

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Transportation

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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:






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

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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. 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

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

The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125

11	French	30,770
12	Urdu	28,827

New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

DOT's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. DOT, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. DOT will continue to reassess the need for additional languages of translation on an ongoing basis.

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

NYSDOT tracks encounters with LEP individuals by collecting the translation & interpretation services provided by vendor 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 12 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 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 meetings for transportation projects, outreach events for Disadvantaged/

Minority/Women-Owned Business Enterprise and Service-Disabled Veteran-Owned Business Enterprise (D/M/WBE/SDVOB) events and activities.

Information is published on our agency’s website in at least the top 12 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 twelve most common non-English languages among LEP New Yorkers: Arabic, Italian, Spanish, Bengali, Polish, Russian, Korean, Chinese, Haitian Creole, Yiddish, Urdu and French.

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 telephonic 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 also utilized to identify the LEP individual’s preferred language. In person or Video Remote Interpretation 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 five (5) staff that can assist on a volunteer basis: Russian, Spanish, Mandarin Chinese and Creole.

- Telephonic interpreting service

Vendors: The Office of General Services (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: NYSDOT staff, with the assistance of contracted telephonic interpreters, inform LEP individuals that contracted language assistance services are provided free of charge.

For pre-planned appointments with LEP individuals: LEP 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 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 an 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 their choosing, they 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 Office of Employee Relations (OER) Language Access for Frontline Staff training in 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 Federal Highway Administration Quarterly and Annual Title VI Report.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

¹ 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

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.

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 to 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 documents² 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 Law Section 202-a.

In addition, the Office of Diversity & Opportunity announces on the IntraDot, DOT employee’s internet website, and sends notice to the Administrative Services Directors, Title VI coordinators if vital documents are identified in their program areas. Documents that have been translated are periodically reevaluated for updates.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Program managers review documents to ensure the language is written in an easy-to-read format using plain language.

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

- Contracts with vendors for translation services

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:

² Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

³ 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>

Translation of documents by bilingual staff members

Other (describe)

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 or in the process of translation by our agency in the languages indicated. Documents with an asterisk (*) are determined by the agency to be vital documents.

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

Form #	Name	Top 12 Languages												LAO
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
*	Commercial Driver’s License Training Program (FAQs)	X	X	X	X	X	x	X	x	X	X	X	X	
*	Commercial Driver’s License	X	X	X	X	X	X	X	X	X	X	X	X	

	Training Program Application													
*	How Does NYS acquire Property for Public Purposes		X	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	X			
	Work Zone Safety		X	X	X					X	X			
*	If You Must Move, We Can Help										X			
	Title VI – It’s the Law										X			
	Estimate of Property										X			X
	NYSDOT OROW Residential Relocation Questionnaire										X			X
	Agreement for Advance Payment										X			X
	Agreement of Adjustment										X			X

	and Release of Owner													
	Property Acquired by Appropriation Interest Supplemental to Agreement										X			X
	Affidavit-One Owner										X			X
	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 Compliance in The Federal-aid Highway Program Brochure										X			

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:

NYSDOT ensures through its contracted vendor (where applicable) that proofreading 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 Office of Employee Relations (OER) for frontline employees. In addition, USDOT sponsors an annual Civil Rights Symposium which includes training and information for individuals working with LEP populations. 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 12 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 twelve 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 twelve 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 Language Access Coordinator reviews and contacts individual(s) to discuss if additional information is needed. NYSDOT also follows up with the complainant to provide information about our efforts to resolve the issue.

All complaints must be forwarded to the Office of Language Access.

PART 7 – Signatures

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Marie Franca Puyg, Commissioner 9-23-22

Head of Agency Title Date

L. Quil Director 9/22/22

Agency LAC Title Date

J. Jones

Executive Director, NYS Office of Language Access 09/29/2022
Date