

Limited English Proficiency (LEP) Guidance

When working on Iowa DOT project(s), we may need to translate project-related materials and provide interpreters. If demographic data indicates that 5% or 1,000 persons or more in a project area speak a language other than English, we will provide translations of:

- Brochures
- Meeting invitations
- Newsletters

At workshops or public meetings, we will provide interpreters if you meet the 5% threshold. Include notice of their availability in print materials in their language.

Despite lower percentages, Iowa DOT may decide to print materials in other language(s). We will consider what is needed to allow citizens impacted by Iowa DOT project(s) to participate equally in the process.

I. LEP Plan Purpose

The Iowa Department of Transportation (Iowa DOT), as a recipient of funding from the United States Department of Transportation (USDOT), must assure that Limited English Proficient (LEP) people have meaningful language assistance by reasonable means when using Iowa DOT services or services provided by Iowa DOT federal funding recipients. Funding assistance from the USDOT agencies, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) requires a plan for providing this meaningful access in accordance with Title VI of the Civil Rights Act of 1964 and implementing regulations.

The Iowa DOT LEP plan presents the sources of authority for LEP plan requirements and instructions for determining if the threshold to show the need for languages assistance is present. The plan will provide guidelines for districts, divisions and organizations receiving federal funds from the Iowa DOT to meet these needs and define the role of the Iowa DOT Title VI program in that process. Specifically, this plan will outline how to collect LEP information and how to analyze that information. Part of the ongoing process for serving LEP people at the Iowa DOT will be the creation of an LEP Implementation Guide which will include service goals and a data collection plan to be integrated with other Title VI service requirements and reports.

A. Who is an LEP person?

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP."

In other words, an LEP is an individual with a primary language other than English who must, due to limited fluency in English, communicate in that primary language in order to have an equal opportunity to participate effectively in, or benefit from any aid, service, or benefit provided by the Iowa DOT or transportation providers receiving federal funding from the Iowa DOT.

B. What are reasonable steps to meaningful access?

Because the needs of LEP populations vary throughout Iowa, the definition of meaningful access to Iowa DOT services is also varied. As such, each division within the Iowa DOT or recipient of federal funds through the Iowa DOT will determine the extent of obligation a project or federal funding recipient has to LEP people by using this plan as a guide.

II. Source of Authority and Guidance

Title VI of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives Federal financial assistance. Code of Federal Regulations Title 49 Part 21 specifically effectuates the provisions of Title VI rights to entities receiving Federal funds from the USDOT.

Links:

Title VI of the Civil Rights Act of 1964:

<http://www.justice.gov/crt/cor/coord/titlevistat.php>

49 CFR Part 21:

<http://www.fhwa.dot.gov/hep/49cfr21.htm>

A. Policy: Executive Order 13166

On August 11, 2000, President Clinton signed Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency." Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to Federally conducted and Federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its Federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following

approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON
THE WHITE HOUSE,
August 11, 2000.

III. Determining the Need for Language Assistance

As stated in Section 1.B. above, under the United States Department of Justice guidance, the Iowa DOT is obligated to determine what reasonable steps to take to provide LEP individuals with meaningful access to its programs, activities, and services. The Iowa DOT uses the following criteria, known as the four factors, to make this assessment.

A. Four Factor Analysis

1. Portion of LEP people

Who are the LEP persons serviced or likely to be encountered by the Iowa DOT, or directly affected by Iowa DOT projects?

Each division or project, in coordination with their Title VI Liaison, will continually assess the language assistance needs of the population to be served as necessary using the following guidance:

- Any previous contact with LEP populations by the division or project should be examined. This information can then be analyzed to set a baseline of need.
- Use census tract and other current demographic information to research the percentage of people speaking a language other than English in the affected project area. The Title VI Liaison can assist in this process. Keep in mind, population information changes faster than census data can be reported; for instance, refugee populations can have a sudden and large presence. Compare what the census says to past experience.
- Contact members of community associations (such as school systems, community organizations, religious organizations, etc.) or project focus groups early in the project initiation. This will assist in determining whether there are any existing language barriers of which the project team should be aware. These associations are likely to be actively working LEP populations and may be the best source to learn about current LEP needs.

