

Michiana Area Council of Governments

PUBLIC ENGAGEMENT PLAN

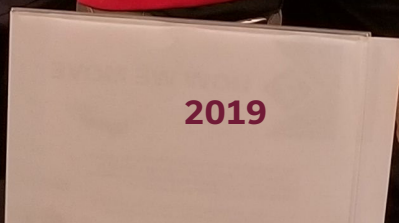
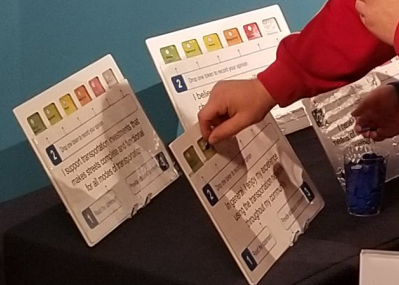


STORE TRAVEL NEEDS

ESTABLISH PRIORITIES
that will inform policies and transportation projects

All so that our region can better plan investments and growth for our transportation system.

ING PROCESS



Michiana Area Council of Governments

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INTRODUCTION

INTRODUCTION

MISSION

The Michiana Area Council of Governments (MACOG) is a voluntary organization of local governments that studies and attempts to resolve for the benefit of each member and the region, areas of interlocal issues, which includes but is not limited to transportation, transit, economic development, environment, and other issues that impact the region.

PURPOSE

The purpose of the Public Engagement Plan (PEP) is to outline the regional planning process and describe opportunities to get involved. This includes information about the strategies deployed to engage the public and stakeholders, and the specific timelines and requirements for public comment during the development and adoptions of the Metropolitan Planning Organization's (MPO) plans and programs and the Interurban Trolley. Appendix A includes the Code of Federal Regulations that pertains to public involvement for MPOs.

Public engagement is a process designed to build trust among local residents and regional leaders by creating opportunities to be informed, contribute, and collaborate in the collective efforts of the broader community. There is no “cookie cutter” or “one-size fits all” approach to planning and public engagement. Every planning process must create unique opportunities to build relationships and use creative outreach approaches to ensure the plan meets the goals and objectives of the community. If done well, an effective engagement process will inspire action from community members, organizations, and leaders to implement the plan.



GOALS

To achieve an effective public engagement strategy, MACOG identified the following major goals to implement in our public engagement efforts.

1. **Reach beyond the self-selectors** by bringing more voices to the table through targeted outreach to include all residents in the planning process.
 - a. Meet with organizations that work with targeted population groups to discuss how to collaborate in order to bring their voices to regional issues.
 - b. Use a variety of outlets (media, flyers, notices, etc.) to publicize opportunities for public engagement and express the importance of each persons involvement.
 - c. Increase awareness of regional issues through surveys, articles, flyers, events, etc. in order to demonstrate their relevance to individuals.

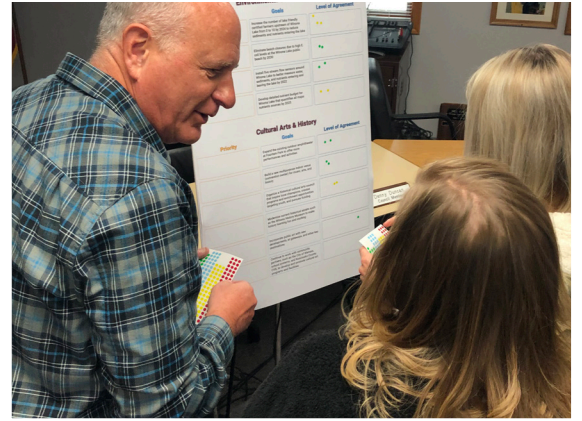
2. **Lower the barriers to entry** by providing accessible engagement formats and making it understandable, relatable, and convenient for all residents.
 - a. Printed materials (public notices, documents, etc.) and meetings will be available in multiple languages according to the most recent Limited English Proficiency Plan (see Appendix C).
 - b. Limit the use of technical jargon in public materials and meetings in order to increase the understanding of participants.
 - c. Consider time and location of public meetings and outreach to make it convenient for all residents.



3. **Actively listen and dialogue** by engaging in early and continual conversations in order to better understand the complete picture.
 - a. Each planning activity will begin with outlining the most appropriate tools and techniques to develop a dialogue with key stakeholders.
 - b. Provide ongoing opportunities (online and in-person) to listen to concerns on regional issues.

4. **Provide meaningful feedback** by following up with residents to build trust and ensure their voices are heard.
 - a. Use email, social media, and traditional media platforms to create consistent communication with stakeholders and the public about the progress and results of planning projects and regional initiatives, especially when public input is sought.
 - b. Increase the distribution of the MACOGazette and continue to create relevant, engaging, and meaningful content discussing regional issues.
 - c. Provide feedback and analysis on input received through surveys and comments on a web platform for the public to review, utilize, and share.

5. **Inspire action** by creating ownership in community leaders and residents to continue to carry the process through implementation.
 - a. Consider ways to develop local and regional leaders on regional issues through committees, workshops, educational opportunities, etc. to empower individuals and groups toward action and implementation.
 - b. Use storytelling and visual techniques to promote local and regional cooperation, highlighting progress and successes.





EFFECTIVE ENGAGEMENT STRATEGIES

EFFECTIVE ENGAGEMENT STRATEGIES

MACOG fosters effective public participation by creating a customized engagement strategy and applying the best-suited techniques and tools to a given project. There are numerous levels at which engagement with the public might vary based on the project, the stakeholders, and the decisions being made. The potential public influence increases at each level, from informing, to contributing, and to collaborating.

ENGAGEMENT STRATEGY FRAMEWORK

Not all public engagement activities are the same. Depending on several key elements, the level the public can be engaged will vary. To create an effective public engagement strategy, MACOG must first consider what the desired outcome of the action is and how the public can influence the outcome. Using the following framework, MACOG can create a customized strategy to achieve the unique requirements of the plan.

THE COMMUNITY

The Community element lists the range of stakeholder perspectives that should be involved in a plan or project. The stakeholders should be those who have a mutual interest and/or are impacted by the outcome. Additionally, local or regional organizations with missions and goals that align with or are significantly divergent from the plan would be a key stakeholder. Special consideration should be given to groups of people who are often under-represented in the planning process. The final consideration should be given to potential partners, either for planning, communicating, or implementing the outcomes.

THE SUBJECT

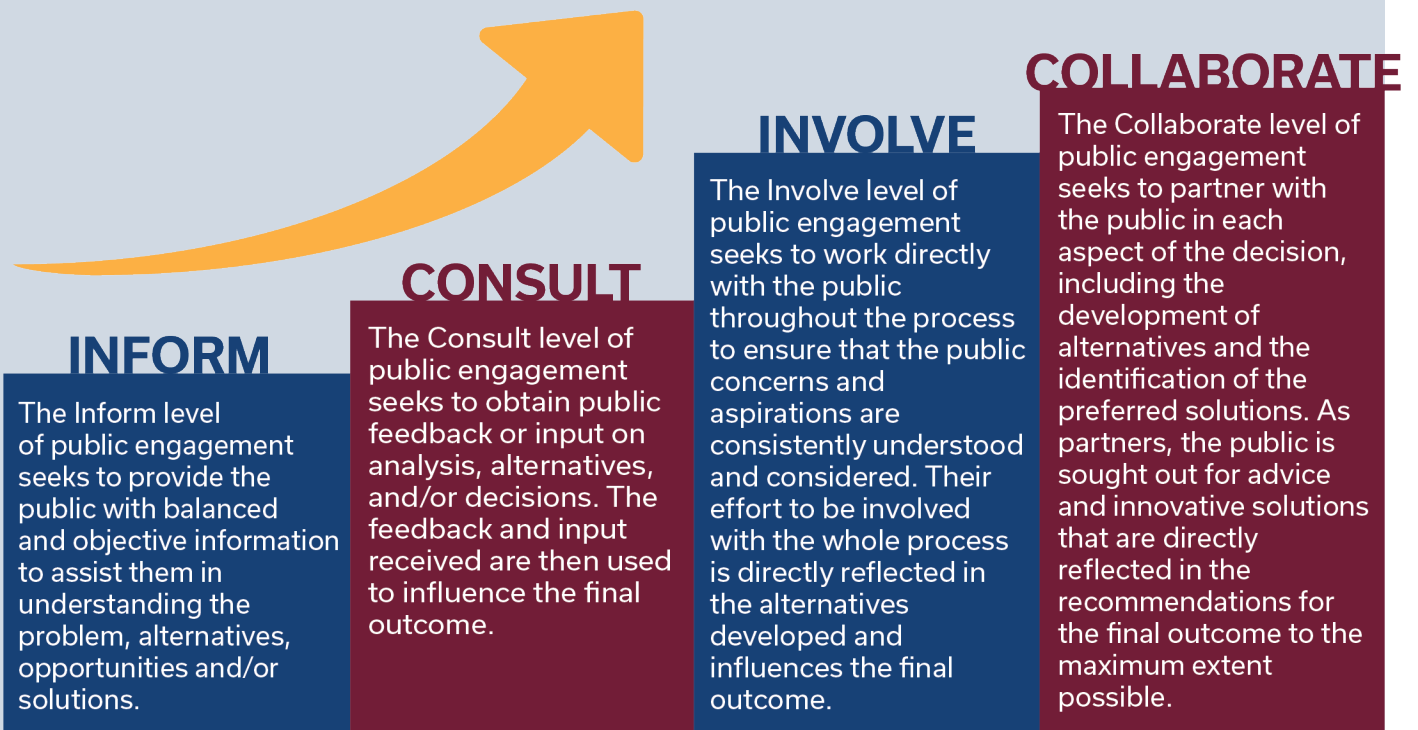
The Subject element identifies the specific information that is missing, misunderstood, or is needed to make a decision. Depending on the stakeholder, this information can vary. It is critical to understand exactly what each stakeholder brings and what he or she will need to be able to understand the purpose and contribute to the final decisions.

THE RESULT

The Result element defines what success looks like for each particular stakeholder and what the end action will be. Understanding each stakeholder's version of success will help identify potential conflicts among them, direct efforts toward common solutions, and focus the plan toward results. Beginning with the end in mind will help motivate everyone involved to work through the process and come to a realization of the final outcomes.

THE LEVEL

The Level element identifies at what level the public wants to be engaged. There are numerous levels at which engagement with the public might vary based on the project, the stakeholders, and the decisions being made. The potential public influence on the decision or action being considered increases at each level of engagement. There are four levels of public engagement: Inform, Consult, Involve, and Collaborate.



THE SETTING

The Setting element determines when and where engagement can happen for these stakeholders. Each stakeholder will have a different place that is most appropriate or comfortable to be engaged. Further, the time activities are scheduled can prevent certain groups from participating. Careful consideration should be given when planning engagement opportunities to encourage the greatest amount of participation.

