

NEVADA DEPARTMENT OF
TRANSPORTATION
EXTERNAL CIVIL RIGHTS DIVISION

TITLE VI NONDISCRIMINATION PROGRAM

LIMITED ENGLISH PROFICIENCY –
LANGUAGE ACCESS PLAN



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LIMITED ENGLISH PROFICIENCY- LANGUAGE ACCESS PLAN

The Nevada Department of Transportation (NDOT) will be innovative and proactive in engaging individuals from different cultures, backgrounds, and businesses throughout its programs and activities. Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. NDOT’s LEP/Language Access Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibits recipients of Federal financial assistance from discrimination based on national origin.

Authorities

The following matrix illustrates legal and policy considerations that require NDOT to provide LEP persons with meaningful access to programs, activities, and services.

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons’ federally funded programs with meaningful access to services using factor criteria
Annual Accomplishments and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA

Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various NDOT Program Areas. Each program area will be responsible for ensuring compliance with LEP requirements on a project-by-project basis. Annually, NDOT Division Heads will provide analysis to NDOT CRO to conduct a secondary examination for identification of possible variances and trends.

Activity	Responsibility NDOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis)	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

**Program Areas will use the below LEP Four Factor
Analysis**

Factor 1: *Identify the number and proportion of LEP persons served or encountered and eligible for service population by the NDOT Program/Project*

Factor 2: *Identify the frequency in which LEP persons encounter the NDOT Program/Project*

Factor 3: *Identify the importance of services provided by the NDOT Program/Project*

Factor 4: *Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the NDOT Program/Project*

AGENCY LEP FOUR-FACTOR ANALYSIS

**(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT
THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)**

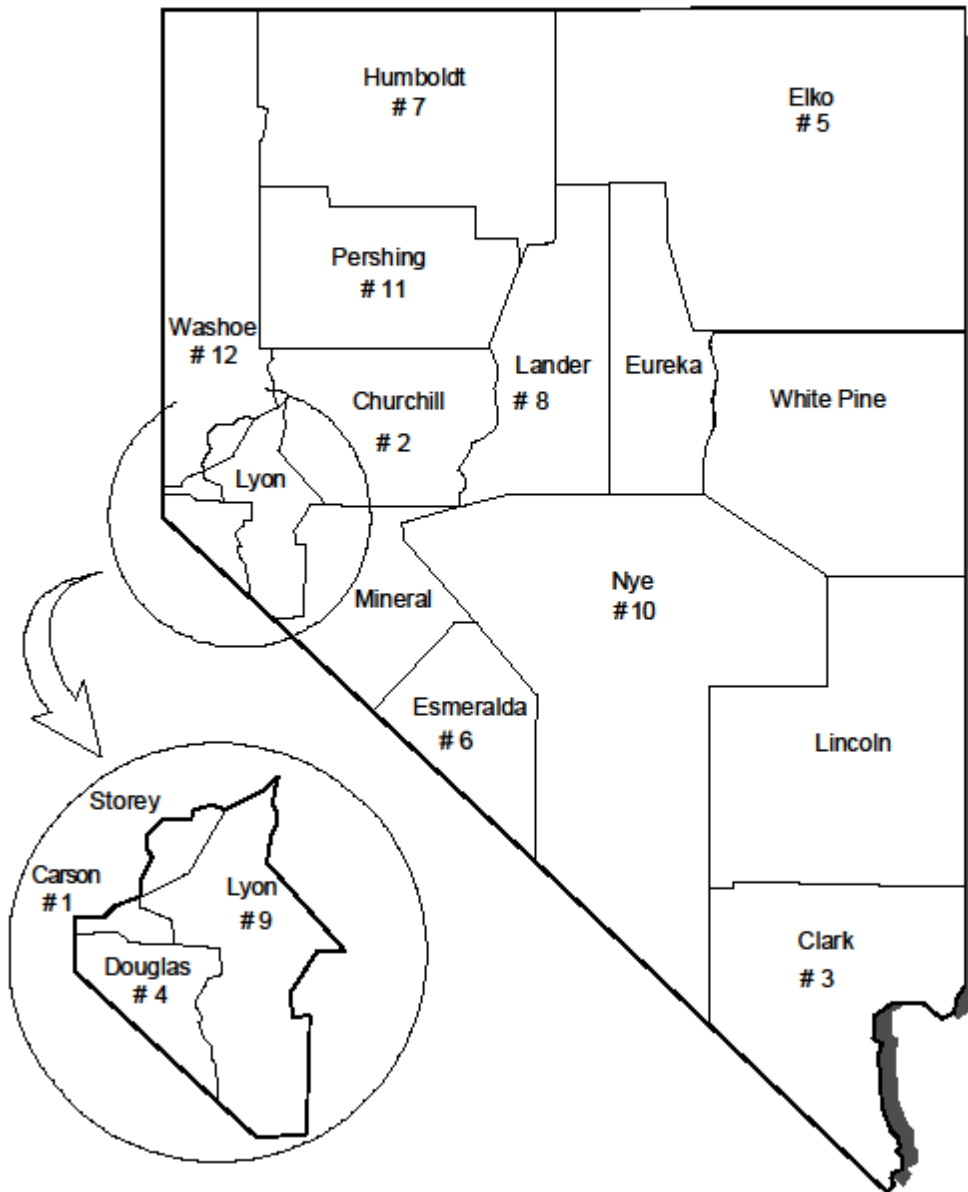
In developing this plan; NDOT undertook a U.S. Department of Transportation LEP Four-Factor Analysis which considers the following:

