

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Department of Transportation

Effective Date of Plan: April 1, 2015

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

It is the mission of the New York State Department of Transportation (NYSDOT) to ensure our customers - those who live, work and travel in New York State - have a safe, efficient, balanced and environmentally sound transportation system. NYSDOT directly maintains and improves more than 38,000 State highway lane miles and more than 7,500 bridges. In addition, NYSDOT partially funds locally operated transit systems, local government highway and bridge construction, and rail and airport programs.

The following are the agency services to the public where language access services may be requested:

Civil Rights

- Americans with Disabilities Act Management Plan (ADA)
- Disadvantaged Business Enterprise (DBE)
 - Certification Program
 - Supportive Services Program
- Discrimination Complaint Procedure/Form
- Environmental Justice (Pollution/Waste Hauling & Community Impact)
- Limited English Proficiency
- Title VI / Nondiscrimination

Community Information/Resources

- 1-800-POT-HOLE
- HELP (Highway Emergency Local Patrol)
- Small Claims
- Surplus Property Sales

Education and Training

- Field Welder Certification
- On-the-Job-Training Supportive Services
 - Construction Career Days
 - Engineering Supportive Services Program

Permits and Registrations

- Construction
 - Design-Related Permits
 - Highway Work Permits
 - Traffic Signal Permits
 - Residential Driveway Permits
- Motor Carrier
 - Oversize/Overweight Permits
- Other
 - Directional Sign Program
 - Outdoor Advertising Sign Program
 - Special Events Permits (PERM 33a)

Environmental

- Clean Air NY
- GreenLITES

Government/Business Funding and Grants

- Statewide Transportation Improvement Program (STIP)
- Statewide Transportation Operating Assistance (STOA)
- “New York Transportation Plan for 2030” <https://www.dot.ny.gov/main/transportation-plan/transportation-plan>
- “Public Involvement Manual for Transportation Planning” <https://www.dot.ny.gov/divisions/policy-and-strategy/planning-bureau>
- Emergency Relief Program
- Federal Transit Funding Programs
- Financial Aid for Local Streets (CHIPS)

Safety Programs

- Amber Alert
- Driving Safely In Work Zones
- 511NY Program

Citizen

- Safety First for Kids
- Safe Routes to School

Driver

- Roadway Driving Safety
 - Highway Emergency Local Patrols (HELP)

- Motorcycle Safety Awareness
- Work Zone Safety
 - Driving Safely In Work Zones
 - Operation Hard Hat

Public Transportation

- Bus Safety
 - Bus Safety Information Network (BUSNET)
 - Vehicle Inspection Program
- Public Transportation Safety Board
- Rail Safety
 - Grade Crossings
 - Operation Lifesaver
- Truck and Motor Carrier
 - Commercial Vehicle Safety Regulations
 - Safety Complaints

Roadway

- Comprehensive Highway Safety Plan
- Highway Emergency Local Patrols (HELP)

Webcasts:

- Scheduled webcasts are broadcasted for viewing.

News and Events:

- Traveler Advisories
- Public Hearings
- Lettings and Bid Openings

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: Individuals who live, work and travel in New York State.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
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Spanish	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 American Community Survey

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations:

- Information from other government agencies

Names of agencies:

- NYS Department of Education
- NYS Department of Labor
- NYS Office of Temporary and Disability Assistance, Bureau of Refugee and Immigrant Assistance (BRIA)

- Other (describe)

- Journey to Work Data (American Community Survey)

We have determined the frequency of our contacts with LEP individuals as follows:

- NYSDOT follows its Public Involvement Manual (PIM) at each project development stage. Refer to the *NYSDOT Public Involvement Manual, Project Development*, dated January, 2004 (<https://www.nysdot.gov/divisions/engineering/design/dqab/dqab-repository/pdmapp2.pdf>).

- Geographic mapping and analysis of baseline data for LEP by NYSDOT Regional locations are examined on a case-by-case basis.
- Given New York State’s diversity, staff is encouraged to develop best practices for public involvement on a case-by-case basis for each public meeting as outlined in the PIM.
- Documents in languages other than English are currently found in-house on the agency’s network (P-Drive) for easy access.
- Office of Civil Rights (OCR) Title VI Semi-Annual Reporting System for the Regional Offices and Main Office program areas is used as a tool to collect and to document information pertaining to its Title VI, Environmental Justice (EJ), American Disability Act (ADA) and LEP activities and responsibilities. The goal of this system is to track progress, goals (planning) and accomplishments related to Title VI compliance activities; identify issues and concerns to be addressed; and collect best practices.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

In what ways? Front-line employees verbally inform LEP individuals about our free language assistance or direct them to an “I Speak” poster, which contains this information.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted? The top six languages.

- Local, non-English language media directed at LEP individuals in their languages

- Telephonic voice menu providing information in non-English languages

In which languages:

- Other (describe)

NYSDOT has developed procedures that inform the public of free language assistance that incorporates the following:

- Providing community outreach informational handouts at public hearings, Disadvantaged Minority Women Business Enterprise (D/M/WBE), and Small Business Administration Economic Development Conferences;
- Posting of notices on language access services, internally and externally, on the NYSDOT's website;
- Disseminating materials to front-line employees; and
- Implementing a volunteer Language Bank.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- "I Speak" posters or visual aids
- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe)

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe)

On a case-by-case basis, NYSDOT obtains assistance of multilingual volunteer staff persons who are self-assessed in their own language competency to assist in these encounters.

We record and maintain documentation of each LEP individual's language assistance needs as follows:

NYSDOT records and maintains these encounters of LEP individuals for language assistance needs by reporting in the Federal Highway Administration (FHWA) Title VI – Semi-Annual Report.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: Staff uses an “I Speak” card or an OGS vendor for interpreting services.