The public engagement strategy will include multiple levels of engagement, depending on the process and the stakeholders involved. Using the basic framework, MACOG will attempt to select appropriate techniques and tools to achieve the desired public engagement goal for each plan or activity. See Appendix D for the example Engagement Framework worksheet.

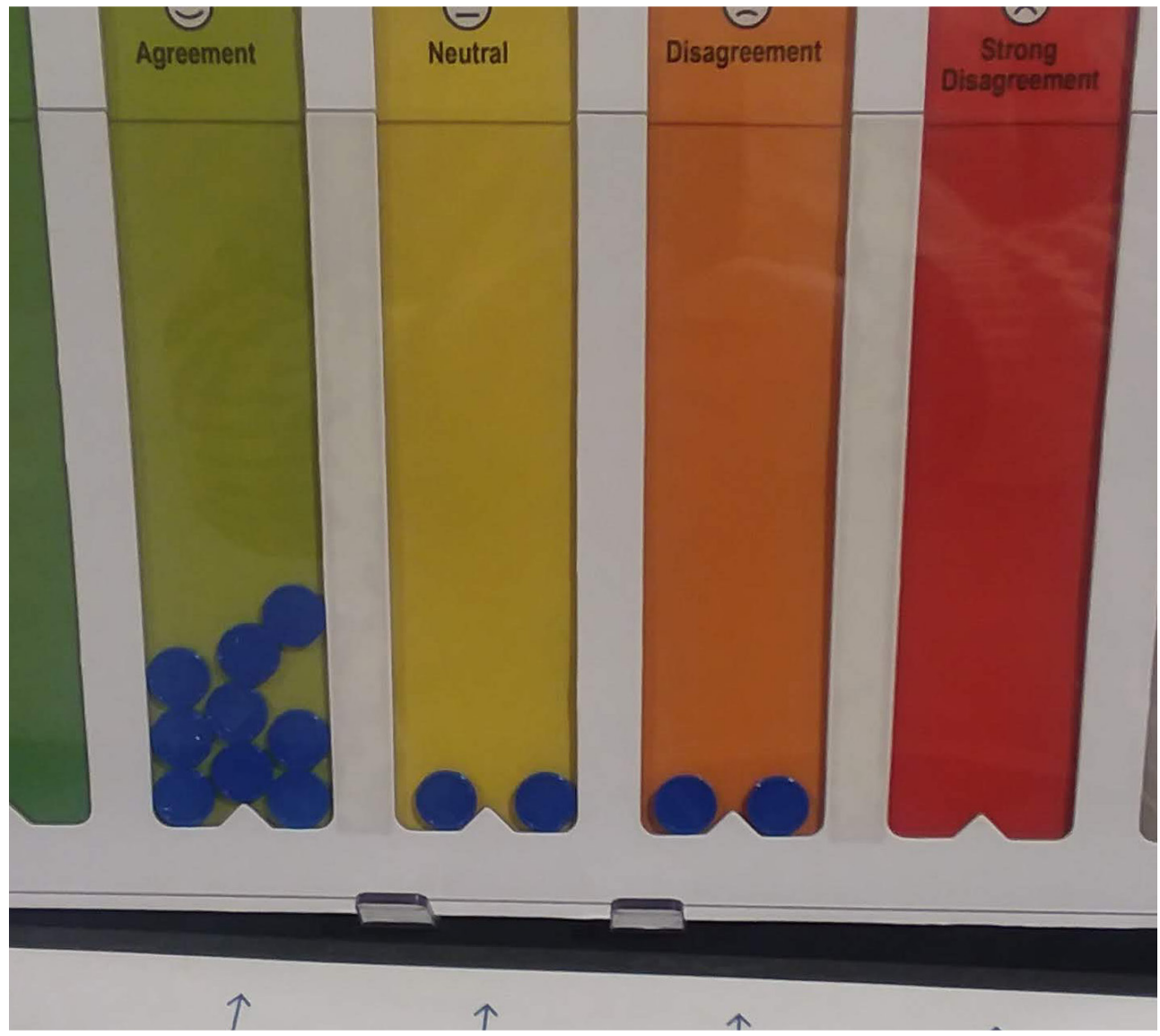
ENVIRONMENTAL JUSTICE

For much of the regional population, there are opportunities to be engaged in the regional planning process at the level they desire. However, there are populations that may have indicators of potential disadvantage in being engaged in the planning process. Traditionally these population groups include:

- Non-Hispanic Minorities
- Hispanics
- Households in Poverty
- Persons with Limited English Proficiency
- Elderly over 65 years of age
- Carless Households
- Persons with Disabilities

Using data from the U.S. Census, MACOG uses a people-and place-based approach that locates selected population groups in the region. Appendix B describes the process and policy to identify Environmental Justice populations in the region. MACOG will use the population groups above to enhance engagement and outreach efforts in order to reach beyond the traditional stakeholder to hear from all parties and groups. MACOG will use this information in coordination with the engagement level to inform staff of appropriate locations and organizations with which MACOG should conduct enhanced outreach.





EFFECTIVE TECHNIQUES AND TOOLS

ENGAGEMENT TECHNIQUES AND TOOLS

To facilitate public engagement, a number of tools or techniques are used to create opportunities for the public to be informed, to contribute, and to collaborate. The combination of various tools will create the customized engagement strategy best suited for the desired goals and the stakeholders involved with the plan. See an example list of techniques and tools in Appendix E.

INFORM

Tools to inform the public include techniques that provide members of the public with information they need to understand the project, the decision-making process, and to provide feedback on how public input influenced the decision. When selecting and designing tools to inform, it is important to consider the following:

- Who needs the information?
- What is the target audience's current level of knowledge and understanding of the project?
- What information is needed for the public to understand and provide meaningful input to the project?
- What are the most direct and effective ways to communicate this information?
- What are the target audience's preferences for receiving information?



CONTRIBUTE

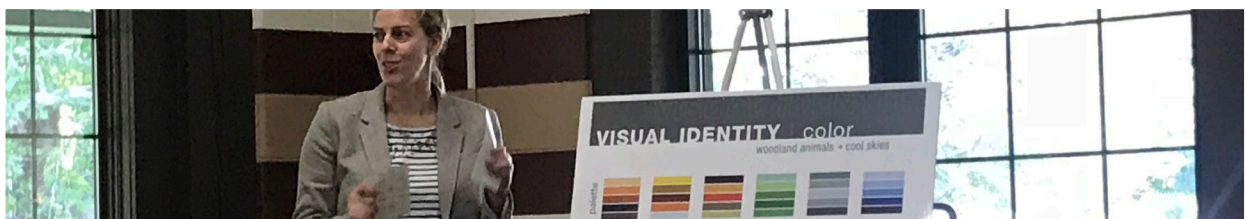
Tools for the public to contribute include techniques that provide the public with the opportunity to provide input to the decision-making process. With these tools, the public can share information and express their opinions and perspectives for consideration in decision-making. Not all the tools have to be used at an in-person event. When selecting a tool, it is important to match it to the situation and desired outcome of the project. Consider the following:

- Are you required to have some form of public meeting in the process?
- Do you need to present information to the public and be available to answer questions or receive comments?
- Do stakeholders or members of the public need or want to hear or learn from other perspectives?
- Do you need to build trust among stakeholders?
- Do you want stakeholders to engage with you and one another in problem solving?
- Are there members of the community that need additional outreach to ensure their opinions are heard?

COLLABORATE

Tools for collaboration include techniques that bring diverse groups of stakeholders together to engage in shared learning and decision-making. Collaboration cannot be done quickly and requires consistent sets of participants who work together over the duration of the process. It is important for participants to work and learn together developing a relationship and building trust. Consider the following when designing a collaborative process:

- Who needs to be included for the final consensus?
- How will you include a diverse group of stakeholders that are a part of the process and ensure their voices are heard?
- Are all key interests willing and able to participate?
- Are there trust or other issues that must be addressed before the process can begin?
- What are the key decisions that must be made to achieve consensus?



ENGAGEMENT PROCEDURES



ENGAGEMENT PROCEDURES

MACOG continuously develops and updates several programs and plans. In exercising its authority to guide the expenditure of federal transportation funds, it is critical for its public participation process to provide complete information, timely public notice, and to support continuing involvement of the public in developing plans and programs.

GENERAL PROCEDURES

The following section describes the procedures for providing public participation related to these transportation-related activities, and provides general engagement guidance for other MACOG activities. MACOG intends to use our engagement strategy to solicit input early and include input in the initial draft of these documents.

APPROVAL PROCESS

1. MACOG staff conducts initial public engagement and plan development.
2. MACOG staff prepares Draft document.
3. Public Comment Period & Public Open House.
4. Revisions to draft based on significant public comment and consultation as required by the EPA Transportation conformity regulations with the Interagency Consultation Group (ICG).
5. Final approval recommendation by the Transportation Technical Advisory Committee (TTAC).
6. Final approval by the Policy Board.
7. Submission to the Indiana Department of Transportation (INDOT).
8. Approval by INDOT and submission to Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA).

PUBLIC COMMENTS

For the public comment periods, MACOG will actively reach out to inform the public that a draft has been prepared and solicit comments. Public Comments are accepted by email, online comment form, mail, fax, or handed in personally. Additionally, MACOG will have at least one public open house where the public can make comments. Comments are included, anonymously, in the appendices of documents and shared with the appropriate parties. It is the goal that by the time the first draft of any document is prepared, the public has had many opportunities to have their voices heard and reflected in the plan.

PUBLIC NOTICES

A public notice will be published in various regional, local, and minority newspapers announcing the public comment period. In addition to the published notice, meetings will be publicized by a press release, email distribution, on our MACOG website and on our MACOG Facebook page.

METROPOLITAN TRANSPORTATION PLAN

Metropolitan Planning Organizations (MPOs) like MACOG, develop a Metropolitan Transportation Plan (MTP), which is a long-range, minimum 20-year, transportation vision. It serves to guide the responsible investment of local, state, and federal transportation dollars for roads and highways, transit, and active transportation infrastructure.

The Transportation Plan should include long-range and short-range program strategies and actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. It is updated on a five-year cycle, with MACOG coordinating the development of the MTP with local, state, and federal partners. See Table 1 for milestone details for the development of the MTP.