The number or proportion of LEP persons eligible in Nevada who may be served or likely to encounter NDOT programs, activities, or services. Based on Nevada populations, Spanish, French, German, or other West Germanic languages, Russian, Polish, or other Slavic languages, Other Indo-European language, Korean, Chinese (incl. Mandarin, Cantonese), Vietnamese, Tagalog (incl. Filipino), Other Asian and Pacific Island languages, and Arabic have been identified as the highest LEP languages and thus most likely to be encountered. The following chart identifies the languages by county that meet the Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

LEP

Limited English Proficient

Percent Of Nevada Counties That Speak English less than "very well"



State of Nevada Limited English Proficient Populations that meet the *Safe Harbor Threshold by Counties

Map Key	County	Language	Percent	Speak English less than "very well"	Total Population
1	Carson	Spanish	6.52%	3,403	52,223
2	Churchill	Spanish	4.79%	1,102	23,027
3	Clark	Spanish	9.16%	191,454	2,089,863
3	Clark	French, Haitian, or Cajun	0.06%	1,343	2,089,863
3	Clark	Russian, Polish, or other Slavic languages	0.17%	3,606	2,089,863
3	Clark	Other Indo-European languages	0.43 %	8,924	2,089,863
3	Clark	Korean	0.24%	5091	2,089,863
3	Clark	Chinese (incl. Mandarin, Cantonese)	0.77%	16,190	2,089,863
3	Clark	Vietnamese	0.23%	4,902	2,089,863
3	Clark	Tagalog (incl. Filipino)	1.00%	20,993	2,089,863
3	Clark	Other Asian and Pacific Island languages	0.43%	9,035	2,089,863
3	Clark	Arabic	0.07%	1,530	2,089,863
3	Clark	Other and unspecified languages	0.39%	8,066	2,089,863
4	Douglas	Spanish	2.70%	1,265	46,833
5	Elko	Spanish	4.21%	2,060	48,938
6	Esmeralda	Spanish	7.52%	76	1,011
7	Humboldt	Spanish	6.03%	943	15,630
8	Lander	Spanish	6.24%	329	5,271
9	Lyon	Spanish	3.23%	1,706	52,745
10	Nye	Spanish	3.63%	1,579	43,445
11	Pershing	Spanish	5.41%	341	6,308
12	Washoe	Spanish	5.75%	25,102	436,794
12	Washoe	Other Indo-European languages	0.33%	1,443	436,794
12	Washoe	Chinese (incl. Mandarin, Cantonese)	0.30%	1,295	436,794
12	Washoe	Tagalog (incl. Filipino)	.054%	2,341	436,794

Source: U.S. Census Bureau (2020). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2015-2020 American Community Survey 5-Year estimates.

<https://data.census.gov/cedsci/table?text=c16001&q=0400000US32%240500000&tid=ACSDT5Y2020.C16001&moe=false>

**Safe Harbor Threshold for written translations only: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.*

- 1) The frequency with which LEP individuals come in contact with NDOT programs and services.

NDOT program areas identified to have significant interaction with the public are listed below:

- Communications
 - Public Information
- Business Operations
 - Civil Rights Office
 - Human Resources
- Administrative Services Division
 - Procurement
- Infrastructure Delivery and Operations
 - Construction
 - Environmental
 - Right of Way
- Transportation Systems Management and Operations
 - Maintenance
- Multimodal Planning Division
 - Transit
 - Planning

- 2) The nature and importance of the program, activities or services provided by NDOT to the LEP population.

All of NDOT's programs are important; however, NDOT has identified those related to public transit, ROW, environmental, nondiscrimination, public involvement, and communication are among the most important.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. NDOT will strive to provide alternative but meaningful accessibility to all LEP populations. Moreover, NDOT will evaluate its programs, services, and activities to ensure that persons who may be LEP are always provided with meaningful access.

- 3) The resources available to NDOT and overall cost to provide LEP assistance.

