
2023 Indiana Department of Transportation

Title VI Goals and Accomplishments Report



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Table of Contents

Introduction and Overview	3
Policy Statement	3
Nondiscrimination Organization & Structure	4
Program Area Reviews	4
Sub-recipient Reviews	9
Training	10
Title VI Complaints	10

Introduction and Overview

The Indiana Department of Transportation (“INDOT”) is a recipient of federal funds. As a recipient, INDOT’s maintains a 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.

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.”

INDOT seeks to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its’ Title VI program. This Goals and Accomplishment Report details the INDOT’s accomplishments with regards to administrating its’ Title VI Program.

This Annual Title VI Goals and Accomplishments Report summarized INDOT’s Title VI Implementation Program compliance activities for the one-year period following the previous 2022 annual report. This Report satisfies the requirements in 23 C.F.R. Part 200.9(b)(10). The Report covers five key areas:

1. Organization and Structure
2. Program Area Reviews
3. Subrecipient Reviews
4. Training
5. Title VI Complaints

Information on each of the above areas consists of a description of various programs and program areas, with FFY 2023 accomplishments and a description of goals or priorities for FFY 2024.

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.

Nondiscrimination Organization & Structure

January 2023, in accordance with 23 CFR 200.9(b)(1), INDOT hired and 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.

In 2022, INDOT made structural changes, and relocated its' Title VI Program Manager within INDOT's Prequalification – Policy & Compliance Division. Prequalification – Policy & Compliance has the responsibility to assess applicants, potential subrecipients, pre-award and post-award nondiscrimination compliance. This Division is required to conduct routine assessments prior to releasing funds to ensure Title VI compliance. The pre-award review assists INDOT in determining whether applicants operate in a nondiscriminatory manner. Pre-award reviews can also be used to require applicants to take preventive measures in their services as a condition of receiving contracts, federal funding. Pre-award reviews represent a frontline approach to eliminating and preventing discrimination before it occurs. As the Title VI Program Manager is responsible for the oversight and coordination of INDOT's compliance with Title VI and all related nondiscrimination statutes, regulations, and directives. The relocation of the Title Manager within Prequalification ensures INDOT's ability to implement a robust Title VI/Nondiscrimination Program.

Title VI requirements extend to all INDOT district offices. As such, INDOT takes the interdisciplinary approach in all its programs, services, and activities. INDOT's Title VI Interdisciplinary Team is comprised of Program Area (District Offices) Title VI Liaisons 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 nondiscrimination across the agency. In 2022/2023 INDOT made structural changes and is appointing new Title VI Liaisons and PARS to account for reorganization across the Department.

Program Area Reviews

Internal Title VI reviews will be performed annually in the form of a Title VI questionnaire. FFY 2023, the newly retained Civil Rights Counsel/Title VI Program Manager together with the Prequalification Director developed department and division questionnaires tailored with general and program specific questions that focus on gathering information about the implementation of Title VI/Nondiscrimination requirements. Questionnaires include, but are not limited to, Title VI administration questions, environmental justice public engagement information, limited English proficiency, accessibility, and training information. The questionnaires also ask for information regarding Title VI accomplishments and goals for the following federal fiscal year.

During FFY 2023, subsequent the preparation of departmental and division questionnaires, the Civil Rights Counsel/Title VI Program Manager and the Prequalification Director conducted individual meetings with several Central Office departments and divisions to review civil rights nondiscrimination compliance efforts. Due to the organizational restructuring that occurred, these meetings were not for the purposes of a formal audit. The meetings served only as a benchmark for future compliance efforts.

Observations of Title VI Activities & Recommendations

Capital Program Management: Planning Division

1. The Planning Division has standard operating procedures to ensure employees are operating in a nondiscriminatory manner.
2. The Division has developed policies, procedures and instructional manuals and guidance. These policies and procedures are utilized in the Division's project review process to ensure that projects selection does not subject any populations to disparate, adverse effects based on race, color, or national origin.
3. The Division engages in several activities which includes writing plans, conducting data analysis, reviewing performance outcomes, in the managing of capital programs to ensure minority, low-income, elderly, persons with disabilities, LEP populations are considered in the planning and decision-making process.
4. The Division ensures compliance regarding nondiscrimination in the public involvement process, as well as removing any barriers to access.
5. The Division has not received any Title VI complaints during this reporting period and is aware of INDOT's complaint process should any complaints be received.
6. The Division has not consistently conducted employee Title VI training. However, the Division receives anti-discrimination and harassment training yearly as required agency-wide via the Indiana State Personnel Department, Success Factors.