TABLE 1: METROPOLITAN TRANSPORTATION PLAN MILESTONES

MILESTONE	ENGAGEMENT TECHNIQUES	PUBLICIZING METHOD	MACOG PUBLIC COMMENT LENGTH
Start of the Process	<ul style="list-style-type: none"> • Inform the Public 	<ul style="list-style-type: none"> • Website • Email Distribution • Press Release • Social Media 	N/A
Plan Development	<ul style="list-style-type: none"> • Stakeholder Workshops • Pop-Ups Events • Surveys • Community Presentations 	<ul style="list-style-type: none"> • Website • Email Distribution • Social Media • Flyers 	N/A
Plan Approval	<ul style="list-style-type: none"> • Comment Period • Public Open House • Available on Website, Office & select Libraries 	<ul style="list-style-type: none"> • Legal Notice • Email Distribution • Press Release • Social Media 	30 days, generally to end one week prior to tentative plan adoption
Amendments	<ul style="list-style-type: none"> • Comment Period • Public Open House (if necessary) • Available on Website & Office 	<ul style="list-style-type: none"> • Legal Notice • Email Distribution • Press Release • Social Media 	30 days, generally to end one week prior to tentative plan adoption

TRANSPORTATION IMPROVEMENT PROGRAM

The Transportation Improvement Program (TIP) is a federally required, short-range plan that provides information regarding the schedule of multimodal transportation projects that are federally funded or deemed regionally significant in the MACOG region. Projects listed are developed in cooperation with the Indiana Department of Transportation (INDOT), transit providers, local jurisdictions, and the public.

Development of a TIP is a federal requirement as defined by the current highway bill, Fixing America's Surface Transportation Act (FAST Act). The TIP is required to be cooperatively developed every two years, compatible with the Statewide Transportation Improvement Program (STIP). MACOG works with local jurisdictions, INDOT, and the public to identify projects that will be included in the program. The program must be fiscally constrained, meaning only the amount of funding that can be reasonably anticipated is programmed and relates to the Michiana on the Move: 2045 Transportation Plan. See Table 2 for milestone details for the development of the TIP.

TABLE 2: TRANSPORTATION IMPROVEMENT PROGRAM MILESTONES

MILESTONE	ENGAGEMENT TECHNIQUES	PUBLICIZING METHOD	MACOG PUBLIC COMMENT LENGTH
Start of the Process	<ul style="list-style-type: none"> • Inform the Public 	<ul style="list-style-type: none"> • Website • Email Distribution • Press Release • Social Media 	N/A
Plan Development	<ul style="list-style-type: none"> • Stakeholder Workshops 	<ul style="list-style-type: none"> • Website • Email Distribution • Board Meeting Updates 	N/A
Plan Approval	<ul style="list-style-type: none"> • Comment Period • Public Open House • Available on Website, Office & select Libraries 	<ul style="list-style-type: none"> • Legal Notice • Email Distribution • Press Release • Social Media 	30 days, generally to end one week prior to tentative plan adoption
Amendments	<ul style="list-style-type: none"> • Available on Website & Office • Occur at regular Policy Board & TTAC meetings 	<ul style="list-style-type: none"> • Notice on Website • Social Media 	7 days, ending the day before approval (when-ever possible)

TIP Amendments & Administrative Modifications

Schedule and funding adjustments are an inevitable part of the project development process. To remain a continuously updated and current planning document, Amendments and Administrative Modifications provide an instrument of change to the adopted document. The TTAC and Policy Board reviews all Administrative Modifications and approves Amendments at their regularly scheduled, public meetings.

Amendments represent a major change to the approved TIP and will have a 7-day public comment period (certain circumstances may shorten the established comment period). The amendments will be posted on our website and a notice will be sent to local media contacts and on our Facebook page. An Administrative Modification, however, is a minor change to the TIP and does not require public engagement. For additional information on TIP Amendment Process, see Appendix F.

PUBLIC ENGAGEMENT PLAN

The Public Engagement Plan (PEP) outlines the strategies and techniques utilized to provide and receive information from the public on transportation planning and programming process including funding for projects, studies, plans, and committee actions. See Table 3 for milestone details for the development of the Public Engagement Plan.

TABLE 3: PUBLIC ENGAGEMENT PLAN MILESTONES

MILESTONE	ENGAGEMENT TECHNIQUES	PUBLICIZING METHOD	MACOG PUBLIC COMMENT LENGTH
Plan Development	<ul style="list-style-type: none"> Internal review of Engagement effectiveness Review with Policy Board and TTAC 	N/A	N/A
Plan Approval	<ul style="list-style-type: none"> Comment Period Public Open House Surveys Pop-Up Events Available on Website and in Office 	<ul style="list-style-type: none"> Legal Notice Email Distribution Press Release Social Media 	45 days, generally to end one week prior to tentative plan adoption

COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN

The Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan) provides a short-range plan for the implementation of public transit and social service transportation concepts in the region. It identifies the initial gaps, needs strategies, and activities necessary to provide public transit in Elkhart, Kosciusko, Marshall, and St. Joseph Counties. The Coordinated plan is required to include the following:

- An inventory of current transit providers in the four-county area, including public, private, and non-profit providers;
- An assessment of transit needs for older adults, individuals with disabilities, and persons with low income;
- Strategies, projects and/or activities to address identified gaps between current services and opportunities to improve service efficiency; and
- A prioritization process for selecting projects to implement specific strategies or activities for potential funding.

See Table 4 for milestone details for the development of the Coordinated Plan.

TABLE 4: COORDINATED PLAN MILESTONES

MILESTONE	ENGAGEMENT TECHNIQUES	PUBLICIZING METHOD	MACOG PUBLIC COMMENT LENGTH
Plan Development	<ul style="list-style-type: none"> • Stakeholder Workshops • Pop-Ups Events • Surveys • Community Presentations 	<ul style="list-style-type: none"> • Website • Email Distribution • Social Media • Flyers 	N/A
Plan Approval	<ul style="list-style-type: none"> • Comment Period • Public Open House • Available on Website, Office & select Libraries 	<ul style="list-style-type: none"> • Legal Notice • Email Distribution • Press Release • Social Media 	30 days, generally to end one week prior to tentative plan adoption

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

The Comprehensive Economic Development Strategy (CEDS) outlines the goals and strategies for the region to facilitate economic development. It is a requirement for the U.S. Economic Development Administration. See Table 5 for milestone details for the development of the Comprehensive Economic Development Strategy.

TABLE 5: COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES MILESTONES

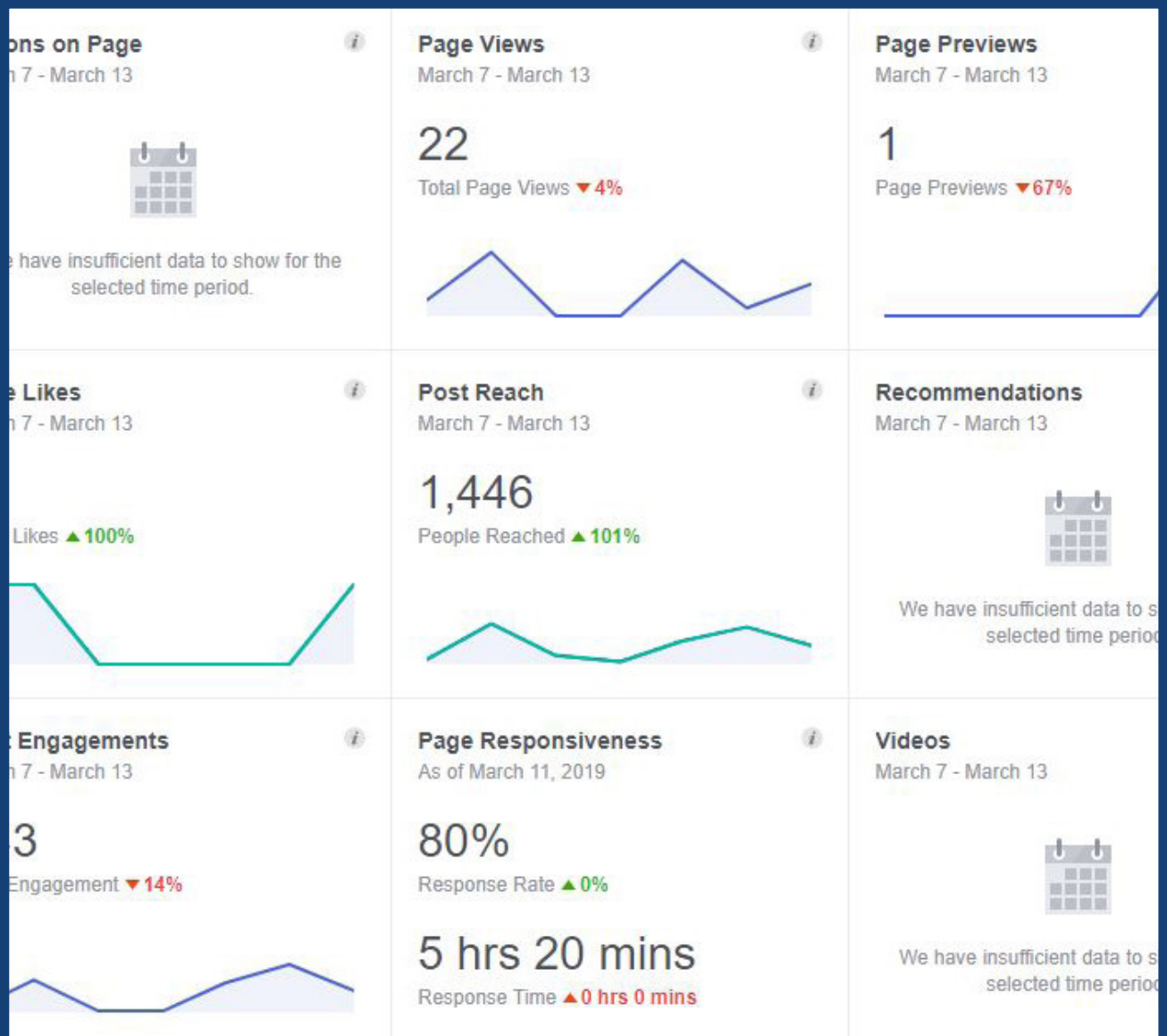
MILESTONE	ENGAGEMENT TECHNIQUES	PUBLICIZING METHOD	MACOG PUBLIC COMMENT LENGTH
Plan Development	<ul style="list-style-type: none"> • Steering Committee • Stakeholder Workshops 	N/A	N/A
Plan Approval	<ul style="list-style-type: none"> • Comment Period • Public Open House • Available on Website and in Office 	<ul style="list-style-type: none"> • Legal Notice • Email Distribution • Press Release • Social Media 	30 days, generally to end one week prior to tentative plan adoption

INTERURBAN TROLLEY FARE AND SERVICE MODIFICATIONS

MACOG oversees the administration and operation of the Interurban Trolley, the fixed-route transit system in Elkhart and Goshen, and the complementary ADA Access service. MACOG's approach to public engagement for the Interurban Trolley is the same as other plans and projects. These public engagement procedures require legal notices at a minimum and comment periods for these changes. MACOG staff strives to go beyond the minimums with additional engagement activities including pop-up events, on-board questionnaires, and online opportunities.

OTHER SIGNIFICANT ACTIVITIES/PRODUCTS

MACOG will likely undertake additional significant activities not outlined previously. This may include Major Corridor Studies, Active Transportation efforts, Policy Updates, Comprehensive Plans, and other non-transportation-related activities. On a case-by-case basis, MACOG will develop appropriate public engagement strategies.



