

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Department of Transportation

**Effective Date of Plan:** August 1, 2021

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	<p>The Limited English Proficient (“LEP”) population in our service area.</p>
	<p>How we notify the public about language access services.</p>
	<p>Our resources and methods for providing language access services.</p>
	<p>How we train our staff to provide language access services to the public.</p>
	<p>How we monitor language access services and respond to complaints.</p>

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## **PART 1 – Our Agency’s Services**

**We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s Statewide Language Access Policy.<sup>1</sup> This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.**

**In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.**

**Our agency’s services to the public include:**

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:

### **Office of Diversity and Opportunity**

Americans with Disabilities Act Management Plan (ADA)

Disadvantaged Business Enterprise (DBE)

Certification

Supportive Services & On The Job Training (OJT) Program

Discrimination Complaint Procedure

Environmental Justice (Pollution/Waste Hauling & Community Impact)

Federal Limited English Proficiency program (LEP)

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

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<sup>1</sup> For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

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



**PART 2 – The Limited English Proficient Population in Our Service Area**

**Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.**

**The estimated total number of LEP individuals in our service area is:** Approximately 2.5 million LEP individuals in New York State.

**The top ten languages spoken by LEP individuals in New York State are:**

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781

10	Polish	34,840
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Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

**Our agency tracks encounters with LEP individuals in the following ways:**

NYSDOT tracks encounters with LEP individuals by collecting the translation & interpretation services providers billing summaries from each of NYSDOT’s eleven (11) regions. The billings include the following details: Languages requested; date, time, and duration of call; and location from where the call was made.



**PART 3 – Public Outreach About the Availability of Language Access Services**

**Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:**

- LEP individuals are directly informed by our staff

**In which ways?** NYSDOT frontline employees verbally inform LEP individuals about the free language assistance services and may also use the “I Speak” Poster, which contains this information. In addition, in the front main lobby of agency buildings there are language identification posters. Staff have language support tools and brochures on utilizing the free over the telephone interpretation services.

- Signs posted about language assistance services

- In areas operated by the agency and open to the public

- Other (describe)

Posting of notices on language access services, internally and externally, at Public Meeting for Transportation Projects, Outreach events for Disadvantage, Minority/Women-Owned Business Enterprise and Service-Disabled Veterans Business Enterprise (D/M/WBE/SDVOB) events and activities.

- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State

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

**What are the LEP populations targeted?** The top ten most spoken languages: Arabic, Italian, Spanish, Bengali, Polish, Russian, Korean, Chinese, Haitian Creole, Yiddish

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

**What are the LEP populations targeted?**

- Social media posts directed at LEP individuals in their languages

**What are the LEP populations targeted?**

- Telephonic voice menu providing information in non-English languages

**In which languages?** Spanish

- Other (describe)



## **PART 4 – Provision of Language Access Services**

### **A. Determining the Need for Services**

**During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:**

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe)

**On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:**

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual’s language
- Telephonic interpreting service
- Other (describe)

**Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:**

- During office in-person encounters:** Staff uses an “I Speak” card/poster or an approved service provider to identify an LEP individual’s language and provide oral interpreting services.

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

**When speaking on the telephone:** LEP individuals are informed by NYSDOT staff that interpreting services are provided free of charge.

**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 support tools are utilized as well to identify the LEP individual’s preferred language. In Person or Video Remote service providers are obtained in advance.

**Other (describe):**

**Our agency records and maintains documentation of each LEP individual’s language assistance needs as follows:**

The NYSDOT Language Access Coordinator maintains information received from the Administrative Services Directors (ASD), and Regional and Main Office Title VI coordinators report communications with LEP individuals to the Language Access Coordinator. This information is maintained for monthly, quarterly, and biannual reporting deliverables.

In addition, the Language Access Coordinator maintains information received from the Translation & Interpretation services providers, i.e. billing reports, which indicate the specific languages and services requested and provided.

### **B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:**

Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

Bilingual staff members who provide oral interpreting services on a volunteer basis

**Number of staff and languages spoken:** There are currently six (6) staff that can assist on a volunteer basis: Russian, Spanish and Mandarin Chinese.

Telephonic interpreting service

**Name of vendors:** The OGS statewide Administrative Services Contract Interpretation service providers.

Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

Other (Describe)

**Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:**

**During office in-person encounters:** Frontline staff advises LEP individuals that these services are free. The NYS Language Identification poster/Flyer/I Speak poster also has this information and is prominently displayed.

**At initial contact in the field:** NYSDOT staff, with the assistance of contracted telephonic interpreters, inform LEP individuals that contracted language assistance services are provided free of charge.

**When speaking on the telephone:** Limited English Proficient individuals are informed by NYSOT staff, with the assistance of contracted telephonic interpreters, that contracted language assistance services are provided free of charge.

**For pre-planned appointments with LEP individuals:** Limited English Proficient individuals are informed by NYSDOT staff, with the assistance of contracted interpreters, that contracted language assistance services are provided free of charge. In person, over the telephone, and video remote language assistance providers are made available for these appointments.

**Other (describe):**

**Our agency's protocols for obtaining interpreting services in a timely manner is as follows:**

NYSDOT uses the Office of General Services (OGS) Administrative Services Contract approved service providers for in person and telephonic interpretation. Telephonic interpretation is provided on-demand. Regional and Main Office Administrative Services Directors, frontline staff, Title VI coordinators and Compliance specialists in each program area have been trained to access service providers for interpreting services in a timely manner.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:**

LEP individuals that meet 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 or her interpreter. However, during an emergency an LEP individual will be permitted to use a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a family member, or friend for interpretation for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment.

