

INDIANAPOLIS METROPOLITAN PLANNING ORGANIZATION



## TITLE VI

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### TITLE VI COMPLAINT PROCEDURES

**INDIANAPOLIS MPO**

**TITLE VI COMPLAINT POLICIES AND PROCEDURES**

**Prepared by**

**Indianapolis Metropolitan Planning Organization**

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The Indianapolis Metropolitan Planning Organization (IMPO) values each individual's civil rights and wishes to provide equal opportunity and equitable service. 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 on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency.

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,

<https://www.indympo.org/how-we-work/mpo-policies-procedures>

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. Si se necesita información en otro idioma, comuníquese con 317-327-5136

## **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 federal funds for transit, active transportation, and roadway improvements.

The Indianapolis Metropolitan Planning Organization is the designated MPO for Central Indiana. The Indianapolis MPO plans and programs federal and state transportation funds for highways, transit, non-motorized transportation, and other means of moving people and goods in the 8-county, Central Indiana region.

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 as such is subject to the provisions of various non-discrimination laws and regulations including Title VI and environmental justice policies. MPO's 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 assure 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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Title VI seeks to prevent and eliminate existing discrimination and ensure that public funds are used for public benefit. Federal funds stem from tax dollars paid by all people and the programs and facilities developed from them must benefit everyone equally. This is Title VI in a nutshell. The 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 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 of federal funds, a city, town, or other entity must continually comply with Title VI.

The full text of Title VI prohibits discrimination on the basis of race, color, or national origin. Since Title VI was passed, additional regulations and executive orders have extended that list to also include prohibitions for discrimination against others on the basis of sex, sexual orientation, gender identity, age, disability, religion, income status, or limited English proficiency.

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 funds.

Two other areas that fall under the umbrella of Title VI are Environmental Justice (“EJ”) and Limited English Proficiency (“LEP”) requirements. Environmental Justice requires additional public participation and mitigation strategies when programs are in a disproportionately low-income or minority area. These considerations must begin at the earliest stages of scoping and planning and extend through construction and maintenance – well beyond the confines of the “environmental document” that is developed during the NEPA process.

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.

LEP strategies begin with a four-factor analysis and the development of an LEP plan as part of the Title VI Implementation Plan. It is important to track the frequency of interactions and number of LEP that are encountered to be able to determine when services are warranted and what types of services are required.

### **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 SCOPE**

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

It is the policy of The IMPO to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients, and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant 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 by reason 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.

## **5 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.org](mailto:Cole.jackson@indympo.org)

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

## **6 COMPLAINT PROCESS**

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Acceptance of Complaints of Discrimination:

Any person who believes she or he has been discriminated against on the basis of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status, or limited English proficiency by the Indianapolis MPO has a right to file a complaint within 180 days of the alleged discrimination.

- a) A complainant or their legal representative may:
  - a. file a Title VI complaint with the federal department, state recipient, or agency providing the service [e.g. Federal Highways Administration (FHWA), Federal Transit Administration (FTA), or Indiana Department of Transportation (INDOT)], and/or
  - b. file a Title VI complaint by completing and submitting the Indianapolis MPO's Title VI Complaint Form. Once the complaint is received, the Indianapolis MPO will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgment letter informing her/him whether the complaint will be investigated by our office.
- b) If using a legal representative, the identity of the complainant is not necessary provided the information is sufficient to determine the identity of the recipient and indicates the possibility of a violation.
- c) All complaints, written or verbal, made to the Indianapolis MPO shall be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce

such allegations to writing, the person to whom the complaint is made shall reduce the elements of the complaint to writing.

- d) A complaint log shall be kept by the Indianapolis MPO for the record and date of submission of the complaint by the MPO to the proper federal authorities.
- e) Complaints submitted to the Indianapolis MPO:
  - a. Complaints shall be handled within 90 days of their receipt by the Indianapolis MPO, depending on the nature of the complaint and the complexity of the investigation.
  - b. If more information is needed to resolve the case, the Indianapolis MPO may contact the complainant. The complainant has 15 business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, the Indianapolis MPO may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.
  - c. A certified letter acknowledging receipt of the complaint shall be sent by the Indianapolis MPO to the complainant and INDOT.
  - d. A preliminary inquiry shall be conducted by the Indianapolis MPO on all complaints to substantiate or refute the allegations.
  - e. If the preliminary inquiry by the Indianapolis MPO indicates that the complaint is valid, then a full complaint investigation shall be initiated. A certified letter shall be sent by the Indianapolis MPO to the complainant and any persons of interest notifying them that an investigation has begun and they should contact the Indianapolis MPO to schedule a date, time, and place for their statement to be taken. The complainant, along with any additional persons of interest, shall also be notified at this time that no discussion should take place regarding this complaint, other than with the investigator, without prior approval and knowledge from the investigator.
  - f. If the allegations are not substantiated, a certified letter shall be sent by the Indianapolis MPO to the complainant and INDOT that contains a description of the allegations investigated, the scope of the investigation, the facts learned, and a closing statement summarizing the basis on which the determination was made.
  - g. If the allegations are found to have merit, a certified letter shall be sent by the Indianapolis MPO to the complainant and INDOT that contains the results of the investigation, recommendations (disciplinary action, staff training, or other), and a detailed plan of action as well as a means and time frame for follow-up to the recommendations. The complainant or his/her representative and INDOT will be advised of each step of the process by the Indianapolis MPO.

h. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the certified letter to do so.

i. Complaint Form: The complaint form can be found on the MPO webpage at <https://www.indympo.org/how-we-work/mpo-policies-procedures>

Any person with a disability may request to file his or her complaint using an alternative format. The IMPO does not require a Complainant to use the IMPO complaint form when submitting his or her complaint.

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation  
Economic Opportunity Division  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
Phone (317) 233-6511  
Fax: (317) 233-0891

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
phone (800) 669-4000  
Fax: (317) 226-7953  
TTY 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## 7 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) Indianapolis Metropolitan Planning Organization maintains a map of "[Environmental Justice Areas](#)" For each census block group within the Metropolitan Planning Area, 2019 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.

## 8 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 about 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 and wishes to provide equal opportunity and equitable service. 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 on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. 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, <https://www.indympo.org/how-we-work/mpo-policies-procedures>*

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*If information is needed in another language, contact 317-327-5136. Si se necesita información en otro idioma, comuníquese con 317-327-5136*

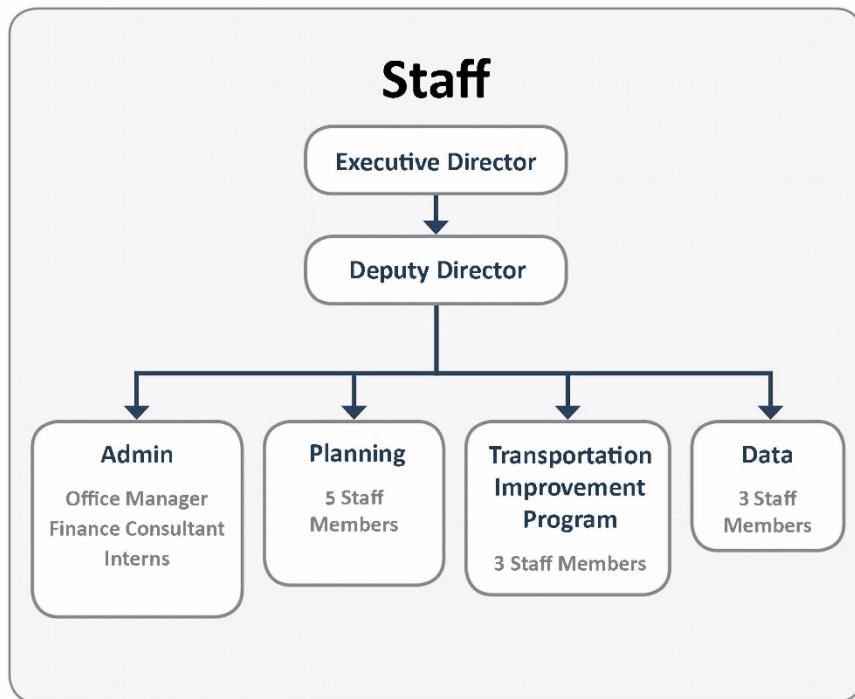
- b) The Indianapolis Metropolitan Planning Organization will maintain Title VI and nondiscrimination information on its website.
- c) The Indianapolis Metropolitan Planning Organization will actively seek public comment and public involvement in its plans and programs. Information about public involvement opportunities and strategies may be found in the IMPO Public

Involvement Plan (PIP) attached to this document as Attachment B.

## 9 ORGANIZATIONAL CHART

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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 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 the months of June and December.
- Transportation Technical Committee: Planners and engineers who provide expertise on proposed transportation policies and plans. Meets bi-monthly two weeks prior to each Transportation Policy Committee meeting, and meets jointly with the Transportation Policy Committee in the months of June and December.
- Executive Committee: A small, elected group of Policy members that oversee the operations of the IMPO. Currently, all the members are elected from the Transportation Policy Committee. As the IMPO grows into other areas, the Chair Person of other Policy disciplines (Economic Development, etc.) will be appointed to the Executive Committee.

## **10 TITLE VI 2021 ACCOMPLISHMENTS**

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The IMPO completed several Title VI tasks in 2021.

- Appointed new Title VI coordinator
- Reviewed Title VI and non-discrimination policies and procedures
- Updated policies and procedures to better address Title VI and non-discrimination
- Required Title VI and non-discrimination training for all staff members

## **11 STAFF TITLE VI TRAINING LOG (2021)**

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Title VI 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 bi-annually.