ENGAGEMENT EVALUATION

ENGAGEMENT EVALUATION

The PEP is not a static document, but an ongoing strategy that is reviewed and updated based on our experiences and the changing circumstances of the region. MACOG will evaluate the public engagement process on an ongoing basis to ensure that the program is as effective as possible in facilitating full and open access to planning processes and that all interested persons are given the opportunity to participate.

MACOG will use both quantitative and qualitative measures to assess the effectiveness of the overall engagement program and specific strategies. Quantitative measures include the following:

QUANTITATIVE

MEASURING VISIBILITY

- Number of MACOGazettes distributed (printed and email versions)
- Number of news releases produced
- Number of visitors on the MACOG website
- Number of Followers, Post Reach, and Post Engagement on MACOG Social Media platforms

MEASURING ENGAGEMENT OPPORTUNITIES

- Number of and geographic distribution of public meetings & outreach opportunities, including those used to reach Environmental Justice populations
- Number of invitees and attendees to a MACOG hosted event

MEASURING INPUT AND FEEDBACK

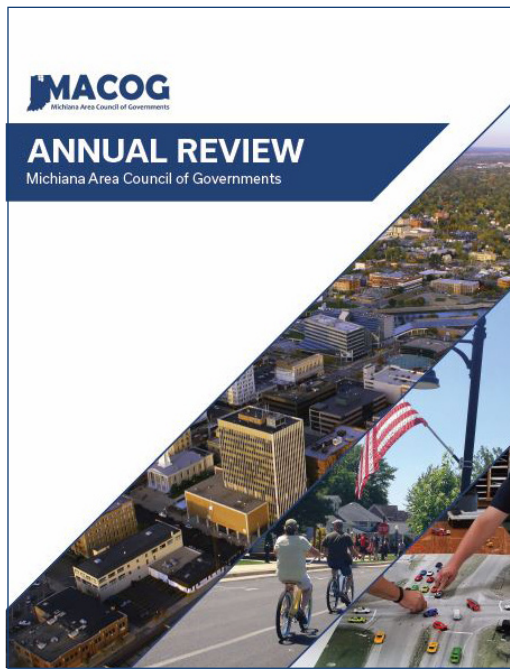
- Number of and geographic distribution of comments received through online engagement tools and in-person events

MACOG staff will collect the quantitative measures on a continual basis, following meetings and activities relating to public engagement. Depending on the measure, MACOG will issue surveys, questionnaires, and track engagement opportunities in order to quantify the effectiveness.

Qualitative measures will also be used to supplement the more quantitative measures. These include:

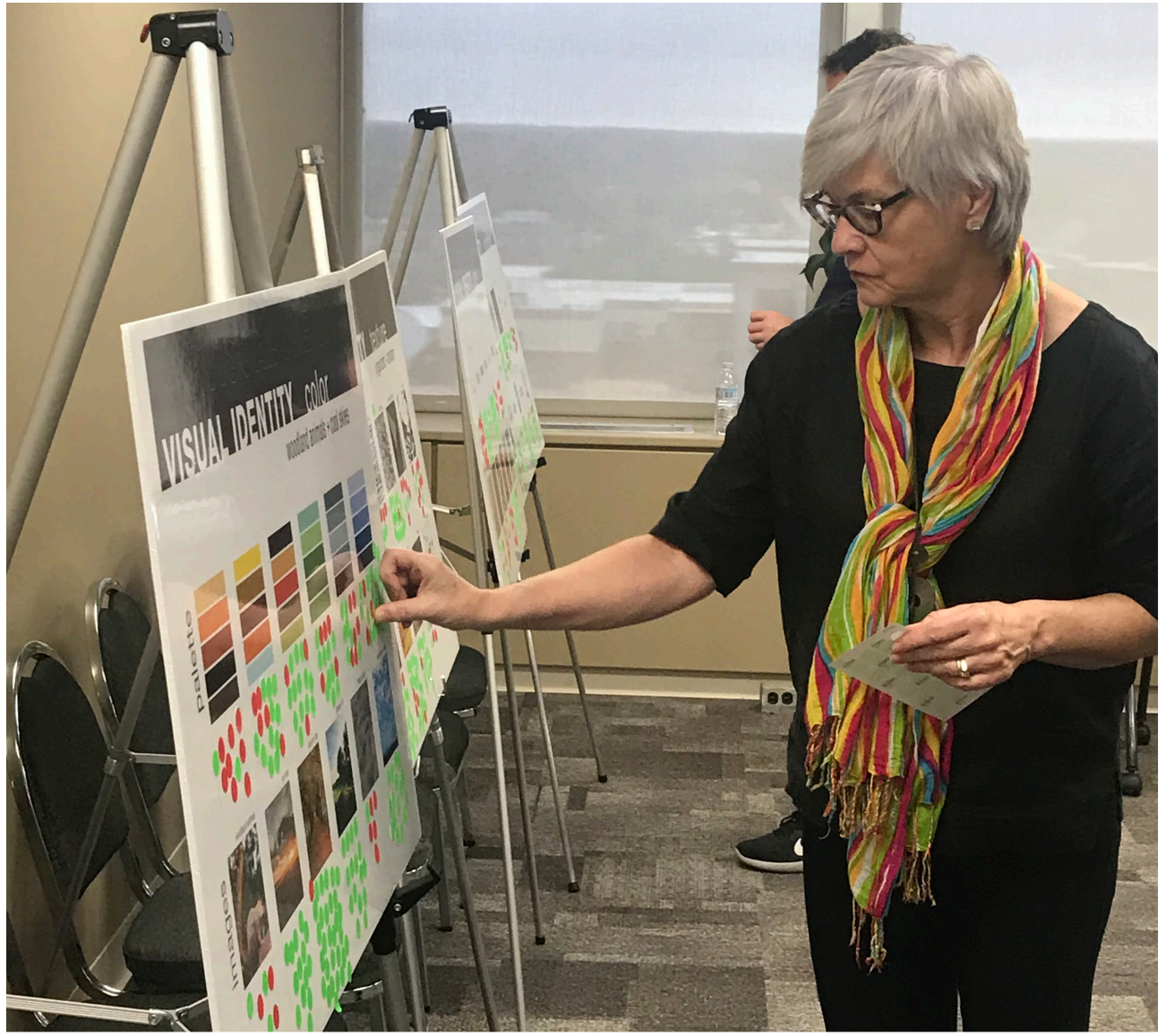
QUALITATIVE

- Effectiveness of different meeting formats
- Public understanding of the process
- Quality of the comments received and use of the input in developing the plans
- Effectiveness of notification and communication tools
- Effectiveness of visualization tools and techniques used



MACOG will develop a questionnaire that members of staff and some partner organizations could complete to evaluate the engagement process. Additionally, MACOG will consider a public engagement survey to receive feedback on the effectiveness of the various techniques and strategies used.

MACOG's Annual Review will contain a summary of public participation throughout the year, and will be presented to MACOG Policy Board and be available on our website. The Public Engagement Plan will be updated and revised to maintain its effectiveness and relevance with changing circumstances of the region.



APPENDIX

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APPENDIX A

**Code of Federal
Regulations for
Public Involvement**

Michiana Area Council of Governments

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CODE OF FEDERAL REGULATIONS FOR PUBLIC INVOLVEMENT

In regard to public involvement and participation, federal regulations mandate that the metropolitan planning process comply with the Code of Federal Regulations 23 CFR 450.316, as cited below.

a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
- (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
- (3) Recipients of assistance under 23 U.S.C. 201-204.
 - (c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
 - (d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
 - (e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

APPENDIX B

**Environmental Justice
& Title VI Program**

INTRODUCTION

MISSION

The Michiana Area Council of Governments (MACOG) is a voluntary organization of local governments that studies and attempts to resolve for the benefit of each member and the region, areas of interlocal issues, which includes but not limited to transportation, transit, economic development, environment, and other issues that impact the region.

PURPOSE OF THIS PROGRAM

MACOG is committed to, as stated in the Title VI of the Civil Right Act of 1964, “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.” In order to ensure individuals can effectively participate in or benefit from our programs, we will comply with the following policies:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)
- The Civil Rights Restoration Act of 1987 (P.L. 100.259)
- The U.S. Department of Transportation’s Title VI Regulations (49 CFR Part 21)
- Executive Order 12898 – “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”
- Executive Order 13166 - “Improving Access to Services for Persons with Limited English Proficiency”

By adoption of this Environmental Justice & Title VI Program, MACOG’s Policy Board ensures that all programs, policies, and activities comply with Title VI regulations. See Appendix B-1 for a signed copy of MACOG’s Title VI Non-Discrimination Assurances.

Any person or persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI have a right to file a formal complaint with MACOG. The entire Title VI complaint procedure can be found in Appendix B of this Program. Any such complaint must be in writing and filed with the Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

IMPLEMENTATION

RESPONSIBLE OFFICIALS

The Executive Director is responsible for administering the federally required duties of the MPO. As such, the Director is responsible for the MPO's adherence to and compliance with Title VI program implementation and policy development.

Title VI Coordinator role for the MPO is the Administrative Officer who is responsible for the day to day direct oversight of the MPO's compliance with Title VI. The Title VI Coordinator shall have direct access to the Executive Director. General responsibilities of the Title VI Coordinator include the following:

- Coordinating Title VI program development within the MPO and with Local Public Agencies (LPAs) within the region.
- Establishing procedures for processing Title VI program reviews.
- Coordinating Title VI training for MPO staff and stakeholders
- Preparing required reports.
- Providing guidance and advice on the Title VI program to MPO Staff and LPAs.
- Annually reviewing and updating the MPO's Title VI Program Plan as needed.

Inquiries regarding the MPO's Title VI activities should be directed to:

Zach Dripps, Title VI Coordinator
227 W. Jefferson Blvd.
11th Floor County-City Building
South Bend, IN 46601
zdripps@macog.com
574-287-1829

PROGRAM AND PROJECT REVIEW

As the Metropolitan Planning Organization, MACOG facilitates transportation policy development, planning, and programming for the region. This includes development of the long-range Metropolitan Transportation Plan and short-range Transportation Improvement Program, among other transportation-related plans. The majority of the plan's include a demographic profile and most document the potential impacts of projects on potentially disadvantaged population groups. If a concern were to arise, based on a public complaint or observation from a staff member, appropriate steps would be taken to review the plan or program and mitigate the concern.

All plans, policies, and guidance manuals developed by MACOG are updated as needed. Some are updated annually; others are updated when changes in State and Federal regulations and guidance require an update. When updates occur, the plans, policies, and guidance manuals are reviewed to determine Title VI implications and modified as necessary. MACOG regularly reviews and discusses general Title VI issues and concerns that may have arisen.

