

INDIANAPOLIS METROPOLITAN PLANNING ORGANIZATION



## **TITLE VI & NON-DISCRIMINATION**

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2026 TITLE VI AND NON-DISCRIMINATION  
POLICIES AND COMPLAINT PROCEDURES

## INDIANAPOLIS MPO

### TITLE VI AND NON-DISCRIMINATION COMPLAINT POLICIES AND PROCEDURES

#### Prepared by

#### Indianapolis Metropolitan Planning Organization

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Indianapolis, IN 46204

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The Indianapolis Metropolitan Planning Organization (IMPO) values each individual's civil rights. As a recipient of federal funds, the IMPO conforms to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the IMPO. The IMPO further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded. For any and all inquiries regarding the application of this accessibility statement and related policies, please view the IMPO Title VI page, [indympo.gov/policies](http://indympo.gov/policies).

In accordance with Title II of ADA and Section 504, no qualified person with a disability shall be denied participation or benefits of IMPO programs

This plan was prepared in cooperation with the State of Indiana, the Indiana Department of Transportation, and the Federal Highway Administration. This financial assistance notwithstanding, the contents of this document do not necessarily reflect the official view or policies of the funding agencies.

If information is needed in another language, contact 317-327-5136 or [info@indympo.gov](mailto:info@indympo.gov).

Si se necesita información en otro idioma, comuníquese con 317-327-5136 o envíanos un correo electrónico a [info@indympo.gov](mailto:info@indympo.gov).

For alternative formats, translation services, or accommodation needs for persons with disabilities, or to view documents in person at our offices please contact us at [info@indympo.gov](mailto:info@indympo.gov), 317-327-5136, or visit our offices at 200 East Washington Street, Suite 2322, Indianapolis, IN 46204.

# 1 OVERVIEW

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Every urbanized area with a population of 50,000 or more (as defined by the US Census) is required by federal regulations to have a designated Metropolitan Planning Organization (MPO). MPOs are responsible for conducting a continuing, cooperative, and comprehensive transportation planning process.

MPO Program oversight is a joint Federal Highway Administration (FHWA) / Federal Transit Administration (FTA) responsibility. The MPO planning process is a prerequisite to the area receiving certain federal funds for urban planning and transportation construction projects.

The Indianapolis Metropolitan Planning Organization (IMPO) is Central Indiana's federally-designated regional planning organization. The IMPO develops short and long-range plans to support local governments and advance the region's goals in transportation, economic development, housing, safety, sustainability, and other quality-of-life issues. The IMPO collects, analyzes, and communicates regional data to inform planning efforts and guide decision-making. The IMPO also tracks and distributes specific grant funds to local governments for the planning and construction of roads, trails, transit, and other infrastructure that moves people and goods throughout Central Indiana. Our planning area spans nearly 1,500 square miles and includes Marion County and parts of Boone, Hancock, Hamilton, Hendricks, Johnson, Morgan, and Shelby counties. The IMPO serves 36 member jurisdictions and approximately 1.78 million residents.

Per federal regulations, the functions and responsibilities of the IMPO include the development of an annual Unified Planning Work Program (UPWP), an annual list of obligated projects, a 4-year Transportation Improvement Program (TIP), a long-range Metropolitan Transportation Plan (MTP), and a Public Involvement Plan (PIP). The IMPO must also demonstrate compliance with Title VI and other nondiscrimination requirements.

The IMPO is a recipient of federal funding and assistance, and as such is subject to the provisions of various non-discrimination laws and regulations, including Title VI and environmental justice policies. MPOs serve a unique regional role that brings together members of local cities, counties, and the DOT to aid in the development of local transportation plans and programs that address the metropolitan area's needs. In this role, MPOs can help local public officials understand how Title VI and environmental justice requirements improve planning and decision-making.

The IMPO has developed this Title VI Plan to ensure that services, programs, and activities are offered, conducted, and administered fairly, whether those programs and activities are federally funded or not.

## 2 POLICY BACKGROUND

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The Indianapolis Metropolitan Planning Organization (IMPO) is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any IMPO program or activity on the basis of race, color, national origin, sex, age, disability, religion, income status, or limited English proficiency (LEP). This policy implements Title VI of the Civil Rights Act of 1964 (49 U.S.C. § 2000d et seq.), applicable DOT regulations (49 C.F.R. Part 21), and related statutes and guidance. The IMPO will make reasonable efforts to ensure meaningful access to services for persons with LEP.

Title VI seeks to prevent and eliminate existing discrimination and ensure that public funds are used for public benefit. Federal financial assistance is defined as any federal aid, subsidy, grant, loan, or contract from a department like the Department of Transportation (DOT) or Federal Highway Administration (FHWA) for a program or activity. Federal funds stem from tax dollars paid by all people and the programs, activities, and facilities developed from them must benefit everyone equally. Assurances must be signed by those who receive federal funds to create a mechanism for accountability to ensure these funds are equitably spent.

The Title VI obligation to not discriminate and to actively assess, address, and eliminate discrimination stems from being recipients or subrecipients of federal funds designing, building, and implementing programs and facilities for the beneficiaries (the general public) of these programs, activities, and facilities. It does not matter if a particular program or facility an entity is developing uses federal funds or not. Once they receive even \$1 worth of federal financial assistance, a city, town, or other entity must continually comply with Title VI.

Recipients of federal funds are required to have a Title VI Program Manager, grievance procedure & complaint log, evidence of regular Title VI training, signed Assurances of nondiscrimination, evidence of subrecipient monitoring, and an Annual Title VI Implementation Plan demonstrating that they have integrated Title VI requirements into their programs to remain eligible to receive federal financial assistance. Federal financial assistance means more than just money. It also includes aid that enhances the ability to improve or expand the allocation of a recipient's resources, including grants, use of property, training, tax incentives, technical assistance, and other arrangements with the intention of providing assistance.

Title VI applies to both primary recipients and subrecipients. A primary recipient is an entity or person that directly receives Federal financial assistance and/or manages a program or activity (such as INDOT). A subrecipient is an entity or person to whom federal financial assistance is indirectly extended either through a recipient or another subrecipient (such as contractors, subcontractors, or agencies receiving grants from a recipient). The definition of contractor includes any person who participates through a contract or subcontract in a DOT-assisted program.

Two other areas that fall under the umbrella of Title VI are Environmental Justice (“EJ”) and Limited English Proficiency (“LEP”) requirements.

The three fundamental Environmental Justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Under Title VI, recipients are required to provide Limited English Proficiency (LEP) individuals with meaningful access to their programs and services. Providing "meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents. LEP strategies begin with an analysis of LEP needs and the development of a Language Access Plan. The IMPO's Language Access Plan is found within the attached Public Involvement Plan.

### **3 DISCRIMINATION UNDER TITLE VI**

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There are three types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination that may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of characteristics such as their race, color, national origin, sex, disability, or age. The evidence for disparate treatment can come from a variety of sources. Disparate treatment can be shown through comments or conduct by decision-makers, which demonstrates an intent to discriminate. It can also be shown through expressly using characteristics such as race, color, or national origin in the recipient’s policies and procedures.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent. If there is a sufficient justification, one that is substantial and legitimate, for a policy or practice, then the policy or practice may not constitute prohibited discrimination. However, even if the recipient can establish a substantial, legitimate justification, if there is a feasible alternative policy or practice with a lesser adverse impact, the recipient must consider that alternative. Not considering such an alternative, or not establishing a sufficient justification, could constitute prohibited disparate impact discrimination under Title VI.

Just as recipients can not intentionally discriminate in their programs or activities, recipients are also prohibited from intentionally taking adverse actions against persons who exercise their rights under Title VI. This third type of intentional discrimination is called retaliation.

The IMPO's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of the organization.

## **4 DISCRIMINATION UNDER AMERICANS WITH DISABILITIES ACT (ADA)**

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In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Indianapolis Metropolitan Planning Organization (MPO) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

- The Indianapolis MPO does not exclude or treat individuals differently because of a disability.
- The MPO will provide reasonable modifications to policies and programs to ensure equal opportunity and access.
- Auxiliary aids and services are available upon request, free of charge, to individuals with disabilities to ensure effective communication.

Because the IMPO does not own or operate transportation assets, a formal ADA Transition Plan for facilities is not required here; however, the IMPO will include ADA accessibility considerations in program delivery and in any planning recommendations it makes.

Anyone who believes they have been subjected to discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Indianapolis MPO may file a complaint. ADA/Section 504 complaints are processed using the same procedures as described in this document.

## **5 SCOPE**

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The Indianapolis Metropolitan Planning Organization (IMPO) values each individual's civil rights. As a recipient of federal funds, the IMPO conforms to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the IMPO. The IMPO further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

The Indianapolis Metropolitan Planning Organization prohibits discrimination in its programs on any basis protected by federal law, including race, color, national origin, sex, age, disability, religion, income status, limited English proficiency, or any other characteristic protected under applicable laws.

This policy applies to all programs, activities, services, and benefits administered by the IMPO and, where applicable, to IMPO subrecipients, contractors, and partners as required by federal law and contract. By contracting with the IMPO, a contractor is obligated to comply with the laws and regulations listed above and agrees to comply as part of IMPO's contracting process executed between the IMPO and the contractor.

The authorities applicable to the IMPO's Title VI/Nondiscrimination Program include, but are not limited to:

- Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals, groups, and organizations from discrimination on the basis of race, color, or national origin in federally assisted programs and activities. (42 U.S.C. 2000d)
- The Civil Rights Restoration Act of 1987, further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.
- American with Disabilities Act of 1990 and Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 790), as amended: Prohibits discrimination on the basis of disability.
- Federal Highway Act of 1973 - Gender Added (23 U.S.C. 324): Prohibits discrimination on the basis of sex.
- The 1975 Age Discrimination Act (42 U.S.C 6101), as amended: Prohibits discrimination on the basis of age.
- 49 CFR Part 21, (entitled Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- 23 CFR Part 200, the Federal Highway Administration's Title VI Program Implementation and Review Procedures

The following Executive Orders place further emphasis on preventing discrimination:

- Executive Order 12898, 3 CFR 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low-income populations.
- Executive Order 13166, 3 CFR 289 (2001), entitled "Improving Access to Services for Persons with Limited English Proficiency," addresses improving access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

In brief, these laws and regulations prohibit discrimination in federally assisted programs and activities. Title VI of the 1964 Civil Rights Act states that: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

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

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

## **6 RESPONSIBLE OFFICIAL**

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The designated Title VI Coordinator for the IMPO is:

Cole Jackson, Title VI Coordinator  
Indianapolis Metropolitan Planning Organization  
200 East Washington Street Suite 2322 Indianapolis, IN 46204  
317-327-5108 / [Cole.jackson@indympo.gov](mailto:Cole.jackson@indympo.gov)

The Title VI Coordinator is responsible for administering the Title VI complaint processing for the IMPO, providing training, and ensuring compliance with Title VI policies.

## **7 COMPLAINT PROCESS**

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Any person who believes they have been subjected to discrimination under any IMPO program or activity may file a complaint. Complaints may be filed by the individual, by a representative, or by a third party with the complainant's written consent. Complaints should normally be filed within 180 calendar days of the alleged discriminatory act. The IMPO may extend this deadline for good cause.

### **How to submit:**

- Use the IMPO Civil Rights Complaint Form (combined Title VI / ADA / Section 504 / LEP). The form is available online and as a fillable/downloadable PDF at [indympo.gov/policies](http://indympo.gov/policies).
- Complaints may also be mailed or emailed to the Title VI & ADA Coordinator at the address above. Reasonable assistance will be provided to persons with disabilities or who need language assistance. Any person with a disability may request to file their complaint using an alternative format. The IMPO does not require a Complainant to use the IMPO complaint form.

The FHWA has jurisdiction to investigate complaints of discrimination filed under:

- The Americans with Disabilities Act/ Section 504 Program
- The Americans with Disabilities Act of 1990
- Section 504 of the Rehabilitation Act of 1973 (Section 504)
- The Title VI Program

- Title VI of the Civil Rights Act of 1964 (Title VI)

Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color, or national origin may file a written complaint individually or through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA.

Complaints alleging violations of Title VI by subrecipients may be filed in writing directly with the following local, state, and federal agencies:

Cole Jackson, Title VI Coordinator  
Indianapolis Metropolitan Planning Organization  
200 East Washington Street Suite 2322 Indianapolis, IN 46204  
317-327-5108 / Cole.jackson@indympo.gov

Indiana Department of Transportation  
100 N. Senate Avenue – Room N758-PQ  
Indianapolis, IN 46204  
U.S. Department of Transportation  
575 North Pennsylvania Street, Room 254  
Indianapolis, Indiana 46204

Federal Highway Administration Indiana Division  
575 N. Pennsylvania Street  
Room 254  
Indianapolis, IN 46204  
United States  
Phone: (317) 226-7475  
If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Federal Highway Administration  
Office of Civil Rights  
HCR-20, Room E81-320  
1200 New Jersey Avenue, SE  
Washington, DC 20590

## **Complaint Process:**

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 the IMPO or Subrecipients of federal financial assistance.
2. Complaints are forwarded from the initial receiving company 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 company should forward the complaint to the IMPO, which should forward the complaint to INDOT, which should forward the complaint to State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with IMPO, then INDOT should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR.
3. IMPO 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, IMPO, and Subrecipient (where applicable).

IMPO's Title VI Coordinator will acknowledge receipt of the complaint in writing within 10 days, will forward the complaint to INDOT's Title VI Program within 10 days, and will inform the complainant of the status (accepted, in review, etc.) once FHWA/HCR provides a determination.

Complaint and investigation files are confidential. The contents of such should only be disclosed to appropriate company personnel, and state, and federal authorities in accordance with Federal and State laws. Subrecipients will retain files in accordance with records retention schedules and all Federal guidelines.

When reviewing a complaint, the MPO will maintain all correspondence related to the complaint and the IMPO will, if available, document the following:

- 1) Each complainant by race, color, sex, or national origin
- 2) The recipient
- 3) The nature of the complaint
- 4) The dates the complaint was filed and the investigation completed
- 5) The disposition
- 6) The date of the disposition
- 7) Other pertinent information
- 8) The status of the complaint investigation or lawsuit
- 9) Corrective actions taken, if any.

All records relating to a complaint will be kept for a minimum of five years.