2. Frequency of Contact

What is the frequency with which LEP individuals come in contact with the program?

A particular division or project may be located near a large LEP population but have little contact with that population. If a lack of contact exists, it is critical to determine if this lack of contact is due to language barriers. Consideration of the languages spoken by the LEP people should also be noted. The more frequent the contact the more likely enhanced language services are necessary.

3. Nature and Importance of Service Provided

What is the nature and importance of the program, activity, or service provided by the Iowa DOT division or project?

The mission of the Iowa DOT is to advocate and deliver transportation services that support the economic, environmental and social vitality of Iowa. The result is an expansive range of services and projects, from innovative design to complex construction of major roadways. Each area of our transportation system will have a different importance and affect on LEP people.

From each district, division or project prospective, the importance of the activity, or the greater likelihood of consequences to LEP people, has to be reviewed and balanced against the other three factors.

4. Cost

What resources are needed to provide effective language assistance, including location, availability, and arrangements necessary for timely use?

Costs must be factored into this balancing test as part of the consideration of “resources available.” Reasonable steps may cease to be reasonable when the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (USDOJ) LEP Guidance. In this case, the needs will be prioritized so that the language services are targeted where most needed because of the nature and importance of the activity involved. **Note: LEP persons have the right to language assistance at no cost to them in their spoken language.**

IV. Meaningful Language Assistance Measures

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the project, activity or service and the LEP person. To accomplish effective communication, the following actions might be necessary as determined by a needs assessment outlined under Factor 1:

- Provide for oral language assistance
- Notify LEP customers of the availability of language assistance services
- Translate vital documents in languages other than English according to the safe harbor provision described below
- Train staff
- Develop written procedures
- Monitor and evaluate access to language assistance

A. Oral

Each district, division or project is to provide LEP persons with oral language assistance in a timely manner at reception desks or when telephone contact is appropriate. Such assistance may take the form of qualified bilingual staff, contracting with a qualified Targeted Small Business interpreter service, other interpreter service (see the website at

<http://www.ctslanguage.com>) or the use of voluntary community interpreters who are skilled, competent and objective in interpreting.

Employment of bilingual staff in divisions and projects is recommended, when feasible, where the percentage of LEP customers or potential customers is statistically significant or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ bilingual staff should be based on a needs assessment with due consideration given to budget constraints and department policy. The Office of Purchasing/Support Services can provide additional information on bilingual staff recruitment, bilingual pay procedures, departmental positions requiring bilingual skills, and names and locations of staff who speak an alternative language and the language spoken.

Oral translation competency should be considered when using a translator. In some cases, a family member or volunteer without formal certification might be a good choice, for instance when teaching an LEP person how to use the bus. In other circumstances, especially those that have the potential to affect a person's rights such as purchasing property from an LEP person, a certified interpreter is necessary.

B. Written

Written materials that are routinely provided in English to applicants, customers and the general public should be translated into languages that are regularly encountered. The extent of the obligation to provide written translations of documents should be determined on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Written materials include electronic documents and web sites.

A "safe harbor" provision regarding the translations of documents is provided by the United States Department of Justice (USDOJ). The USDOJ suggests providing written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. The safe harbor provision applies to the translation of written documents only and does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Note that some LEP people might have low literacy in their language. Written translations would not be effective or useful in those cases. When evaluating the need for written translation, the literacy level in the LEP population should be determined.

C. Vital Documents

Vital documents are those that convey information critically affecting the ability of the service customer to make decisions. Whether or not a document (or the information it solicits) is "vital" depends upon the importance of the project, information, encounter, or service involved and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

Examples of vital documents include, but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a project, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance, complaint forms and outreach and community education materials. Iowa DOT districts, divisions, and projects will develop criteria for determining which documents are vital and subject to translation.