TITLE VI COMPLAINT PROCEDURES

Any person or persons who believe, either individually or as a member of any specific class of persons, they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Michiana Area Council of Governments. A Title VI Complaint Form is available in Appendix B-2 and on our website at: www.macog.com/environmental_justice.html.

A complaint may be filed without the Complaint Form if the complainant's name, mailing address, and details regarding the alleged discrimination are included in writing. The Complaint Form or written complaint may be hand delivered, mailed, or emailed to the following:

Zach Dripps, Title VI Coordinator
227 W. Jefferson Blvd.
11th Floor County-City Building
South Bend, IN 46601
zdripps@macog.com
574-287-1829

The Title VI Coordinator will provide the complainant or their representative with a written acknowledgement by mail within 10 working days that the MPO has received the complaint.

The complaint will be reviewed by the Title VI Coordinator and Legal Counsel. It will then be forwarded to the Executive Director and Executive Committee of the Policy Board. The MPO will then notify the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) that a complaint has been received.

Corrective measures would then be initiated by MACOG to alleviate the discrimination and prevent future discrimination from occurring in the transportation planning process. MACOG will notify the complainant by mail the steps that were taken to mitigate and prevent such discrimination. The public may also submit discrimination complaints directly to the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA). The complaint should be mailed to the Office of Civil Rights at either the FHWA or FTA.

STAFF TRAINING

At least one staff member, typically the Title VI Coordinator, attends Title VI and ADA training annually. The Indiana Department of Transportation (INDOT) provides Title VI and ADA training in Indianapolis every year, covering all aspects of Title VI, including LEP planning. The MPO may also attend other training hosted by the Federal Highway Administration (FHWA) or online resources if available.

The Title VI Coordinator also trains the rest of the staff annually in the office. The training covers an overview of the Federal regulations and requirements, a summary of MACOG'S Title VI responsibilities, a review of the Public Notice and Complaint Procedures, and the process to follow in case of a complaint.

ENVIRONMENTAL JUSTICE INDICATORS OF POTENTIAL DISADVANTAGE

METHODOLOGY

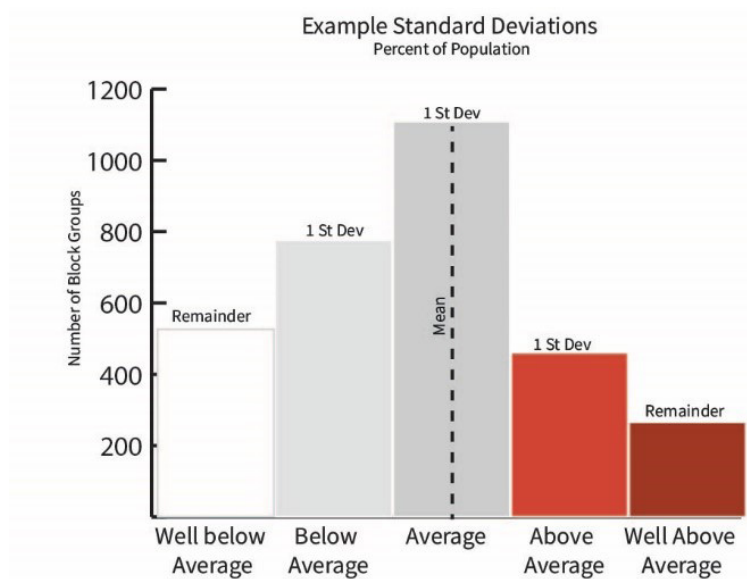
MACOG supports and models their Environmental Justice (EJ) process based upon guidelines from the Delaware Valley Regional Planning Commission (DVRPC) in Pennsylvania. DVRPC developed the Indicators of Potential Disadvantage (IPD) method, which locates selected population groups in the region to better inform how the regional transportation system and MPO programs, policies, and investments might impact these groups. These population groups include minorities, low-income, carless households, persons with physical disabilities, elderly over age 65, Hispanic, and Limited English Proficiency (LEP).

Neither Title VI or the Civil Rights Act nor Executive Order #12898 provides specific guidance to evaluate EJ within a region's transportation planning process. Therefore, MPOs must devise their own methods for ensuring that EJ population groups and issues are represented in transportation decision-making. This is a challenging assignment, and serious consideration must be given to the available types of quantifiable data, as well as how the data is to be used and interpreted. It should be noted that while the IPD method helps ascertain population data, it is only one tool in a larger strategy involving public participation, stakeholder outreach, data sources, and other research.

IPD information is derived from the American Community Survey (ACS) five-year estimates data set from the U.S. Census. The ACS is conducted every year to provide up-to-date information about the social and economic needs of the country. ACS data is in one-year, three-year, and five-year estimates. The five-year estimates set was chosen as it provides the largest sample size,

includes data for all areas, and information can be found at the census tract and block group level.

Using this data, population groups are identified and located at the block group level. Data is gathered at the regional level, combining populations from each of the four counties, for either individuals or households, depending on the indicator. From there, the total number of persons in each demographic group is divided by the appropriate universe (either population or households) for the four-county region, providing a regional average for that population group. Each block group is given a calculation determined by the standard deviations relative to each indicator's regional average. This calculation is used to determine the concentration of IPD population from “well below average” to “well above average.” The IPD is identified when sensitive populations fall above average in each block group.



REGIONAL DEMOGRAPHICS

EJ is concerned with the impacts of disparate funding and disparate services on defined minority and low-income groups. Some programs employ the EJ IPD method as the first step of a demographic analysis, identifying the potentially disadvantaged population groups first, and then using this knowledge as a planning tool for further recommendations and outreach.

The demographic groups that comprise the IPD are defined below, and include a definition of the population group plus the regional threshold that places IPD populations above average. Maps of each demographic group can be found on page B-8 and B-9.

RACIAL MINORITY

Above Average Threshold: 26.3%

This population group includes the following ACS racial categories: Black or African American alone, American Indian and Alaska Native alone, Asian alone, Native Hawaiian and other Pacific Islander alone, some other race alone, and two or more races.

HISPANIC

Above Average Threshold: 17.0%

Though often included in many minority definitions, Hispanic is an ethnicity, not a racial category. Hispanics are defined by the U.S. Census as “persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.”

HOUSEHOLDS IN POVERTY

Above Average Threshold: 21.5%

Since poverty is defined at the family level and not the household level, the poverty status of the household is determined by the poverty status of the householder. Households are classified as poor when the total income of the householder’s family is below the appropriate poverty threshold, which was established in the Office of Management and Budget’s Statistical Policy Directive No. 14 and is adjusted for inflation.

CARLESS HOUSEHOLDS

Above Average Threshold: 14.0%

This population is often referred to as “transit dependent,” i.e., those who must rely on public transit for their daily travel needs and who have limited mobility. Not owning a personal automobile may be a lifestyle choice for some, but for others automobile ownership is unattainable due to various constraints, including income or disability.

HOUSEHOLDS WITH PERSON(S) WITH DISABILITIES

Above Average Threshold: 34.4%

This population is identifying by households that have at least one (1) person with a disability. That disability may be hearing, cognitive, ambulatory, self-care, or independent living difficulty.

ELDERLY

Above Average Threshold: 19.1%

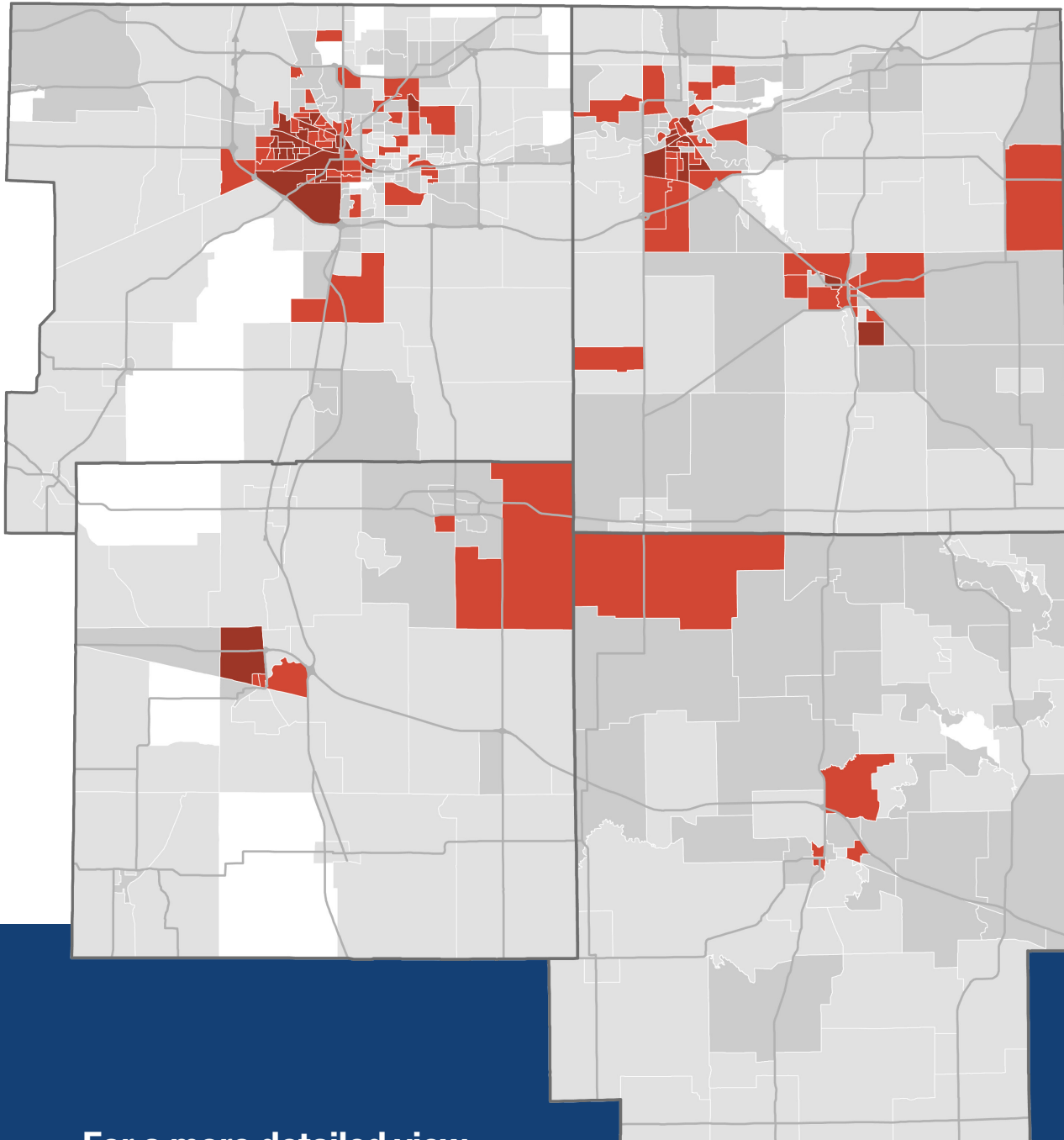
Elderly populations are identified as those age 65 and over.