Recommendations:

The Planning Division should work with the Title VI Program Manager to develop a more robust and consistent training program for its employees. Staff Title VI training is an agency-wide goal.

Capital Program Management: Technical Plan & Programs Division

1. The Division issues policies, procedures, instructional manuals, and guidance documents that ensures all language is neutral and is nondiscriminatory as well as reflects the diverse populations of the state.
2. The Division accesses and conducts analysis of socioeconomic data profiles of the state in its STIP process to ensure INDOT's processes and procedures are administered in a nondiscriminatory manner.
3. The Division reviews Environmental Justice analysis on STIP project listings to address EJ populations.
4. The Division assess language needs pursuant to INDOT's Five Point LEP Plan.
5. The Division engages in public outreach in relation to planning efforts which includes issuing notification to diverse populations within the project area. Notifications include, but are not limited to, advertising meetings broadly via news publications, email, social media, and engaging with local constituents to ensure minority, low-income, persons with disabilities, elderly and LEP groups are aware of the project planning meetings to attend.

6. The Division conducts surveys at public meetings to capture demographic data.
7. The Division has not consistently conducted employee Title VI training. However, the Division receives anti-discrimination and harassment training yearly as required agency-wide via the Indiana State Personnel Department, Success Factors.
8. The Division has not received any Title VI complaints during this reporting period and is aware of INDOT's complaint process should any complaints be received.

Recommendations:

The Planning Division should work with the Title VI Program Manager to develop a more robust and consistent training program for its employees. Staff Title VI training is an agency-wide effort.

Capital Program Management: Real Estate & Right-of-Way

1. The Division follows the requirements as outlined in the Uniform Act when acquiring property and conducting relocations, and as such provides for a neutral process that is designed to address any adverse impacts that may occur.
2. The Division issues policies, procedures, instructional manuals, and guidance documents in compliance with Title VI, Environmental Justice and LEP. Manuals are reviewed by legal to ensure directives are neutral and will not result in any adverse impacts to any group.
3. The Division conducts training courses that include instructions on nondiscrimination in the Division's practices and activities.
4. The Division incorporates nondiscriminatory language in all advisory materials, such as pamphlets, to property owners and those displaced.
5. The Division collects data to determine if there were Title VI impacts or unfair practices. A monthly Title VI report is created and submitted to Title VI team. Data is captured from forms provided to property owners.
6. The Division 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 an area is identified as for example "low income", additional steps are taken to engage the communities and adverse impacts are accounted for before planning is progressed.
7. The Division did not received any Title VI complaints during this reporting period and is aware of INDOT's complaint process should any complaints be received.

Capital Program Management: Environmental Justice

1. The Division issues policies, procedures, instructional manuals, and guidance documents that are used to ensure during the early stages of the NEPA process traditionally underserved populations are made aware of projects and any potential impacts that may occur. These populations are given opportunities to provide comments on the project and known impacts.
2. The Division conducts public outreach and community involvement on all projects. The amount of public outreach is dependent on the type of project and potential impacts. The Division works with local agencies and stakeholders via email, phone, in person meetings to identify underserved populations and to disseminate information regarding public meetings

and general project information.

3. Public notifications are made via social media outlets, website, emails, radio, newspapers, direct mail, libraries, churches, parks, schools, etc.
4. Meetings are held at locations that are ADA accessible. Meetings are also held virtually with ADA accessibility.
5. The Division use site visits, census data, and local contacts (local officials, etc.) to profile the community where federally funded projects are planned, so that Limited English Proficient (LEP) persons are identified and accommodated.
6. The Division prepares 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. The Division has consistently encouraged employees to attend regional and national Title VI Environmental Justice training.
8. The Division has not received any Title VI complaints during this reporting period and is aware of INDOT's complaint process should any complaints be received.