NDOT makes every effort to make its programs, services, and activities accessible to LEP individuals. NDOT will use available resources, both internal and external, to accommodate reasonable requests for translation. Further, NDOT will ensure that when requested, interpretation services will be provided free of cost, regardless of the language, when requested within reasonable notice. NDOT will train Division Heads to provide timely and reasonable language assistance to LEP populations, via in-person or electronic mechanisms.

NDOT has identified and proposes the following resources for LEP:

- 1) Program areas that have contact with the public will use the US Census “I Speak” language cards to identify language needs in order to match them with available services. Language cards will be distributed annually and/or as needed by NDOT Division Heads.
- 2) Use of telephonic interpretation services under contract with NDOT, when required.
 - Telephonic language assistance is available 24/7, and is provided by LanguageLink 1-877-650-8021, account# 26900.
- 3) Each program area will maintain a list of translation services for use, when required.

To provide notice to LEP persons about the availability of language assistance, NDOT CRO makes the below Title VI information, available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public.
- 2) Complaint Procedures.
- 3) Complaint Form.
- 4) Title VI Informational Brochures.
- 5) Self-Identification Cards for use of demographic data and translation.

To provide notice to other LEP persons about the availability of language assistance NDOT utilizes the below resources:

- 1) Self-Identification Cards for use of demographic data.
- 2) Telephonic language assistance is available 24/7, and is provided by LanguageLink 1-877-650-8021, account# 26900.
- 3) Title VI and Nondiscrimination Notice to the Public, Complaint Procedures, and the Complaint Form available in requested languages as requested.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” stipulation so that recipients such as NDOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A “safe harbor” means that if a recipient (NDOT) provides written translations in certain circumstances; such action will be considered strong evidence of compliance with the agency’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of

compliance that can be provided by a fact-intensive, four factor analyses. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral and sign language interpreters where the language services are needed and are reasonable.

CONCLUSION:

NDOT understands that language needs will change as the Nevada population changes. Further, NDOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, NDOT will revisit the LEP plan each year and make appropriate changes, as needed.

For questions or concerns regarding the NDOT's commitment to nondiscrimination or to request additional information about LEP services, contact Sonnie Braih, External Civil Rights Officer at sbraih@dot.nv.gov 702 730-3301.

LEP Guidance and Resources

The guidance document and the resources listed below are provided to assist program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- [The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.](#)
- [The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000](#)
- [United States Census 2000 Language Identification Flashcard](#)
- [LEP.gov website](#)

Point to your language.
An interpreter will be provided at no cost to you.

Arabic

يرجى الإشارة إلى لغتك.
سيتم إمدادك بمترجم مجاناً.

Japanese

あなたの言語を選択してください、
通訳を無料で提供できます。

Burmese

သင့်ဘာသာစကားကို ညွှန်းပြပါ။ သင်ကုန်ကျခံရမလို့ဘဲ
စကားပြန်တစ်ဦးကို ပံ့ပိုးထားပါသည်။

Polish

Wskaż swój język.
Zapewnimy ci tłumacza bezpłatnie.

Cantonese

請點擊您所選的語言。
我們會為您提供免費傳譯員服務。

Portuguese

Indique seu idioma.
Você terá direito a um intérprete sem custos.

Farsi

به زبان خود اشاره کنید. یک مترجم شفاهی به
صورت رایگان در اختیارتان قرار خواهد گرفت.

Punjabi

ਆਪਣੀ ਭਾਸ਼ਾ ਦੀ ਚੋਣ ਕਰੋ। ਤੁਹਾਨੂੰ ਦੁਭਾਸ਼ੀਏ ਦੇ ਸੇਵਾ
ਮੁਫਤ ਵਚਿ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇਗੀ।

French

Indiquez votre langue. On
vous soumettra gratuitement un interprète

Russian

Наведите курсор на свой язык.
Переводчик будет предоставлен вам бесплатно.

Haitian Creole

Montre ki lang ou pale.
Y ap ba w yon entèprèt gratis.

Somali

Tilmaan luqaddaada.
Turjubaan ayaa bilaash laguugu siinayaa.

Hindi

अपनी भाषा की ओर संकेत करें।
आपको एक दुभाषिया मुफ्त प्रदान किया जाएगा।

Spanish

Señale su idioma.
Se le proporcionará un intérprete
sin costo para usted.

Hmong

Taw tes rau koj hom lus. Yuav muab ib
tug neeg txhais lus rau koj tsis tau them ngi.

Tagalog

Ituro ang iyong wika. Ilalaan ang
isang interpreter nang wala kang babayaran.

Italian

Indica la tua lingua.
Ti sarà fornito un interprete gratuitamente.

Vietnamese

Hãy trỏ tới ngôn ngữ của bạn.
Bạn sẽ được cung cấp một thông dịch viên
miễn phí.



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