

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Transportation

Effective Date of Plan: 5/31/2017

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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:

The mission of the New York State Department of Transportation (NYSDOT) is to ensure that those who live, work and travel in New York State have a safe, efficient, balanced and environmentally sound transportation system. Additionally, NYSDOT contributes to the funding of 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 programmatic areas:

Civil Rights

- Americans with Disabilities Act Management Plan (ADA)
- Disadvantaged Business Enterprise

Certification Supportive Services Program

- Discrimination Complaint Procedure
- Environmental Justice (Pollution/Waste Hauling & Community Impact)
- Federal Limited English Proficiency program
- Title VI / Nondiscrimination training

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
- Statewide Transportation Operating Assistance
- “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

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 19,795,791- the NYS population in 2015

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	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509
Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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: Greater Buffalo Niagara Transportation Committee and the Mohawk Valley Refugee Center

- Information from other government agencies

Names of agencies:

- * NYS Department of Education
- * Federal Highway Administration
- * NYS Office of Real Property Services
- * NYS Department of Environmental Conservation
- * NYS Department of Labor
- * NYS Office of Temporary and Disability Assistance, Bureau of Refugee and Immigrant Assistance
- * Federal Environmental Protection Agency

- Other (describe) Journey to Work Data (American Community Survey)

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

The frequency of NYSDOT's contacts with LEP individuals is determined by collecting and aggregating the translation & interpretation service providers billing summaries from each of NYSDOT's eleven regions. The detailed invoices include 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? Frontline employees verbally inform LEP individuals about free language assistance services 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: The Office of Civil Rights Main Line (518) 457-1129 is found under Language Assistance listed at the bottom of the website on the top six languages. Multilingual prompts are currently in English and Spanish.

Other (describe) NYS DOT 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, and on NYS DOT's website;

* Public Meeting for transportation projects, providing language assistance services at Disadvantaged and Minority Women owned Business Enterprise (DMWBE) events, activities.

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

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

NYSDOT employees report communication with LEP individuals to the Regional Title VI coordinators. NYSDOT Regional Title VI Coordinators maintain a collective report. In addition, the translation and interpretation vendors on state contract provide billing reports, indicating the specific language and service requested.

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 a NYS Office of General Services (OGS) vendor to identify LEP's preferred language.

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

At initial contact in the field: Staff uses the NYS OGS approved vendor's support tools and/or Language Identification Poster/Card/Flyer or visual aide to identify LEP's preferred language.

For pre-planned appointments with LEP individuals: Language preference would have been established through the use of an NYS OGS service provider 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: Frontline employees/staff advise LEP individuals that these services are free. They are also informed of free interpreting services with the assistance of over-the-phone telephone service (NYS OGS primary service provider) and/or the NYS language Identification Tool Poster/Flyer/I Speak Cards

By telephone: LEP individuals are informed by NYSDOT staff that language assistance services (interpreters) are provided free of charge.

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

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 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 an 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:

Geneva Worldwide is used for in person interpretation. This is usually processed and submitted same day requested. Frontline staff, including Title VI Coordinators, Regional Compliance Specialists and Administrative Services Directors, in each program area, have been also trained to access the NYSOGS vendors for telephonic 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, NYSDOT's program areas document the services provided. Each regional and Main Office program area provides this data to the Office of Civil Rights via the Federal Highway Administration (FHWA) Title VI Annual Report. This information is also reported in the Annual State Monitoring 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: [Click here to enter text.](#)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Russian, Spanish, Korean, and Italian. Additionally, NYSDOT has fifteen (15) employees in the Design group that provide language assistance in the following: Mandarin, Malayalam, Punjabi, Hindi, & Urdu, Arabic, Burmese, Bangla, Swedish, Ga, Russian, Tigrigna and Amharic.

- 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 (describe) [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 has received language Identification flyers, posters, and the quick reference guide.
- 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 (“OCR”) sends notices to Title VI coordinators or LACs that the biannual document review is required. Documents that have already been translated are reevaluated for updates and accuracy.

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

The Department utilizes the contracted primary translation service provider currently on the NYS OGS contract. The usual response from the service provider 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:

NYSDOT will ensure that documents can be clearly and easily understood by the public before they are sent for translation. Staff are advised to keep the reader in mind, and to simplify documents, so that they are easily understood.

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

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian	
	Public Involvement	✓	✓	✓	✓	✓	✓	
ROW 431a	Acquisition Fact Sheet	✓	✓					
	Foil Form	✓	✓	✓	✓	✓	✓	
	Work Zone Safety	✓	✓	✓	✓	✓	✓	
ROW 432a	How Property is Acquired in New York State	✓	✓					

PUB 6	How Does NYS Acquire Property for Public Purposes?	✓	✓	✓	✓	✓	✓	
PUB 8	If You Must Move, We Can Help	✓	✓					
Region 10	Project Flyer	✓						
Region 10	Project Advertisement	✓						
Region 10	Brochure Directions	✓						
Community Participation Information	K Bridge	✓						Polish

Any additional documents determined to be vital during the course of this plan will be timely translated.

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

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. 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: 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 (describe) [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, LAC Coordinator /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 Governor's Office of Employee Relations (GOER) for Frontline Employees.

In addition, USDOT sponsors Annual Civil Rights Symposium which includes LEP training. Regional Compliance Specialists, Title VI Coordinators, and ADA coordinators are invited to participate in the webinars.

PART 6 – ADMINISTRATION

Monitoring

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

- Continue to reach out to all Regional Offices, Main Office program areas, Title VI Coordinators, Administrative Services Directors, and Frontline Employees, to assess their needs and provide language access support tools, if needed.
- Provide Language Access training to all employees, including at new employee orientation.

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 languages, and through the NYSDOT website. Additionally, information on the right to file a complaint is posted in the Main Office and in each of the regional offices 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 believes 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.

A complaint 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, the public can access it through our website or contact NYSDOT office at:

New York State Department of Transportation
Office of Civil Rights
Title VI Unit
50 Wolf Road, 6th Floor
Albany, NY 12232

(518) 457.1129

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

PART 7 – SIGNATURES


Head of Agency _____ Commissioner _____ 5/30/17 _____
Title Date


Agency LAC _____ Director, Civil Rights _____ 5/26/17 _____
Title Date


Deputy Secretary for Civil Rights _____ 5/31/17 _____
Date