## 8 COMPLIANCE AND NONCOMPLIANCE

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- a) The Indianapolis Metropolitan Planning Organization is required to complete an annual self-assessment of planning efforts to assure that planning and programming are nondiscriminatory by Title VI of the Civil Rights Act of 1964 and by FTA Circular 4702.1 Title VI Program Guidelines for Urban Mass Transportation Administration Recipients.
- b) Each contract for covered services shall contain Title VI assurances (see Attachment A for text).
- c) All consultants or contractors doing work on behalf of IMPO must adhere to Title VI and related nondiscrimination requirements; contracts will include the Title VI Assurances, and failure to comply can result in contract termination
- d) The Indianapolis Metropolitan Planning Organization maintains a map of "[Environmental Justice Areas](#)." For each census block group within the Metropolitan Planning Area, 2020 ACS Five-Year data was used to compare the rate of a specific environmental justice population within the block group to the rate of that population in the overall region. The map identifies which EJ populations for each block group exceed the regional rate for that population. The data in this map is used to inform public involvement strategies and evaluate plans and programs in relation to environmental justice. The map is publicly accessible on the IMPO website and in other formats by request.
- e) The IMPO, with the approval of its Committees, regularly distributes funding and other forms of assistance to local public agencies, including through its "call for projects". Local agency sub-recipients are required to comply with Title VI and ADA requirements. The process to receive IMPO funding or assistance from Committee approval to implementation is often a multi-year process. The IMPO will work to determine if local public agencies selected to receive IMPO support are compliant with Title VI and ADA regulations or if they are making substantial progress on achieving compliance. Non-compliant local public agencies will be sent notice and provided time to achieve compliance. Continued non-compliance without substantial progress may result in sanctions such as withholding of payments to the recipient under the contract until the recipient complies, and/or cancellation, termination, or suspension of assistance, in whole or in part.

## 9 PUBLIC NOTIFICATION

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The Indianapolis Metropolitan Planning Organization (IMPO) is committed to ensuring that members of the public are aware of their rights under Title VI. To this end, the IMPO will complete the following actions to provide the public notice of Title VI and nondiscrimination requirements.

- a) The Indianapolis Metropolitan Planning Organization (IMPO) shall include the following language in its major plans and documents.

*The Indianapolis Metropolitan Planning Organization (IMPO) values each individual's civil rights. As a recipient of federal funds, the IMPO conforms to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the IMPO. The IMPO further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded. For any and all inquiries regarding the application of this accessibility statement and related policies, please view the IMPO Title VI page, [indympo.gov/policies](http://indympo.gov/policies).*

*In accordance with Title II of ADA and Section 504, no qualified person with a disability shall be denied participation or benefits of IMPO programs*

*This plan was prepared in cooperation with the State of Indiana, the Indiana Department of Transportation, and the Federal Highway Administration. This financial assistance notwithstanding, the contents of this document do not necessarily reflect the official view or policies of the funding agencies.*

*If information is needed in another language, contact 317-327-5136 or [info@indympo.gov](mailto:info@indympo.gov).*

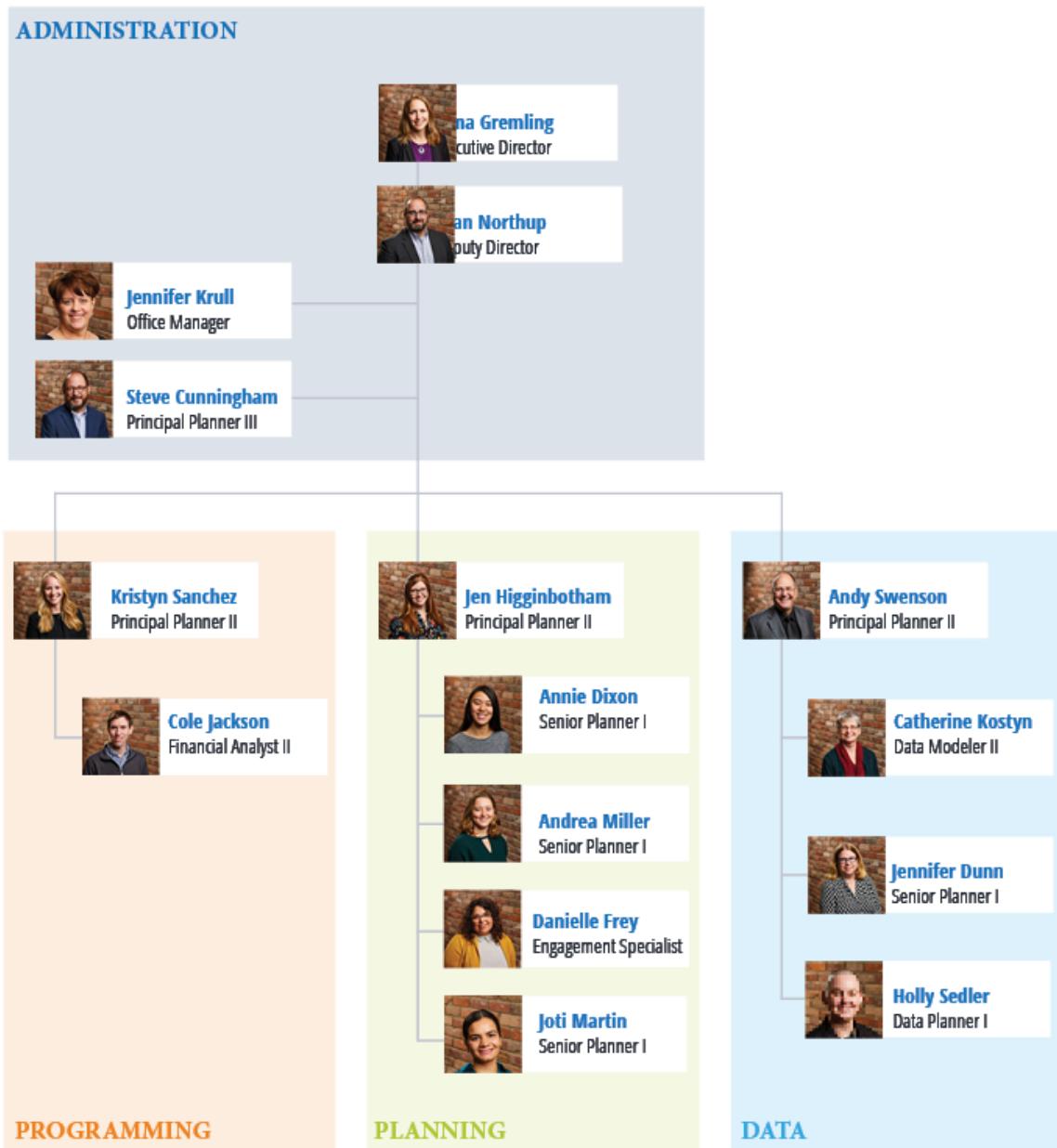
*Si se necesita información en otro idioma, comuníquese con 317-327-5136 o envíanos un correo electrónico a [info@indympo.gov](mailto:info@indympo.gov).*

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- b) The Indianapolis Metropolitan Planning Organization will maintain Title VI and nondiscrimination information on its website. The IMPO will publish short nondiscrimination notices for public materials, meeting agendas, and the website, including contact information for the Title VI & ADA Coordinator. The IMPO will use demographic and LEP data (e.g., ACS/Census) to focus outreach and translation efforts in communities with identified needs.
- c) The Indianapolis Metropolitan Planning Organization will actively seek public comment and public involvement in its plans and programs. Information about public involvement opportunities and strategies may be found in the IMPO Public Involvement Plan (PIP) attached to this document as Attachment B.
- d) The Indianapolis Metropolitan Planning Organization will post the Title VI "It's the Law" poster to be displayed in the IMPO offices.

# 10 ORGANIZATIONAL CHART

The Indianapolis MPO staff is overseen by the Executive Committee and the Transportation Policy Committee. IMPO staff is made up of four sections, including an Executive Director and a Deputy Director.



The Indianapolis MPO has a series of committees that serve specific purposes and needs, which include:

- Transportation Policy Committee: Elected officials and town managers who vote to approve all federally required IMPO transportation actions. Meets bi-monthly and meets jointly with the Transportation Technical Committee in June and December.
- Transportation Technical Committee: Planners and engineers who provide expertise on proposed transportation policies and plans. Meets bi-monthly two weeks before each Transportation Policy Committee meeting, and meets jointly with the Transportation Policy Committee in the months of June and December.
- Executive Committee: A small committee of members elected from the Transportation Policy Committee that oversees the operations of the IMPO, including contracts, MPO operational policies, and certain financial resolutions.

## **11 TITLE VI 2025 ACCOMPLISHMENTS**

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The IMPO completed several Title VI tasks in 2025.

- Reappointed Title VI coordinator
- Reviewed Title VI and non-discrimination policies and procedures
- Updated Title VI policy and document

## **12 STAFF TITLE VI AND NON-DISCRIMINATION TRAINING LOG**

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Title VI and non-discrimination policy education and literature will be provided to all IMPO employees at the time of hire. IMPO employees will be required to sign an acknowledgment of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as IMPO deems necessary. Current employees will receive training at least biannually.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, IMPO employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences, and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

To complete their training each employee will review this Title VI policy document, watch the Title VI Program Requirements [recording](#) published by the FTA, and review the [Contractor & Consultant Title VI & ADA Training](#) PowerPoint provided by INDOT.

Staff Training Log	
Staff Member	Title VI Training Date
Anna Gremling	August 27, 2025
Sean Northup	August 27, 2025
Anita Bjork	August 27, 2025
Annie Dixon	August 27, 2025
Steve Cunningham	August 27, 2025
Kristyn Sanchez	August 27, 2025
Jen Higginbotham	August 27, 2025
Danielle Fry	August 27, 2025
Jennifer Dunn	September 3, 2025
Andrew Swenson	August 27, 2025
Catherine Kostyn	September 4, 2025
Andrea Miller	August 27, 2025
Joti Martin	August 27, 2025
Jennifer Krull	August 27, 2025

## 13 TITLE VI COMPLAINT LOG

The IMPO will maintain a log of all Title VI complaints. The IMPO did not receive any Title VI complaints in 2025.

2022 Complaint Log	
Complaint	Result

## 14 DISCRIMINATION COMPLAINT LOG

The IMPO will maintain a log of all discrimination complaints. The IMPO did not receive any discrimination complaints in 2025.

2022 Complaint Log	
Complaint	Result

## 15 TITLE VI 2026 GOALS

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The IMPO has developed the following list of Title VI goals for 2026.

- Complete Title VI and non-discrimination training for all staff
- Continue to publish Title VI information in all major plans and documents
- Continue to review plans and programs in relation to Title VI and environmental justice
- Review Title VI sections of the website
- Identify 2027 Goals
- Identify 2026 Accomplishments

### **Standard U.S. DOT Title VI Assurances**

The **Indianapolis Metropolitan Planning Organization** (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race color, 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 the Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its planning and programs:

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

The **Indianapolis Metropolitan Planning Organization**, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

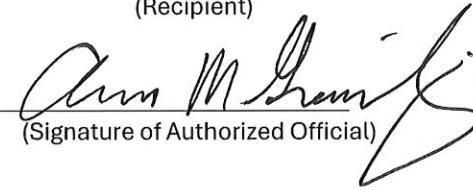
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar

agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property; and (b) for the construction or use of or access to space on, over or under real property

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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

Dated 9/29/25

IMPO  
(Recipient)  
by   
(Signature of Authorized Official)

## 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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (Title of Modal Operating Administration), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** 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. [Include Modal Operating Administration specific program requirements.]
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 Non-discrimination on the grounds of race, color, or national origin. [Include Modal Operating Administration specific program requirements.]
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 (Title of Modal Operating 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 (Title of Modal Operating 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the (Title of Modal Operating Administration) may determine to be appropriate, including, but not limited to:
  - withholding payments to the contractor under the contract until the contractor complies
  - 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 (Title of Modal Operating 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

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

### (GRANTING CLAUSE)

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

### (HABENDUM CLAUSE)

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

The **Indianapolis Metropolitan Planning Organization**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, 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 or under such lands hereby conveyed [,] [and]\* (2) that the **Indianapolis Metropolitan Planning Organization** shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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

## Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **Indianapolis Metropolitan Planning Organization** pursuant to the provisions of Assurance 6(a).

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

[Include in licenses, leases, permits, etc.] \*

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

[Include in deed.] \*

That in the event of breach of any of the above nondiscrimination covenants, **Indianapolis Metropolitan Planning Organization** shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of **Indianapolis Metropolitan Planning Organization** and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by **Indianapolis Metropolitan Planning Organization** pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, **Indianapolis Metropolitan Planning Organization** shall have the right to terminate the [license, lease, permit, etc.] and to reenter and

repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, **Indianapolis Metropolitan Planning Organization** shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of **Indianapolis Metropolitan Planning Organization** and its assigns.

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

#### **Appendix D**

The FHWA-1273 REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS document shall be included in all contracts or similar instruments over \$10,000 entered into by **the Indianapolis Metropolitan Planning Organization** pursuant to the provisions of Assurance.

#### **Appendix E**

The following clauses shall be included in all contracts or similar instruments entered into by the **Indianapolis Metropolitan Planning Organization** pursuant to the provisions of Assurance.

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 non-discrimination statutes and authorities , including but not limited to:

Pertinent Non-Discrimination 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.).

#### **Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

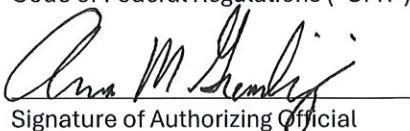
Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted);

U.S. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations," (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

#### **Title VI Policy Statement**

**The Indianapolis Metropolitan Planning Organization** is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

**The Indianapolis Metropolitan Planning Organization's** Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations ("CFR") Part 200, and Title 49 CFR Part 21.

  
Signature of Authorizing Official

Date

9/29/25

**REQUIRED CONTRACT PROVISIONS  
FEDERAL-AID CONSTRUCTION CONTRACTS**

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

**ATTACHMENTS**

- A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

**I. GENERAL**

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

**II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)**

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

**1. Equal Employment Opportunity:** Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

**2. EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

**3. Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

**4. Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

**5. Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action.

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

**6. Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

**7. Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide

sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

**8. Reasonable Accommodation for Applicants / Employees with Disabilities:** The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

**9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

**10. Assurances Required:**

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

**11. Records and Reports:** The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

- (1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;
- (2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and
- (3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

### III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

### IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

#### 1. Minimum wages (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act ([29 CFR part 3](#))), the full amount of basic hourly wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act ([40 U.S.C. 3141\(2\)\(B\)](#)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided*, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH-1321) must be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in [29 CFR part 1](#), a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

(i) The work performed by the classification is not performed by a classification in the wage determination for which a prevailing wage rate has been determined;

- (ii) The classification is used in the area by the construction industry; and
- (iii) The wage rate for the classification bears a reasonable relationship to the prevailing wage rates contained in the wage determination.

