrimination policies.
5. External Discrimination Complaints. A list of all external discrimination complaints and lawsuits filed against the agency must be maintained. The information in this list should include: the identification of each complainant by race, color, sex, or national origin; the name of the complainant; the nature of the complaint; the dates the complaint was filed, and the investigation was completed; the disposition and date; and other pertinent information. Your external discrimination complaint processing procedures should also include a timeline for submitting a complaint.
6. Limited English Proficiency (LEP). Responsible steps must be taken to ensure meaningful access to the benefits, services, information, and other important portions of your programs and activities for individuals who are LEP.
7. Environmental Justice (EJ). Subrecipients must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of your programs, policies, and activities on minority and low-income populations.

8. **Public Participation.** Subrecipients should provide an opportunity for public involvement and full access to the decision-making process in each stage of the planning and development of transportation projects. Efforts must be documented in a Public Participation Plan.
9. **Data Collection and Analysis.** Procedures must be developed for the collection of statistical data (race, color, national origin, sex, disability, and age) of participants in and beneficiaries of your programs (e.g., impacted citizens, and affected communities).
10. **Annual Reporting.** Subrecipients must develop an annual work plan to document how the agency is effectively implementing its Title VI/Nondiscrimination responsibilities.
11. **Rules and Regulations.**
  - Environmental Justice Executive Order 12898
  - Limited English Proficiency Executive Order 13166

# Appendix G

Local Public Agency Title VI Program Implementation Plan Checklist	Yes	No	Comments
1. <u>POLICY STATEMENT</u> : Does the Plan have a Title VI Program Policy Statement signed by the CEO?			
2. <u>STANDARD DOT ASSURANCES</u> : Does the Plan include a signed copy of the DOT Standard Title VI Assurances with Appendices "A," "B," "C," "D," and "E"?			
3. <u>ORGANIZATION &amp; STAFFING</u> : Does the Plan identify the Title VI Coordinator who has easy access to the head of the agency? Is there an organizational chart that identifies the Title VI Coordinator, and their placement in the agency?			
4. <u>PROGRAM REVIEW PROCEDURES</u> : Does the Plan describe the nature of the recipient's program areas and include procedures for conducting reviews of pertinent program areas?			
5. <u>SPECIAL EMPHASIS PROGRAM AREAS</u> : Does the Plan describe the process the LPA uses to identify their special emphasis program areas and how they address identified trends or patterns of discrimination in those areas?			
6. <u>SUB-RECIPIENT REVIEW PROCEDURES</u> : Does the Plan describe the process for conducting reviews of sub recipients, (consultants, vendors, contractors, etc.)?			
7. <u>DATA COLLECTION/REPORTING/ANALYSIS</u> : Does the Plan contain a process for collecting and reporting Title VI data (race, color, national origin, sex, age, disability...)?			
8. <u>TITLE VI TRAINING</u> : Does the Plan address Title VI training of staff members and sub recipients?			
9. <u>COMPLAINT PROCEDURES</u> : Does the Plan contain complaint procedures which describe a prompt process for investigations and disposition of Title VI complaints?			
10. <u>DISSEMINATION OF TITLE VI INFORMATION</u> : Does the Plan contain community outreach and public education procedures (making the public aware of their rights under Title VI program authorities)?			
11. <u>LIMITED ENGLISH PROFICIENCY (LEP)</u> : Does the Plan communicate how the LPA implements the Title VI Program requirements of Limited English Proficiency (LEP)?			

<p><b>12. ENVIRONMENTAL JUSTICE (EJ):</b> Does the Plan communicate how the LPA implements the Title VI Program requirements of Environmental Justice to include a public participation plan and outreach plan?</p>		
<p><b>13. REVIEW OF LOCAL CITY/COUNTY DIRECTIVES:</b> Does the Plan describe how the LPA reviews directives to determine if there are Title VI implications, and interpret how directives impact Title VI program areas?</p>		
<p><b>14. COMPLIANCE AND ENFORCEMENT PROCEDURES:</b> Does the Plan outline Title VI Program compliance and enforcement procedures to eliminate and address discrimination, resolve deficiencies, etc. when noncompliance occurs?</p>		

## Appendix H



### EXTERNAL COMPLAINT OF DISCRIMINATION

State Form 54516 (R3 / 7-15)  
INDIANA DEPARTMENT OF TRANSPORTATION  
ECONOMIC OPPORTUNITY DIVISION

Taffanee Keys, ADA/Title VI Program Manager  
INDIANA DEPARTMENT OF TRANSPORTATION  
Prequalification & Compliance Division  
100 N Senate Ave. Room N758-PQ  
Indianapolis, IN 46204  
Telephone number : (317) 941-4512  
E-mail address: [AccessForAll@INDOT.in.gov](mailto:AccessForAll@INDOT.in.gov)

<https://www.in.gov/indot/accessibility-and-non-discrimination/>

#### 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 and national origin 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's non-discrimination policy also prohibits discrimination based on age, gender and income status.

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 ( ) -



Name of complainant	Date (month, day, year)
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**PERSON / AGENCY YOU BELIEVE DISCRIMINATED AGAINST YOU**

Name (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 (     )     -
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When was the last alleged discriminatory act? (month, day, year) \_\_\_\_\_

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.

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The alleged discrimination was based on:

Race     Color     Gender     National Origin     Disability     Age     Retaliation

Describe the alleged act(s) of discrimination. (Use additional pages, if necessary.)

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Name of complainant	Date (month, day, year)
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<b>Provide the names of any individuals with additional information regarding your complaint:</b>		
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? ----- -----		

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
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*If yes, please provide the following information for each agency:*

Name of the agency	Date complaint filed (month, day, year)
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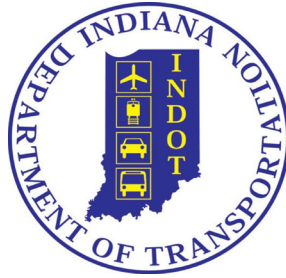
Case number assigned to your complaint	Current status of your complaint
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How did you learn about your right to file a discrimination complaint with INDOT?

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Signature	Date signed (month, day, year)
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# Limited English Proficiency Plan

I Speak...



**Ensuring Meaningful Access for  
Limited English Proficient Individuals**

**October 1, 2023**

(Fiscal Year 2024)

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# I. INTRODUCTION

INDOT is committed to ensuring that all persons having language barriers are made equal participants early in the development stages and throughout the life of INDOT's programs, projects, services, or activities, and that the public and communities the department serve are allowed to provide input for those projects or plans that may have an impact on their wellbeing. It is INDOT's intent to ensure fairness, equal opportunity, inclusion, and access by actively seeking input from persons who do not speak English, or have difficulty communicating in English, regarding quality-of-life issues that directly affect them.

This Limited English Proficiency (LEP) Plan, in keeping with Executive Order (EO) 13166, has been designed to provide guidance to INDOT employees for meeting the needs of individuals with limited English proficiency and all beneficiaries of transportation programs.

## **What does it mean to be Limited English Proficient (LEP)?**

LEP individuals do not speak English as their primary language and therefore have a limited ability to read, write, speak, or understand English. Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient skills to communicate detailed information in English.

## **Background**

### **Title VI & Executive Order 13166**

Title VI of the federal Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. National origin discrimination includes discrimination based on a person's inability to speak, read, write, or understand English. Recipients of Federal funds must provide meaningful access to LEP individuals.