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.

2021 Staff Training Log	
Staff Member	Title VI Training Date

## **12 TITLE VI COMPLAINT LOG**

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The IMPO will maintain a log of all Title VI complaints.

2021 Complaint Log	
Complaint	Result

## **13 TITLE VI 2022 GOALS**

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The IMPO has developed the following list of Title VI goals for 2022.

- Publish Title VI information in all major plans and documents
- Review plans and programs in relation to Title VI and environmental justice
- Identify 2023 Goals
- Identify 2021 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, he denied the benefits of, or he 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 bidden that it will affirmatively insure that in any contact 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 \_\_\_\_\_

\_\_\_\_\_  
(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 shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by IMPO or the *Federal Highway Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to IMPO, or the *Federal Highway Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, IMPO shall impose such contract sanctions as it or the *Federal Highway Administration* may determine to be appropriate, including, but not limited to:
  - a) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - b) cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as IMPO or the *Federal Highway Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request IMPO to enter into such litigation to protect the interests of IMPO, and, in addition, the contractor may request the United States to enter into such 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 or 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 over 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 he 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.

Indianapolis Metropolitan Planning Organization

# Public Involvement Plan

Approved April 21, 2021 by the Indianapolis MPO Transportation Policy Committee



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Indiana Department of Transportation  
Federal Highway Administration

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# Glossary of Terms

IMPO .....Indianapolis Metropolitan Planning Organization  
MPA.....Metropolitan Planning Area  
TPC .....Transportation Policy Committee  
TTC .....Transportation Technical Committee  
PIP .....Public Involvement Plan  
LRTP.....Long Range Transportation Plan  
IRTIP .....Indianapolis Regional Transportation Improvement Program  
MiTIP .....Metropolitan Indianapolis Transportation Improvement Program  
LEP .....Limited English Proficiency  
LAP .....Language Access Plan  
INDOT.....Indiana Department of Transportation  
USDOT .....United States Department of Transportation  
FHWA .....Federal Highway Administration  
FTA .....Federal Transit Administration  
CIRTA.....Central Indiana Regional Transportation Authority

## Introduction

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) 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 Process<sup>1</sup> (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:

- general public
- affected public agencies
- representatives of public transportation employees
- freight shippers
- providers of freight transportation services
- private providers of transportation
- representatives of users of public transportation
- representatives of users of pedestrian walkways and bicycle transportation facilities
- representatives of the disability community
- other interested parties

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<sup>1</sup> As required by "[23 CFR 450.316](#)" of the Code of Federal Regulations (Appendix C of this document). The MPO is designated to receive federal transportation funding from the Federal Highway Administration and the Federal Transit Administration.

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:

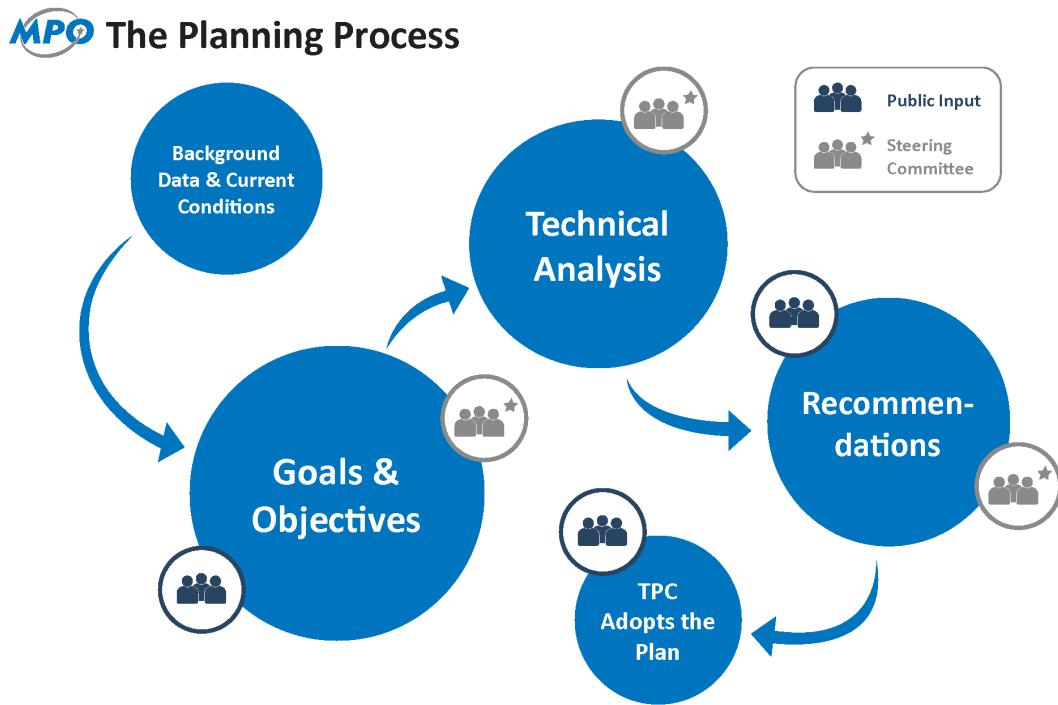
- the **Public Involvement Plan** (PIP) – refer to page 11 for information on plan update and input
- the **Long Range Transportation Plan** (LRTP) – refer to page 11 for information on plan development and input
- the **Indianapolis Regional Transportation Improvement Program** (IRTIP) – refer to page 13 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