(2) The Administrator will establish wage rates for such classifications in accordance with paragraph 1.c.(1)(iii) of this section. Work performed in such a classification must be paid at no less than the wage and fringe benefit rate listed on the wage determination for such classification.

c. *Conformance.* (1) The contracting officer must require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract be classified in conformance with the wage determination. Conformance of an additional classification and wage rate and fringe benefits is appropriate only when the following criteria have been met:

- (i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (ii) The classification is used in the area by the construction industry; and
- (iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken will be sent by the contracting officer by email to [DBAconformance@dol.gov](mailto:DBAconformance@dol.gov). The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer will, by email to [DBAconformance@dol.gov](mailto:DBAconformance@dol.gov), refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(5) The contracting officer must promptly notify the contractor of the action taken by the Wage and Hour Division

under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

d. *Fringe benefits not expressed as an hourly rate.*

Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor may either pay the benefit as stated in the wage determination or may pay another bona fide fringe benefit or an hourly cash equivalent thereof.

e. *Unfunded plans.* If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. *Provided*, That the Secretary of Labor has found, upon the written request of the contractor, in accordance with the criteria set forth in § 5.28, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

f. *Interest.* In the event of a failure to pay all or part of the wages required by the contract, the contractor will be required to pay interest on any underpayment of wages.

## 2. **Withholding** (29 CFR 5.5)

a. *Withholding requirements.* The contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for the full amount of wages and monetary relief, including interest, required by the clauses set forth in this section for violations of this contract, or to satisfy any such liabilities required by any other Federal contract, or federally assisted contract subject to Davis-Bacon labor standards, that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to Davis-Bacon labor standards requirements and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld. In the event of a contractor's failure to pay any laborer or mechanic, including any apprentice or helper working on the site of the work all or part of the wages required by the contract, or upon the contractor's failure to submit the required records as discussed in paragraph 3.d. of this section, the contracting agency may on its own initiative and after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with paragraph

2.a. of this section or Section V, paragraph 3.a., or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its reprocurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

### **3. Records and certified payrolls (29 CFR 5.5)**

*a. Basic record requirements (1) Length of record retention.* All regular payrolls and other basic records must be maintained by the contractor and any subcontractor during the course of the work and preserved for all laborers and mechanics working at the site of the work (or otherwise working in construction or development of the project under a development statute) for a period of at least 3 years after all the work on the prime contract is completed.

*(2) Information required.* Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

*(3) Additional records relating to fringe benefits.* Whenever the Secretary of Labor has found under paragraph 1.e. of this section that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act, the contractor must maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

*(4) Additional records relating to apprenticeship.* Contractors with apprentices working under approved programs must maintain written evidence of the registration of apprenticeship programs, the registration of the apprentices, and the ratios and wage rates prescribed in the applicable programs.

*b. Certified payroll requirements (1) Frequency and method of submission.* The contractor or subcontractor must submit weekly, for each week in which any DBA- or Related Acts-covered work is performed, certified payrolls to the contracting

agency. The prime contractor is responsible for the submission of all certified payrolls by all subcontractors. A contracting agency or prime contractor may permit or require contractors to submit certified payrolls through an electronic system, as long as the electronic system requires a legally valid electronic signature; the system allows the contractor, the contracting agency, and the Department of Labor to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed; and the contracting agency or prime contractor permits other methods of submission in situations where the contractor is unable or limited in its ability to use or access the electronic system.

*(2) Information required.* The certified payrolls submitted must set out accurately and completely all of the information required to be maintained under paragraph 3.a.(2) of this section, except that full Social Security numbers and last known addresses, telephone numbers, and email addresses must not be included on weekly transmittals. Instead, the certified payrolls need only include an individually identifying number for each worker ( e.g., the last four digits of the worker's Social Security number). The required weekly certified payroll information may be submitted using Optional Form WH-347 or in any other format desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division website at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf> or its successor website. It is not a violation of this section for a prime contractor to require a subcontractor to provide full Social Security numbers and last known addresses, telephone numbers, and email addresses to the prime contractor for its own records, without weekly submission by the subcontractor to the contracting agency.

*(3) Statement of Compliance.* Each certified payroll submitted must be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor, or the contractor's or subcontractor's agent who pays or supervises the payment of the persons working on the contract, and must certify the following:

(i) That the certified payroll for the payroll period contains the information required to be provided under paragraph 3.b. of this section, the appropriate information and basic records are being maintained under paragraph 3.a. of this section, and such information and records are correct and complete;

(ii) That each laborer or mechanic (including each helper and apprentice) working on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in [29 CFR part 3](#); and

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification(s) of work actually performed, as specified in the applicable wage determination incorporated into the contract.

*(4) Use of Optional Form WH-347.* The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 will satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(3) of this section.

(5) *Signature*. The signature by the contractor, subcontractor, or the contractor's or subcontractor's agent must be an original handwritten signature or a legally valid electronic signature.

(6) *Falsification*. The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under [18 U.S.C. 1001](#) and [31 U.S.C. 3729](#).

(7) *Length of certified payroll retention*. The contractor or subcontractor must preserve all certified payrolls during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

c. *Contracts, subcontracts, and related documents*. The contractor or subcontractor must maintain this contract or subcontract and related documents including, without limitation, bids, proposals, amendments, modifications, and extensions. The contractor or subcontractor must preserve these contracts, subcontracts, and related documents during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

d. *Required disclosures and access* (1) *Required record disclosures and access to workers*. The contractor or subcontractor must make the records required under paragraphs 3.a. through 3.c. of this section, and any other documents that the contracting agency, the State DOT, the FHWA, or the Department of Labor deems necessary to determine compliance with the labor standards provisions of any of the applicable statutes referenced by § 5.1, available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and must permit such representatives to interview workers during working hours on the job.

(2) *Sanctions for non-compliance with records and worker access requirements*. If the contractor or subcontractor fails to submit the required records or to make them available, or refuses to permit worker interviews during working hours on the job, the Federal agency may, after written notice to the contractor, sponsor, applicant, owner, or other entity, as the case may be, that maintains such records or that employs such workers, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available, or to permit worker interviews during working hours on the job, may be grounds for debarment action pursuant to § 5.12. In addition, any contractor or other person that fails to submit the required records or make those records available to WHD within the time WHD requests that the records be produced will be precluded from introducing as evidence in an administrative proceeding under [29 CFR part 6](#) any of the required records that were not provided or made available to WHD. WHD will take into consideration a reasonable request from the contractor or person for an extension of the time for submission of records. WHD will determine the reasonableness of the request and may consider, among other things, the location of the records and the volume of production.

(3) *Required information disclosures*. Contractors and subcontractors must maintain the full Social Security number and last known address, telephone number, and email address

of each covered worker, and must provide them upon request to the contracting agency, the State DOT, the FHWA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or other compliance action.

#### 4. Apprentices and equal employment opportunity (29 CFR 5.5)

a. *Apprentices* (1) *Rate of pay*. Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OA), or with a State Apprenticeship Agency recognized by the OA. A person who is not individually registered in the program, but who has been certified by the OA or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice, will be permitted to work at less than the predetermined rate for the work they perform in the first 90 days of probationary employment as an apprentice in such a program. In the event the OA or a State Apprenticeship Agency recognized by the OA withdraws approval of an apprenticeship program, the contractor will no longer be permitted to use apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(2) *Fringe benefits*. Apprentices must be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringe benefits must be paid in accordance with that determination.

(3) *Apprenticeship ratio*. The allowable ratio of apprentices to journeymen on the job site in any craft classification must not be greater than the ratio permitted to the contractor as to the entire work force under the registered program or the ratio applicable to the locality of the project pursuant to paragraph 4.a.(4) of this section. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in paragraph 4.a.(1) of this section, must be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under this section must be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(4) *Reciprocity of ratios and wage rates*. Where a contractor is performing construction on a project in a locality other than the locality in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyworker's hourly rate) applicable within the locality in which the construction is being performed must be observed. If there is no applicable ratio or wage rate for the locality of the project, the ratio and wage rate specified in the contractor's registered program must be observed.

b. *Equal employment opportunity*. The use of apprentices and journeymen under this part must be in conformity with

the equal employment opportunity requirements of Executive Order 11246, as amended, and [29 CFR part 30](#).

c. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

**5. Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

**6. Subcontracts.** The contractor or subcontractor must insert FHWA-1273 in any subcontracts, along with the applicable wage determination(s) and such other clauses or contract modifications as the contracting agency may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses and wage determination(s) in any lower tier subcontracts. The prime contractor is responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and may be subject to debarment, as appropriate. 29 CFR 5.5.

**7. Contract termination: debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

**8. Compliance with Davis-Bacon and Related Act requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

**9. Disputes concerning labor standards.** As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

**10. Certification of eligibility.** a. By entering into this contract, the contractor certifies that neither it nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

c. The penalty for making false statements is prescribed in the U.S. Code, Title 18 Crimes and Criminal Procedure, [18 U.S.C. 1001](#).

**11. Anti-retaliation.** It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#); or

d. Informing any other person about their rights under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#).

## **V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT**

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchpersons and guards.

**1. Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

**2. Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in paragraph 1. of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages and interest from the date of the underpayment. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or

mechanic, including watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)\* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1. of this section.

\* \$31 as of January 15, 2023 (See 88 FR 88 FR 2210) as may be adjusted annually by the Department of Labor, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

### **3. Withholding for unpaid wages and liquidated damages**

a. *Withholding process.* The FHWA or the contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for any unpaid wages; monetary relief, including interest; and liquidated damages required by the clauses set forth in this section on this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract subject to the Contract Work Hours and Safety Standards Act that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to the Contract Work Hours and Safety Standards Act and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with Section IV paragraph 2.a. or paragraph 3.a. of this section, or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its reprocurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901–3907](#).

**4. Subcontracts.** The contractor or subcontractor must insert in any subcontracts the clauses set forth in paragraphs 1. through 5. of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor is responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1. through 5. In the

event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and associated liquidated damages and may be subject to debarment, as appropriate.

**5. Anti-retaliation.** It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

- a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;
- b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;
- c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or
- d. Informing any other person about their rights under CWHSSA or this part.

## **VI. SUBLetting OR ASSIGNING THE CONTRACT**

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;

- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

## **VII. SAFETY: ACCIDENT PREVENTION**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and

health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

## **VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

**IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)**

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.327.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.327.

**X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

**1. Instructions for Certification – First Tier Participants:**

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

\*\*\*\*\*

**2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:**

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

\*\*\*\*\*

**3. Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily

excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

\*\*\*\*\*

**4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:**

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(1) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(2) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(3) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

\*\*\*\*\*

**XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or

cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**XII. USE OF UNITED STATES-FLAG VESSELS:**

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS  
PREFERENCE FOR APPALACHIAN DEVELOPMENT  
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS  
ROAD CONTRACTS** (23 CFR 633, Subpart B, Appendix B)  
This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



# 2025 Public Involvement Plan

## Approved

\_\_\_, 2025 by the Indianapolis MPO  
Transportation Policy Committee

## Prepared in Cooperation with

State of Indiana  
Indiana Department of Transportation  
Federal Highway Administration

**DRAFT: MAY 29, 2025**

**Indianapolis Metropolitan Planning Organization**  
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Indianapolis, IN 46204-2526  
(317) 327-8601 | [www.indympo.gov](http://www.indympo.gov)

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# Glossary of Terms

## **CENTRAL INDIANA REGIONAL TRANSPORTATION AUTHORITY (CIRTA)**

A regional governmental organization to expand and improve mass transit in the region.

## **FEDERAL HIGHWAY ADMINISTRATION (FHWA)**

An agency of the U.S. Department of Transportation with jurisdiction over highways and roadways.

## **FEDERAL TRANSIT ADMINISTRATION (FTA)**

An agency of the U.S. Department of Transportation with jurisdiction over transit.

## **INDOT**

Indiana Department of Transportation

## **LANGUAGE ACCESS PLAN (LAP)**

Plan outlining how the IMPO will provide language interpretation and translation of important documents.

## **LIMITED ENGLISH PROFICIENCY (LEP)**

LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand the English language

## **LOCAL PUBLIC AGENCY (LPA)**

Such as city, town, county, or transit agency

## **METROPOLITAN PLANNING AREA (MPA)**

The geographic area in which the metropolitan transportation planning process as required by 23 USC 134 and section 8 of the Federal Transit Act must be carried out. The urbanized area includes the current urbanized area and the area expected to be urban in 20 years.

## **METROPOLITAN PLANNING ORGANIZATION (MPO)**

A Metropolitan Planning Organization (MPO) is an agency created by federal law to provide local elected officials input into the planning and implementation of federal transportation funds to metropolitan areas with populations of greater than 50,000.

## **METROPOLITAN STATISTICAL AREA (MSA)**

A Core Based Statistical Area is associated with at least one urbanized area that has a population of at least 50,000. The metropolitan statistical area comprises the central county or counties or equivalent entities containing the core, plus adjacent outlying counties having a high degree of social and economic integration with the central county or counties as measured through commuting.

## **METROPOLITAN TRANSPORTATION PLAN (MTP)**

The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. It is the guiding or foundational document for the future of the region including spending goals for different project

types, overall objectives, and a list of projects approved for construction that will impact air quality.

## **METROPOLITAN INDIANAPOLIS TRANSPORTATION IMPROVEMENT PROGRAM (MITIP)**

An online database that provides up-to-date project information.

## **PUBLIC INVOLVEMENT PLAN (PIP)**

A documented participation plan, as required by 23 CFR 450.316 of the Code of Federal Regulations, that defines a process for providing individuals, units of government, transportation partners, representatives for active transportation, people with disabilities, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

## **TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

A staged, prioritized, multi-year intermodal program of transportation projects, prepared in each metropolitan area, which is consistent with that area's metropolitan transportation plan. Each metropolitan TIP is incorporated in its entirety into the STIP.

## **TIP AMENDMENT**

Formal amendments are significant changes to the TIP that require an opportunity for public review and comment and require approval by the IMPO's Transportation Policy Committee at a public hearing. This often includes adding new projects, deleting projects, or significant cost changes.

## **TIP MODIFICATION**

Modifications are minor changes to projects or the TIP that do not require the IMPO's Transportation Policy Committee's approval or public review. These include but are not limited to general editorial corrections; changes to projects that do not involve a significant change in the use of IMPO funds such as minor cost increases, moving fiscal years within the active years of the current TIP, minor scope changes that do not change the overall project impact or transportation conformity.

Transportation Policy Committee - An IMPO committee of elected officials and town managers who vote to approve all federally required IMPO transportation actions.

## **TRANSPORTATION TECHNICAL COMMITTEE**

An IMPO committee of planners and engineers who provide expertise on proposed transportation policies and plans.

## **USDOT**

United States Department of Transportation

## **URBANIZED AREA**

A statistical geographic entity delineated by the Census Bureau, consisting of densely settled census tracts and blocks and adjacent densely settled territory that together contain at least 50,000 people.

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# Introduction

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Every Urbanized Area with a population of 50,000 or more (as defined by the US Census Bureau) is required by federal regulations to have a designated metropolitan planning organization. The Indianapolis Metropolitan Planning Organization (IMPO) serves 1,500 square miles of Central Indiana and approximately 1.74M people. The Metropolitan Planning Area map shows the IMPO's coverage area.