### **Executive Order 13166**

On August 11, 2000, President Bill Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency". The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP) and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will

provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries

## **II. PURPOSE of the PLAN, EFFECTIVE STRATEGY and POLICY**

INDOT has developed its' LEP Plan to eliminate or reduce barriers while providing guidance on how to access and fulfill INDOT's commitment to ensure Indiana citizens have safe, timely, and meaningful access to its programs and services. For the purposes of this plan, only those individuals who were identified in the 2021 U.S. Census American Community Survey, C16001 Language Spoken at Home for the Population 5 Years and Over as having the ability to speak English less than "very well" are being considered. INDOT's LEP Plan addresses these elements to aid in identifying LEP persons so that they are provided meaningful access to INDOT services and activities that may affect their quality of life. These elements include the following.

### **1. Identifying LEP persons who need language assistance.**

The State Transportation Improvement Plan (STIP) will provide the program and project-level basis for determining the need for public involvement and public engagement. Impacts to communities should be recognized early and monitored continually throughout the transportation decision-making process. One method for this is through enhanced public outreach and participation methods at all points of the statewide transportation planning process ensuring meaningful participation by citizens, including traditionally underserved communities. The integration of environmental justice principles into the transportation planning process is consistent across all areas of INDOT. INDOT has contracted with a consulting firm, to develop an analysis used to target underserved communities and vulnerable populations. INDOT intends to have its' Project Equity Scoring Tool in place by year 2024. .

The analysis provides demographic and socioeconomic profiles of each INDOT district, subdistrict, and metropolitan planning area that will be used to ensure targeted outreach opportunities to these identified community areas. The analysis includes information on LEP areas, population demographics, education, income, transportation access, and related information critical for targeted outreach.

### **2. Identify ways in which language assistance will be provided.**

INDOT will provide oral and written translation, written interpretation, and translation, and

sign language, if requested or as a result of an LEP analysis on any given project or projected program, requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate INDOT projects as called for in INDOT's Public Involvement Plan.

INDOT will evaluate its programs, services, and activities where LEP persons are likely to be encountered or when projects may impact an LEP population. An annual survey of its employees will be conducted to determine the frequency of contact with LEP persons.

### **3. Training staff and others.**

All INDOT staff will receive training, especially those involved in public outreach and public involvement, on identifying LEP populations and providing LEP translation and interpretation.

Sub-recipients and MPOs must provide LEP services to be in compliance with Title VI and EO 13166. Sub-recipient reviews will be conducted to ensure compliance with EO 13166. Contractor compliance reviews will include a provision to comply with the order.

### **4. Provide notice to LEP persons.**

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English). Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

## **III. FOUR-FACTOR ANALYSIS**

**The Four Factor Analysis is a local assessment that considers:**

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by INDOT;
2. The frequency with which LEP persons come into contact with INDOT services and programs;
3. The nature and importance of INDOT's services and programs in people's lives; and
4. The resources available to INDOT for LEP outreach, as well as the costs associated with that outreach.

**Factor #1 – The number or portion of LEP Persons served or encountered in the eligible service population.**



Based on data from the U.S. Census Bureau C16001 Language Spoken at Home for The Population 5 Years and Over, Indiana’s total estimated population is 6,335,798 of which 5,768,984 speak only English. Other languages reported spoken in Indiana are as follows.

Language Spoken at Home	Total Citizens Speak Language other than English	# Citizens Speak English Very Well	# Citizens Speak English Less than Very Well
Spanish	295,350	185,627	109,723
French, Haitian, or Cajun	16,009	10,282	5,727
German or other West Germanic languages	63,094	47,353	15,741
Russian, Polish, or other Slavic languages:	17,277	12,212	5,065
Other Indo-European languages:	44,111	33,015	11,096
Korean:	7,364	4,387	2,977
Chinese (incl. Mandarin, Cantonese):	25,529	14,039	11,490
Vietnamese:	7,289	3,043	4,246
Tagalog (incl. Filipino):	9,420	6,810	2,610
Other Asian and Pacific Island languages:	46,724	24,886	21,838
Arabic:	12,931	7,980	4,951
Other and unspecified languages:	21,716	16,304	5,412

The U.S. Census data shows Indiana citizens that speak Spanish very well are 187,627, and less than very well are 109,723 which totals 295,350. Spanish speakers comprise the largest non-English speaking language group, which is 4.66% of Indiana’s total population. Spanish speakers less than very well represented 1.73% of Indiana’s total population. The tables listed in the “Data by the Districts” section herein shows a breakdown of Indiana’s population by language speaking ability and demonstrates the need to ensure that LEP persons are included in the transportation public involvement process. INDOT focused its analysis on Spanish Speaking group as Spanish Speakers represents the largest number of non-English speaking language group. Please note however, INDOT makes language assistance available to all LEP speaking individuals where the need is presented.

**The Safe Harbor Provision**

The U.S. Department of Transportation (U.S.DOT) has adopted the U.S. Department of Justice’s Safe Harbor Provision. This provision outlines circumstances that can provide a “safe harbor” for U.S.DOT recipients (and sub-recipients) regarding translation of vital documents. Specifically, if a recipient provides written translation of vital documents for each LEP group that constitutes 1,000 persons or five percent (5%) of the total population eligible to be served or likely to be affected or encountered, such action is considered strong evidence of compliance with the recipient’s written translation obligations.

The Safe Harbor Provision only applies to the translation of written documents. It does not affect INDOT's requirement to provide meaningful access to LEP individuals through oral language services. A vital document is any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and LEP persons specifically. Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. See FHWA guidance below:

**Table 1**

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

[https://www.fhwa.dot.gov/civilrights/programs/title\\_vi/lep\\_fourfactor.cfm](https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm)

### **Data by the Districts**

INDOT has six districts for the purpose of organizing and managing highway construction, maintenance, traffic, development, and testing. The six districts are Crawfordsville, Fort Wayne, Greenfield, LaPorte, Seymour, and Vincennes. Indiana has 92 counties which are divided amongst the six districts.

*Crawfordsville District:* Contains 14 counties (Benton, Boone, Clay, Clinton, Fountain, Hendricks, Montgomery, Owen, Parke, Putnam, Tippecanoe, Vermillion, Vigo and Warren)

*Fort Wayne District:* Contains 14 counties (Adams, Allen, DeKalb, Elkhart, Grant, Huntington, Kosciusko, LaGrange, Miami, Noble, Steuben, Wabash, Wells, Whitley.

*Greenfield District:* Contains 16 counties (Blackford, Delaware, Fayette, Hamilton, Hancock, Henry, Howard, Jay, Madison, Marion, Randolph, Rush, Shelby, Tipton, Union and Wayne)

*LaPorte District:* Contains 13 counties (Carroll, Cass, Fulton, Jasper, Lake, LaPorte, Marshall, Newton, Porter, Pulaski, St. Joseph, Starke and White) in this northwest Indiana district.