LIMITED ENGLISH PROFICIENCY (LEP) HOUSEHOLDS

Above Average Threshold: 4.4%

This population is identified by households that speak a language other than English at home and speak English “less than very well.” More analysis of this population group is done in the Limited English Proficiency (LEP) Language Assistance Plan.

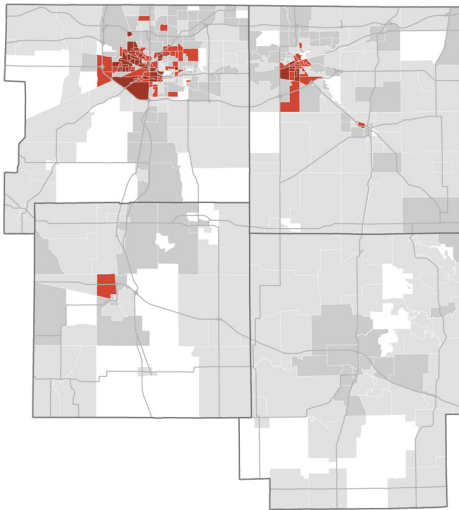
Overall Indicators of Potential Disadvantage (IPD)



For a more detailed view,
visit our website at
www.macog.com/title_vi

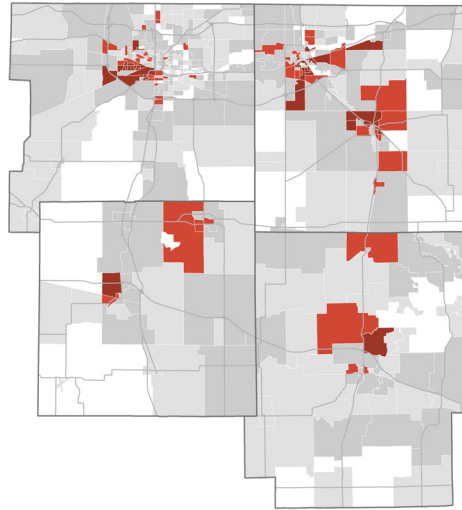
Racial Minority

Concentration Above 26.3%



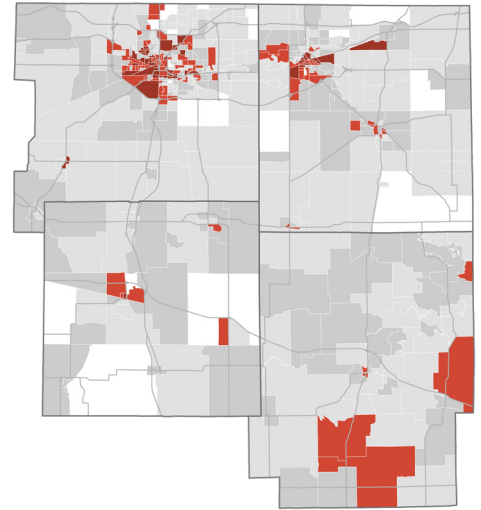
Hispanic

Concentration Above 17.0%



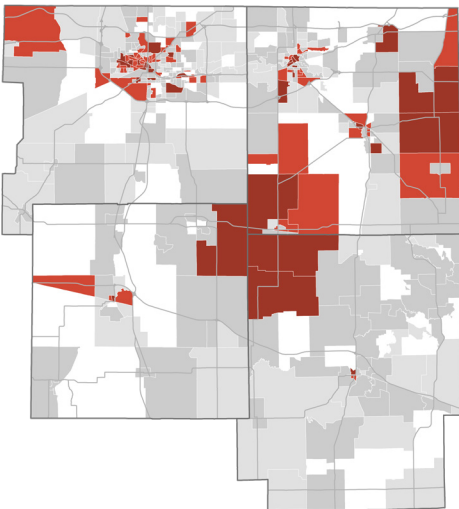
Households in Poverty

Concentration Above 21.5%



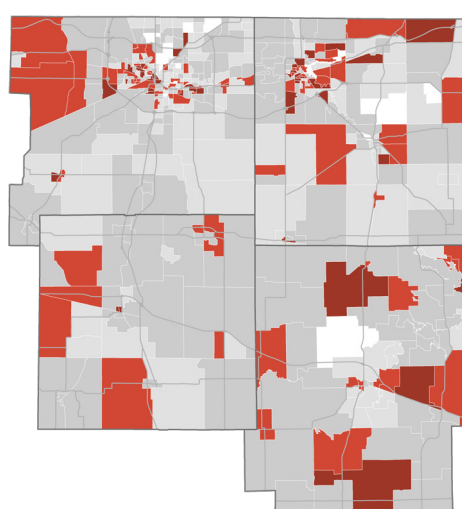
Carless Households

Concentration Above 14.0%



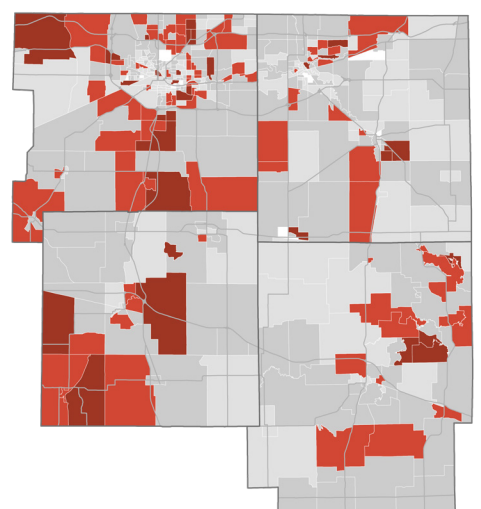
Households with a Disability

Concentration Above 34.4%



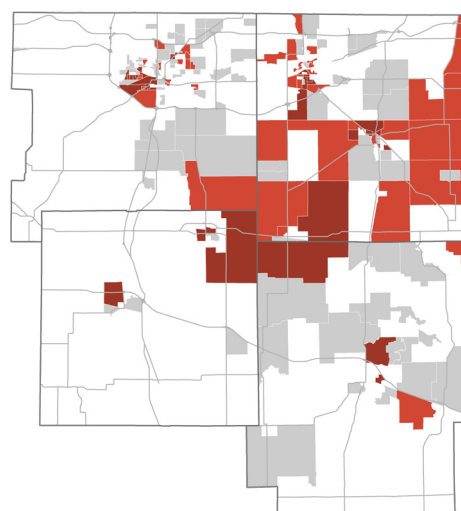
Elderly

Concentration Above 19.1%








Limited English Proficiency (LEP)

Concentration Above 4.4%



LEGEND

Concentration of IPD Population

-  Well Below Average
-  Below Average
-  Average
-  Above Average
-  Well Above Average

APPENDIX B1

STANDARD U.S. DOT TITLE VI ASSURANCES

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

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

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 proposals and, in adapted form in all proposals for negotiated agreements:

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the applicable activity, project, or program.
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 to the Recipient Department of Transportation under the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Indiana Department of Transportation (INDOT) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Indiana Department of Transportation (INDOT). The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

Dated 8/14/19

Michiana Area Council of Governments
(Recipient)

by 
(Signature of Authorized Official)

**APPENDIX A
of B-1**

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 the *(Recipient)* or the *(Name of Appropriate Administration)* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *(Recipient)*, or the *(Name of Appropriate Administration)* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *(Recipient)* shall impose such contract sanctions as it or the *(Name of Appropriate 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 the *(Recipient)* or the *(Name of Appropriate 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 the *(Recipient)* to enter into such litigation to protect the interests of the *(Recipient)*, 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
of B-1**

A. 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 *(Name of Recipient)* will accept Title to the lands and maintain the project constructed thereon, in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)* and the policies and procedures prescribed by *(Name of Appropriate Administration)* of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *(Name of Recipient)* 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 *(Name of Recipient)*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the *(Name of Recipient)* 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
of B-1**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *(Name of Recipient)* 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, *(Name of Recipient)* 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, *(Name of Recipient)* 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 *(Name of Recipient)* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *(Name of Recipient)* 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.]*

* 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.

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) 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, (*Name of Recipient*) 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 (*Name of Recipient*) and its assigns.

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

APPENDIX B2

TITLE VI PUBLIC NOTICE, COMPLAINT PROCEDURES AND COMPLAINT FORM

NOTIFICATION TO THE PUBLIC OF RIGHTS UNDER TITLE VI THE MICHIANA AREA COUNCIL OF GOVERNMENTS

The Michiana Area Council of Governments declares that it conducts its programs, services, and activities without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Michiana Area Council of Governments (MACOG).

For more information on MACOG's Civil Rights Program, and the procedures to file a complaint, call 574-287-1829, email Zach Dripps at zdripps@macog.com, or visit our office at 227 W. Jefferson Blvd., 11th Floor County-City Bldg., South Bend, Indiana 46601.

A complainant may file a complaint directly with the Federal Highway Administration or the Federal Transit Administration by mailing complaints to:

Federal Highway Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
8th Floor E81-105
1200 New Jersey Ave., SE
Washington, DC 20590

Federal Transit Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington, DC 20590

This notification is posted at a variety of locations.
Si necesita información en otro idioma, llame al: 574-287-1829.

TITLE VI COMPLIANT PROCEDURE

The Michiana Area Council of Governments (MACOG) is committed to a policy of non-discrimination in the operation of its programs and services without regard to race, color and national origin. Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color or national origin by MACOG is encouraged to report a Title VI complaint within 180 days of the alleged discrimination to:

Zach Dripps, Title VI Coordinator
227 W. Jefferson Blvd.
11th Floor County-City Building
South Bend, IN 46601
zdripps@macog.com
574-287-1829

At the complainant's discretion, the complaint may be filed with MACOG and/or the Indiana Department of Transportation (INDOT), Federal Highway Administration (FHWA), or Federal Transit Administration (FTA).

SUBMISSION OF COMPLAINTS

Complaints should contain the following information, ideally utilizing the MPO Title VI Complaint Form:

1. Name, address, and telephone number of the complainant.
2. Person discriminated against (if someone other than the complainant)
3. The basis of the complaint; i.e., race, color, or national origin.
4. The date or dates on which the alleged discriminatory event or events occurred.
5. The nature of the incident that led the complainant to feel discrimination was a factor.
6. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
7. Other agencies or courts where complaint may have been filed and a contact name.
8. Complainant's signature and date.

If you need information in another language, call 574-287-1829.
Si necesita información en otro idioma, llame al: 574-287-1829.

REVIEW & INVESTIGATION OF COMPLAINT

The Title VI Coordinator will provide the complainant or their representative with a written acknowledgement by mail within 10 working days that the MPO has received the complaint.

The complaint will be reviewed by the Title VI Coordinator and Legal Counsel. It will then be forwarded to the Executive Director and Executive Committee of the Policy Board. The MPO will then notify the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) that a complaint has been received.