Legal: Contract Administration

1. The Division ensures 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. The Division ensures 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. The Division ensures inclusion of required nondiscrimination provisions as well as nondiscrimination language are included in the selection of consulting firms.
4. Title VI compliance is integrated into the Contract Division's internal procedures and is reviewed and updated as necessary to maintain compliance.
5. The Division has not received any Title VI complaints during this reporting period and is aware of INDOT's complaint process should any complaints be received

Title VI Program Areas Accomplished Goal 2022 - 2023:

The Agency program areas met goals to ensure the level and quality of transportation services were provided without regard to race, color, or national origin.

Legal: Prequalification Compliance Division Accomplishments:

1. Organizational staffing changes occurred late 2022. Title VI and ADA responsibilities were housed within the Prequalification Compliance Division with the Director of Prequalification being appointed the Interim Title VI and ADA Program Manager.
2. January 2023 INDOT hired a Civil Rights Counsel / Title VI and ADA Program Manager.
3. INDOT's Title VI Program Manager and Prequalification Director developed tailored

program area review questionnaires for each key program area to initiate the internal program area review process for the FFY 2024.

4. Program area review questionnaires were distributed and initial baseline evaluations for several public facing program areas were conducted.
5. The 2023 Title VI Implementation Plan for FFY 2024 was developed; the developed Plan was approved by the Commissioner.
6. The 2023 LEP Plan was developed; the developed Plan was approved by the Commissioner.

Capital Program Management (within its' divisions):

1. September 1, FHWA and FTA jointly approved the FY2024-2028 STIP, including the Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs) incorporated into the STIP by reference.
2. Improvements were made to language services program.
3. Updated contractor regulation regarding accessibility requirements.
4. Met goal to keep condemnations less than 10%.
5. Met goal to secure parcels at 80-90% without exceptions.

People Services:

****Building DBE capacity and increasing the number of certified DBEs***

1. Prime contracts awarded for FFY 22 to DBEs numbered 42. FFY 23 the number of prime contracts awarded as 83, an increase of 41.
2. Subcontracts awarded/committed in FFY 22 were 474. FFY 23 the number of subcontracts awarded/committed were 1,150, an increase of 676.

****Job Training Programs-Growing Indiana's highway heavy construction workforce***

1. Developed and implemented the Better Your Future program (BYF) which is an adult prerelease program that focuses on helping inmate transition into the workforce of heavy highways and construction.
2. Developed and implemented the BY Roads program for individuals 18 and up who don't feel that college is a choice. This program exposes students to heavy highway and construction industry by creating opportunities to work in the industry.

FFY 2024 Program Area Goals:

1. Provide training to support the rollout of the 2023 FY 2024 Limited English Proficiency Plan and related resources.
2. Update employee volunteers and establish third party vendors, to aid LEP populations in customer-interfacing programs in interpretation services, and document translation.
3. Develop and provide new employee onboarding for Title VI, Environmental Justice, LEP, and ADA Nondiscrimination training.

4. Develop and provide annual Title VI, Environmental Justice, LEP, and ADA nondiscrimination training to all staff.
5. Expand available Title VI information and resources on the INDOT staff intranet.
6. Update Title VI information on webpage for all subrecipients; LPAs, contractors, consultants.
7. Initiate the internal program area review process with newly developed questionnaires for the FFY 2024 internal audit.

Subrecipient Reviews

INDOT as a recipient of federal funds, monitors Title VI compliance and implementation of its subrecipients which includes local governments, Metropolitan Planning Organizations (MPO), Local Public Agencies (LPA), and private entity partners. All subrecipients of federal funds through INDOT should have a current Title VI plan with a commitment to review and submit new Title VI plans yearly. Title VI subrecipient programs are reviewed and subrecipients are informed of areas for revision or improvement as needed, with a clear plan of assistance and submission deadlines communicated to the partner agency.

Title VI Subrecipient Program Review Accomplished Goal 2023:

The Agency met goals to evaluate the Title VI and related statutes compliance measures of LPAs and contractors to assess the level and quality of transportation services that were provided without regard to race, color, or national origin.

