LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Department of Transportation

Effective Date of Plan: October 5, 2012

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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 to ensure our customers - those who live, work and travel in New York - 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 agency services to the public where language access services may be requested are:

Civil Rights

- Americans with Disabilities Act (ADA)
- Disadvantaged Business Enterprise (DBE)
  - Certification Program
  - Supportive Services Program
- Discrimination Complaint Procedure/Form
- Environmental Justice (Pollution/Waste Hauling and 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
  - Youth Construction Initiative 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
- Green LITES

Government/Business Funding and Grants

- Statewide Transportation Improvement Program
- 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: 2,395,000.

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 or Spanish Creole	1,220,000
Chinese	311,000
Russian	127,000
Italian	71,000
Korean	66,000
French (Haitian) Creole	56,500

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 Bureau of Refugee and Immigrant Assistance Office of Temporary and Disability Assistance (OTDA)

☑ 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 was 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 agency network (P-Drive) for easy access.
- Office of Civil Rights (OCR) Title VI Semiannual 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's with Disability Act (ADA) and Limited English Proficiency (LEP) activities and responsibilities. The goal of this system is to track progress, goals (planning) and accomplishments related to Title VI compliance activities; to identify issues and concerns to be addressed; and to 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 II 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? Verbally informing LEP individuals about our free language assistance or directing 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 comprise the population targeted.

☐ 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 is preparing procedures and developing a Language Access implementation plan that will incorporate the following:

- Providing community outreach informational handouts at public hearings and 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 website.

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 make 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 will obtain 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 in the Federal Highway Administration (FHWA) Title VI – Semiannual 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 will utilize "I Speak" cards/posters or an Office of General Services (OGS) interpreting service vendor.

By telephone: NYSDOT obtains assistance from multilingual volunteer staff and OGS interpreting services vendors.

At initial contact in the field: Staff will utilize "I Speak" cards/posters or use OGS vendors for interpreting services.

For pre-planned appointments with LEP individuals: Language preference would have been established through the use of multilingual volunteer staff or 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: Staff will verbally inform Limited English Proficiency individuals that language assistance services are available and free of charge. The "I Speak" poster also will have this information.

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

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

For pre-planned appointments with LEP individuals: Limited English Proficiency individuals are informed by NYSDOT staff that contracted language assistance services will be 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 to 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 choosing, he 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 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:

Title VI Coordinators in each program area have been advised to use the OGS Contractor's Directory that identifies New York State-certified D/M/W/BEs for Interpreter Services. In the past, our program areas have discussed their program needs with these interpreter service providers and they have provided us with their account codes in a timely manner. In the future, the Department will use an 1-800 telephone number for language assistance.

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 Department's program areas document the services provided. On an annual basis, the Regional and main office program areas provide this data to the Office of Civil Rights in the Title VI Semiannual Report, which is sent to FHWA.

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 will address 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: Currently, there are two staff members who speak Spanish and English. Both individuals are certified by the New York State Department of Civil Service.

☑ Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: NYSDOT will begin identifying persons who are multilingual, what languages they speak and how many of them are in public contact positions.

☑ Telephonic interpreting service

Names of vendors: To be determined.

☐ 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 used paid individuals/consultants/vendors for oral interpretation services.

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

The Office of Civil Rights (OCR) will provide training on how to obtain oral interpreting services to be consistent with the Governor's Executive Order No. 26.

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:

Designated staff from the Office of Civil Rights will convene and determine which documents (new and existing) are deemed vital and require translation pursuant to the Executive Order 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 to translation vendors that appear on the OGS-approved list.

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

NYSDOT will follow the Governor's Office of Employee Relations (GOER) training directions provided in future reviews of vital documents. We will ensure that documents can be clearly and easily understood by the public.

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

NYSDOT will work on translating the following documents into the other five designated languages once the contracted language service vendor has been chosen.

NYSDOT Vital Document	Languages
Title VI – It's the Law	English, Spanish
Equal Opportunity Contractor Compliance in the Federal-aid Highway Program Brochure - Translated – FINAL COPY	English, Spanish
Title VI Related Statutes Non-Discrimination Statement	English, Spanish
"Your Rights Under Title VI of the Civil Rights Act of 1964" Brochure	English, Spanish
NYSDOT Public Notice Title VI of the Civil Rights Act of 1964, as amended	English, Spanish
NYSDOT - OCR External Discrimination Complaint Form	English, Spanish
How to do Business With New York State Department of Transportation	English, Spanish
Your Safeguards under Title VI of the Civil Rights Act	English, Spanish
Equal Opportunity Contractor Compliance in the Federal-aid Highway Program Brochure - Translated – FINAL COPY	English, Spanish
PUB 6 "How Your State Acquires Property for Public Purposes"	English, Spanish
PUB 8 "If You Must Move, We Can Help"	English, Spanish

NYSDOT Office of Right of Way – Residential Relocation Questionnaire – FINAL	English, Spanish
Estimate of Property	English, Spanish
Agreement for Advance Payment	English, Spanish
Agreement of Adjustment and Release of Owner	English, Spanish
Property Acquired by Appropriation Interest Supplement to Agreement	English, Spanish
Affidavit - One Owner	English, Spanish
Affidavit - Multiple Owners	English, Spanish
Acquisition Fact Sheet	English, Spanish
How Property is Acquired by the Department of Transportation	English
Explanation of Acquisition	English, Spanish
Field Welder Certification Program	English, Spanish

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

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: NYSDOT has used the OGS Contractor's Directory that identifies NYS-certified D/M/WBEs as Interpreter Services.

☐ 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 responsible for providing training to staff in language access issues is: Mansour Aghili, Acting 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:

As NYSDOT continues to develop its LEP program, a major focus will be developing baseline data and training modules and expanding the Community Based Organization (CBO) listing to provide meaningful access to services for LEP populations. The training component will include the required topics listed above.

The goals of the NYSDOT Language Access Policy (LAP) Awareness Training are to:

- Introduce and educate employees regarding the requirements of Executive Order No. 26 (Using GOER's LAP Module1)
- Educate employees on how to provide language access written translation (Using GOER's LAP Module 2) and verbal interpretation (Using GOER's LAP Module 3) services
- Introduce and educate employees regarding the requirements of NYSDOT's language access policies
- Provide employees with a means to report language access needs

Training will be provided for new and existing staff on an annual basis with in-person trainers and via webinar.

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
- 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 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 will be available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint will be 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:

NYSDOT 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

Joan McDonald Commissioner 8/30/2012
Head of Agency — Title — Date

Acting Civil Rights Director 8/29/2012
Agency Language Access Coordinator — Title — Date

9/17/12
Deputy Secretary for Civil Rights — Title — Date