The IMPO and the Transportation Policy Committee (TPC) create transportation plans, establish regional policies, provide guidance documents, and conduct a competitive federal grant program that helps fund many of Central Indiana's largest transportation projects including transit, active transportation, and roadway improvements.

The IMPO has developed this Public Involvement Plan (PIP) to ensure all segments of the public have an opportunity to be involved in regional transportation planning and programming at all stages of the processes. Specifically, as the federal guidance specifies, the following groups must be given an opportunity to be engaged in these processes:

- individuals
- affected public agencies
- representatives of public transportation employees
- public ports
- freight shippers
- providers of freight transportation services
- private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)
- representatives of users of public transportation
- representatives of users of pedestrian walkways and bicycle transportation facilities
- representatives of the disability community
- other interested parties

This PIP is used by the IMPO to ensure early and continuing public involvement as part of its planning and programming processes. It also ensures that the public has access to adequate and timely public notice of public participation activities, time for public review and comment at key decision points, a reasonable opportunity to comment on the IMPO's products, and reasonable access to information about transportation issues and processes.

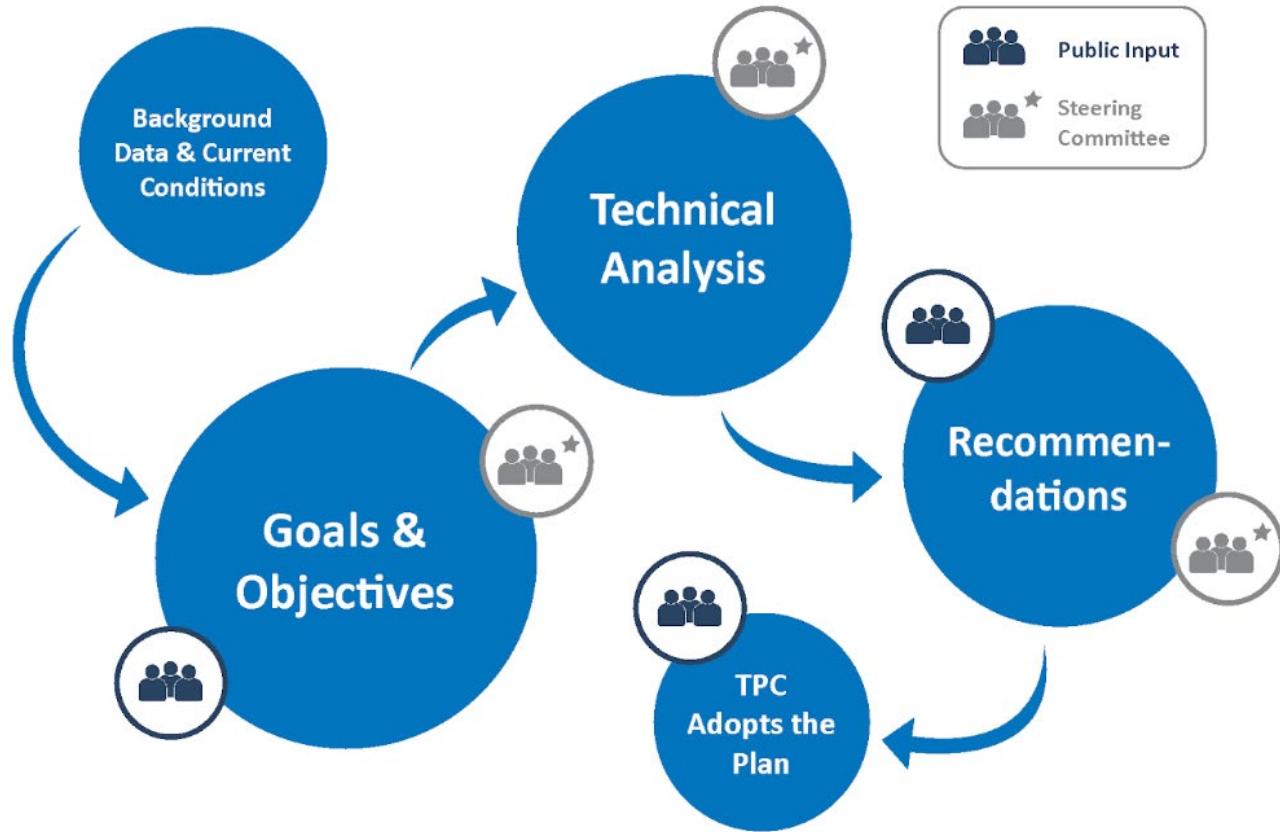
This PIP establishes a minimum threshold for public involvement for IMPO directed planning. In practice, the IMPO often goes above and beyond these minimum requirements.

The IMPO's planning and programming products include:

- the **Public Involvement Plan (PIP)** – refer to page 11 for information on plan update and input
- the **Metropolitan Transportation Plan (MTP)** – refer to page 11 for information on plan development and input
- the **Indianapolis Regional Transportation Improvement Program (IRTIP)** – refer to page 12 for information on program development and input
- other transportation planning products such as regional freight network planning, pedestrian and bikeways planning, transit route and transit-oriented development planning, etc.

# The Planning Process

## MPO The Planning Process

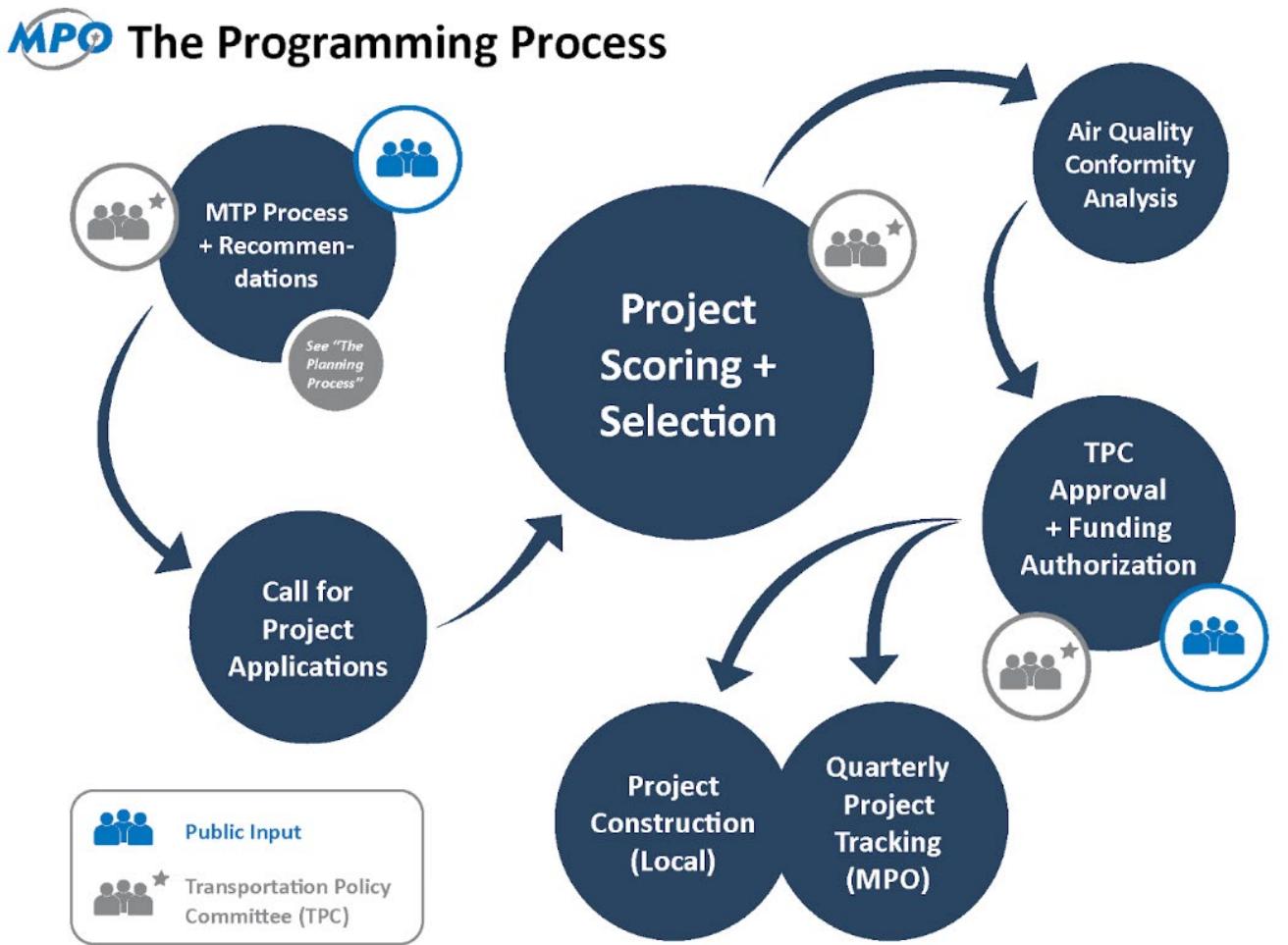


The IMPO creates plans and policies for transportation at the regional level. These plans and policies generally build on the plans created by Central Indiana's local communities, but also consider the benefits and impacts of transportation improvements at the regional level. These plans include the IMPO's Metropolitan Transportation Plan, the Regional Active Transportation Plan, the Central Indiana Transit Plan, and others. The IMPO's planning process generally consists of:

- Gathering background information to get a feel for the current conditions of an area and to see how it's changed over time
- Getting public input and feedback on goals and objectives for the project and the project's outcomes
- Technical analysis that helps to form the plan's recommendations
- Public input and feedback on the plan's recommendations
- Adoption of the plan by the Transportation Policy Committee during a public hearing

Most planning work at the IMPO also involves a steering committee for each project. These are residents and people from various agencies and organizations in the affected communities, who help guide the project's goals and recommendations.

# The Programming Process



The Indianapolis MPO receives an annual allocation of federal funds and operates a program to select which projects to fund with federal money. Using existing plans, direction from the TPC, and public input, the IMPO helps fund the projects that provide Central Indiana with the highest regional transportation benefit. The MPO's programming process generally consists of:

- **Creating Scorecards.** We use best practices, federal guidelines, and TPC input to determine the best selection criteria for each funding category.
- **Issuing a Call for Projects.** We announce a call for projects to TPC members, provide an outline of money available for the funding call, and a deadline.
- **Reviewing submitted projects.** Towns, cities, and counties all submit projects for funding; they self-score their projects. We double-check the scoring and rank/recommend projects based on their score.
- **Asking for Public Comment.** The TPC and public provide input on the list of recommended projects.<sup>1</sup>
- **Seeking Approval.** We put a final list together and submit to the TPC for final approval.
- **Tracking Projects.** Every project is tracked to ensure the project meets its deadlines and will be able to spend its allocated money. Check out MiTIP for the current list of projects.

<sup>1</sup> It is worth noting that this should not be the first opportunity for public input. Before the local communities (TPC Members) submit applications to the MPO's Call for Projects, the project in question should have been included as part of a community's thoroughfare plan, comprehensive plan, capital improvement program, or other publicly vetted, approved community plan.

## Goals of the PIP

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The Public Involvement Plan is intended to provide all interested parties, including local public agencies and planning partners, with information on how the IMPO actively engages the public in the transportation planning and programming processes. An effective public involvement plan requires IMPO staff to both provide information to and gather information from the public. This exchange should occur for all IMPO plans and programming activities, including special planning projects.

Goals for planning and programming processes are to:

- Obtain understanding of transportation needs through public engagement.
- Engage the public in transportation decision-making early and often.
- Provide to the public reasonable access at key decision points during the development of IMPO plans and programs.
- Ensure full and fair participation in the transportation decision making process.
- Provide timely and adequate notice to the public about meetings and plans.
- Seek out and consider the needs of those traditionally underserved by existing transportation systems, who may also face challenges accessing employment and other services, including:
  - Low-income (households below the poverty line)
  - Underrepresented populations (population reporting a race and ethnicity other than White, Non-Hispanic)
  - Limited-English proficiency (households reporting low English proficiency for all members over age 14)
  - Senior population (population age 65 or over)
  - Zero-car households (occupied housing units with no vehicle available)
  - Persons with disabilities (population aged 16-64 reporting a disability)
  - Low educational attainment (population over age 25 with no high school diploma or GED)
- Seek out and consider the needs of those who are geographically nearest to the project and therefore a higher potential for direct impact from the project.

All IMPO plans and processes will track the type and amount of public involvement methods used, and feedback received.

## Public Involvement Procedures

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The following are some of the procedures and techniques that the IMPO uses for gathering public input.

### **Scheduling and Noticing Procedures**

The IMPO develops and updates its planning and programming documents on a regular basis. There are various minimum public input and public noticing periods based on the type of planning document. The table in Appendix A summarizes the minimum input and noticing periods for the IMPO's planning and programming core products (MTP, TIP, PIP). Other projects also often issue public notices on schedules specific to the project.

### **IMPO Committee Meetings**

Core products of the IMPO (like the MTP, TIP, PIP) as well as other significant regional planning products, will be reviewed and approved by the TPC. This board includes representatives of all counties and municipalities in Central Indiana's Metropolitan Planning Area (MPA), who are dues-paying members of the IMPO in good standing. The public may submit comments about IMPO products that impact or affect their local jurisdiction to their TPC representative, or directly to IMPO staff. A current list of TPC members can be found at <https://www.indympo.gov/about-us/mpo-leadership-committees/members>.

## **Open Meetings**

Notifications, cancellations, and any special announcements for regular meetings conducted by the IMPO (such as meetings of the TPC, TTC, and Executive Committee) will be listed on the IMPO website, the IMPO's social media pages, at the IMPO office, and an email will be sent to subscribers of the IMPO's teMPO newsletter. All meetings posted on the IMPO website are open for the public to attend. Transportation Committee meetings are live streamed on YouTube. Exceptions to this policy are only permitted as allowed by the Open Door Law (IC 5-14-1.5 – Appendix D).

## **Meeting Accessibility**

The transportation needs and opinions of persons with disabilities shall be included in the transportation planning process. The planning process will be made accessible to such persons by ensuring that all public meetings are held at convenient and accessible locations and times. When possible, public meetings are held at facilities accessible by transit. All in-person, pre-scheduled TPC, TTC, and Executive Committee meetings will be accessible by transit.

The IMPO may choose, as fitting a project, situation, or request, to hold meetings, presentations, and other engagement opportunities online, by phone, or in-person, or a combination of the three. Meeting information and access details will be shared with the appropriate meeting audience. If the engagement opportunity is for the general public, information will be shared at minimum in the teMPO newsletter, social media accounts, and at <https://www.indympo.gov>.

Individuals needing special accommodations to participate in meetings beyond those advertised or individuals with limited English proficiency should contact IMPO staff at least three (3) working days prior to the scheduled meeting in order to accommodate their needs. Please call 317-327-8601 to notify IMPO staff. Individuals can also contact Relay Indiana for special accommodations (dial 711 or email [info@relayindiana.com](mailto:info@relayindiana.com)).