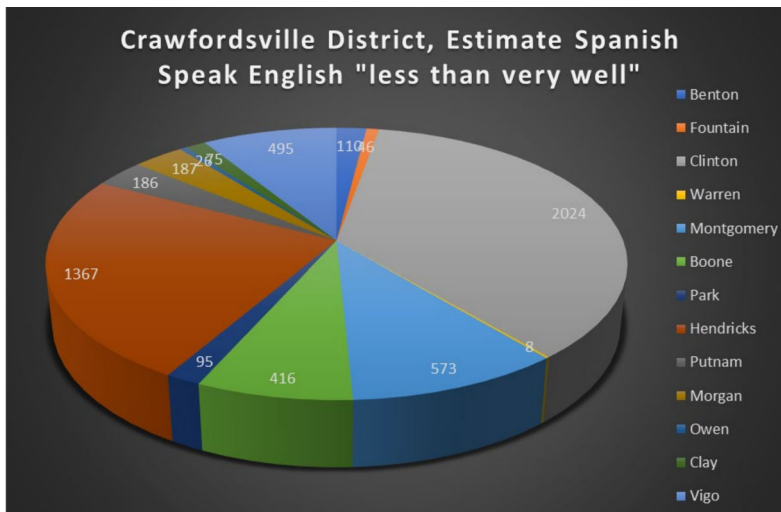
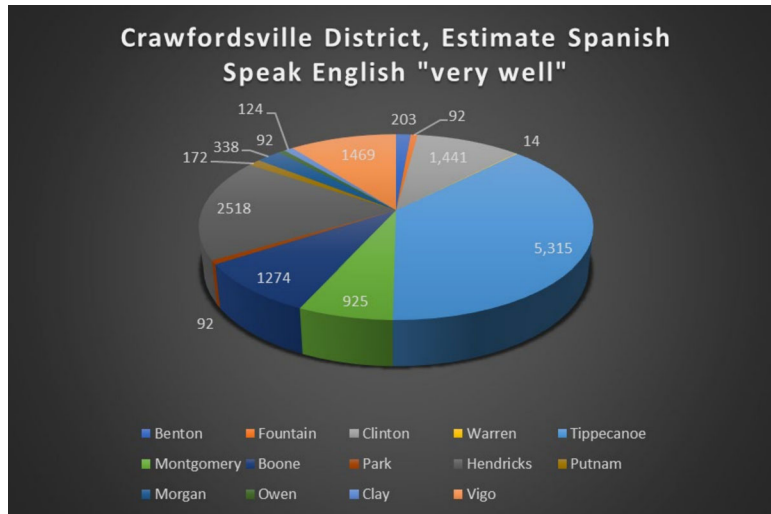
*Seymour District:* Contains 19 counties (Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Johnson, Monroe, Morgan, Ohio, Ripley, Scott, Switzerland and Washington

*Vincennes District:* Contains 16 counties (Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh and Warrick)



Data from US Census Bureau C16001 Language Spoken at Home for the Population 5 years and Over are depicted in the following Charts which shows the LEP breakdown of Spanish Speaking population per county, per each district.

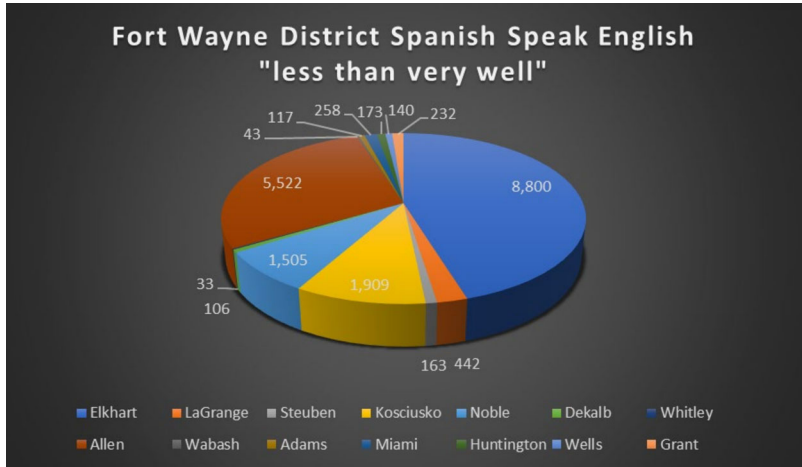
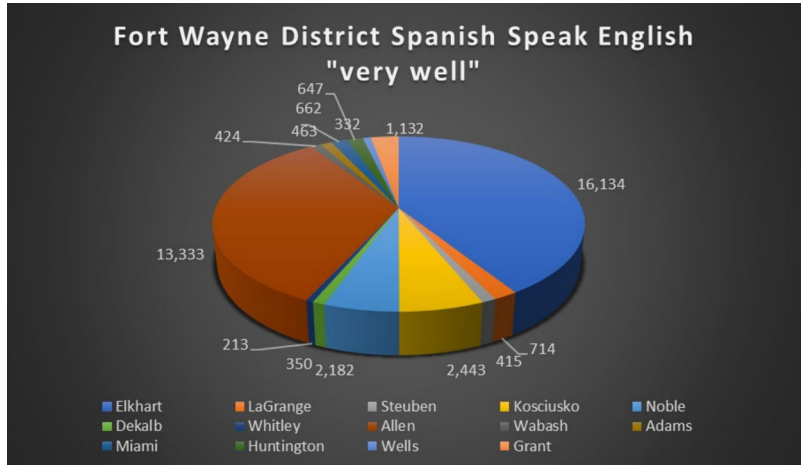
## CRAWFORDSVILLE DISTRICT



County	Total Residents	Percentage "less than very well"
Benton	8,115	1.35%
Boone	65,326	.64%
Clay	24,794	.30%
Clinton	30,730	6.59%
Fountain	15,464	.29%
Hendricks	162,483	.84%
Montgomery	35,673	1.61%
Owen	20,098	.13%
Parke	15,354	.62%
Putnam	35,043	.53%
Tippecanoe	175,399	2.01%
Vigo	100,614	.49%
Vermillion	14,699	.46%
Warren	8,003	.10%

[American Community Survey C16001](#)

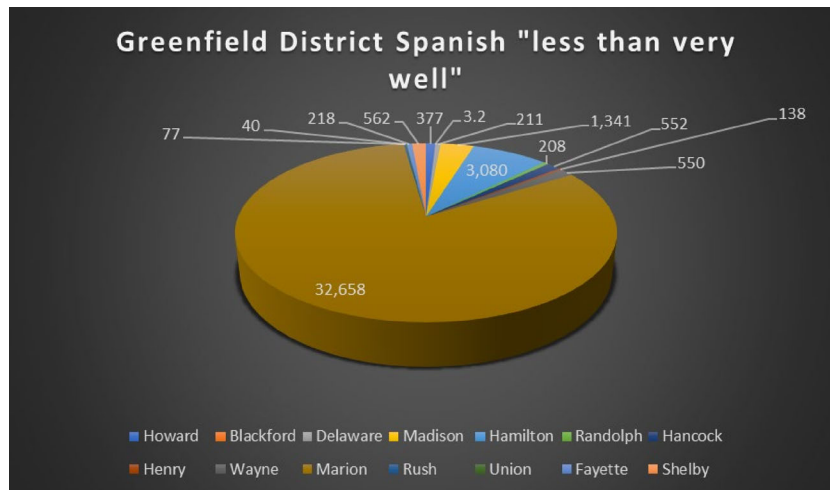
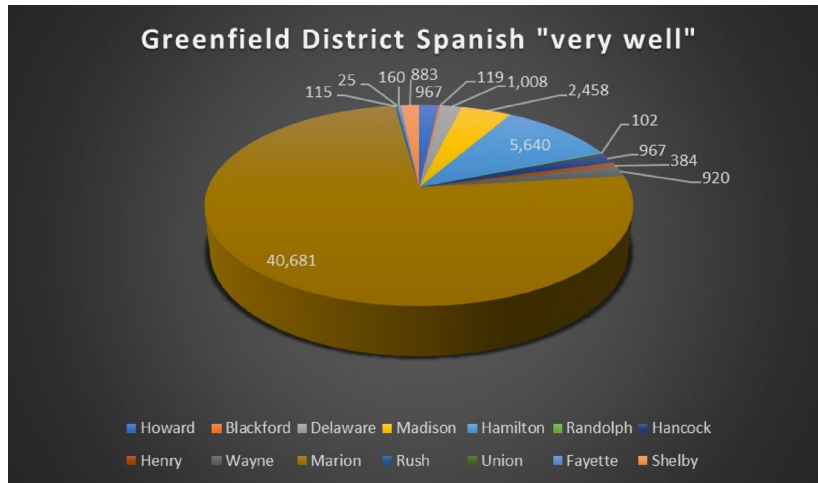
## FORTWAYNE DISTRICT



