

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Transportation

Effective Date of Plan: 5/30/2019

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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 limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

It is the mission of 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 the State’s 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.

Language Access services for the public may be requested in the following program areas:

Civil Rights

- Americans with Disabilities Act Management Plan (ADA)
- Disadvantaged Business Enterprise (DBE)
 - Certification
 - Supportive Services Program
- Discrimination Complaint Procedure
- Environmental Justice (Pollution/Waste Hauling & Community Impact)
- Federal Limited English Proficiency program
- Title VI / Nondiscrimination training
- Minority Women Business Enterprise (MWBE) Program
- Service Disabled Veteran Owned Business Enterprise (SDVOBE) Program

Planning

Community Information/Resources

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

- Surplus Property Sales
- Freedom of Information Act

Education and Training

- Field Welder Certification
- Training and On-the-Job-Training Programs

Permits and Registrations

- Construction
- Design-Related Permits
- Residential Driveway Permits
- Motor Carrier Permits
- Special Events Permits (PERM 33a)

Signage

- Directional Sign Program
- Outdoor Advertising Sign Program

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
- Safety First for Kids
- Safe Routes to School
- 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
- Comprehensive Highway Safety Plan
- Highway Emergency Local Patrols (HELP)

News and Events

- Traveler Advisories
- Public Hearings
- Lettings and Bid Openings
- MWBE/DBE Outreach Events

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: Approximately 19,798,228, the New York State population in 2017.

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
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013-2017 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)

- 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 , Federal Highway Administration, NYS Department of Tax and Finance, NYS Department of Environmental Conservation, NYS Department of Labor, NYS Office of Temporary and Disability Assistance, and the Federal Environmental Protection Agency (EPA).

- Other Journey to Work Date (American Community Survey)

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

The frequency of our contacts is determined by collecting the translation and interpretation services providers billing summaries from each of NYSDOT’s eleven (11) regions. The billings include the following details: language requested, time, date, location and length of call.

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? NYSDOT frontline employees verbally inform LEP individuals about free language assistance services and may also 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

What are the LEP populations targeted? Spanish, Bengali, Russian, Korean, Chinese, and Haitian Creole.

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

Telephonic voice menu providing information in non-English languages

In which languages: The NYSDOT Office of Civil Rights Main Line (518) 457-1129 have prompts in Haitian Creole, Spanish, Italian, Russian, Korean, and Chinese. The Departments also maintains statewide telephonic services after hours in our Albany Main office and our 11 eleven regional offices and maintenance facilities.

Other (describe)

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

- Posting of notices on Language Access services, internally and externally, as well as on NYSDOT's website, Public Meeting for Transportation Projects, and NYS MWBE Expos.

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 makes those determinations based on experience, with the assistance of bilingual staff members where available

Other [Click here to enter text.](#)

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 [Click here to enter text.](#)

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

The translation and interpretation vendors provide billing reports, indicating the language and service requested, and additional details as needed.

In addition, NYSDOT employees report encounters with LEP individuals to the Regional Title VI coordinators. The Regional Title VI coordinators maintain a collective report, for quarterly and annual reporting to the Federal Highway Administration (FHWA).

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/Poster or an approved service vendor for oral interpreting services.

By telephone: NYSDOT staff obtains assistance from the approved service vendor for oral interpreting services.

At initial contact in the field: NYSDOT staff uses language support tools – Language Identification Poster/Card/Flyer or an approved service vendor for oral interpreting services to identify LEP individual’s preferred language.

For pre-planned appointments with LEP individuals: Language preference would have been established using the service provider on contract prior to the appointment.

Other (describe): Click here to enter text.

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: Staff advises LEP individuals that these services are free. In addition, they are informed of free interpreting services with the assistance of over-the-phone interpreting vendor and/or NYS Language Identification Tool Poster/Flyer/I Speak Cards, which also contain this information.

By telephone: LEP individuals are informed by NYSDOT staff that interpreting services are provided free of charge.

At initial contact in the field: LEP individuals are informed by NYSDOT staff that free interpreting services are provided. The “I Speak” cards and other Language Access support tools are also utilized.

For pre-planned appointments with LEP individuals: LEP individuals are informed by NYSDOT staff that free language assistance services are provided. The “I Speak” cards and other Language Access support tools are also utilized.

Other (describe): Click here to enter text.

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 are informed of the free interpreting services when they come into contact with our agency. Generally, LEP individuals may not use a family member, friend or a minor as an interpreter. However, upon request or **during an emergency** an LEP individual will be permitted to use a minor, friend or family member as an interpreter. Such as routine matters, asking for office location, hours of operation or rescheduling an appointment. When the LEP interacts at the agency's office, an individual is permitted to use an interpreter of his or her choosing, but 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 always. An LEP individual will not be permitted to use an independent interpreter for his or her choosing when filling applications or when involved in other legal matters.

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

NYSDOT uses NYS Office of General Services (OGS) approved vendors for in person and telephonic interpretation. Requests are normally processed and submitted same day. Frontline staff, including Title VI Coordinators, Regional Compliance Specialists and Administrative Services Directors in each program area have been trained to access the service providers for interpreting 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 area documents the services provided. Each regional and Main Office program area provides the data to the Office of Civil Rights via the FHWA Title VI Annual Report. This information is also reported on an annually basis.