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 Long Range Transportation Plan, the Regional Bikeways Plan, the Central Indiana Transit Plan, and others. The IMPO's planning process generally consist of:

1. Gathering background information to get a feel for the current conditions of an area and to see how it's changed over time
2. Getting public input and feedback on goals and objectives for the project and the project's outcomes
3. Technical analysis that helps to form the plan's recommendations
4. Public input and feedback on the plan's recommendations
5. 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 effected communities, who help guide the project's goals and recommendations.

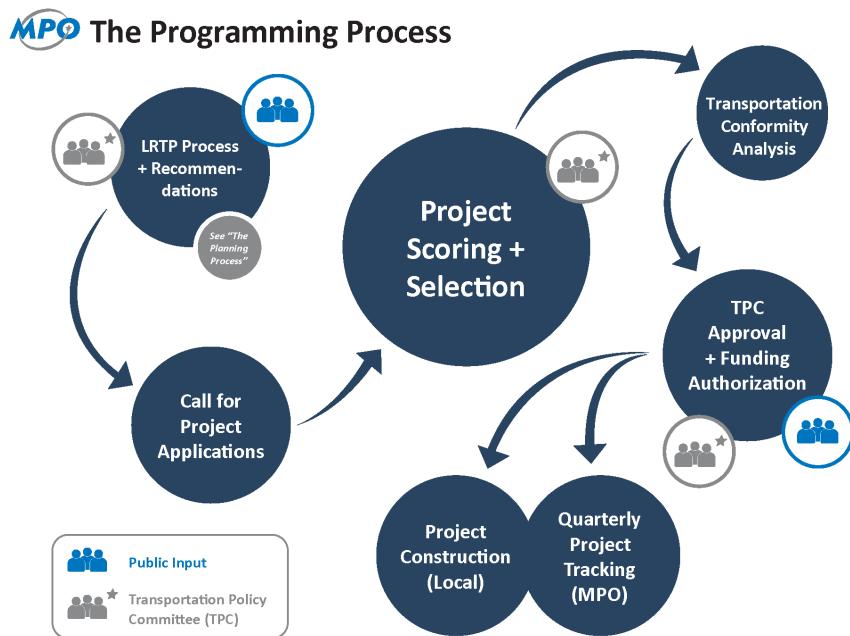


## The Programming Process

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:

1. **Creating Scorecards.** We use best practices, federal guidelines, and TPC input to determine the best selection criteria for each funding category.
2. **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.
3. **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.

4. **Asking for Public Comment.** The TPC and public provide input on the list of recommended projects.<sup>2</sup>
5. **Seeking Approval.** We put a final list together and submit to the TPC for final approval.
6. **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>2</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

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:

1. Obtain understanding of transportation needs through public engagement.
2. Engage the public in transportation decision-making early and often.
3. Provide to the public reasonable access at key decision points during the development of IMPO plans and programs.
4. Ensure full and fair participation in the transportation decision making process.
5. Provide timely and adequate notice to the public about meetings and plans.
6. 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:
  - a. Low-income (households below the poverty line);
  - b. Underrepresented populations (population reporting a race and ethnicity other than White, Non-Hispanic);
  - c. Limited-English proficiency (households reporting low English proficiency for all members over age 14);
  - d. Senior population (population age 65 or over);
  - e. Zero-car households (occupied housing units with no vehicle available);
  - f. Persons with disabilities (population aged 16-64 reporting a disability); and
  - g. Low educational attainment (population over age 25 with no high school diploma or GED).
7. 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

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 (LRTP, IRTIP, PIP).

## IMPO Committee Meetings

Core products of the IMPO (like the LRTP, IRTIP, 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 MPO 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.org/who-we-are/mpo-policy-committee/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. 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.<sup>3</sup> 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.org>.

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 317-327-5136 to notify IMPO staff. Individuals can also contact Relay Indiana for special accommodations (dial 711 or email [info@relayindiana.com](mailto:info@relayindiana.com)).