American Community Survey C16001

County	Total Residents	Percentage "less than very well"
Adams	32,427	.36%
Allen	355,363	1.56%
DeKalb	40,303	.26%
Elkhart	40,594	2.94%
Grant	63,061	.37%
Huntington	34,520	.50%
Kosciusko	75,111	2.54%
LaGrange	36,483	1.21%
Miami	34,162	.76%
Noble	44,260	3.40%
Steuben	32,550	.50%
Wabash	29,509	.16%
Wells	26,366	.53%
Whitley	31,898	.10%

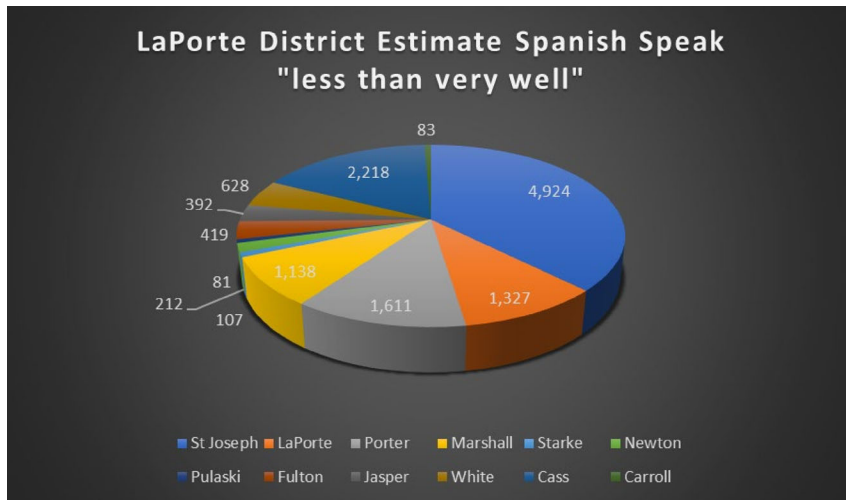
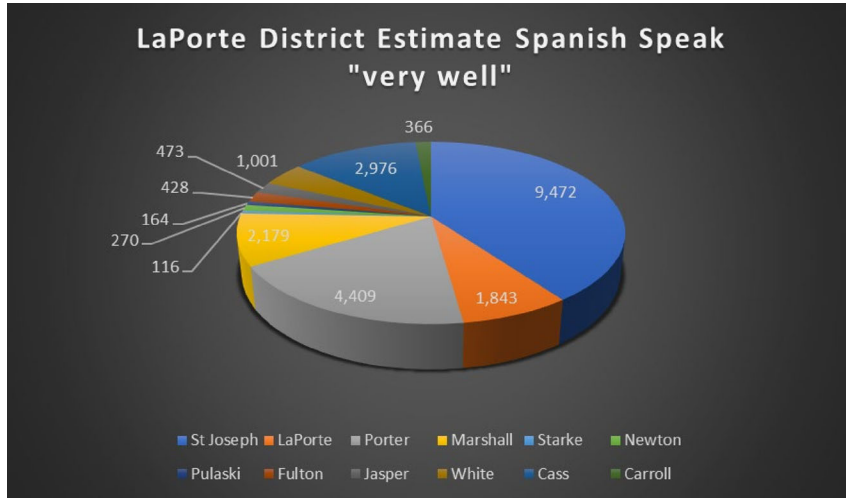
## GREENFIELD DISTRICT



County	Total Residents	Percentage "less than very well"
Blackford	11,520	.26%
Delaware	106,993	.20%
Fayette	22,140	.98%
Hamilton	320,238	.96%
Hancock	74,072	.75%
Henry	46,403	.30%
Howard	78,350	.51%
Jay	19,171	.31%
Madison	122,926	1.10%
Marion	900,462	3.63%
Randolph	23,168	.90%
Rush	15,779	.49%
Shelby	42,292	1.33%
Tipton	14,438	.13%
Union	6,654	.60%
Wayne	62,719	88%

[American Community Survey C16001](#)

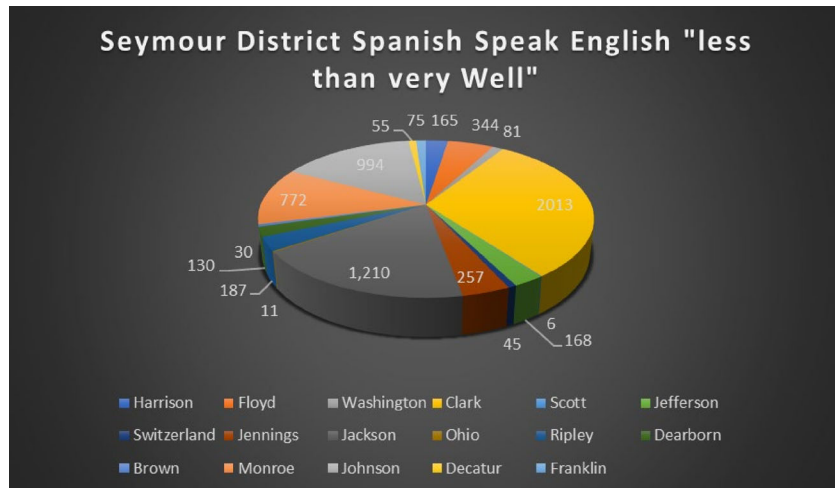
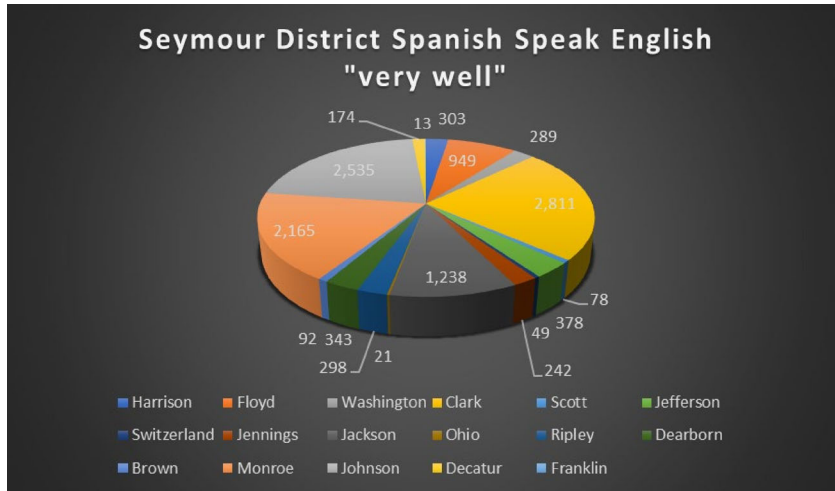
## LAPORTE DISTRICT