## **Coordination with Statewide Transportation Planning**

The Indianapolis MPO consistently engages the Indiana Department of Transportation (INDOT) in its planning processes. As part of this coordination effort, IMPO staff reaches out to INDOT for participation in planning processes and updates on INDOT plans and programs. INDOT is apprised of IMPO activities through participation on the Transportation Technical and Policy Committees. INDOT is a voting member of the Transportation Technical and Policy Committees.

## **Methods of Public Outreach & Advertisement**

Public outreach is essential to the planning and transportation programming process. A variety of engagement techniques and tools should be used to ensure transparency and increase opportunities for the public to participate. All IMPO plans and processes will track the type and amount of public involvement methods used, and feedback received. The IMPO has developed an [Engagement Toolkit](#) with different options of outreach methods and advertising. What follows are some of the best practice techniques for generating meaningful public input into planning and transportation programming processes:

### ***Public Hearings***

Federal law requires the provision of public hearings for the creation of and amendments to specific IMPO documents. These public hearings provide the general public and other interested parties with an opportunity to have their position heard. Public hearing procedures will be in accordance with Appendix B of this Public Involvement Plan.

### ***Public Pre-Hearings***

To accommodate individuals who may be unable to attend the official public hearing during the Transportation Policy Committee meeting, two virtual Pre-Hearings will be held prior to the official public hearing. Individuals will be able to ask questions or provide comments on agenda items, and may issue a statement to be read into the record during the official public hearing.

### ***Advanced Comments***

To accommodate individuals who may be unable to attend the official public hearing during the Transportation Policy Committee meeting, a form is provided on the website that allows individuals to submit a statement to be read into the record during the official public hearing.

### ***Public Notices***

Public notices, issued to major news publications, will be issued for meetings or documents available for public com-

ment in accordance with the minimum advertising periods as set forth in this Public Involvement Plan. (See Appendix A)

- The Indianapolis Star shall be the IMPO's Newspaper of Record. The IMPO will advertise in other publications as needed, on a case-by-case basis.
- For projects and services potentially affecting identified areas of concern with limited English proficiency, the IMPO will include information about requesting language services written in Spanish as well as in English.

#### *[The Indianapolis MPO Website](#)*

Advertisements for public hearings, public review periods, public forums, review draft availability, and other occurrences will be posted to the IMPO's website (<http://www.indympo.gov/comment>). Documents identified in the Language Access Plan will be posted to the Spanish language page on the IMPO webpage. Comments about any IMPO products can also be submitted to the IMPO by emailing [info@indympo.gov](mailto:info@indympo.gov). IMPO policies, procedures, and approved products can be found at:

<https://www.indympo.gov/planning/project-library>

<https://www.indympo.gov/funding/irtip>

<https://www.indympo.gov/planning/mtp>

<https://www.indympo.gov/about-us/mpo-policies-procedures>

#### *[Email Newsletter](#)*

The Indianapolis MPO utilizes its email newsletter, teMPO, to distribute news stories, public meeting notices, and other important information to its members and interested residents and agencies.

#### *[Social Media](#)*

The Indianapolis MPO social media pages share information on current planning activities and distribute news and information about our member agencies, many of whom have an active presence on social media.

- The IMPO, on a project-by-project basis, may decide to employ paid promotion for social media posts. Location data can be applied to promoted posts to ensure that people who live in certain areas (such as where a particular project or meeting is taking place) have the best chance at seeing the message via social media. Additional audience targeting can be made based on interests.
- When posting messages about documents available for public comment, it will be noted that, though the IMPO reads and considers all comments made on its social media posts, only comments that are submitted to the IMPO's social media accounts in direct messages will be part of the official public comment record for a product that is out for public review and feedback.

#### *[Visualization Techniques](#)*

Attempts will be made to employ visualization techniques to describe locations and/or design of proposed planning or construction projects. These may include the following formats: project location maps, photographs, narrative project descriptions, charts, illustrations, graphics, diagrams, and sketches. In particular, the Metropolitan Indianapolis Transportation Improvement Program (MiTIP) website (<https://mitip.indympo.org>) represents the current IRTIP. This website is immediately and automatically populated with updated information whenever a change is made. This website provides the user with the most up to date information available and provides project specific search capabilities.

Staff will continue to monitor and investigate developing technologies to improve the IMPO's visualization process.

#### *[Public Forums](#)*

Public forums are used to engage the public for specific planning activities. They may be in the form of advertised meetings or open houses, or may take place at regularly scheduled community meetings for neighborhoods, community development groups, or other interested / affected organizations. The intent of public forums is to disseminate and gather information in an informal setting. These forums may be conducted in a specific planning area for a location-based project, or may be spread throughout the region, depending on the geographic scale of the project.

### *Advisory Groups*

As necessary for planning processes, the IMPO will use an advisory group (aka steering committee, stakeholder, etc.) to guide staff during key decision points and in forming recommendations. An advisory group would not replace public input but would provide an additional resource during the process. Advisory groups will include representatives key to the process (residents, employers, social welfare organizations, etc.).

### *Presentations*

Presentations will be given by staff at appropriately scheduled public meetings or to organizations or agencies with specific interest in particular projects, either as preliminary outreach or as requested by the organizations. Whenever possible, the IMPO will plan to post online a recording of a given presentation so that those who cannot participate in person can stay informed and provide feedback via survey, email, phone, or mail.

### *Surveys*

One helpful tool for gathering public input is surveys. Surveys can take many shapes, sizes, and methods of deployment: online, paper, by telephone, and in-person. The IMPO uses surveys to gather information from the public on specific planning activities and uses the information to inform the planning process. Another use is to survey the members of the TPC at key points in a planning process. Survey results are shared with the TPC and are considered integral parts of a successful planning process. When requested or as appropriate, a survey may be translated for people with limited English proficiency.

### *Street Teams*

The IMPO may choose to hire or organize street teams on a project-by-project basis. These teams can visit well-traveled establishments (such as grocery stores, salons, places of worship, community centers, public fairs/festivals, etc.) to share information about a current project or a public engagement opportunity.

### **Interested Citizens/Agencies**

The IMPO uses its email newsletter, the teMPO, as the main form of communication with interested citizens and agencies. The IMPO uses the teMPO to disseminate information about transportation plans, policies, and activities. The IMPO strives to include organizations that represent low-income, minority, and other traditionally underserved populations as subscribers of the teMPO. Subscribers of the teMPO will be continually examined for inclusiveness and usefulness, and opportunities to subscribe to the email newsletter will be offered to all individuals who take an interest in participating in the IMPO's transportation planning and programming processes. Anyone who wishes to subscribe to the teMPO newsletter can sign up at <https://www.indympo.gov/about-us/get-involved>.

The IMPO attempts to ensure that teMPO subscribers include representatives of the following:

- Traffic agencies
- Private providers of transportation services
- Ridesharing agencies
- Parking agencies
- Transportation safety agencies
- Traffic enforcement agencies
- Commuter rail operators
- Airport and port authorities
- Freight companies
- Railroad companies
- Environmental organizations
- Neighborhood associations
- Local Health Departments
- Other City, County, and Municipal departments
- Advocacy groups
- Interested citizens
- Public/Private/Parochial/Charter Schools
- Employers
- Organizations representing the interests of:
  - Older Adults
  - Minority populations
  - Transportation agency employees
  - Users of various modes of transportation
  - Persons with disabilities
  - Economically disadvantaged persons
  - Others underserved by the transportation system

### **Availability of Information**

All documents seeking public comment will be posted the IMPO website at <https://www.indympo.gov/comment> and advertised via the teMPO email newsletter and social media. IMPO staff will make printed materials available to the public upon request. When appropriate, a charge may be levied for copies of publications. The charge will cover the cost of production

and, if applicable, the cost of mailing the materials. All such materials are available for viewing at the IMPO office at no cost.

## Public Involvement Plan (PIP)

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A minimum public comment period of forty-five (45) calendar days will be provided before an initial or revised PIP is adopted by the TPC. Meetings during which the TPC will consider adoption of a PIP will include a public hearing in accordance with Appendix B of this Public Involvement Plan. Copies of the approved PIP will be provided to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) for informational purposes and will be posted to the IMPO's website. The IMPO will review the PIP generally every four years generally and initiate a process to amend the existing or adopt a new PIP as necessary.

## Metropolitan Transportation Plan (MTP) Public Involvement

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The MTP for the Indianapolis MPA serves as the comprehensive plan for transportation investment to support the safe and efficient movement of people and goods within the Indianapolis region through the plan's 30-year horizon. The MTP is the IMPO's primary transportation policy document. It establishes the purpose and need for major projects, identifies activities to address major transportation issues, and prioritizes investments in the transportation system.

The MTP must be fiscally constrained (activities are prioritized relative to realistic projections of available financial resources through at least the next 25 years); it identifies policies, strategies, and projects for the future; it focuses at the systems level, including roadways, transit, non-motorized transportation, and intermodal connections; it must be consistent with the statewide long-range transportation plan; and it must be reviewed and updated every four years.

Simply put, the MTP analyzes proposed transportation investments, specifically those that expand capacity, within the next 20+ years, considers the impact of these projects on regional travel patterns, and congestion, and assigns them a priority for funding.

### **New MTP**

The development of a new MTP can take several months, if not longer, depending on the scope. Throughout the planning process, the public will be engaged at key stages of development.

Once the new MTP is in final draft form, a comment period of thirty (30) calendar days will be provided for public review, including the associated air quality conformity analyses. If the final draft MTP differs significantly from the version that was made available for public comment, a second public comment period of at least fifteen (15) calendar days will be held before final approval by the TPC.

### **MTP Amendments**

Between the approval of each new MTP, there are occasions that require amending the MTP. This could be due to new planning requirements, new transportation conformity regulations, project schedule changes, or similar reasons. Amendments will be limited to twice yearly. A comment period of ten (10) calendar days will be provided for public review of any amendment to the MTP, including the associated transportation conformity analysis. Per guidance, the 10-day public review period for amendments and the 30-day review period for the Interagency Consultation Group may overlap.

### **Approval of the MTP**

The TPC is the approval body of the Indianapolis MPO. The TPC reviews and approves new MTPs or MTP amendments at its regularly scheduled meetings only after 1) all reviewing agencies have reviewed the MTP and Transportation Conformity Analysis, 2) the public has reviewed and provided comments, and 3) the Transportation Technical Committee has reviewed and approved the document. The final document will be available on the IMPO's website. Meetings during which the TPC will consider adoption of a new MTP or MTP amendment will include a public hearing in accordance with Appendix B of this PIP.

### **MTP Public Comments**

For every public input opportunity for the MTP, IMPO staff will provide specific instructions on how to provide public

comment. Copies of the draft new or amended MTP will be available in the IMPO's office and on the IMPO's website.

For a new MTP, flyers announcing the public review and comment period and the availability of the draft new MTP will be posted at selected public libraries and local government offices within the Indianapolis MPA.

Comment periods for both new and amended MTPs will be announced in the public notice section of the Indianapolis Star, on the IMPO's website, on IMPO social media accounts, and in the IMPO's email newsletter, the teMPO.

Those members of the public wishing to address comments to the TPC or any committee thereof will be given the opportunity to comment at the noticed public hearings.

All significant public comments, or a summary of similar comments, will be discussed with both the TTC and TPC prior to approval. When significant comments of a substantive nature are received during the designated comment period, they will be included in the appendix of the final document.

## Transportation Improvement Program (TIP) Public Involvement

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Among other tasks, the IMPO tracks and distributes funds through a program known as the Indianapolis Regional Transportation Improvement Program (IRTIP), or "TIP" for short. The TIP is a four-year plan for Central Indiana infrastructure. Depending on the type of project, the TIP tracks, schedules, and funds projects in Central Indiana based on regional priorities and cooperative input from communities throughout the area.

The current TIP outlines federal transportation investments in Central Indiana. It also includes projects deemed "regionally significant" for air quality during this period regardless of funding source as well as projects funded with any MPO-managed funds. The TIP is fiscally constrained, meaning it only includes projects with funding that is reasonably expected to be available.

Each year, the IMPO is allocated federal transportation funding from the Federal Highway Administration (FHWA) passed through the Indiana Department of Transportation (INDOT). This funding is distributed to local public agencies (typically cities, towns, counties, and transit organizations) by the IMPO to support transportation improvement projects (roads, bridges, trails, transit, etc.) in the IMPO's planning area. Working with local public agencies, the IMPO prioritizes, selects, and awards funding to projects that address needed transportation improvements.

Because project schedules and costs can change over time, the TIP is updated regularly. Significant changes require a formal TIP amendment, which occurs up to six times a year. Minor changes to existing projects can be approved administratively.

### **New TIP**

A 30-day public review and comment period is advertised before finalizing a new 4-year TIP for approval. If significant comments are received that may affect the draft TIP, a second public comment period of at least fifteen (15) calendar days will be held before final approval by the TPC.

### **TIP Amendment**

A 10-day public review and comment period is advertised for a formal TIP amendment such as adding a new project, project phase, changing the project scope, or significantly changing the project costs.

### **TIP Administrative Modification**

Administrative modifications are minor changes to projects or the TIP that do not require TPC approval and do not require public review. These modifications do not significantly impact the overall program. A modification is approved only if a project is consistent with the current Metropolitan Transportation Plan, is not considered controversial in nature, and has not received significant negative public comment. Modifications may include editorial or data entry corrections, minor schedule changes, or minor cost changes.

All modifications are posted quarterly on the IMPO's website at <https://www.indympo.gov/funding/irtip>.

### **TIP Emergency Amendment**

A comment period of at least seven (7) calendar days will be provided for public review of proposed emergency amendments to the TIP. Upon confirmation of the meeting details (location, time, etc.), the draft emergency amendments will be emailed to members of the TTC and TPC, posted to the IMPO website, and shared on the IMPO's social media accounts and via the teMPO email newsletter. Final action will be taken by the TPC at a special meeting called by the board chair. The public notice of the seven (7) day comment period concluding in a public hearing at the TPC meeting will be made in accordance with Appendix A of this PIP.

These are amendments that require approval by the TPC and must include public review outside of the regular formal amendment process. Emergency amendments must be made available during an advertised seven (7) day public comment period, concluding in a public hearing.

### **TIP Public Comments**

For every public input opportunity for the TIP, IMPO staff will provide specific instructions on how to provide public comment. Copies of the new draft TIP or amendments to the TIP will be available in the IMPO's office and on the IMPO's website. Comment periods will be announced in the public notice section of the Indianapolis Star, on the IMPO's website, on IMPO social media accounts, and as part of the IMPO's email newsletter, the teMPO. Those members of the public wishing to address comments to the TPC, or any committee thereof will be given the opportunity to comment at the noticed public hearings. All significant public comments, or a summary of similar comments, will be discussed with both the TTC and TPC prior to approval. All comments received during the designated comment period will be included in the appendix of the final document. For further information on TIP amendments and modifications, please visit <https://www.indympo.gov/funding/irtip>.