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<sup>3</sup> In accordance with the Americans with Disabilities Act of 1990

## **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. 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 Notices**

Public notices, issued to major news publications, will be issued for meetings or documents available for public comment in accordance with the minimum advertising periods as set forth in this Public Involvement Plan. (See Appendix A)

- The Indianapolis Star and Indianapolis Recorder shall be the IMPO's Newspapers 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. The website also houses individual project pages (<https://www.indympo.org/whats-underway>) where updates and drafts of planning products will be posted for public review, and comments on individual products can be made. 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 using the general comment form at <https://www.indympo.org/contact-us>. IMPO policies, procedures, and approved products can be found at:

- <https://www.indympo.org/whats-completed>
- <https://www.indympo.org/whats-underway/irtip>

- <https://www.indympo.org/whats-underway/irtip>
- <https://www.indympo.org/how-we-work/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 uses Facebook as its primary social media presence ([www.facebook.com/indympo](https://www.facebook.com/indympo)). The IMPO also uses Twitter ([www.twitter.com/indympo](https://www.twitter.com/indympo)) and Instagram (address). 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 Facebook posts. Demographic criteria can be applied to promoted posts to ensure that opportunities are promoted to populations who are traditionally underserved (including Black or African American, Hispanic or Latino, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, and all other races or combination of races other than White Non-Hispanic; low income; limited English; etc.). Alternatively (or concurrently), 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.
- 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.
- As available, the IMPO may also work with local governments who have access to other platforms like NextDoor, etc.

### 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 into Spanish 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-trafficked 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 <http://www.indympo.org/whats-underway/get-involved/tempo-newsletter>.

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 transportsations
  - Persons with disabilities
  - Economically disadvantaged persons
  - Others underserved by the transportation system

## **Availability of Information**

All documents seeking public comment will be posted to project pages on the IMPO website at <https://www.indympo.org/whats-underway> 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)**

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 concurrent with the development of each new Transportation Improvement Program (generally every four years) and initiate a process to amend the existing or adopt a new PIP as necessary.

## **Long Range Transportation Plan (LRTP) Public Involvement**

The LRTP 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 LRTP 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 LRTP must be fiscally constrained (activities are prioritized relative to realistic projections of available financial resources through at least the next 20 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 LRTP 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 LRTP**

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

Once the new LRTP 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 LRTP 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.

### **LRTP Amendments**

Between the approval of each new LRTP, there are occasions that require amending the LRTP. 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 fifteen (15) calendar days will be provided for public review of any amendment to the LRTP, including the associated transportation conformity analysis. Per guidance, the 15-day public review period for amendments and the 30-day review period for the Interagency Consultation Group may overlap.

### **Approval of the LRTP**

The TPC is the approval body of the Indianapolis MPO. The TPC reviews and approves new LRTPs or LRTP amendments at its regularly scheduled meetings only after 1) all reviewing agencies have reviewed the LRTP 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 LRTP or LRTP amendment will include a public hearing in accordance with Appendix B of this PIP.

### **LRTA Public Comments**

For every public input opportunity for the LRTP, IMPO staff will provide specific instructions on how to provide public comment. Copies of the draft new or amended LRTP will be available in the IMPO's office and on the IMPO's website.

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

Comment periods for both new and amended LRTPs will be announced in the public notice section of the Indianapolis Star, the Indianapolis Recorder, 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.

## **Indianapolis Regional Transportation Improvement Program (IRTIP) Public Involvement**

The IRTIP includes the federally funded transportation improvements proposed by government and transportation agencies in the Indianapolis MPA over a four-year period. The IMPO and TPC are responsible for managing the various federal funding programs through their project selection process.

The IRTIP provides a schedule by which to coordinate federal project implementation among jurisdictions and agencies; a guide for implementation of other short- and long-range transportation plans; an aid to financial programming and administration; and a source of information for the public.

Simply put, Central Indiana counties and municipalities compete for federal funding, and those that succeed are included in the IRTIP for future funding. Any proposed project that would expand a facility's capacity (like widening a roadway, adding lanes, new roadways, etc.) would need to be included and evaluated in the LRTP before it is eligible to compete for the federal funding.

## New IRTIP

A comment period of thirty (30) calendar days will be provided for public review of the draft 4-year IRTIP, including the associated Transportation Conformity analysis. If the final draft IRTIP 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.

## IRTIP Amendment

A comment period of at least ten (10) calendar days will be provided for public review of an IRTIP amendment.

## IRTIP Illustrative List

A comment period of at least ten (10) calendar days will be provided for public review of the IRTIP Illustrative List. The IMPO will annually develop the Illustrative List of Projects that have anticipated implementation dates beyond the 4-year timeframe of the regular IRTIP. This will be in addition to the IRTIP, and these projects will eventually be adopted into the IRTIP once their construction dates are within the IRTIP's 4-year timeframe.

## IRTIP Administrative Amendment

No public review is required for administrative amendments of the IRTIP. Administrative amendments are approved by the IMPO Executive Director under authority of the TPC. Administrative amendments are minor in nature; yet still require an amendment as opposed to a modification. Administrative amendments may be approved for exempt (from transportation conformity requirements) projects where public involvement on the overall project has already taken place. An example of this type of amendment includes but is not limited to:

- A construction phase is programmed in the current IRTIP but preliminary engineering or right-of-way phases were overlooked and need to be added to the IRTIP.
- A project from a previous IRTIP needs to be amended into the new version of the IRTIP.
- INDOT preservation projects (transportation conformity exempt) that do not involve right-of-way acquisition.