County	Total Residents	Percentage "less than very well"
Carroll	19,185	.43%
Cass	35,714	6.21%
Fulton	19,178	2.18%
Jasper	31,163	1.26%
Lake	466,670	3.36%
LaPorte	105,750	1.25%
Marshall	43,279	2.62%
Newton	13,104	1.62%
Porter	163,259	.99%
Pulaski	11,835	.68%
St. Joesph	254,803	1.93%
Starke	21,817	.49%
White	23,116	2.71%

[American Community Survey C16001](#)

## SEYMOUR DISTRICT

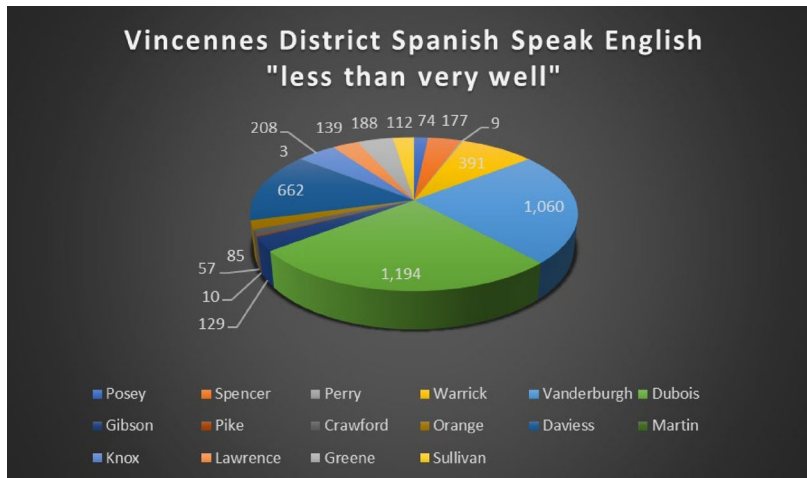
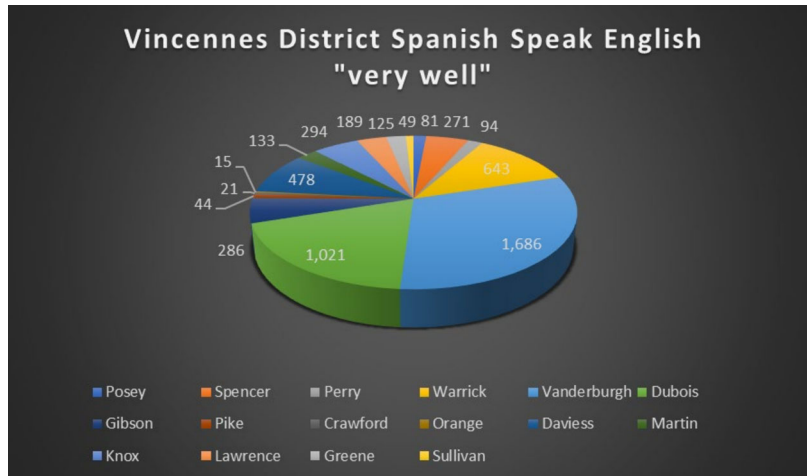


County	Total Residents	Percentage "less than very well"
Bartholomew	14,830	.20%
Brown	14,830	.20%
Clark	112,898	1.78%
Dearborn	47,863	.27%
Decatur	24,771	.22%
Franklin	21,448	.35%
Floyd	75,057	4.59%
Harrison	37,371	4.42%
Jackson	42,764	2.82%
Jefferson	31,198	.54%
Jennings	25,958	.99%
Johnson	149,796	.66%
Monroe	134,208	.58%
Morgan	67,470	.28%
Ohio	5,617	.20%
Ripley	27,185	.69%
Scott	22,893	.03%
Switzerland	9,311	.48%
Washington	26,440	.31%

[American Community Survey C16001](#)



## VINCENNES DISTRICT



County	Total Residents	Percentage "less than very well"
Crawford	9,898	.58%
Daviess	30,595	2.16%
Dubois	40,592	5.10%
Gibson	30,968	.42%
Greene	29,245	.64%
Knox	34,355	.61%
Lawrence	42,584	.33%
Martin	9,294	.03%
Orange	18,568	.46%
Perry	18,084	.05%
Pike	11,547	.09%
Posey	23,945	.31%
Spencer	18,908	.94%
Sullivan	19,598	.57%
Vanderburgh	169,189	.63%
Warrick	59,914	.62%

[American Community Survey C16001](#)

### **Summary of Factor One**

Spanish speakers are by far the most LEP populous and widespread throughout the state, with Spanish being the only language that meets the safe harbor threshold in Indiana districts. The district-level data assists INDOT in giving guidance on language access to its recipients throughout the state.

### **Factor #2: The frequency with which LEP individuals come in contact with the program**

The program/project must be evaluated in relationship to the number of persons who are within the program/project area, and the number of times they have frequented the program or activity. For public meetings, a sign-in sheet or survey is utilized to capture the demographic data of the participants. Planners and project managers must provide notice to LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life. Programs, services, and activities that have potential impact for LEP persons include but are not limited to:

- Public involvement and public engagement meetings/hearings for construction projects affecting LEP communities or individuals
- Welcome Centers and rest areas
- Roadside assistance drivers
- Transportation maintenance workers
- Transit
- Sub-recipients
- Requests for permits
- Real estate transactions/condemnation
- Payment of tolls at Indiana Toll Roads
- Internet access: INDOT websites must be accessible to LEP persons
- Requests for certifications, licenses
- Phone communications: notices/greetings in languages other than English

### **Factor #3: The Importance of INDOT's Service to People's Lives**

INDOT's services affect every community member. INDOT produces and distributes public safety and public service announcements for estimated travel times, notices for road closures to make construction zones safer; to reduce distracted and intoxicated driving; and to increase pedestrian, bicycle, and motorcycle safety. It is essential that INDOT effectively communicate its safety and public service announcements to the entire community, including non-English speakers. Further, INDOT is a large employer, and spends millions of dollars annually contracting work from DBEs. INDOT's planning

process relies on input from the public. INDOT's services are therefore important to every citizen including LEP person's lives, and must be accessible to everyone, regardless of ability to speak English.

**Factor #4: The resources available to INDOT for LEP outreach, as well as the costs associated with that outreach.**

As the state transportation agency responsible for coordinating the statewide transportation planning process, INDOT must make sure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and underrepresented population groups and communities of concerns, are part of the evaluation process. INDOT provides oversight and helps ensure that LEP and other protected classes of persons are not overlooked in the transportation planning process. In doing so, INDOT's FY 2024-2028 Statewide Transportation Improvement Program (STIP) is a key document in the Federal transportation planning and programming process. Impacts to communities are recognized early and monitored continually throughout the transportation decision-making process. One method for this is through enhanced public outreach and participation methods at all points of the statewide transportation planning process ensuring meaningful participation by citizens, including LEP populations.

Additionally, INDOT continues to strive to improve its data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that INDOT may continue to evaluate the effectiveness of its LEP Implementation Plan. Training provided to INDOT employees in person or via the online module contains information about LEP requirements and tools INDOT uses to gather information on an ongoing basis about LEP needs.

INDOT's LEP information gathering tools include the use of the following:

- Internal LEP Report Form
- "I Speak" Cards
- Ability of the public to request language services and translation services
- Use of demographic information, not limited to but including census information to determine whether LEP resources and / or alternative advertising measures should be considered as part of public involvement activities.
- Employee language questionnaires

## 5. INDOT'S FIVE-POINT LEP PLAN

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

USDOT LEP guidance says:

“Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.”