Where the interaction with an 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.

**Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:**

Staff is required to take the mandatory annual GOER Frontline Language Access Training via the Statewide Learning Management System (SLMS). DOT also provides staff with language access support tools, such as language identification posters and guidance on utilizing the service providers.

**The agency's Language Access Coordinator ("LAC") maintains a list of oral interpreting resources that are available to staff. This resource list 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 an LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

**Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:**

Following each encounter for interpreting services, the NYSDOT program area documents the services provided. Each Main Office and Regional program area provide this data to the Office of Diversity & Opportunity via the FHWA Quarterly and Annual Title VI Report.

**Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>2</sup> in the following ways:**

The interpreting service providers that are utilized by NYSDOT implement quality assurance standards to guarantee its interpreters are trained and are linguistically and culturally competent. On a case by case basis, NYSDOT staff may utilize multilingual volunteers who are self-assessed in their own language competency.

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<sup>2</sup> Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: [https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring\\_Cultural\\_Competence\\_in\\_Health\\_Care-1999.pdf](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

**Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:**

The interpreters that are utilized will enforce the standards of confidentiality in accordance with NYS Law. Confidentiality is also addressed in the training offered to the NYSDOT staff.

**C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:**

The staff from the Office of Diversity & Opportunity convenes and determines which documents (new and existing) are deemed vital and require translation pursuant to the Executive Order No. 26.1.

In addition, the Office of Diversity & Opportunity announces on the IntraDot website and sends notice to the Administrative Services Directors, Title VI coordinators about identification of vital documents in their program areas. Documents that have been translated are reevaluated for updates.

**Our agency’s process for making sure documents are written in plain language<sup>3</sup> before they are translated into other languages is as follows:**

Program managers review their information to ensure the language is written in an easy to read format, to the point, no jargon, excess verbiage.

**Our agency has the following resources available for translation of documents:**

Contracts with vendors for translation services

**Names of vendors:** NYSDOT utilizes vendors from the OGS Administrative Services Contract including Language Today, Language Line, and LinguaLinx.

Contracts or other arrangements with schools and community organizations

**Names of schools/organizations and languages:**

Translation of documents by bilingual staff members

Other (describe)

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<sup>3</sup> The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

**The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

**Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:**

The Department utilizes the current contracted translation service providers on the OGS statewide contract. The usual delivery of translated document from the vendor, once reviewed, is 5-10 days.

**The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:**

In compliance with Executive Order 26.1, our agency will complete translations of our vital documents in the newly added top languages (Arabic, Italian, Polish, and Yiddish) by August 1, 2022.

The below list contains both vital and non-vital documents that are currently translated into the languages indicated in the table. Non-vital documents may not be translated into the E.O. 26.1 languages.

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

Form #	Name	Top Ten Languages										Additional Languages
		AR	BE	CH	HA	IT	KO	PO	RU	SP	YI	
	Commercial Driver’s License Training Program (FAQs)		X	X	X		X		X	X	X	

Commercial Driver's License Training Program Application		X	X	X		X		X	X	X	
Commercial Driver's Commercial Driver's License Training Program		X	X	X		X		X	X	X	
How Does NYS acquire Property for Public Purposes		X	X	X		X		X	X		
How to Do Business With New York State Department of Transportation									X		
Foil Form		X	X	X		X		X	X		
Work Zone Safety		X	X	X		X		X	X		
If You Must Move, We Can Help		X	X	X		X		X	X		
Title VI – It's the Law									X		
Estimate of Property									X		Lao
NYSDOT OROW Residential									X		Lao

	Relocation Questionnaire											
	Agreement for Advance Payment									X		Lao
	Agreement of Adjustment and Release of Owner									X		Lao
	Property Acquired by Appropriation Interest Supplemental to Agreement									X		Lao
	Affidavit-One Owner									X		Lao
	Affidavit-Multiple Owners									X		
	Acquisition Fact Sheet									X		
	Explanation of Acquisition									X		
	Field Welder Certification Program									X		
	Your Rights Under Title VI of the Civil Rights Act of 1964, as amended									X		
	Equal Opportunity Contractor									X		

Compliance in The Federal-aid Highway Program Brochure												
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New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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

The NYS Department of Transportation ensures through its written translations service provider (where applicable) that proof reading and editing for correctness and cultural sensitivity are a component of the translation services provided.



**PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:** Sondra Little, Language Access Coordinator and Director, Office of Diversity & Opportunity.

**The staff training includes the following components:**

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

**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 an annual Civil Rights Symposium which includes LEP training. Administrative Services Directors, Regional Title VI coordinators, and ADA coordinators are invited to participate.



**PART 6 – Monitoring the Plan and Responding to Complaints**

**A. Monitoring**

**Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:**

NYSDOT Language Access Coordinator (LAC) reaches out to all Main Office and regional offices program areas, Administrative Service Directors, Title IV coordinators and frontline employees to ensure language services are being provided and to assess their needs and provide Language Access support tools when needed.

### **B. Complaints**

**We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.**

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

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

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

When a complaint has been received, the language access coordinator acknowledges receipt, logs the information and complaint number is provided. The LAC coordinator reviews and contacts individual(s) to discuss if additional information is needed. We also follow up with the complainant to provide information about our efforts to resolve the issue.

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