CORRECTIVE MEASURE & APPEALS

Corrective measures will then be initiated by MACOG to alleviate the discrimination and prevent future discrimination from occurring in the transportation planning process. MACOG will notify the complainant by mail the steps that were taken to mitigate and prevent such discrimination.

In cases where the complainant is dissatisfied with the resolution by MACOG the complaint may be submitted to the Indiana Department of Transportation (INDOT), Federal Highway Administration (FHWA), or Federal Transit Administration (FTA). See contact information below.

Indiana Department of Transportation
Economic Opportunity Division
Attn: Title VI/ADA Program Manager
100 N. Senate N750
Indianapolis, IN 46204

Federal Highway Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
8th Floor E81-105
1200 New Jersey Ave., SE
Washington, DC 20590

Federal Transit Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington, DC 20590

MICHIANA AREA COUNCIL OF GOVERNMENTS TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.

1. Complainants' Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone: _____ Email: _____

2. Person discriminated against (if someone different other than the complainant) _____
Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone: _____ Email: _____

3. I believe the discrimination I experienced was based on (check all that apply)

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Limited English-Proficiency (LEP)
<input type="checkbox"/> Gender	<input type="checkbox"/> Age	<input type="checkbox"/> National Origin
<input type="checkbox"/> Disability	<input type="checkbox"/> Income	<input type="checkbox"/> Other _____

4. Please provide the date and place(s) of the alleged discriminatory action(s).

5. Describe the alleged discrimination in as much detail as possible. Attach more pages if necessary.

6. List names and contact information of persons who may have knowledge of alleged discrimination.

1. _____

2. _____

3. _____

7. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? (Check all that apply)

None Federal Agency State Agency

Local Agency Federal Court State Court

Please provide the contact information where the complaint was filed.

Name: _____

Street Address: _____

City, State & Zip Code: _____

Telephone: _____ Email: _____

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

Submit form and any additional information by mail to Zach Dripps, Title VI Coordinator, 227 W. Jefferson Blvd, 11th Floor, South Bend, IN 46601; or email to zdripps@macog.com.

APPENDIX C

**Limited English
Proficiency (LEP)
Language Assistance Plan**

Michiana Area Council of Governments

www.macog.com • 574.287.1829 • macogdir@macog.com

INTRODUCTION

MISSION

The Michiana Area Council of Governments (MACOG) is a voluntary organization of local governments that studies and attempts to resolve for the benefit of each member and the region, areas of interlocal issues, which includes but not limited to transportation, transit, economic development, environment, and other issues that impact the region.

PURPOSE OF THIS PLAN

MACOG is committed to making all reasonable efforts to provide Limited English Proficiency (LEP) individuals meaningful access to all of our programs and activities. In order to ensure that LEP individuals can effectively participate in or benefit from federally assisted programs and activities performed by MACOG, we will comply with the following policies:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)
- The U.S. Department of Transportation’s Title VI Regulations (49 CFR Part 21)
- Executive Order 13166 - “Improving Access to Services for Persons with Limited English Proficiency”

The LEP plan includes the following elements:

1. An LEP assessment that includes the results of the Four Factor Analysis, including a description of the LEP populations.
2. Description of language assistance services provided.
3. Description of how employees are trained to provide language assistance.
4. Description of how the public will be notified of the availability of language assistance services.
5. Description of how the LEP plan is monitored and updated.

LIMITED ENGLISH PROFICIENCY DEFINED

The U.S. Department of Justice’s LEP Guidance document, which was released along with the signing of Executive Order 13166, states:

“Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. . . . If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or “LEP” . . .”

“Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by Federally funded programs and activities. . . . The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English.”

Based on this statement, LEP can be defined as individuals having a limited ability to read, write, speak, or understand English. The U.S. Census Bureau includes language spoken at home in their American Community Survey. The data includes multiple languages, as well as the number of people who also speak English “very well” and those that speak English “less than very well”. Using this data, the number of LEP individuals is considered those people who speak English “less than very well”.

LEP ASSESSMENT

As a recipient of federal funding, MACOG must take responsible steps to ensure meaningful access to the information and services it provides. According to the guiding policy, there are four factors to consider in determining “reasonable steps:”

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP persons come in contact with a MACOG program, activity, or service
3. The nature and importance of the program, activity, or service provided by MACOG
4. The resources available to MACOG and the cost of providing meaningful access to LEP persons

This policy gives recipients of federal funds flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above.

FACTOR 1: THE NUMBER OR PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION

Over 70,000 people in the MACOG region speak a language other than English with the majority of those also being able to speak English “very well,” according to the 2013-2017 American Community Survey (ACS). Nearly 27,000 people, or 4.8% of the population, speak English “less than very well.”

Table 1: Language Spoken at Home for the MACOG Region

	Language Spoken at Home		Speak English "Less than Very Well"	
	Population	Percent	Population	Percent
Total	556,181	-	26,919	4.8%
English	485,642	87.3%	-	-
Spanish	43,676	7.9%	18,948	3.4%
German or Other Western Germanic*	13,586	2.4%	3,410	0.6%
Chinese (incl. Madnarin, Cantonese)	2,154	0.4%	1,085	0.2%
All Others	11,123	2.0%	3,476	0.6%

*Includes Pennsylvania Dutch

Source: 2013-2017 American Community Survey (ACS) – C16001 Language Spoken at Home for the Population 5 years and over

The most common non-English language spoken at home is Spanish, approximately 43,600 (7.9%) people in the region. Almost half of those who speak Spanish at home speak English “less than very well.” The next most common language spoken at home is German or Other West Germanic Languages, which includes specifically Pennsylvania Dutch, which is commonly spoken in portions of the region with a higher proportion of Amish. Approximately 13,500 (2.4%) people in the region speak German or Pennsylvania Dutch with over 3,000 who speak English “less than very well.”

U.S. DOT has adopted the Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision applies to eligible LEP language groups that constitute five percent (5%) or 1,000 people; whichever is less of the total populations of persons eligible to be served or likely to be affected or encountered. In the area served by MACOG, Spanish, German or Pennsylvania Dutch, and Chinese are the only languages that meets the requirements for translating vital information.

FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME IN CONTACT WITH A MACOG PROGRAM, ACTIVITY, OR SERVICE

The MACOG staff frequently attend meetings both in the MACOG office and outside the office in various locations around the region. Additionally, MACOG hosts open houses, public meetings, and committee meetings regarding a wide-range of topics and projects. People with limited English proficiency may attend some of these meetings. To date, no documented requests have been made by either individuals or groups directly to MACOG for language interpreters or publications. Public notices, when appropriate, are distributed with Spanish translation provided by local translators and sent to Spanish-language media outlets.

The LEP population in the region is always changing, which can increase the probability of future contact. MACOG will continue to monitor request and opportunities to increase the frequency of contact with the LEP populations in the region.

FACTOR 3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY MACOG

As a Council of Governments, MACOG provides numerous programs, activities, and services to the region. As a Metropolitan Planning Organization (MPO), programs use federal funds to plan for future transportation projects. Additionally, MACOG administers the Interurban Trolley fixed-route bus service serving Elkhart and Goshen with connections to Mishawaka. This program provides transportation for individuals to get to and from work, educational opportunities, medical visits, and other important needs. Considering the importance of this program, MACOG develops a separate LEP plan to address the specific needs of this service.

Public participation is a priority in MACOG's plans, activities, and programs. The impact of transportation improvements resulting from these planning activities reaches all residents. Understanding and continued involvement are encouraged throughout the process. MACOG is concerned with input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible as prescribed in the MACOG Public Engagement Plan (PEP).

FACTOR 4: THE RESOURCES AVAILABLE TO MACOG AND THE COST OF PROVIDING MEANINGFUL ACCESS TO LEP PERSONS

MACOG understands the importance of providing access to LEP individuals during the planning process and at public meetings, even if there is a cost involved. MACOG strives to provide opportunities to LEP individuals as much as possible through no or low cost resources. This includes utilizing

translation tools on the MACOG website so that individuals of many languages have the opportunity to read the information as well as translation software to translate public notices and smaller plans and documents into Spanish. Costs for these resources is limited to the time and additional printing costs. If additional resources are required, such as in-person translations or translation of larger documents, MACOG will reach out to local translation services for assistance to determine the most cost effective way to provide these resources.

IMPLEMENTATION

Based on the current limited interaction with MACOG and LEP persons, additional steps need to be in place to assure all reasonable actions have been taken to engage all populations groups. All language assistance activities detailed below will be coordinated by the Title VI and ADA Coordinator in collaboration with the MACOG staff.

IDENTIFYING LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

In order to ensure all individuals have equal access to participate in the MPO's planning process, it is important to be able to identify those that need language assistance. MACOG asks that individuals contact the office prior to a meeting if they need language assistance or other accommodations. If requested, MACOG will make every effort to provide a translator at the public meeting. If an individual does not make prior arrangements, MACOG will follow up with that individual following the meeting.

At all public meetings and open houses hosted by MACOG, a staff member will greet each individual who attends. If an individual does not speak English, MACOG will have the language identification flashcard developed by the U.S. Census Bureau available. The flashcard includes multiple languages with the phrase "Mark this box if you read or speak (specific language)" written in that particular language. This helps the staff identify the language of the individual. This flashcard is also available in the MACOG office.

LANGUAGE ASSISTANCE MEASURES

MACOG has identified several ways that services are or can be provided to LEP individuals in the MACOG region.

WRITTEN TRANSLATIONS

MACOG will make every effort to provide written translations for vital documents and executive summaries.

- Vital Documents will be made available in Spanish – German (Pennsylvania Dutch) and Chinese translations will be explored – as according to the Safe Harbor Provision.
 - Title VI Program
 - Complaint Forms
 - Public Notices
- Executive Summaries for the following key documents will be available in other languages as requested, and MACOG will explore making Executive Summaries always available in Spanish.
 - Metropolitan Transportation Plan
 - Transportation Improvement Program
 - Public Engagement Plan
- Outreach Materials to engage the public in a planning process will be made available in Spanish and other languages as needed.
- MACOG’s website has a translation button that can translate the website into Spanish, German, and Chinese languages (using Google Translate).

ORAL INTERPRETATION SERVICES

MACOG will provide oral interpretation services to Spanish-speaking LEP persons, if requested in advance. In order to provide these services, the Title VI Coordinator should do the following:

- Maintain a list of points of contact when a LEP person interacts with the organization. As interaction with LEP individuals increases, additional points of contact should be identified.
- Identify, by language spoken, employees who fluently speak and/or write a language other than English. Detail which of these employees (if any) are also able to act as interpreters.
- Create and maintain a list of outside sources that can provide oral and/or written translation services (including both paid and unpaid services). Outline the cost of these services. Identify budget and personnel limitations.
- Develop a list of common phrases to assist the main points of contact and others who regularly interact with the public to more easily interface with LEP individuals.