As a recipient of Federal Funds, INDOT must make reasonable efforts to notify the public of its eligibility for benefits, programs, and services in a language they understand. Methods used to inform LEP individuals about language assistance services may include translating outreach materials into other languages, updating non-English content in key languages on the main page of the program website and providing public service messages in non-English media describing INDOT's programs.

Some notification actions 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.
- Providing a document translation (and/or interpretation services) request form/notice translated into other languages when INDOT is aware that significant number of persons will be impacted by INDOT programs or activities who speak a language other than English, regardless of county- wide census data.
- Publish the LEP Plan on the INDOT's website to ensure public accessibility.
- Provide LEP translation services on INDOT's website.
- With advance notice, provide interpreter services at any meeting or public hearing.

- Interpreter to include foreign language and signs for the hearing impaired.

## **2. Translate Vital Documents**

A document is considered vital if it contains critical information for obtaining services or benefit or is required by law. To further assist INDOT employees in determining whether a document should be considered vital INDOT employees should consider whether the document's core purpose is related public engagement activities. Public engagement activities may include:

- Solicitation of public comments
- Circulation of document for public inspection and feedback before translating it
- Circulation of public notices

Public information related to key INDOT procedures, projects, or activities which may be reasonably likely to have a significant impact on an LEP population. 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:

- Notices of proposed public hearings regarding proposed transportation plans, projects, or changes.
- Emergency transportation information, such as road closures.
- 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.
- Consent forms.

The determination whether 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 the division’s 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 attempt to identify the language needs within its jurisdiction and current bilingual staff resources to meet those needs. Where communication of key or vital information is involved, INDOT employs the use of interpretation and translation services to ensure effective communication can be achieved. 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. This often occurs as part of our EJ analysis during the environmental stage of project planning.
- 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. In addition, INDOT employs the use of interpretation services when a request is made or when the threshold is met for the safe harbor requirement.
- 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. Our LEP report form tracks whether or not this practice is occurring, when and how often.
- Each INDOT component, program or activity identified as warranting language assistance measures should budget for language services to ensure that adequate resources exist for interpreters, translation and review of documents, and outreach. Notwithstanding any limitations of the current budget, programs should include language assistance resources as items in their future budget requests. Programs should be prepared to justify any failure to request funding for language assistance where the data indicates a need for such assistance.

#### **4. Staff Training**

INDOT staff should be properly trained so they know and understand their obligations to provide meaningful access to information and services for LEP persons. INDOT's current in-person and online training materials for employees include LEP requirements and policies. Training will be updated as these policies change. INDOT will review the necessity for additional training. This training must be mandatory for staff who have the potential to interact or communicate with LEP individuals, staff whose job it is to arrange for language assistance services and managers. Training shall explain how staff can identify the language needs of an LEP individual, access and provide the necessary language assistance services, work with interpreters, request document translations and track the use of language assistance services. Bilingual staff members who communicate "in-language" to LEP individuals or who serve as interpreters or translators, should be assessed and receive regular training on proper interpreting and translation techniques, ethics, specialized terminology and topics as needed

#### **5. Multilingual Staffing**

In-house multilingual staffing is a cost-effective way to provide language services to LEP individuals. When needs dictate, bilingual ability should be considered. The challenge with this approach is that very few individuals self-identify as both bilingual and willing to provide translation services. Best practices suggest that:

- INDOT create a directory of multilingual staff willing to volunteer their language

skills on an as needed basis.

- Bilingual staff should be trained and versed in the standards of the interpreting profession.

Bilingual staff or contractors should be assessed for bilingual proficiency, interpretation skills and sensitivity to the special confidentiality issues raised by interpreting for others. Individuals providing interpretative services should possess a level of fluency and comprehension appropriate to the specific nature, type, and purpose of information at issue. Bilingual staff should be encouraged and enabled to access interpreter and translation training. The list of INDOT's LEP Staff volunteers are found in the appendices herein.

## **6. LEP MONITORING AND UPDATING**

INDOT's Title VI Manager is responsible for monitoring and implementation of the Limited English Proficiency Plan. The Plan will be reviewed annually to determine whether updates are needed. The Title VI Manager will:

1. Coordinate identification of language service needs and strategies so that INDOT employees will have access to appropriate language services in their interactions with LEP individuals.
2. Ensure the agency's compliance with the LEP Policy and Plan.
3. Provide notice of the language assistance services in the following areas:
  - a) Posters in public areas.
  - b) "I Speak" language identification cards at reception area.
  - c) INDOT Website.
4. Conduct an annual review analyzing changes in:
  - a) Census data.
  - b) Current LEP populations affected or encountered.
  - c) Frequency of encounters with LEP language groups.
  - d) The nature and importance of activities to LEP individuals.
  - e) The availability of resources, including technological advances, sources of additional resources, and the cost incurred.
  - f) Whether the existing LEP Plan is meeting the needs of LEP individuals.
  - g) Whether INDOT employees understand the LEP Plan, and how to implement.



h) Whether identified sources for assistance are still available.

INDOT's Title VI Program Manager is:

Taffanee Keys  
Civil Rights Counsel  
100 N. Senate Ave. Room N758-PQ  
Indianapolis, IN 46204  
[tkeys@indot.in.gov](mailto:tkeys@indot.in.gov)

## **7. LEP COMPLAINT PROCEDURE**

The Title VI regulations provide that INDOT must investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations which are inclusive of LEP.

Complaints of discrimination involving LEP, Title VI, and related nondiscrimination statutes will be investigated using the INDOT Title VI complaint procedures included in INDOT's Title VI Implementation Plan. INDOT's Title VI Implementation Plan can be found at:

<https://www.in.gov/indot/accessibility-and-non-discrimination/nondiscrimination-at-indot/>

Questions or comments regarding this LEP Plan or questions related to Title VI should be directed to:

Taffanee Keys  
Attorney Senior (Civil Rights Counsel)  
Prequalification – Policy & Compliance  
Indiana Government Center North  
100 N. Senate Ave., Room N758-PQ  
Indianapolis, IN 46204  
1-855-INDOT4U (463-6848)  
[tkeys@indot.in.gov](mailto:tkeys@indot.in.gov)

## **APPENDICES**

- i) LEP Report Form
- ii) Language Questionnaire
- iii) Multi-lingual Employee Volunteer List
- iv) Language Identification Cards
- v) Title VI Public Involvement Survey

## LIMITED ENGLISH PROFICIENCY (LEP) REPORT

**USE OF FORM:** This form should be used to record and report communications with or requests for services from individuals and / or entities in need of language services. If there is a language barrier between an INDOT employee in an individual or group interaction, please provide as much information regarding the interaction as possible on this form.