All administrative amendments will be posted on the IMPO's website at <http://www.indympo.org/whats-underway/irtip>.

### **IRTIP Administrative Modification**

No public review is required for administrative modifications of the IRTIP. Modifications are minor changes to projects or the IRTIP that do not require TPC or Executive Director approval, or public review. These include but are not limited to general editorial corrections; changes to projects that do not involve significant change in the use of IMPO competitive funds such as minor cost increases, moving fiscal years within the active years of the current IRTIP; minor scope changes that do not change the overall project impact or transportation conformity; or moving projects in previous IRITP into the current IRTIP.

All modifications will be posted on the IMPO's website at <http://www.indympo.org/whats-underway/irtip>.

### **IRTIP Emergency Amendment**

A comment period of at least ten (10) calendar days will be provided for public review of proposed emergency amendments to the IRTIP. 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 Chair. The public notice of the ten (10) 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 ten (10) day public comment period, concluding in a public hearing.

### **Approval of the IRTIP**

The TPC is the approval body of the Indianapolis MPO. The TPC reviews and approves the new, amended, or illustrative list of the IRTIP at its regularly scheduled meetings only after all reviewing agencies have approved the IRTIP 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 IRTIP will include a public hearing in accordance with Appendix B of this PIP. The final document will be available on the IMPO's website.

### **IRTIP Public Comments**

For every public input opportunity for the IRTIP, IMPO staff will provide specific instructions on how to provide public comment. Copies of the draft new, amended, or illustrative list of the IRTIP 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, the Indianapolis Recorder, 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 IRTIP amendments and modifications, please visit

<https://www.indympo.org/whats-underway/irtip>.

## Public Involvement in Special Planning Studies

As planning or programming projects arise (other than the PIP, IRTIP, and LRTP), 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, the Indianapolis Recorder, 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

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:** 317.327.5136; 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.

<b>Regular Committee Meetings</b>	<b>Dates</b>	<b>Notice for Meeting or Public Hearing</b>	<b>Notes</b>
<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>4</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 317-327-5136 or 711 for Relay Indiana.			

<b>Plan or Process</b>	<b>Minimum Official Public Comment Period</b>	<b>Minimum Notice for Meeting or Public Hearing</b>	<b>Notes</b>
<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>Long Range Transportation Plan (LRTP)</b>			
New LRTP	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
LRTP Amendment	15 calendar days	Public Hearing held at a regularly scheduled TPC meeting	A summary of public comments will be provided to the TPC

<sup>4</sup> In Accordance with the Indiana Open Door Law (IC 5-14-1.5 – Appendix D)

<b>Plan or Process</b>	<b>Minimum Official Public Comment Period</b>	<b>Minimum Notice for Meeting or Public Hearing</b>	<b>Notes</b>
<b>Indianapolis Regional Transportation Improvement Program (IRTIP)</b>			
New IRTIP	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
IRTIP Amendment	10 calendar days	Public Hearing held at a regularly scheduled TPC meeting	A summary of public comments will be provided to the TPC
IRTIP 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
IRTIP Administrative Amendment	No public review required	No public hearing required	
IRTIP Administrative Modifications	No public review required	No public hearing required	
IRTIP Emergency Amendment	10 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 TPC members
Other Plans and Activities			
Other Plans and Activities	Specified within the specific PIP's for Other Plans and Activities		
<p>** 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 317-327-5136 or 711 for Relay Indiana.</p>			

## Appendix B: Public Hearing Procedures

### 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.

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 presentator to speak on behalf of the group. If this presentator wishes to present 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 mail or direct email to a staff member, or via [www.indympo.org/contact-us](http://www.indympo.org/contact-us). 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 mail or direct email to a staff member, or via [www.indympo.org/contact-us](http://www.indympo.org/contact-us).

### **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.

## Appendix C: Shared Public Involvement Plan

This PIP serves as the Public Involvement Plan for the Indianapolis Metropolitan Planning Organization (IMPO), the Indianapolis Public Transportation Corporation (IndyGo), and the Central Indiana Regional Transportation Authority (CIRTA). As necessary, any of the three agencies will go beyond the minimum requirements of this PIP to execute their specific agency's duties.