### **Approval of the TIP**

The TPC is the approval body of the Indianapolis MPO. The TPC reviews and approves the new and amended project lists at its regularly scheduled meetings only after all reviewing agencies have approved the TIP and Transportation Conformity Analysis, the public has reviewed and provided comments, and the TTC has reviewed and recommended approval of the document. Meetings during which the TPC will consider adoption of the TIP will include a public hearing in accordance with Appendix B of this PIP. The final document will be available on the IMPO's website.

## **Public Involvement in Special Planning Studies**

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As planning or programming projects arise (other than the PIP, TIP, and MTP), a project may use this PIP or develop a specific public involvement process that is appropriate for the project. Public comment periods and notices of public hearing for project-specific processes will be advertised in the Indianapolis Star, on the IMPO's website, on IMPO social media accounts, and as part of the IMPO's email newsletter, the teMPO. Draft documents will be posted on the IMPO's website for review by the public.

## **Contact**

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Those seeking more information about our planning activities can contact the Indianapolis Metropolitan Planning Organization, 200 East Washington Street, City-County Building, Suite 2322; Indianapolis, IN 46204

**Phone:** 317.327.8601; or call 711 for Relay Indiana

**Fax:** 317.327.5950

**Website:** [www.IndyMPO.org](http://www.IndyMPO.org)

## Appendix A: Reference for Minimum Noticing

The following table was created to provide clarity on the required notice for meetings or public hearings for each of the IMPO's planning activities. All notices for public meetings and public hearings will be posted to the IMPO's website.

REGULAR COMMITTEE MEETINGS	DATES	NOTICE FOR MEETING OR PUBLIC HEARING	NOTES
<b>INDIANAPOLIS MPO COMMITTEE MEETINGS</b>			
Transportation Technical and Policy Committees' Meetings	These committees meet in February, April, June, August, October, and December	Minimum 7 calendar days' notice of meetings and agendas posted on IMPO website	
Executive Committee	The Executive Committee meets each month	Minimum 7 calendar days' notice of meetings; Emergency Meetings require only two (2) working days' notice <sup>3</sup>	

*\*\* NOTE: Individuals needing special accommodations to participate in meetings or individuals with limited English proficiency should contact IMPO staff at least three (3) working days prior to the scheduled meeting in order to accommodate their needs. Call 317-327-8601 or 711 for Relay Indiana.*

<sup>3</sup> In Accordance with the Indiana Open Door Law (IC 5-14-15 - Appendix D)

PLAN OR PROCESS	MINIMUM OFFICIAL PUBLIC COMMENT PERIOD	MINIMUM NOTICE FOR MEETING OR PUBLIC HEARING	NOTES
<b>PUBLIC INVOLVEMENT PLAN (PIP)</b>			
New or Updated PIP	45 calendar days	Public Hearing held at regularly scheduled TPC meetings	A written response to public comments received will be included in the appendix
<b>METROPOLITAN TRANSPORTATION PLAN (MTP)</b>			
New MTP	30 calendar days -- Second review period of 15 calendar days if draft changes greatly based on public comment	Public Hearing held at a regularly scheduled TPC meeting	A written response to public comments received will be included in the appendix
MTP Amendment	10 calendar days	Public Hearing held at a regularly scheduled TPC meeting	A summary of public comments will be provided to the TPC

PLAN OR PROCESS	MINIMUM OFFICIAL PUBLIC COMMENT PERIOD	MINIMUM NOTICE FOR MEETING OR PUBLIC HEARING	NOTES
<b>METROPOLITAN TRANSPORTATION PLAN (MTP)</b>			
New MTP	30 calendar days -- Second review period of 15 calendar days if draft changes greatly based on public comment	Public Hearing held at a regularly scheduled TPC meeting	A written response to public comments received will be included in the appendix
MTP Amendment	10 calendar days	Public Hearing held at a regularly scheduled TPC meeting	A summary of public comments will be provided to the TPC
<b>INDIANAPOLIS REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (TIP)</b>			
New TIP	30 calendar days -- Second review period of 15 calendar days if draft changes greatly based on public comment	Public Hearing held at a regularly scheduled TPC meeting	A written response to public comments received will be included in the appendix
TIP Amendment	10 calendar days	Public Hearing held at a regularly scheduled TPC meeting	A summary of public comments will be provided to the TPC
TIP Amendment (Illustrative projects list)	10 calendar days	Public Hearing held at a regularly scheduled TPC meeting	A summary of public comments will be provided to the TPC
TIP Administrative Modifications	No public review required	No public hearing required	
TIP Emergency Amendment	7 calendar days	Consideration and final decision to take place during an emergency meeting of the TPC	A summary of public comments will be provided to the TPC
<b>OTHER PLANS AND ACTIVITIES</b>			
Other Plans & Activities	Specified within the specific PIP's for Other Plans and Activities		

*\*\* NOTE: Individuals needing special accommodations to participate in meetings or individuals with limited English proficiency should contact IMPO staff at least three (3) working days prior to the scheduled meeting in order to accommodate their needs. Call 317-327-8601 or 711 for Relay Indiana.*

## Appendix B: Public Hearing Procedures

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### **Scheduled Public Hearings**

Public hearings are held by the IMPO prior to a decision point. They may occur at a regularly scheduled meeting of the TPC, a special meeting that may be called according to the IMPO By-Laws, or at an advance public hearing. Advance public hearings may be held in cases where a large amount of public comment is anticipated to allow for proper recording and dissemination of comments to TPC members prior to a voting meeting. A public hearing gathers community comments and positions from all interested parties for public record and input into decisions. Public hearings shall be open to the public and persons desiring to be heard shall have the right to give testimony, in accordance with these rules. The IMPO may also hold public pre-hearings to allow people to ask questions and comment in a less formal setting before the public hearing.

IMPO staff or the project sponsor shall be allowed time to introduce the resolution and explain the relevant details of the proposal to the TPC and those present.

A maximum of 20 minutes for supporters and 20 minutes for remonstrators shall be allotted for a total of no more than 40 minutes of testimony per resolution that requires a public hearing. That time will be used for the presentation of evidence, statements, and argument. Testimony may alternate between support and opposition. Individuals wishing to speak must sign-in at the meeting. Each individual speaker may have a maximum of two (2) minutes to speak to allow for multiple people to comment within the allotted time. The IMPO encourages groups with similar views to appoint a single presenter to speak on behalf of the group. If this presenter wishes to speak for longer than two minutes, they should make prior arrangements with the IMPO to do so.

After testimony is given as specified above, supporters and remonstrators, respectively, shall be permitted five minutes each (for a total of no more than 10 minutes per resolution) for rebuttal that shall include only evidence, statements, or arguments in rebuttal of previously presented testimony.

The Chair of the TPC shall have the authority to cut off repetitious and irrelevant testimony, and also shall have authority to extend the periods of time specified above when it is in the interest of affording a fair hearing to all interested parties. Every person appearing at the hearings shall abide by the order and directives of the TPC Chair. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of privileges extended by the TPC and shall be dealt with by the Chair as deemed fair and proper.

Individuals who cannot attend but wish to submit their comments to be read during the meeting, must submit them to IMPO staff at least two days prior to the meeting via the comment form at <https://www.indympo.gov/comment>. Comments submitted during an official public comment period will be included as an appendix to the draft document being considered for approval at a public hearing. Draft documents for consideration are distributed to TPC members one week prior to each meeting.

### **Advance Public Hearing Procedure**

Advance public hearings may be offered to organize proceedings in situations where the public would benefit from additional opportunities to comment on IMPO Resolutions.

#### *Location:*

Consideration for the location of the advance public hearing may be based on the following factors:

- Availability of Location
- Ability of Location to hold the anticipated number of persons attending
- Accessibility by public transit
- Access by and/or coordination with security personnel
- Buildings where firearms are prohibited
- ADA Accessibility

*Physical Set-up:*

The facility shall have adequate equipment for those speaking to be heard and/or recorded. There should be adequate provision for visual displays such as a computer projector, transparency projector or display boards as necessary. Dual podiums are encouraged but not required. Dual podiums allow for public comment to effectively alternate from each podium to afford equal opportunity to both those in support and those in opposition to a resolution.

*Organization:*

Persons wishing to speak during the advance public hearing should sign in with the following information: first name, last name, address, contact (email and/or phone) and whether they are in support or opposition to the resolution. The IMPO will call a list of names, in the order that they signed in, to form a line at the podium(s) for public comment. Members of the public will be given between 2 and 5 minutes of time to speak based on the number of people present and wishing to speak.

Individuals who cannot attend but wish to submit their comments to be read during the meeting, must submit them to IMPO staff at least two days prior to the meeting via the comment form at <https://www.indympo.gov/comment>.

*Posting of procedure:*

To provide the public with adequate instruction on how the meeting will be organized, the IMPO will post the hearing procedure where appropriate at the hearing location and shall prepare a statement to be read at the beginning of the hearing that covers this information as well.

*Decision:*

Final decisions will not be made at Advance Public Hearings. Comments will be recorded and included with packet information to the TPC for their consideration at the final public hearing, at which public comment will also be allowed and either a final approval decision will be made or the consideration will be continued to a future TPC meeting.

**Public Pre-Hearings**

To accommodate individuals who may be unable to attend the official public hearing during the Transportation Policy Committee meeting, two virtual Pre-Hearings will be held prior to the official public hearing. Individuals will be able to ask questions or provide comments on agenda items and may issue a statement to be read into the record during the official public hearing.

## **Appendix C: Shared Public Involvement Process for the Program of Projects (POP)**

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With regard to the region's Federal Transit Administration (FTA) Program of Projects (POP), the IMPO's procedures for public involvement for Transportation Improvement Program (TIP) development and amendments will be used to fulfill public noticing requirements for the agencies listed here. These agencies will be responsible for ensuring that the projects in the POP are included in the TIP.

- Indianapolis Public Transportation Corporation (IndyGo)
- Central Indiana Regional Transportation Authority (CIRTA)

As necessary, either agency may go beyond the minimum TIP requirements of this PIP to execute their specific agency's duties.

*Special Note for IndyGo & CIRTA*

The following note will be included in all Transportation Improvement Program (TIP) publications produced by the IMPO: *"The public involvement process for the IMPO Transportation Improvement Program (TIP) is used to satisfy the public involvement process for the Program of Projects (POP) for the following Federal Transit Administration (FTA) grantees: Indianapolis Public Transportation Corporation (IndyGo) and Central Indiana Regional Transportation Authority (CIRTA). This publication complies with the IMPO Public Involvement Procedures (PIP)."*

## Appendix D: Federal Code

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23 CFR 450.316 - Interested parties, participation, and consultation.

[www.ecfr.gov/current/title-23/section-450.316](http://www.ecfr.gov/current/title-23/section-450.316)

- a. The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
  1. The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
    - i. Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
    - ii. Providing timely notice and reasonable access to information about transportation issues and processes;
    - iii. Employing visualization techniques to describe metropolitan transportation plans and TIPs;
    - iv. Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
    - v. Holding any public meetings at convenient and accessible locations and times;
    - vi. Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
    - vii. Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
    - viii. Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
    - ix. Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
    - x. Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
  2. When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations ([40 CFR part 93, subpart A](#)), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
  3. A minimum public comment period of 45 calendar days shall be provided before the initial or revised par-

ticipation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

- b. In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
  - 1. Recipients of assistance under title 49 U.S.C. Chapter 53;
  - 2. Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
  - 3. Recipients of assistance under 23 U.S.C. 204.
- c. When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
- d. When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- e. MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under [§ 450.314](#).

### **23 CFR 450.316 Checklist**

SECTION	ADDRESS WHERE/HOW
(a)(1)(i)	Add the location in this PIP where this section is address – like page number, section header
(a)(1)(ii)	
(a)(1)(iii)	
(a)(1)(iv)	
(a)(1)(v)	
(a)(1)(vi)	
(a)(1)(vii)	
(a)(1)(viii)	
(a)(1)(ix)	
(a)(1)(x)	
(a)(2)	
(a)(3)	Uses specific EJ language
(b)	
(b)(1)	
(b)(2)	
(b)(3)	
(c)	
(d)	
(e)	

**23 USC 134 – Metropolitan transportation planning**

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title23-section134&num=0&edition=prelim>

(5) Consultation.-

(A) In general.-In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

(B) Issues.-The consultation shall involve, as appropriate-

- (i) comparison of transportation plans with State conservation plans or maps, if available; or
- (ii) comparison of transportation plans to inventories of natural or historic resources, if available.

(6) Participation by interested parties.-

(A) In general.-Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or tele-work program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, affordable housing organizations, and other interested parties with a reasonable opportunity to comment on the transportation plan.

(B) Contents of participation plan.-A participation plan-

- (i) shall be developed in consultation with all interested parties; and
- (ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

(C) Methods.-In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable-

- (i) hold any public meetings at convenient and accessible locations and times;
- (ii) employ visualization techniques to describe plans; and
- (iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(D) Use of technology.-A metropolitan planning organization may use social media and other web-based tools-

- (i) to further encourage public participation; and
- (ii) to solicit public feedback during the transportation planning process.

(7) Publication.-A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(8) Selection of projects from illustrative list.-Notwithstanding paragraph (2)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(E).

(j) Metropolitan TIP.-

(1) Development.-

(A) In general.-In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that-

- (i) contains projects consistent with the current metropolitan transportation plan;
- (ii) reflects the investment priorities established in the current metropolitan transportation plan; and
- (iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

(B) Opportunity for comment.-In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(C) Funding estimates.-For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) Updating and approval.-The TIP shall be-

- (i) updated at least once every 4 years; and
- (ii) approved by the metropolitan planning organization and the Governor.

(2) Contents.-

(A) Priority list.-The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) Financial plan.-The TIP shall include a financial plan that-

- (i) demonstrates how the TIP can be implemented;
- (ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;
- (iii) identifies innovative financing techniques to finance projects, programs, and strategies; and
- (iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) Descriptions.-Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) Performance target achievement.-The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

(3) Included projects.-

(A) Projects under this title and chapter 53 of title 49 .-A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) Projects under chapter 2.-

(i) Regionally significant projects.-Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) Other projects.-Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

(C) Consistency with long-range transportation plan.-Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

(D) Requirement of anticipated full funding.-The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(4) Notice and comment.-Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(5) Selection of projects.-

(A) In general.-Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP-

- (i) by-
- (II) in the case of projects under this title, the State; and
- (II) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and
- (ii) in cooperation with the metropolitan planning organization.

(B) Modifications to project priority.-Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) Selection of projects from illustrative list.-

(A) No required selection.-Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) Required action by the secretary.-Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) Publication.-

(A) Publication of tips.-A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) Publication of annual listings of projects.-

(i) In general.-An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

(ii) Requirement.-The listing shall be consistent with the categories identified in the TIP.