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. These volunteers are self - assessed for their own language competency. Independent interpreting services utilized by NYSDOT implement quality assurance standards to guarantee 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 importance of confidentiality is addressed via training received by NYSDOT staff. Additionally, those independent interpreters utilized 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: [Click here to enter text.](#)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Currently there are twelve (12) employees in our volunteer Language Bank self-assessed staff providing the following languages: Russian, Korean, Spanish, and Italian.

- Telephonic interpreting service

Names of vendors: Any vendor under the NYS OGS Statewide Administrative Services contract.

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

Names of individuals/organizations and languages: [Click here to enter text.](#)

- Other [Click here to enter text.](#)

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:

- All regional offices frontline staff have received the Language Identification flyers, posters, and other language support tools.

- Via annual GOER training provided on the SMLS online training, periodic reviews and contacts with regional Title VI coordinators and regional Compliance Specialists.

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) which must be translated is as follows:

The Office of Civil Rights sends notice to Title VI coordinators and Administrative Services Directors about identification of vital documents for translations. Documents that have been translated are reevaluated for updates.

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

The Department utilizes the current contracted translation vendor on the OGS statewide contract. The usual delivery of translated documents from the vendor, once reviewed, is 3-5 business days.

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

Plain Language is addressed in the annual mandatory online training through the Statewide Management Learning System (SMLS). In addition, staff that read, write and speak the relevant languages, review for clarity and accuracy.

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	Engineer Series Engineer your future with the NYSDOT Brochure*	Under review	Under review	Under review	Under review	Under review	Under review	
	It's time to JumpStart your career with the NYSDOT Motor Equipment Mechanic Brochure*	Under review	Under review	Under review	Under review	Under review	Under review	

	Join The Team – Highway Maintenance Worker Brochure*	Under review						
	Construct Your Future with New NYSDOT Transportation Construction Inspector*	Under review						
	Commercial Drivers’ License Training Program Application*	✓	✓	✓	✓	✓	✓	
	Commercial Drivers’ License Training Program (FAQs)	✓	✓	✓	✓	✓	✓	
	10 Hour OSHA Construction Training	✓	✓	✓	✓	✓	✓	
	NYSDOT Office of Civil Rights External Complaint form	✓	✓	✓	✓	✓	In progress	
	Public Involvement	✓	✓	✓	✓	✓	In progress	
	FOIL Form	✓	✓	✓	✓	✓	In progress	Italian
PUB 6	How Does NYS Acquire Property for Public Purposes?	✓	✓	✓	✓	✓	✓	
	Work Zone Safety	✓	✓	✓	✓	✓	In progress	Italian

Any documents determined to be vital during this plan will be timely translated.

* These documents are currently under review and will be translated as soon as they are finalized.

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

The NYS Department of Transportation, ensures through its service provider (where applicable) that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided. NYS Department of Transportation will also ensure that plain language is used in materials produced before translation to ensure information is accessible user friendly to a range of literacy levels.

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

- Contracts with language service vendors

Names of vendors: Potentially any vendor under the NYS OGS Statewide Administrative Services Contract.

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

Names of individuals/organizations and languages: Click here to enter text.

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other [Click here to enter text.](#)

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, Language Access Coordinator and Director of 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:

Annual mandatory training utilizing webinars provided by the Governors Office of Employee Relations (GOER) for Frontline Employees. In addition, USDOT sponsors Annual Civil Rights Symposium which includes LEP training. Regional Title VI Coordinators, Administrative Services Directors and ADA coordinators are invited to participate.

PART 6 – ADMINISTRATION

Monitoring

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

NYSDOT Language Access Coordinator will continue to reach out to all regional offices, Main Office program areas, Title VI Coordinators, Administrative Services Directors, and Frontline Employees, assess their needs, and provide Language Access support tools, when needed.

Complaints

We provide information to the public in at least the top six languages, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide 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 (6) languages and through the NYSDOT website. Additionally, information on the right to file a complaint is posted in the Main Office and in each regional office in areas where it is easily seen by the public.

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

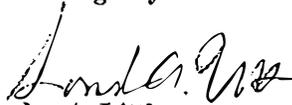
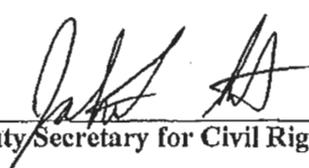
Regional personnel communicate with Main Office personnel on all matters involving alleged discrimination. Person/s who believe they have been subjected to unlawful discrimination (denied the benefits of, access to, or participation in the programs and activities of NYSDOT) based on race, color, national origin, sex, age, disability, income, or Limited English Proficiency in programs, activities, or services of NYSDOT or organizations funded through NYSDOT may file a complaint. The complaint may be filed by the individual or his/her representative.

Complaints for Title VI program, Civil Rights, Limited English Proficiency must be filed no later than 180 days after the date of the alleged discrimination, unless extended by NYSDOT. If this complaint form is needed in another language, you can access it through our website or contact our office at:

The New York State Department of Transportation
Office of Civil Rights – Title VI Unit
50 Wolf Road, 6th fl.
Albany, NY 12232
(518) 457-1129

All Language Access complaints must be forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES

 Marie Therese Dominguez	Commissioner	May 24, 2019
Head of Agency	Title	Date
 Sondra A. Little	Director	5/28/19
Agency LAC	Title	Date
 Deputy Secretary for Civil Rights		5/30/19 Date