### **Special Note for IndyGo**

As required by the Federal Transportation Administration (FTA), the following note will be included in all Transportation Improvement Program (TIP) publications produced by the IMPO:

*"The public participation process described herein is used to satisfy the public participation process for the Program of Projects (POP) for the following Federal Transit Administration (FTA) grantee: Indianapolis Public Transportation Corporation. Pursuant to Indianapolis Public Transportation Corporation Resolution No. 2002-09 adopting the Public Participation Process of the Indianapolis Metropolitan Planning Organization, this publication complies with the requirements of the public participation process as set forth."*

### **Special Note for CIRTA**

As required by the Federal Transportation Administration (FTA), the following note will be included in all Transportation Improvement Program (TIP) publications produced by the IMPO:

*"The public participation process described herein is used to satisfy the public participation process for the Program of Projects (POP) for the following Federal Transit Administration (FTA) grantee: Central Indiana Regional Transportation Authority. Pursuant to Central Indiana Regional Transportation Authority Resolution No. 2018-12-06 adopting the Public Participation Process of the Indianapolis Metropolitan Planning Organization, this publication complies with the requirements of the public participation process as set forth."*

## Appendix D: Federal Code

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

- (a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, 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 participation plan shall be developed by the MPO 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 but not limited to 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 which 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), 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 participation plan is adopted by the IMPO. 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, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed 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) IMPOs 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.

# **Appendix E: Indiana Open Door Law**

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

**IC 5-14-1.5**

**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.

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.
- (b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, video conferencing, or any other electronic means of communication:
  - (1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and
  - (2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.
- (c) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by using a means of communication described in subsection (b) must state the name of:
  - (1) each member who was physically present at the place where the meeting was conducted;
  - (2) each member who participated in the meeting by using a means of communication described in subsection (b); and
  - (3) each member who was absent.

As added by P.L.134-2012, SEC.11.

#### 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 subsection. 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 P.L.1-1991, SEC.37 and P.L.10-1991, SEC.8. Amended by P.L.48-1991, SEC.1; P.L.37-2000, SEC.1; P.L.200-2003, SEC.2; P.L.4-2005, SEC.28; P.L.229-2005, SEC.2; P.L.235-2005, SEC.84; P.L.101-2006, SEC.3; P.L.179-2007, SEC.5; P.L.2-2008, SEC.20; P.L.98-2008, SEC.3; P.L.120-2008, SEC.1; P.L.139-2011, SEC.1; P.L.24-2012, SEC.1; P.L.103-2013, SEC.2.

## **Appendix F: Public Comments on the PIP**

### **Public Comment Period**

The document was shared for an official public comment period between December 23<sup>rd</sup>, 2020 and February 5<sup>th</sup>, 2020. No comments were submitted.

### **Public Hearing**

The document was presented during a public hearing on February 17<sup>th</sup>, 2020. No comments were submitted.

## Appendix G: Language Access Plan

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), recipients 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 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:

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.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
4. 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 (the IMPO) 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 11 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.**

The 2018 ACS 1-year estimate of the number of households for the counties in the MPA (entire counties, including outside MPA boundaries) was 696,381. Of this population, 5.1 percent identified as Hispanic. Not all people of Hispanic origin speak Spanish as their primary language or are LEP persons. The 5-year ACS estimates identify the LEP population by household for each county (aggregated for the MPA). This

includes all households with LEP, not just Spanish-speaking households. A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

County	Households	LEP Households	LEP Household Percent
Boone	24645	176	0.7
Hamilton	116982	1706	1.5
Hancock	28215	82	0.3
Hendricks	58078	641	1.1
Johnson	55777	463	0.8
Marion	369033	14063	3.8
Morgan	25926	7	0
Shelby	17725	134	0.8
MPA Total	696381	17272	2.48

The USDOT does not provide a threshold for the percentage of a county that is LEP before providing language access services is needed. The percentage of LEP households in the counties of the Indy MPA is limited, so the services provided would be primarily based on the other factors. In order to identify the appropriate services, the next level of analysis considers the language(s) spoke by the LEP population. In the Indianapolis MPA there are approximately 11,000 households who are LEP and speak Spanish as their primary language. This is the language with the largest share of LEP households, second is Asian/Pacific Island languages with approximately 3,700 LEP households. On an individual language basis, that group would be considerably smaller.

## **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 people 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 Long Range Transportation Plan (LRTP), Transportation Improvement Plan (TIP), Public Involvement Plan (PIP), Title VI Policy, Regional Bicycle Plan, Regional Pedestrian Plan, transit planning efforts, and Local Public Agency (LPA) planning projects.

Historically the greatest encounter with LEP persons in planning has been related to transit planning and public education campaigns for the Indy Connect initiative, which includes planning for rapid transit routes, the Marion County Transit Plan (and referenda), and community engagement around transit in surrounding counties. During these efforts, the MPO:

- directed phone calls from Spanish speaking people to a Spanish-language voicemail system and a Spanish-speaking member of the staff reviewed the message and returned the calls,
- offered and supplied Spanish language translators at public meetings, and
- translated some of the more heavily used written materials into Spanish.

#### *Programs*

Programming includes funding transportation projects like sidewalks, multi-use paths, travel lanes, bridges, roundabouts, and new 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. 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. 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 people in central Indiana, and the impact may range from minimal to significant depending on the program, activity, or service.