By telephone: Staff obtains assistance from an OGS approved vendor for oral interpreting services.

At initial contact in the field: Staff uses an “I Speak” card or an OGS vendor for interpreting services.

For pre-planned appointments with LEP individuals: Language preference would have been established through the use of the OGS vendor prior to the appointment.

Other (describe): N/A

Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: Front-line staff advises LEP individuals that these services are free. The NYS Language Identification Tool Poster/Flyer/I Speak poster also has this information.

By telephone: Limited English proficient individuals are informed by NYSDOT staff that contracted language assistance services (interpreters) or bilingual staff are provided free of charge.

At initial contact in the field: Limited English proficient individuals are informed by NYSDOT staff that contracted language assistance (interpreters) services are provided free of charge.

For pre-planned appointments with LEP individuals: Limited English proficient individuals are informed by NYSDOT staff that contracted language assistance services are provided free of charge.

Other (describe): N/A

If an LEP individual insists on using a family member, friend or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as his interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

Front-line staff, including Title VI Coordinators, Regional Compliance Specialists, and Administrative Service Directors, in each program area has been trained to access the OGS vendor for interpreter services in a timely manner.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

Following each encounter for interpreting services, the NYSDOT's program areas document the services provided. Each Regional and Main Office program areas provide this data to the Office of Civil Rights via the Federal Highway Administration (FHWA) Title VI Semi-Annual Report.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

On a case-by case-basis, NYSDOT staff uses multilingual volunteers who are self-assessed in their own language competency. Where NYSDOT utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken NYSDOT is not a direct service provider agency. However, within the Main Office, there are approximately five staff members that are multilingual. Languages include Mandarin, Korean, Spanish, and Russian.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: NYSDOT has staff that can provide assistance in Russian, Mandarin, Spanish, and Korean languages. The NYSDOT began the process of identifying persons who are multilingual and is working to implement the volunteer Language Bank.

- Telephonic interpreting service

Names of vendors: Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

- Other (describe)

On a project-by-project basis, NYSDOT Right of Way and Metropolitan Planning Organizations (MPOs) have utilized paid individuals/consultants/vendors for oral interpreting services.

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

Staff is required to take the mandatory annual GOER Front-line Language Access Training via the Statewide Learning Management System (SLMS).

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) that must be translated is as follows:

Designated staff from the Office of Civil Rights convenes and determines which documents (new and existing) are deemed vital and require translation pursuant to the Executive Order No. 26 and the Federal Highway Administration (FHWA) Title VI-LEP criteria.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

When documents are deemed vital by the Office of Civil Rights, they are sent in a timely manner to the translation vendor.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

NYSDOT will ensure that documents can be clearly and easily understood by the public before they are sent for translation.

The following documents are currently translated by the agency in the languages indicated:

The following table lists vital documents translated into at least one other language. NYSDOT will submit updated Plan in the first quarter of FY 15/16 with the following documents translated into the remaining five designated languages.

NYSDOT Vital Document	Languages
Title VI – It’s the Law	English, Spanish
Equal Opportunity Contractor Compliance in the Federal-aid Highway Program Brochure	English, Spanish
Your Rights Under Title VI of the Civil Rights Act of 1964” Brochure	English, Spanish
NYSDOT - Office of Civil Rights External Discrimination Complaint Form	English, Spanish
PUB 8 “If You Must Move, We Can Help”	English, Spanish

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

The NYSDOT, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The NYSDOT will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

- Names and contact information for all resources

- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Sondra Little, Director of the Office of Civil Rights.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

Staff is required to take the mandatory annual GOER Front-line Language Access Training via the SMLS system.

This training will be provided for new and existing staff on annual basis, with refresher courses as needed.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

- Require periodic reports from all program areas;
- Ensure that all employees are trained on the Language Access Plan (LAP);
- Periodically discuss LAP during senior staff meetings as an agenda item;
- Review and evaluate all the LAP-related complaints; and
- Survey the stakeholders, when necessary, to get feedback on the periodic LAP report results.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information provided describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The standardized complaint forms are available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public in the top six languages.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

NYS DOT Title VI Coordinator is required to screen complaints in order to determine whether it is an external or internal complaint. An acknowledgment letter is sent to the complainant and respondent. The respondent's letter also includes instructions that the alleged complaint of discrimination be provided to their Equal Employment Opportunity Officer.

The acknowledgement letter will explain the responsibilities of the complainant and respondent and will outline the appeal process available to the complainant if the discrimination allegation is not resolved satisfactorily. Both the complainant and respondent are responsible for working together to resolve the discrimination complaint to the satisfaction of both parties. At each stage of the process, every effort should be made to pursue a resolution of the complaint.

Initial interviews with the complainant and the respondent to obtain requests for information and other matters regarding settlement opportunities should occur. It is in the best interest of all parties involved in a complaint of discrimination matter to try to resolve these issues informally. If the complaint is not resolved, the complainant may appeal to the New York State Division of Human Rights. If the decision is to appeal, the complainant files the complaint in accordance with regulations in effect at the time and sends a copy of the appeal to Office of Civil Rights. When a copy of the appeal to the NYS Division of Human Rights is received, the Title VI Unit forwards it to the New York State Department of Transportation's Office of Legal Affairs.

PART 7 – SIGNATURES

Joseph McDonald Commissioner 4/7/2015
Head of Agency Title Date

[Signature] Director, Civil Rights 4/9/15
Agency LAC Title Date

Patricia L. Gally 3/24/15
Deputy Secretary for Civil Rights Date