**TRANSMITTAL:** Please complete this form and deliver it by mail, facsimile, or e-mail to:

Taffanee Keys  
 Attorney Senior (Civil Rights Counsel)  
 Prequalification – Policy & Compliance  
 Indiana Government Center North  
 100 N. Senate Ave., Room N758-PQ  
 Indianapolis, IN 46204  
 Email: [tkeys@indot.in.gov](mailto:tkeys@indot.in.gov)

Date of Form Completion:	INDOT Employee Completing Form:	INDOT Employee Job Title / Role:	INDOT Employee Work Phone:
Date of LEP Issue:	Was there a request for language services? [ ] YES [ ] NO	If requested, by whom:	INDOT Employee E-mail:
Contact Type: <input type="checkbox"/> Individual face-to-face <input type="checkbox"/> Individual by phone <input type="checkbox"/> Individual in writing <input type="checkbox"/> Agency-sponsored Public Meeting <input type="checkbox"/> Event (describe below) <input type="checkbox"/> Contact by outside organization <input type="checkbox"/> Other (please describe below)		Level of Language Barrier: <input type="checkbox"/> Communication was not possible <input type="checkbox"/> Communication was significantly impaired. <input type="checkbox"/> Communication was partially possible <input type="checkbox"/> Communication was possible due to interpretation provided by a non-INDOT sponsored interpreter. Was this interpreter a minor [ ] YES [ ] NO <input type="checkbox"/> Communication was possible due to language services provided by interpreter or translator retained by INDOT or the forum in which the services were required.	
Number of people requiring language services:			
Language for which LEP services were required:	How was this determined: [ ] I Speak Cards [ ] Self-identified [ ] Other (describe)	Type of services needed: (check all that apply) [ ] In person interpretation [ ] Telephone interpretation [ ] Written material translation [ ] Other	

*Please use the back of this form if additional information is required. Contact Taffanee Keys with any questions.*

[www.in.gov/dot/](http://www.in.gov/dot/)  
**An Equal Opportunity Employer**



## LIMITED ENGLISH-PROFICIENCY REPORT FORM

# Language Questionnaire

Your assistance is needed! As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is required to evaluate its programs and activities for language accessibility, and to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CFR §200.9(b)(4)). INDOT distributes this voluntary survey to fulfill that requirement.

You are not required to complete this questionnaire. Submittal of this information is voluntary; however, we ask you to complete the questionnaire as you may be able to assist others by translating important information if needed. INDOT will use the survey responses to monitor its programs and activities for compliance with Title VI of the Civil Rights Act of 1964, as amended (Title VI) and its related statutes and regulations. If you have any questions regarding INDOT's responsibilities under Title VI, please contact INDOT's Title VI/ADA Program Manager, Taffanee Keys at 100 N Senate N758-PQ, Indianapolis, IN 46204, e-mail: [tkeys@indot.in.gov](mailto:tkeys@indot.in.gov).

**Please submit the completed survey to your Human Resources Manager.**

## Employee Contact Information

Employee Name: \_\_\_\_\_

Work Division/District: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Work Email Address: \_\_\_\_\_

Survey Completion Date: \_\_\_\_\_

## Questions

1. Do you speak, write, and/or read another language in addition to English?  Yes  No
2. If you speak more than one language, would you be willing to volunteer to provide language assistance as needed, if there is a need for translation or interpreter assistance?  Yes  No

***If you answered yes to questions 1 and 2, please proceed to question 3; however, if you answered no to either question, you have completed the questionnaire.***

**MULTI-LINGUAL EMPLOYEE VOLUNTEER LIST**

Last Name	First Name	Phone	Email	District	Language 1	Native Speaker	Language 2	Native Speaker	Language 3	Native Speaker	Language 4	Native Speaker	Proficiency	Notes	Input Date
McCray	Blake			Seymour	American Sign Language										2/20/2012
Torres	Thera				American Sign Language		Spanish						Limited		10/17/2012
Herron	Terry	(765) 683-1091	<a href="mailto:therron@indot.in.gov">therron@indot.in.gov</a>	Greenfield	American Sign Language										
Ringle	Paul	(219) 866-7422	<a href="mailto:pringle@indot.in.gov">pringle@indot.in.gov</a>	LaPorte	American Sign Language										
Tucker	Tabi	(812) 895-7302	<a href="mailto:ttucker@indot.in.gov">ttucker@indot.in.gov</a>	Vincennes	American Sign Language										
Tlahun	Alebachew	(317) 467-3946	<a href="mailto:atlahun@indot.in.gov">atlahun@indot.in.gov</a>	Greenfield	Amharic								Fluent/High		
Al-Jundub	Amjad M.	(317) 945-7666	<a href="mailto:amjundub@indot.in.gov">amjundub@indot.in.gov</a>	Greenfield	Arabic										
Dughalsh	Khail	(812) 895-7377	<a href="mailto:kdughalsh@indot.in.gov">kdughalsh@indot.in.gov</a>	Vincennes	Arabic										
Griffler	Darcy	(219) 325-7591		LaPorte	Armenian										
Sarker	Ahfid	(260) 797-1886	<a href="mailto:ahfid01@students.iou.edu">ahfid01@students.iou.edu</a>	Fort Wayne	Bengali									Co-op	1/9/2012
Kwong	U-Chung Alex	(765) 361-5288	<a href="mailto:ukwong@indot.in.gov">ukwong@indot.in.gov</a>	Crawfordsville	Chinese (Cantonese)		Chinese (Mandarin)						Intermediate/High	Intermediate Cantonese	
Tsai	Jenbin	(812) 897-1402	<a href="mailto:tsai@indot.in.gov">tsai@indot.in.gov</a>	Vincennes	Chinese (Mandarin)								Fluent/High		
Alzail	Shahnaaz M.	(317) 467-3973	<a href="mailto:sahnaaz@indot.in.gov">sahnaaz@indot.in.gov</a>	Greenfield	Farsi		Hindi		Urdu		Arabic		Intermediate/High		
Mackooni	Hamid	(812) 305-5003	<a href="mailto:hmackooni@indot.in.gov">hmackooni@indot.in.gov</a>	Vincennes	Farsi								Fluent/High		
Swope	Bruce	(574) 936-4057		LaPorte	French		Greek						Limited/Intermediate	Limited Greek Translation	
Devlin	Chris	(812) 524-3952		Seymour	French										3/5/2012
Carrow	Tom	(317) 697-5961	<a href="mailto:tcarrow@indot.in.gov">tcarrow@indot.in.gov</a>	Greenfield	German								Limited/Intermediate		
Mina	Robert			Fort Wayne	German								Fluent/High		11/28/2011
Roe	Alex	(765) 480-6049		Greenfield	German										
Sklrner	Wayne	(219) 325-7554	<a href="mailto:wsklrner@indot.in.gov">wsklrner@indot.in.gov</a>	LaPorte	German								Limited		
Patel	Utpal	(317) 467-3976	<a href="mailto:upatel@indot.in.gov">upatel@indot.in.gov</a>	Greenfield	Hindi		Urdu		Gujrati				Fluent/High	Limited Urdu	
Hamelman	Josep	(812) 524-3952	<a href="mailto:jhamelman@indot.in.gov">jhamelman@indot.in.gov</a>		Italian										
Ostrega	Barb	(219) 325-7503	<a href="mailto:bstrega@indot.in.gov">bstrega@indot.in.gov</a>	LaPorte	Polish		Spanish						Limited/Intermediate	Limited Spanish Skills	
Rogers	Michael	(317) 467-3472	<a href="mailto:mrogers@indot.in.gov">mrogers@indot.in.gov</a>	Greenfield	Spanish		Irish						Limited/Intermediate		
Alonzo	Elizabeth	(260) 696-8274	<a href="mailto:ealonzo@indot.in.gov">ealonzo@indot.in.gov</a>	Fort Wayne	Spanish								Limited/Intermediate		
Bowman	Sarah	(260) 696-8265	<a href="mailto:sbowman@indot.in.gov">sbowman@indot.in.gov</a>	Fort Wayne	Spanish								Limited/Intermediate		
Brewo	Jesse				Spanish										10/31/2011
Cox	Edward	(812) 524-3762	<a href="mailto:ecox@indot.in.gov">ecox@indot.in.gov</a>	Seymour	Spanish								Limited		
De Lafoza	Jesse	(812) 890-9258		Vincennes	Spanish								Intermediate/High		
Flores	Steven	(812) 524-3969	<a href="mailto:stflore@indot.in.gov">stflore@indot.in.gov</a>	Seymour	Spanish								Limited/High	Limited (Translation)	
Gomez	Mario	(219) 808-2082	<a href="mailto:management110@yahoo.com">management110@yahoo.com</a>	LaPorte	Spanish										
Hess	Robert Lee	(317) 467-3932	<a href="mailto:rhess@indot.in.gov">rhess@indot.in.gov</a>	Greenfield	Spanish								Limited	Former Peace Corp Volunteer	
Mendoza	Eva Maria Uribe	(812) 867-9017	<a href="mailto:emendoza@indot.in.gov">emendoza@indot.in.gov</a>		Spanish		X								10/17/2012
Revilla	Dawn		<a href="mailto:drevilla@indot.in.gov">drevilla@indot.in.gov</a>		Spanish										10/17/2011
Reyes	Grace	(317) 467-3906	<a href="mailto:greyes@indot.in.gov">greyes@indot.in.gov</a>	Greenfield	Spanish								Fluent/High		
Rodriguez	Arielle			Fort Wayne	Spanish								Intermediate/High	Seasonal Employee	12/12/2011
Romeo, Jr.	Raul	(219) 939-3906		LaPorte	Spanish								Fluent/High		
Winebrinner	Robert Blane				Spanish								Intermediate		11/28/2011
Colglazier	Maricor	(812) 524-3968	<a href="mailto:mcolglazier@indot.in.gov">mcolglazier@indot.in.gov</a>	Seymour	Tagalog		Cebuano						Limited	High Cebuano (Interpretation)	