In a direct way, most of the IMPO programs, activities, and services have the ability to impact LEP people by providing access to public input and education information. When the IMPO takes actions to advertise input opportunities in Spanish, offer translation or interpretation services, and receive (and respond to) comments in Spanish, opportunities to improve the lives of LEP persons are improved or there are opportunities to mitigate programs, activities, or services that may negatively impact them. The degree of impact is typically meaningful, but has limited (if any) direct impact on people. Indirectly, through funding projects, the impacts of the IMPO may be more significant and have a financial impact on LEP persons. These could include:

- Changing (improving 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 Indianapolis MPO has accommodated LEP people in the recent past by:

- Contracting with engagement specialists as needed on a project-by-project basis to engage with traditionally underserved people, including the LEP population.
- Maintaining a Spanish voicemail for Indy Connect (free)
- Having a bilingual (English and Spanish) person on staff who can speak with and return calls to Spanish-speaking people interested in engaging with the IMPO.
- Translating surveys (on a project-by-project basis) into Spanish to facilitate participation in public input opportunities by LEP Spanish readers.
- Maintaining the IndyConnect.org website and its Spanish landing page.
- Providing in-person translation and interpretation services on an as-requested basis.
- Translating some major documents into Spanish and distributing them during community events that center around Hispanic/Latino heritage or to agencies who regularly engage with LEP people.

However, 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:

1. Develop a Spanish language webpage on the Indianapolis MPO webpage at [www.indympo.org](http://www.indympo.org) that includes critical documents like the Title VI policy and complaint form, the Public Involvement Plan (PIP), a summary of the Long Range Transportation Plan (LRTP), and the IMPO Frequently Asked Questions (FAQ) book. The IMPO will provide services using qualified translation and/or interpretation consultants.

2. Publish notices for public comment and review for projects affecting LEP areas of concern in English and Spanish. The IMPO will provide services using qualified translation and/or interpretation consultants.
3. Include information in Spanish about requesting translation or interpretation services for public engagement opportunities on public engagement marketing materials. The IMPO will provide services using qualified translation and/or interpretation consultants.
4. Provide translation of key documents or interpretation at meetings upon request at least three (3) working days prior to the meeting. The IMPO will provide services using qualified translation and/or interpretation consultants.
5. Work with Local Public Agencies (LPAs) and their consultants to ensure that one-on-one interaction, especially legal documents regarding property, with LEP persons is conducted with appropriate interpretation and translation services.
6. Incorporate activities of the LAP into the PIP.

**A RESOLUTION OF THE EXECUTIVE COMMITTEE OF  
THE INDIANAPOLIS METROPOLITAN PLANNING ORGANIZATION  
APPROVING THE 2021 TITLE VI POLICY AND COMPLAINT PROCEDURES**

Resolution Number 2021-EXEC-018

**WHEREAS**, the Indianapolis Metropolitan Planning Organization (the “IMPO”) is charged with the responsibility of providing for the continuing, cooperative and comprehensive transportation planning process for the Indianapolis Metropolitan Planning Area (“Planning Area”); and

**WHEREAS**, the Congress of the United States has enacted certain legislation known generally as the Title VI Act of 1964 and the Civil Rights Restoration Act of 1987 (“Title VI Legislation”);

**WHEREAS**, the Title VI Legislation and related federal regulations direct federal agencies to ensure no person is excluded from participation, denied a resulting benefit, or subjected to discrimination, on the basis of race, color, national origin, age, sex, disability, or religion under any program or activity receiving financial assistance; and

**WHEREAS**, federal regulations clarify the intent of Title VI to include all programs and activities of federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not; and

**WHEREAS**, the MPO is required by the Federal Highway Administration to establish procedures to be followed in the event of a Title VI complaint;

**WHEREAS**, it is the desire of the Executive Committee to authorize and approve certain actions as further set forth in this Resolution.

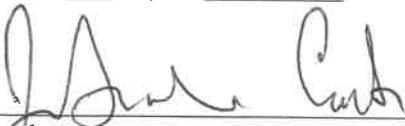
**NOW, THEREFORE, BE IT RESOLVED**, by the Executive Committee of the IMPO as follows:

**SECTION 1:** That the MPO Executive Committee adopts the updated Title VI Policy and Complaint Form attached hereto as Attachment A. The Title VI Complaint Procedures will be followed by the MPO in the event of a Title VI complaint being filed with the MPO in accordance to federal legislation and guidance.

**SECTION 2:** This Resolution shall be effective immediately upon its passage.

\* \* \* \*

**PASSED** by the Executive Committee of the Indianapolis Metropolitan Planning Organization this 19 day of November, 2021.



J. Andrew Cook  
Chair, Indianapolis MPO Executive Committee



Anna M. Gremling  
Executive Director, Indianapolis Metropolitan Planning Organization