## Appendix E: Indiana Open Door Law

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### Indiana Code Title 5, Article 14, Chapter 1.5

IC 5-14-15

Chapter 1.5. Public Meetings (Open Door Law)

IC 5-14-1.5-1

Purpose

Sec. 1. In enacting this chapter, the general assembly finds and declares that this state and its political subdivisions exist only to aid in the conduct of the business of the people of this state. It is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. The purposes of this chapter are remedial, and its provisions are to be liberally construed with the view of carrying out its policy. As added by Acts 1977, P.L.57, SEC.1. Amended by P.L.67-1987.

SEC.1. IC 5-14-1.5-2

Definitions

Sec. 2. For the purposes of this chapter:

(a) "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.

(2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.

(3) Any entity which is subject to either:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision of the

state of Indiana that issues bonds for the purpose of constructing public facilities.

- (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.
- (6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.
- (7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.
- (b) "Governing body" means two (2) or more individuals who are:
  - (1) A public agency that:
    - (A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and
    - (B) takes official action on public business.
  - (2) The board, commission, council, or other body of a public agency which takes official action upon public business.
  - (3) Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. An agent or agents appointed by the governing body to conduct collective bargaining on behalf of the governing body does not constitute a governing body for purposes of this chapter.
- (c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include any of the following:
  - (1) Any social or chance gathering not intended to avoid this chapter.
  - (2) Any on-site inspection of any:
    - (A) project;
    - (B) program; or
    - (C) facilities of applicants for incentives or assistance from the governing body.
  - (3) Traveling to and attending meetings of organizations devoted to betterment of government.
  - (4) A caucus.
  - (5) A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
  - (6) An orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action.
  - (7) A gathering for the sole purpose of administering an oath of office to an individual.
  - (8) Collective bargaining discussions that the governing body of a school corporation engages in directly with bargaining adversaries. This subdivision only applies to a governing body that has not appointed an agent or agents to conduct collective bargaining on behalf of the governing body as described in subsection (b)(3).
- (d) "Official action" means to:
  - (1) receive information;
  - (2) deliberate;
  - (3) make recommendations;
  - (4) establish policy;
  - (5) make decisions; or
  - (6) take final action.
- (e) "Public business" means any function upon which the public agency is empowered or authorized to take official action.
- (f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose.
- (g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order.
- (h) "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.
- (i) "Deliberate" means a discussion which may reasonably be expected to result in official action (defined under subsection (d)(3), (d)(4), (d)(5), or (d)(6)).
- (j) "News media" means all newspapers qualified to receive legal advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.
- (k) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity. As added by Acts 1977, P.L.57, SEC.1. Amended by Acts 1979, P.L.39, SEC.1; P.L.33-1984, SEC.1; P.L.67-1987, SEC.2; P.L.8-1993, SEC.56; P.L.277-1993(ss), SEC.127; P.L.1-1994, SEC.20; P.L.50-1995, SEC.14; P.L.1-1998, SEC.71; P.L.90-2002, SEC.16; P.L.35-2003, SEC.1; P.L.179-2007, SEC.1; P.L.103-2013, SEC.1. IC 5-14-1.5-2.1 "Public agency"; certain providers exempted

Sec. 2.1. "Public agency", for purposes of this chapter, does not mean a provider of goods, services, or other benefits that meets the following requirements:

- (1) The provider receives public funds through an agreement with the state, a county, or a municipality that meets the following requirements:
  - (A) The agreement provides for the payment of fees to the entity in exchange for services, goods, or other benefits.
  - (B) The amount of fees received by the entity under the agreement is not based upon or does not involve a consideration of the tax revenues or receipts of the state, county, or municipality.
  - (C) The amount of the fees are negotiated by the entity and the state, county, or municipality.
  - (D) The state, county, or municipality is billed for fees by the entity for the services, goods, or other benefits actually provided by the entity.
- (2) The provider is not required by statute, rule, or regulation to be audited by the state board of accounts. As added by P.L.179-2007, SEC.2.

#### IC 5-14-1.5-3

Open meetings; secret ballot votes; member participating by electronic means of communication Sec. 3.

(a) Except as provided in section 6.1 of this chapter, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.

(b) A secret ballot vote may not be taken at a meeting.

(c) A meeting conducted in compliance with section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication does not violate this section.

As added by Acts 1977, P.L.57, SEC.1. Amended by P.L.38-1988, SEC.6; P.L.1-1991, SEC.35; P.L.179-2007, SEC.3; P.L.134-2012, SEC.10.

#### IC 5-14-1.5-3.1

Serial meetings

#### Sec. 3.1.

(a) Except as provided in subsection (b), the governing body of a public agency violates this chapter if members of the governing body participate in a series of at least two (2) gatherings of members of the governing body and the series of gatherings meets all of the following criteria:

(1) One (1) of the gatherings is attended by at least three (3) members but less than a quorum of the members of the governing body and the other gatherings include at least two (2) members of the governing body.

(2) The sum of the number of different members of the governing body attending any of the gatherings at least equals a quorum of the governing body.

(3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.

(4) The gatherings are held to take official action on public business. For purposes of this subsection, a member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

(b) This subsection applies only to the city-county council of a consolidated city or county having a consolidated city. The city-county council violates this chapter if its members participate in a series of at least two (2) gatherings of members of the city-county council and the series of gatherings meets all of the following criteria:

(1) One (1) of the gatherings is attended by at least five (5) members of the city-county council and the other gatherings include at least three (3) members of the city-county council.

(2) The sum of the number of different members of the city-county council attending any of the gatherings at least equals a quorum of the city-county council.

(3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.

(4) The gatherings are held to take official action on public business.

For purposes of this subsection, a member of the city-county council attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

- (c) A gathering under subsection (a) or (b) does not include:
  - (1) a social or chance gathering not intended by any member of the governing body to avoid the requirements of this chapter;
  - (2) an onsite inspection of any:
- (A) project;
- (B) program; or
- (C) facilities of applicants for incentives or assistance from the governing body;
  - (3) traveling to and attending meetings of organizations devoted to the betterment of government;
  - (4) a caucus;
  - (5) a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources;
  - (6) an orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action;
  - (7) a gathering for the sole purpose of administering an oath of office to an individual; or
  - (8) a gathering between less than a quorum of the members of the governing body intended solely for members to receive information and deliberate on whether a member or members may be inclined to support a member's proposal or a particular piece of legislation and at which no other official action will occur.
- (d) A violation described in subsection (a) or (b) is subject to section 7 of this chapter.

As added by P.L.179-2007, SEC.4.

## IC 5-14-1.5-3.5

Electronic meetings of political subdivisions; statutory authorization required

## Sec. 3.5.

- (a) This section applies only to a governing body of a public agency of a political subdivision, other than a governing body of an airport authority, a department of aviation, or a conservancy district as set forth in section 3.6 of this chapter.
- (b) Subject to subsection (i), a member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting by any electronic means of communication that does the following:
  - (1) Allows all participating members of the governing body to simultaneously communicate with each other.
  - (2) Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session. Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.
  - (c) A technological failure in an electronic means of communication that disrupts or prevents:
    - (1) the simultaneous communication between a member who is not physically present at the meeting and the governing body; or
    - (2) a member of the public who is not present at the meeting from attending and observing the meeting; does not prevent the governing body from conducting the meeting or affect the validity of an action taken by the governing body at the meeting if the sum of the governing body members physically present at the meeting and the governing body members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the governing body.
  - (d) The governing body shall adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication. The governing body may establish procedures that are more restrictive than the procedures established by this section. The policy adopted under this section may include:
    - (1) limiting the number of members who may participate by electronic communication in any one (1) meeting;
    - (2) limiting the total number of meetings that the governing body may conduct in a calendar year by electronic communication; and
    - (3) requiring a member, except in the case of a meeting called to deal with an emergency under section 5(d) of this chapter, who plans to attend a meeting by any Indiana Code 2022 electronic means of communication to notify the presiding officer within a certain period of time before the meeting, as specified by the governing body, so that arrangements may be made for the member's participation by electronic communication.
  - (e) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by an electronic means of communication must:
    - (1) state the name of each member of the governing body who:

(A) was physically present at the place where the meeting was conducted;  
 (B) participated in the meeting by using any electronic means of communication; and  
 (C) was absent; and

(2) identify the electronic means of communication by which:  
 (A) members of the governing body participated in the meeting; and  
 (B) the public attended and observed the meeting, if the meeting was not held in executive session. (f) All votes taken during a meeting under this section must be taken by roll call vote.

(g) At least fifty percent (50%) of the members of the governing body must be physically present at a meeting.  
 (h) A member of the governing body may not attend more than fifty percent (50%) of the governing body's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

(1) military service;  
 (2) illness or other medical condition;  
 (3) death of a relative; or  
 (4) an emergency involving actual or threatened injury to persons or property.  
 (i) A member of a governing body may not participate in a meeting of the governing body by electronic communication if the governing body is attempting to take final action to:  
 (1) adopt a budget;  
 (2) make a reduction in personnel;  
 (3) initiate a referendum;  
 (4) establish or increase a fee;  
 (5) establish or increase a penalty;  
 (6) use the governing body's eminent domain authority; or  
 (7) establish, raise, or renew a tax.

(j) A governing body may not prohibit a member of the governing body from attending consecutive meetings by electronic communication. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

(1) military service;  
 (2) illness or other medical condition;  
 (3) death of a relative; or (4) an emergency involving actual or threatened injury to persons or property.

As added by P.L.134-2012, SEC.11. Amended by P.L.154-2016, SEC.1; P.L.88-2021, SEC.5; P.L.107-2021, SEC.1; P.L.137-2021, SEC.22.

#### IC 5-14-1.5-3.6

##### Electronic communications by certain governing bodies Sec. 3.6.

(a) This section applies only to a governing body of the following:  
 (1) A charter school.  
 (2) A public agency of the state, including a body corporate and politic established as an instrumentality of the state.  
 (3) An airport authority or a department of aviation under IC 8-22.  
 (4) A conservancy district under IC 14-33.  
 (b) A member of a governing body who is not physically present at a meeting of the Indiana Code 2022 governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits:  
 (1) the member;  
 (2) all other members participating in the meeting;  
 (3) all members of the public physically present at the place where the meeting is conducted; and  
 (4) if the meeting is conducted under a policy adopted under subsection (g)(7), all members of the public physically present at a public location at which a member participates by means of electronic communication; to simultaneously communicate with each other during the meeting.

(c) The governing body must fulfill both of the following requirements for a member of the governing body to participate in a meeting by electronic communication:  
 (1) This subdivision does not apply to committees appointed by a board of trustees of a state educational institution, by the commission for higher education, by the board of the Indiana economic development corporation, or by the board of directors of the Indiana secondary market for education loans, as established, incorporated, and

designated under IC 21-16-5-1. This subdivision does not apply to a governing body if at least fifty-one percent (51%) of the governing body membership consists of individuals with a disability (as described in IC 12-12-8-3.4) or individuals with a significant disability (as described in IC 12-12-8-3.6), or both. The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:

- (A) two (2) of the members; or
- (B) one-third (1/3) of the members.

(2) All votes of the governing body during the electronic meeting must be taken by roll call vote. Nothing in this section affects the public's right under this chapter to attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).

(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually. This subsection does not apply to a governing body if at least fifty-one percent (51%) of the governing body membership consists of individuals with a disability (as described in IC 12-12-8-3.4) or individuals with a significant disability (as described in IC 12-12-8-3.6), or both.

(e) Unless a policy adopted by a governing body under subsection (g) provides otherwise, a member who participates in a meeting by electronic communication:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:

- (1) meets all requirements of this chapter; and

(2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication. (g) A policy adopted by a governing body to govern participation in the governing body's meetings by electronic communication may do any of the following:

(1) Require a member to request authorization to participate in a meeting of the governing body by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Subject to subsection (e), limit the number of members who may participate in any one (1) meeting by electronic communication. Indiana Code 2022

(3) Limit the total number of meetings that the governing body may conduct in a calendar year by electronic communication.

(4) Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.

(5) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this subdivision, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

- (A) the member votes with the majority; and
- (B) the official action is adopted or defeated by one (1) vote.

- (6) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the governing body's policy includes this provision, a meeting notice must provide the following information:

- (A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

- (B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

- (C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.

(9) Provide that a member participating by electronic communication may vote on official action only if, subject to subsection (e), a specified number of members:

- (A) are physically present at the location where the meeting is conducted; and
- (B) concur in the official action.

- (10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.
- (h) The policy adopted by the governing body must be posted on the Internet web site of the governing body, the charter school, the airport, the conservancy district, or the public agency.
- (i) Nothing in this section affects a public agency's or charter school's right to exclude the public from an executive session in which a member participates by electronic communication. As added by P.L.134-2012, SEC.12. Amended by P.L.62-2013, SEC.1; P.L.132-2013, SEC.1; P.L.280-2013, SEC.4; P.L.30-2015, SEC.1; P.L.154-2016, SEC.2; P.L.237-2017, SEC.13; P.L.88-2021, SEC.6; P.L.107-2021, SEC.2; P.L.137-2021, SEC.23; P.L.124-2022, SEC.4.

#### IC 5-14-1.5-3.7

Electronic meetings during disaster emergency Sec. 3.7.

- (a) As used in this section, "disaster emergency" means:
  - (1) a disaster emergency declared by the governor under IC 10-14-3-12; or
  - (2) a local disaster emergency declared by the executive (as defined in IC 36-1-2-5) of a political subdivision under IC 10-14-3-29.
- (b) Notwithstanding section 3.5 or 3.6 of this chapter, if a disaster emergency is in effect for all or part of the area within the governing body's jurisdiction, the members of a governing body are not required to be physically present at a meeting:
  - (1) if meeting in person would present an imminent risk to the health or safety of the Indiana Code 2022 members of the public and the governing body who attend the meeting because of the particular danger, threat, or emergency conditions that are the basis for the declaration of the disaster emergency; and
  - (2) if the members are of the governing body of a school corporation or charter school, one (1) or more schools within the jurisdiction of the governing body of the school corporation or the charter school are closed at the time of the meeting because of the particular danger, threat, or emergency conditions that are the basis for the declaration of the disaster emergency.
- (c) The members of a governing body may meet by any means of electronic communication, if the following are satisfied:
  - (1) At least a quorum of the members of the governing body participate in the meeting by means of electronic communication or in person.
  - (2) The public is able to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.
- (d) The memoranda for a meeting prepared under section 4 of this chapter for a meeting held under this section must:
  - (1) state the name of each member of the governing body who:
    - (A) participated in the meeting by using any electronic means of communication; and
    - (B) was absent; and
  - (2) identify the electronic means of communication by which:
    - (A) members of the governing body participated in the meeting; and
    - (B) the public attended and observed the meeting, if the meeting was not held in executive session.
- (e) All votes taken during a meeting under this section must be taken by roll call vote. As added by P.L.88-2021, SEC.7. Amended by P.L.116-2022, SEC.2; P.L.124-2022, SEC.5.