D. Alternative Communication Methods

To reduce costs and difficulty, the Iowa DOT encourages staff to explore use of alternative methods of communication and devices that do not use language. For example, use of pictograms, symbol signs, standard symbolic signs (SMS's), diagrams, color-coded warnings, illustrations, graphics, and pictures can be considered information using very few words in any language. Schematic maps can similarly quickly communicate large amounts of information without words. Symbol signs and pictograms also benefit globalization of trade and travel.

E. Monitoring

Monitoring and evaluating the accessibility and quality of language assistance needs of LEP persons ensures that LEP persons can meaningfully access projects and activities and is the responsibility of the respective divisions or projects. At a minimum, divisions or projects should conduct an annual assessment to determine:

- The current LEP composition of its service area
- The current communication needs of LEP persons
- Whether existing assistance meets LEP needs
- Whether staff is knowledgeable about policies and procedures and how to implement them
- Whether sources of and arrangements for assistance are still current and viable

F. Implementation Guide

The Uniform Data Collection Standards outlines how data will be captured and reported in the Iowa DOT's Title VI Annual Accomplishment and Goal Report. Data collection criteria will include:

- Primary language of the population in the project service area
- Primary language of customers served
- Data upon which the division based the language needs assessment
- Number of LEP persons, by language group, who received language services
- Number and type of grievances and complaints received by the Iowa DOT or against Iowa DOT sub-recipients alleging lack of provision of services due to limited English proficiency.

The Title VI Liaison(s) in collaboration with the Civil Rights Coordinator will analyze the LEP data and report on how the implementation policies are working as well as highlighting best practices.

G. Training

Training staff on policies and procedures of language assistance and how to determine whether a customer needs language assistance services is essential to bridging the gap between policies and actual practices. Training will include how to obtain language assistance services and communication with interpreters and translators.

Specialized training may be required of certain front-line staff who are likely to have considerable interaction with people with LEP. Staff should be trained on how to recognize potential Title VI issues and to properly respond to Title VI complaints, including those from LEP people on the basis of national origin. Staff should also be familiar with the process the Office of Employee Services-Civil Rights uses to investigate Title VI complaints.

V. Compliance and Enforcement of LEP Requirements

A. Who must comply?

Executive Order 13166 directs recipients of Federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to their projects, activities and services.

All Iowa DOT Division Directors, Office Directors, and Title VI Program Liaisons are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions or projects. Additionally, the Civil Rights Coordinator will continuously monitor these divisions and projects to ensure LEP requirements are met and report annually to the FHWA and tri-annually to the FTA on the accomplishments and upcoming goals relating to LEP activities.

B. Roles and Responsibilities

1. Iowa's Title VI Program

In determining whether LEP compliance is met, the Civil Rights Coordinator is responsible for assessing whether the district's, division's or project's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division's or project's activities and projects. The appropriate use of methods and options detailed in this LEP Plan will be viewed as evidence of intent to comply with the LEP requirements and Title VI of the Civil Rights Act of 1964.

a) Responding to Complaints

The Division Director or his designee will be notified of any complaint arising from LEP issues. The Division Director or his designee's first responsibility is to attempt to provide the requested service as soon as possible, resolve the specific complaint to the customer's satisfaction and take steps addressing these policies/procedures which generate such complaints.

The Iowa DOT's Civil Rights Coordinator shall be apprised of the issue and take appropriate action on the complaint. Failure to comply and make good faith efforts may be a violation of Federal and State law and can result in sanctions being imposed.

b) Technical Assistance

The Iowa DOT Civil Rights Coordinator, in collaboration with the Title VI Committee Liaisons, is responsible for providing Iowa DOT districts, divisions and projects with technical assistance. This includes advising of LEP requirements, implementing those requirements and assisting in developing individual project plans and processes. The creation of the LEP Plan Implementation Guide and the maintenance of that guide is the responsibility of Iowa DOT Civil Rights Coordinator in collaboration with the Title VI Committee.