STAFF TRAINING

In order to establish meaningful access to information and services for LEP individuals, staff that regularly interacts with the public, and those who will serve as main points of contacts, should be trained on MACOG's LEP policies and procedures. Training ensures that staff members are effectively able to work in person and/or by telephone with LEP individuals. Additionally, at least one staff member, typically the Title VI Coordinator, attends Title VI and ADA training annually. INDOT provides this training every year, covering all aspects of Title VI, including LEP planning. MACOG may consider attending other training opportunities to further assist in implementing the Title VI and LEP plans.

OUTREACH AND PROVIDING NOTICES TO LEP PERSONS

MACOG will make efforts to reach, educate, and provide notices to as many LEP persons as possible. These techniques include:

- MACOG will post information at the front-desk reception area and on the MACOG website to notify LEP persons of any available services to translate (oral or written) materials and how to obtain these services.
- Key outreach documents and public notices will include information about what language assistance services are available.
- MACOG will work with local community-based organizations and other stakeholders as needed to engage LEP persons and inform them of the availability of language assistance services.
- MACOG will create and maintain a list of non-English local newspaper, radio, and television programming and MACOG will send public notices to assist with outreach efforts and meeting notifications.

MONITORING AND UPDATING THE LEP PLAN

MACOG monitors changing population levels and the language needs of LEP individuals in the region. MACOG will track requests and documented interactions with LEP persons when they occur. The LEP plan will be updated as needed based on the changes in population, frequency of encounters with LEP groups, availability of resources and technologies, or other related factors.

CONTACT

MACOG will make every effort to assist individuals with Limited English Proficiency. If an individual has any comments, questions, or concerns, they may contact MACOG by mail (English or Spanish), email (Any Language), or phone (English only). MACOG will either provide answers directly if possible or request language assistance from a translator to respond to each request.

Comments, questions, or concerns can be sent to MACOG by:

Mail or Hand-Delivered:

Michiana Area Council of Governments
Attn: Zach Dripps, Title VI Coordinator
227 W. Jefferson Blvd.
11th Floor County-City Building
South Bend, IN 46601

Email:
zdripps@macog.com

Phone (English Only):
574-287-1829

APPENDIX D

**Engagement
Strategy Framework
Workshop Example**

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APPENDIX E

**Engagement
Techniques and
Tools Example List**

ENGAGEMENT TECHNIQUES AND TOOLS EXAMPLE LIST

Engagement Technique/Tool	Description	Level of Engagement
Community Presentations/Briefings	Information is brought to a location where members of the community gather in order to present on particular topics or project updates (i.e. Rotary, Chamber of Commerce, etc.).	Inform
Conferences and Summits	Bring professionals and interested individuals together to learn from experts about a particular topic.	Inform
Direct Mail	Send a postcard or letter to property owners directly impacted or potentially interested in a particular topic or engagement opportunity.	Inform
Exhibits & Displays	Display information at a festival or event for participants to learn about a particular topic or issue.	Inform
News Release	Using the media to inform the public about upcoming engagement opportunities or sharing information about a particular regional topic or success.	Inform
Newsletter	The MACOGazette is a quarterly newsletter (printed and emailed) that provides updates and information on regional projects, initiatives, and issues.	Inform
Paid Advertising	Advertise public meetings and comment periods or to educate the public on particular issues or topics.	Inform

Engagement Technique/Tool	Description	Level of Engagement
Press Conference	For some important information, a press conference is a great way to attract attention to a particular outcome or success (i.e. ribbon cutting).	Inform
Printed Materials (flyers, postcards, fact sheets, etc.)	Even in the digital age, printed material has plenty of appeal. Printed materials are great take-a-ways at public meetings or pop-up events and for advertising.	Inform
Public Hearing	For some particular types of projects, a public hearing is necessary. This includes a presentation and opportunity for questions and answers, however typically these are not well attended.	Inform
Social Media	Social media is the growing platform for sharing information. Social media is used for public notices for engagement opportunities as well as receiving feedback and input during the process.	Inform
Website	The website has become the central platform and repository for public information. The website will contain public notices, upcoming engagement opportunities, progress reports, and more.	Inform
Contests, Promotions, and Games	Intensify community interest and increase community involvement through a contest, promotion, or game created to get the public's involvement in a plan or project.	Contribute
Crowdsourcing Data	Asking the public to collect data on issues or assets important to the planning process (i.e. locate potholes or bicycle parking).	Contribute

Engagement Technique/Tool	Description	Level of Engagement
Feedback Frames	A physical meeting tool designed to receive feedback from participants by voting with chips on particular questions, issues, or ideas.	Contribute
Focus Groups	A meeting with a defined agenda where a set of questions is posed to participants which guides discussion so that public opinion can be more closely gauged.	Contribute
Handheld Instant Voting	A digital meeting tool designed to receive feedback from participants by voting with mobile devices on particular questions, issues, or ideas.	Contribute
Interactive Mapping	Online tools where participants can interact with mapping information to view details or provide input.	Contribute
Interviews	One-on-one or small group discussion about project specific topics and issues with key stakeholders, community leaders, agency representatives, and other interested parties who represent the broader community opinions for the purpose of gathering information and opinions early in the planning process.	Contribute
Online Public Meetings	Hosting a public meeting online in order to provide more people with the opportunity to attend.	Contribute
Online Public Surveys	Surveys are a great way to collect input from the public about different topics or issues; when they are online, it simplifies the distribution and data entry.	Contribute

Engagement Technique/Tool	Description	Level of Engagement
Open House	An informal gathering that provides a forum where questions can be answered in a comfortable atmosphere that encourages open discussion focusing on issues and receiving feedback. Complex projects can be broken down into smaller components for easier understanding.	Contribute
Pop-up Event	Instead of asking participants to make a special trip to your public meeting, you can bring the meeting to a place the public will already be. Pop-up Events allow interaction in an accessible location, which can result in more participation (i.e. Libraries, Festivals, Grocery Stores, etc.).	Contribute
Public Comment Form	An essential element of receiving public input is providing the participants the ability to provide comments in an anonymous form, either printed or online.	Contribute
Thematic Mapping	A meeting technique that asks participants to brainstorm a particular topic on their own, then the whole group is able to put their responses into related themes for discussion.	Contribute
Advisory Committees/ Working Groups	A group of stakeholders, who make recommendations on projects, plans, and policies to assist the Policy Board in making informed decisions.	Collaborate
Charrettes	A meeting format designed to define issues, analyze problems and alternative solutions in a short, intense time frame to reach consensus on approaches to be taken, usually involving local experts and targeted stakeholders defining values and expectations in the process.	Collaborate

Engagement Technique/Tool	Description	Level of Engagement
Community Workshops	Interactive meetings held throughout a defined community to which all community members are invited, information is shared, feedback is received, and dialogue is created.	Collaborate
Hands-on Activities	Activities designed for meetings that require the participant to engage with their hands to collaborate with other participants.	Collaborate
Partnering with Community Organizations	Reaching out to partner with community-based organizations and leaders to promote and hold meetings, facilitate discussions, and obtain feedback (i.e. La Casa de Amistad, Neighborhood Groups, etc.).	Collaborate
Steering Committee	Key stakeholders form a committee to make decisions and recommendations on behalf of the Policy Board	Collaborate
Walking Audits	Organized group walks through a project site or corridor to enable community members and leaders to see and or point out problems, assets, and resources important to the community.	Collaborate

APPENDIX F

**Transportation
Improvement Program
(TIP) Amendment
and Administrative
Modification Policy**

Michiana Area Council of Governments

www.macog.com • 574.287.1829 • macogdir@macog.com

TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AMENDMENT AND ADMINISTRATIVE MODIFICATION POLICY

PURPOSE

This policy outlines the process followed by The Michiana Area Council of Governments (MACOG) to amend the Transportation Improvement Program (TIP), which is consistent with the process used by the Indiana Department of Transportation (INDOT) in amending the Statewide Transportation Improvement Program (STIP).

APPLICATION

When changes to the TIP are requested, MACOG using the following criteria to determine if the change must be handled as an Amendment or an Administrative Modification. An Amendment is a major change to a project listed in the TIP, including adding or deleting, funding revisions, changes in scope, etc. Amendments require public review and Policy Board approval. Alternatively, an Administrative Modification is a minor change to a project. Modifications do not require public review and are done by MACOG staff when requested. At each Policy Board, Staff presents a list of all Administrative Modifications done in the previous month in order to keep the Policy Board and the Public apprised of changes to the TIP.

¹Amendment means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a redemonstration of fiscal constraint. If an amendment involves “non-exempt” projects in nonattainment and maintenance areas, a conformity determination is required. – 23 CFR §450.104

²Administrative modification means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, a redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas). – 23 CFR §450.104

CRITERIA

A key feature in documenting the process is to have a clear criteria guiding the decision to process a TIP change as an amendment or as an administrative modification. Table A below outlines the type of changes and how which process will be used.

Table A: TIP Amendment and Administrative Modification Criteria

If the change is:	Administrative Modification	Amendment
Addition		
Adding a new project to TIP.		X
Adding a new phase for a project to TIP.		X
Adding “grouped projects” (See Below)	X	
Deletion		
Deleting a project to TIP.		X
Deleting a phase for a project to TIP.		X
Fiscal Years		
Move a project to another fiscal year in the TIP.	X	
Moving any identified project phase programmed for a previous year into a new TIP.	X	
Scope		
Changing project length by ½ mile or more.		X
Changing project length by less than a ½ mile.	X	
Splitting or combining projects without modifying the original project intent.	X	
Changing or clarifying elements of a project description with no change in funding and without altering original project intent.	X	
Funding		
Moving a project from one funding category to another, with no impact to fiscal constraint.	X	
Increasing/Decreasing project funding by 31% or more.		X
Increasing/Decreasing project funding by less than 31%, with no impact to fiscal constraint.	X	
Corrections		
Correcting minor data entry and typographical errors.	X	

GROUPED PROJECTS

According to Federal Regulations (CFR 23 part 450.218j) permit projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped under a single listing. Such listings are grouped by by function, work type, and/or geographic area and must be consistent with the exempt project classification contained in the Environmental Protection Agencies Transportation Conformity Regulations. This is consistent with INDOT definitions and procedures and are listed in the STIP as grouped projects.

Individual projects from the grouped categories will be incorporated into the TIP by Administrative Modification as they are defined (terms of project description, scope, and cost) and approved. The following are the types of work that are grouped for this policy.

- Bridge, Culvert and Small Structure Preservation
- Traffic Signal System and Lighting Improvements
- Signing, Marking, Striping and Rumble Strips
- Rail Crossing Protections
- Guardrail and Median Protection/Cable Barriers (with no change to access)
- Statewide and Non-Construction Activities

PUBLIC ENGAGEMENT PLAN



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