#### IC 5-14-1.5-4

Posting agenda; memoranda of meetings; public inspection of minutes

##### Sec. 4.

- (a) A governing body of a public agency utilizing an agenda shall post a copy of the agenda at the entrance to the location of the meeting prior to the meeting. A rule, regulation, ordinance, or other final action adopted by reference to agenda number or item alone is void.
- (b) As the meeting progresses, the following memoranda shall be kept:
  - (1) The date, time, and place of the meeting.
  - (2) The members of the governing body recorded as either present or absent.
  - (3) The general substance of all matters proposed, discussed, or decided.
  - (4) A record of all votes taken by individual members if there is a roll call.
  - (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.

(c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public of the governing body's proceedings. The minutes, if any, are to be open for public inspection and copying. As added by Acts 1977, P.L.57, SEC.1. Amended by P.L.38-1988, SEC.7; P.L.76-1995, SEC.1; P.L.2-2007, SEC.99; P.L.134-2012, SEC.13.

**IC 5-14-1.5-5**  
Public notice of meetings

**Sec. 5.**

(a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency as follows:

(1) The governing body of a public agency shall give public notice by posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held.

(2) The governing body of a public agency shall give public notice by delivering notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Depositing the notice in the United States mail with postage prepaid.

(B) Transmitting the notice by electronic mail, if the public agency has the capacity to transmit electronic mail.

(C) Transmitting the notice by facsimile (fax).

(3) This subdivision applies only to the governing body of a public agency of a political subdivision described in section 2(a)(2), 2(a)(4), or 2(a)(5) of this chapter that adopts a policy to provide notice under this subdivision. Notice under this subsection is in addition to providing notice under subdivisions (1) and (2). If the governing body adopts a policy under this subdivision, the governing body of a public agency shall give public notice by delivering notice to any person (other than news media) who delivers to the governing body of the public agency an annual written request for the notices not later than December 31 for the next succeeding calendar year. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Transmitting the notice by electronic mail, if the public agency has the capacity to send electronic mail.

(B) Publishing the notice on the public agency's Internet web site at least forty-eight (48) hours in advance of the meeting, if the public agency has an Internet web site. A court may not declare void any policy, decision, or final action under section 7 of this chapter based on a failure to give a person notice under subdivision (3) if the public agency made a good faith effort to comply with subdivision (3). If a governing body comes into existence after December 31, it shall comply with this subsection upon receipt of a written request for notice. In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings under subsection (b)(2) must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to subsection (b)(1).

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the department of local government finance, the Indiana board of tax review, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer

with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

As added by Acts 1977, P.L.57, SEC.1. Amended by Acts 1979, P.L.39, SEC.2; P.L.67-1987, SEC.3; P.L.8-1989, SEC.22; P.L.3-1989, SEC.29; P.L.46-1990, SEC.1; P.L.251-1999, SEC.4; P.L.90-2002, SEC.17; P.L.200-2003, SEC.1; P.L.177-2005, SEC.14; P.L.134-2012, SEC.14.

**IC 5-14-1.5-6**

Repealed

(Repealed by P.L.1-1991, SEC.36 and P.L.10-1991, SEC.10.)

**IC 5-14-1.5-6.1**

Executive sessions

Sec. 6.1.

(a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

(E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, the ports of Indiana, an economic development commission, the Indiana state department of agriculture, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

- (i) a physician; or
- (ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(14) To train members of a board of aviation commissioners appointed under IC 8-22-2 or members of an airport authority board appointed under IC 8-22-3 with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection. As added by PL.1-1991, SEC.37 and PL.10-1991, SEC.8. Amended by PL.48-1991, SEC.1; PL.37-2000, SEC.1; PL.200-2003, SEC.2; PL.4-2005, SEC.28; PL.229-2005, SEC.2; PL.235-2005, SEC.84; PL.101-2006, SEC.3; PL.179-2007, SEC.5; PL.2-2008, SEC.20; PL.98-2008, SEC.3; PL.120-2008, SEC.1; PL.139-2011, SEC.1; PL.24-2012, SEC.1; PL.103-2013, SEC.2.

## Appendix F: Public Comments on the PIP

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### **Public Comment Period**

The document was shared for an official public comment period between August 22, 2025 and October 6, 2025. No comments were submitted.

### **Public Hearing**

The document was presented during a public hearing on October 15, 2025. No comments were submitted.

## Appendix G: Language Access Plan

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Courts have interpreted Title VI's prohibition of discrimination on the basis of national origin to include discrimination based on limited English proficiency (LEP). Under Title VI (and the Safe Streets Act), federal funding recipients (in this case the IMPO) are required to provide LEP individuals with meaningful access to their programs and services. Providing "meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents.

Sub-recipients (entities hired by the IMPO) likewise are covered when Federal funds are passed through from one recipient to a sub-recipient. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance.

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or

understand English can be limited English proficient, or "LEP," entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The federal guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- The frequency with which LEP individuals come in contact with the program.
- The nature and importance of the program, activity, or service provided by the recipient to people's lives.
- The resources available to the recipient and costs.

After conducting a Four-Factor Analysis, recipients of federal funds adopt a Language Access Plan (LAP) that presents the recipient's (the IMPO's) responsibilities, policies, and strategies for providing language assistance services to LEP persons.

### **Indianapolis Metropolitan Planning Area (MPA) Four-Factor Analysis**

The Indianapolis MPA includes 8 counties with 12 cities and 22 towns. The four-factor analysis is conducted at a county level to determine if there are particular areas where providing language assistance is important, even if the LEP population in the entire MPA is limited.

#### **Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.**

Based on the 2023 5-Year American Community Survey (ACS) estimates, the Indianapolis MPA comprises 9 counties. The analysis considers household-level, individual-level, and language-specific LEP data for a more complete picture of need and service delivery implications.

#### *Household-Level Data*

There are approximately 816,080 households in the MPA. Of these, 20,800 are Limited English Speaking Households, meaning no household member age 14 or older speaks English "very well."

COUNTY	TOTAL HOUSEHOLDS	LEP HOUSEHOLDS	% LEP HOUSEHOLDS
<b>Boone</b>	<b>27,948</b>	<b>205</b>	<b>0.7%</b>
<b>Hamilton</b>	<b>133,171</b>	<b>2,834</b>	<b>2.1%</b>
<b>Hancock</b>	<b>32,246</b>	<b>260</b>	<b>0.8%</b>
<b>Hendricks</b>	<b>65,839</b>	<b>437</b>	<b>0.7%</b>
<b>Johnson</b>	<b>61,513</b>	<b>667</b>	<b>1.1%</b>
<b>Madison</b>	<b>52,843</b>	<b>213</b>	<b>0.4%</b>
<b>Marion</b>	<b>396,662</b>	<b>15,811</b>	<b>4.0%</b>
<b>Morgan</b>	<b>27,713</b>	<b>83</b>	<b>0.3%</b>
<b>Shelby</b>	<b>18,145</b>	<b>290</b>	<b>1.6%</b>
<b>Total</b>	<b>816,080</b>	<b>20,800</b>	<b>2.5%</b>

*Individual-Level Data (Population Age 5+)*

COUNTY	POPULATION 5+	LEP INDIVIDUALS	% LEP INDIVIDUALS
<b>Boone</b>	68,336	1,214	1.8%
<b>Hamilton</b>	335,780	14,035	4.2%
<b>Hancock</b>	77,390	1,084	1.4%
<b>Hendricks</b>	169,498	4,605	2.7%
<b>Johnson</b>	154,055	4,243	2.8%
<b>Madison</b>	123,853	1,839	1.5%
<b>Marion</b>	903,491	70,684	7.8%
<b>Morgan</b>	68,436	560	0.8%
<b>Shelby</b>	42,415	975	2.3%
<b>Total</b>	<b>1,943,254</b>	<b>99,239</b>	<b>5.1%</b>

*Language-Specific LEP Data – Households*

The most spoken non-English languages in LEP households are:

- **Spanish:** 34,318 households (15,811 in Marion alone)
- **Asian & Pacific Island languages:** 5,074 in Marion; ~2,239 in Hamilton
- **Chinese:** 1,733 in Hamilton; 1,154 in Marion
- **Arabic:** 1,222 in Marion
- **Tagalog (Filipino):** 1,220 in Marion
- **Vietnamese:** ~400 in Marion

*Language-Specific LEP Data – Individuals 5+*

This dataset reinforces both language prevalence and variation by geography:

- **Marion County:** Spanish (43,123), Chinese (2,926), Arabic (1,299), Tagalog (1,232), Other Asian (9,194)
- **Hamilton County:** Spanish (4,345), Chinese (2,307), Arabic (1,440), Other Asian (2,307)
- **Hendricks, Johnson, and Madison Counties** each show more than 1,000 LEP individuals speaking Asian or Indo-European languages
- **Boone and Shelby Counties** show smaller but concentrated LEP communities, primarily Spanish-speaking

The USDOT does not provide a threshold for the percentage of a county that is LEP before providing language access services is needed, but LEP guidance from the US Department of Justice references “safe harbors”, which recommends that written translations of vital documents be created by the recipient (IMPO) for LEP language groups that make up 5% or 1,000 people of a defined area likely to be served, affected, or encountered. If the LEP language group is under this threshold or less than 50 people, the recipient (IMPO) does not need to translate the materials but must provide written notice in the primary language of the LEP group of their right to oral interpretation free of cost.

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

The IMPOs planning activities include public engagement as a component of the decision-making process. During

this process, LEP persons may come into contact with public notices, invitations to participate (online and in person), and draft plans for review and comment. Plans affecting Marion, Shelby, Hamilton, Boone, and Hendricks counties are most likely to engage Spanish-speaking LEP persons.

These plans include the Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), Public Involvement Plan (PIP), Title VI Policy, Regional Active Transportation Plan, transit planning efforts, and Local Public Agency (LPA) planning projects. Historically, the IMPO has provided the following services to LEP individuals:

- provided a voicemail number on all public notices and meeting announcements that has a greeting spoken in both English and Spanish,
- directed phone calls from Spanish speaking people to a Spanish-speaking member of staff who reviewed the message and returned the calls,
- hired a translation service provider to translate during virtual, phone, or in-person conversations, and to translate written materials as requested,
- offered and supplied language translators at public meetings,
- converted a large text document into an audio file for the visually impaired, and
- translated some of the more heavily used or core document written materials into Spanish.

#### *Programs*

Programming includes funding transportation projects like sidewalks, multi-use paths, travel lanes, bridges, roundabouts, road construction. Funding for these projects is awarded to LPAs, who work with their staff and consultants to design and construct the project. It is unlikely that the IMPO would come directly into contact with a LEP person in the course of project work, but the LPA and/or their consultant may during any public outreach component of a project or if a project involves acquiring temporary or permanent easements or right-of-way from a LEP property owner.

#### *Partnerships*

The IMPO relationships with IndyGo and the Central Indiana Regional Transportation Authority (CIRTA) can create instances where LEP persons may encounter programs funded, in part, with IMPO allocated resources. As a separate federal funding recipient, IndyGo maintains its own Title VI policy and Language Access Plan (LAP) as part of its Public Engagement Plan (PEP) and has resources available online and at the Julia M. Carson Transit Center in Spanish. As a federal funding sub-recipient, CIRTA has its Title VI notice online in four languages other than English, including Spanish.

Educational campaigns for transit, bicycle, and pedestrian planning, Safe Routes to School, Knozone Action Days, and similar topics are other opportunities for LEP populations to encounter the IMPO, directly or indirectly.

#### **Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people's lives.**

IMPO programs, activities, and services may have a positive or negative impact on the lives of LEP persons in central Indiana, and the impact may range from minimal to significant depending on the program, activity, or service.

The IMPO often creates or participates in planning activities that intent to alter the long-term course of transportation and land use in the region. This includes plans like the Active Transportation Plan, which consolidates the various pedestrian and bicycling efforts of LPAs in the region and adds recommended regional priorities to project implementation, or funding local area planning activities, like comprehensive plans, thoroughfare plans, corridor studies, and other activities that can affect the LEP population's access to jobs, healthcare, housing, etc. The potential impact of these activities on people's lives are often long-term and could change over time, making these impacts important, but somewhat indirect.

However, through funding projects, the impacts of the IMPO may be more significant and have an immediate financial impact on LEP persons, either positive or negative. These could include:

- Changing (adding or decreasing) bus routes, frequency, or stops.
- Adding bike lanes or sidewalks, multi-use paths or trails.
- Removing parking or travel lanes to accommodate shared transportation or multi-modal infrastructure.
- Adding travel or auxiliary lanes.
- Property acquisition (temporary or permanent easements, purchasing ROW, or fee-simple property acquisition) to accommodate transportation system changes.
- Installing sound walls.
- Changing interchange/intersection configurations.
- Changing traffic patterns, which may increase or decrease access to, or the time it takes to reach, jobs, school, and basic services.
- New road construction.
- Creating opportunities for contract work or working for contractors.

#### **Factor 4: The resources available to the recipient and costs.**

The IMPO has resources available to accommodate LEP persons, but the acceptable range of costs vary. If a service is directly requested, the IMPO will consider the cost and potential impact of options available to accommodate the request. If an unrequested option is expected to have little impact, the IMPO will consider the other three factors in determining accommodations.

Recent and/or ongoing accommodations made by the IMPO include:

- Contracting with engagement specialists as needed on a project-by-project basis to engage with traditionally underserved people, including the LEP population.
- Providing a voicemail number on advertised materials with greetings in English and Spanish.
- Translating surveys (on a project-by-project basis) into Spanish and Haitian Creole to facilitate participation in public input opportunities by LEP readers.
- Maintaining a Spanish language page on the IMPO website.
- Contracting to provide written, phone, or in-person translation services as needed.
- Converting a written Transit Plan into an audiobook for visually impaired people.
- Translating core or topically-applicable IMPO documents into Spanish and distributing them during community events that center around Hispanic/Latino heritage or to agencies who regularly engage with LEP persons.

Ultimately, there are limited areas of concern for LEP in the Indianapolis MPA and it is not practical to provide all services in Spanish (or other languages besides English) for all programs, projects, and services. Additional steps the IMPO is taking to engage the LEP population for critical programs, projects, and services are included in the Language Access Plan (LAP).

#### **Language Access Plan**

To improve access to IMPO programs, projects, and services, for LEP persons, the Indianapolis MPO will implement the following activities to the extent practical:

- Maintain a Spanish language webpage on the Indianapolis MPO website that includes critical documents like the Title VI policy and complaint form, the Public Involvement Plan (PIP), a summary of the Metropolitan Transportation Plan (MTP), and the IMPO Fact Book. The IMPO will provide services using qualified translation and/or



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