In 2023, the Title VI Program Manager and members of the Prequalification Division surveyed 300 LPAs listed with INDOT to ascertain if Title VI compliant Plans were submitted.

Additionally, a total of seven (7) LPA Title VI subrecipient program reviews were conducted to evaluate whether subrecipients were following Title VI of the Civil Rights Act of 1964, (42 USC 2000d to 2000-4), The Civil Rights Restoration Act of 1987, (Pub. L. No. 100-259), 23 CFR 200 and 49 CFR 21, Federal-Aid Highway Act of 1973, (23 USC 324), Executive Order 13166 and other related Acts and Orders related to Title VI. Elements for review included statements of scope and methodology, organization, and staffing, plans and documents, data analysis, policies and procedures, complaint processes, training, and public participation. The review process also included discussion of the subrecipient's plans and procedures under Executive Order 13166 for Improving Access to Services for Persons with Limited English Proficiency and the Americans with Disabilities Act (ADA).

Further, in 2023 contractor regulatory compliance meetings were conducted with three (3) contractors. The compliance meeting reviews assisted INDOT in determining whether contractors operate in a nondiscriminatory manner. Reviews were used to determine if contractors were taking preventive measures to ensure that discrimination does not occur in their services as a condition of receiving contracts. Regulatory compliance meetings were used to determine if the organization has a responsible person for the administration of Title VI policies and procedures; that project managers, and other staff were made aware of Title VI compliance regulations, procurement procedure process for subcontractors, methods to notify subcontractors and suppliers of their obligations under contract to adhere to Title VI requirements; accessibility of facilities and meeting areas

for persons with disabilities; Limited English Proficient translation services; DBE contracts/subcontracts; training, and complaints and complaint process.

FFY 2024 Subrecipient Goals:

1. Conduct no less than 4 subrecipient desk reviews of LPAs.
2. Conduct no less than 4 contractor regulatory compliance meetings.
3. Review and update subrecipient resources and templates.
4. Update subrecipient and contractor Title VI webpages.

Training

Title VI Training Accomplished Goal 2023:

The Agency met training goals to inform internal and external constituents regarding Title VI and related statutes

2023 INDOT's Title VI training consisted of presentations to internal and external audiences statewide. Individual and targeted training sessions were conducted to benefit specific district areas, entities, and/or program areas. Trainings included Title VI, Environmental Justice, Limited English Proficiency, ADA.

Trainings conducted were as follows:

1. February 9, 2023, Crawfordsville Winter Construction Conference.
2. February 15, 2023, Vincennes Winter Construction Conference.
3. March 22, 2023, Virtual Local Public Agency (LPA) Training with FHWA invited for questions and advice.
4. March 29, 2023, Maintenance Contractor Construction Season Kick-Off.
5. August 1, 2023, Greenfield Central Indiana Small Business Association Doing Business with INDOT Seminar.
6. October 4, 2023, CFMA (Construction Financial Management Association) Conference, Doing Business with INDOT Seminar.

FFY 2024 Training Goals:

1. Develop and conduct annual Title VI, EJ, LEP and ADA training agency wide.
2. Conduct Title VI, EJ, LEP and ADA new employee onboarding training.
3. Conduct annual trainings for LPAs and subrecipients with FHWA as invited guest, training will be recorded and uploaded on website for future use.
4. Offer ADA construction and inspection training based on new PROWAG regulations and INDOT policy updates.

Title VI Complaints

Title VI Program Areas Accomplished Goal 2022 - 2023:

The Agency met goals to ensure the level and quality of transportation services are provided without regard to race, color, or national origin by minimizing civil rights complaints.

The Prequalification Title VI Team maintains a log of Title VI complaints received from members of the public and records every time INDOT's Title VI complaint form is used to lodge a Title VI civil rights discrimination complaint. INDOT's complete complaint process can be found in its 2023 Title VI Implementation Plan for FFY 2024.

There were no Title VI Complaints lodged during the FFY of 2023.

FFY 2024 Complaint Process Goals:

1. Continue to communicate with Divisions throughout the year to review complaints received by the agency and work to resolve them appropriately.
2. Ensure training regarding identification of Title VI complaints is included in training sessions.