Last Updated 5/7/2012



## Language Identification Card

I work for the U.S. Census Bureau. Is someone here now who speaks English and can help us?  
If not, someone may contact you who speaks \_\_\_\_\_.

### Español (Spanish 02)

Trabajo para la Oficina del Censo de los EE. UU. ¿Se encuentra alguien que hable inglés y pueda ayudarnos? Si no, alguien que habla español podría comunicarse con usted.

### 普通话、广东话 (Chinese simplified)

我是美国人口普查局的工作人员。请问您这里有没有会说英语的人可以帮助我们？

(Mandarin 03): 如果没有，可能会有会讲普通话的人与您联系。

(Cantonese 04): 如果没有，可能会有会讲广东话的人与您联系。

如果您閱讀繁體中文，請參閱第2頁（普通話或廣東話）(Chinese traditional on pg 2)

### Tiếng Việt (Vietnamese 05)

Tôi làm việc cho Cục Thống Kê Dân Số Hoa Kỳ. Hiện có ai ở đây biết nói tiếng Anh và có thể giúp quý vị và tôi không? Nếu không, một nhân viên nói tiếng Việt có thể sẽ liên lạc với quý vị.

### 한국어 (Korean 06)

저는 미국 인구조사국에서 일하고 있습니다. 여기 계신 분 중에서, 영어를 하실 수 있어서 저희를 도와주실 수 있는 분이 혹시 계신지요? 없으시면, 한국어를 하시는 분이 연락을 드릴 수도 있습니다.

### Русский (Russian 07)

Я представляю Бюро переписи населения США. Присутствует здесь кто-нибудь, кто говорит по-английски и мог бы помочь нам? Если нет, то тогда возможно, с Вами свяжется наш сотрудник, говорящий по-русски.

### العربية (Arabic 08)

أنا أعمل بملعب الإحصاء الأمريكي. هل يوجد شخص هنا يتكلم الإنجليزية و يمكنه ان يساعدنا الآن؟ إذا لا، فقد يتصل بكم شخص يتكلم اللغة العربية.

### Tagalog (Tagalog 09)

Nagtatrabaho ako para sa Kawanihan ng Senso ng U.S. Mayroon ba rito ngayong nagsasalita ng Ingles at maaaring tumulong sa amin? Kung wala, maaaring may kumontak sa inyo na nagsasalita ng Tagalog.

### Polski (Polish 10)

Jestem pracownikiem Urzędu Spisu Ludności USA. Czy w tej chwili jest tu ktoś, kto mówi po angielsku i może nam pomóc? Jeżeli nie, może skontaktować się z Państwem ktoś, kto mówi po polsku.

### Français (French 11)

Je travaille pour le Bureau de recensement des États-Unis. Y a-t-il quelqu'un ici qui parle anglais et qui pourrait nous aider? Sinon, quelqu'un qui parle français pourrait vous contacter.

### Kreyòl Ayisyen (Haitian Creole 12)

Mwen travay pou Biwo Resansman Etazini. Èske gen yon moun la ki pale anglè ki ka ede nou? Si pa genyen, yon moun isit la ki pale kreyòl ka rele ou.

### Português (Portuguese 13)

Trabalho para a Agência do Censo dos EUA. Há alguém aqui, agora, que fale inglês e que possa nos ajudar? Caso não haja, uma pessoa que fala português poderá entrar em contato com você.

### 日本語 (Japanese 14)

私はアメリカ合衆国国勢調査局の係員です。こちらには英語を理解できこの調査にご協力いただける方がいらっしゃいますか？もしない場合は、日本語を話す係員があなたに連絡をすることがあります。

D-ID (09-19-19)



# INDIANA DEPARTMENT OF TRANSPORTATION

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CFR 200.9 (b)(4)), INDOT is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by a proposed project.

You are not required to complete this survey. **Submittal of this information is voluntary.** This form is a public document that INDOT will use to monitor its programs and activities for compliance with the Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have questions regarding INDOT's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act (ADA), please contact INDOT's Title VI/ADA Program Management office at 100 North Senate Avenue, Room N758-ATG, Indianapolis, Indiana 46204, (317) 234-6142, FAX (317) 233-0891. In addition, please visit the INDOT Title VI Resource page at: <http://www.in.gov/indot/2751.htm>

You may return the survey to the registration table (if you received this survey while attending a public meeting or hearing), and if you are receiving this survey as part of a project mailing and choose to participate, please reply using the information contained within the survey.

## INDOT TITLE VI PUBLIC INVOLVEMENT SURVEY

Date (month, day, year): \_\_\_\_\_ Project Name: \_\_\_\_\_

Gender:  Female  Male Ethnicity:  Hispanic or Latino  Not Hispanic or Latino

Race: (Check one or more):  American Indian or Alaska Native  Asian  Black or African-American  
 Native Hawaiian or Other Pacific Islander  White  Multiracial

Age:  1-21  22-40  41-65  65+ Disability:  Yes  No

Household Income:  \$0 - \$12,000  \$12,001 - \$24,000  \$24,001 - \$36,000  
 \$36,001 - \$48,000  \$48,001 - \$60,000  \$60,001 +

### Why is Title VI important?

- The purpose of Title VI is to eliminate discrimination in federally funded programs, activities and to ensure equitable distribution of public funds for public benefit

### How will this information be used?

- INDOT will monitor, track and document data received as a result of this survey in an effort to comply with Title VI of the Civil Rights Act of 1964
- Documentation is submitted to the Federal Highway Administration (FHWA) for evaluation and review
- INDOT incorporates compliance findings into program and project development activities

### How should I submit this information to INDOT?

- Mail to the INDOT Office of Public Involvement, Indiana Government Center North, N758-ATG, Indianapolis, Indiana 46204; ATTN: Kimberly Ray; E-mail [KiRay@indot.IN.gov](mailto:KiRay@indot.IN.gov); Visit <http://www.in.gov/indot/2366.htm>