In addition, the Title VI Committee will provide training to appropriate staff regarding LEP policies and good practice. The LEP Plan Implementation Guide will include the plan for this training.

c) Resource Sharing

The Iowa DOT's Civil Rights Coordinator will maintain and update the Title VI website in order to assure current agency-wide information is available.

2. Special LEP Emphasis Divisions and Projects

The following is a list of Iowa DOT divisions and projects whose work may include a particular LEP emphasis. Included under some areas are links to specific projects and programs already providing LEP-focused services.

◇ Communications

Public communication and involvement, as exercised by the Iowa DOT, is the process that helps to infuse transportation goals with the goals of the community.

◇ Construction

The Office of Construction is responsible for providing technical and administrative support to the statewide highway construction program. The responsibility for administering projects lies in the District and RCE offices.

<http://www.iowadot.gov/erl/current/CM/content/CM%202%2020.pdf>

◇ Consultant Services

The Consultant Services Section is responsible for consultant selection, negotiation, and the administration of consultant contracts. The office is located within the Office of Design.

Link to the Iowa DOT Consultant Utilization Website:

<http://www.prof-tech-consultant.dot.state.ia.us/default.asp>

◇ Design

The Office of Design performs preliminary and final design as it relates to project development, which includes social and economic elements. The office also provides technical support to the regions during the project development process. The Office of Design is located within the Engineering Bureau of the Highway Division.

◇ Employee Services

The Office of Employee Services-Civil Rights staff will provide overall LEP training program administration within the department.

◇ Location and Environment

The Office of Location & Environment (OLE) explains what Environmental Justice (EJ) is, how it is linked to the work we do, and how the Iowa DOT assures our projects analyze impacts of that

work, and changes that the work causes, on low income and/or minority populations.

- Project-level tools and guidance on how to assess whether or not an EJ issue exists for a specific project. Page 751 of the OLE LEP Plan includes tools and guidance for assessing project impacts on particular populations. Although the page on social effects is broader than the LEP issue, the link below is to the tools a project team needs to ensure EJ and LEP issues are addressed.
- The Office Procedures Manual provides guidance on environmental procedures for the Iowa DOT and its environmental consultants. The manual outlines the department's legal requirements related to natural and man-made environmental resources.
http://www.iowadot.gov/ole/manual/iowa_DOT_OLE_Manual_090821.pdf

◇ **Local Systems**

The Office of Local Systems will provide guidance and assistance to local agency sub-recipients to help them comply with the LEP requirements. Guidance and assistance will be provided in the form of written guidelines, presentations at agency conferences, and as requested by local agencies. The written guidelines are available as part of Instructional Memorandum [1.070](#), Title VI and Nondiscrimination Requirements.

◇ **Maintenance**

The Office of Maintenance is responsible for the preservation and upkeep of the state transportation system.

◇ **Motor Vehicle**

The Office of Motor Vehicle driver's license stations post notices that indicate the various languages available for written tests. Study guides are available in these languages, except for Korean. Also provided to each person who enters the driver's license station is a pre-clerking questionnaire and voter declaration form that is printed in both English and Spanish.

Each driver's license station has posters in various languages regarding Selective Service registration.

The Office of Driver Services conducts driver improvement telephone interviews/hearings with people who do not speak English well enough to attend Driver Improvement classes. The customer may provide their own interpreter or Driver Services will provide one for them.

Driver Services uses an automated test system. The system includes the following languages in both printed and audio formats:

English	Spanish
Arabic	Albanian
Cambodian	Chinese
French	German
Greek	Hmong
Italian	Korean
Laotian	Polish
Portuguese	Russian
Vietnamese	Hebrew
Somalian	Bosnian
Burmese	

This system is now operating at all DOT driver license stations and county treasurer locations that offer testing.

Driver Services is reviewing materials for child safety seats to provide the information in Spanish. All older driver materials and forms are printed in large font. Driver Services is also working on a Spanish translation of the implied consent advisory form for use by law enforcements in the administration of operating while intoxicated chemical breath tests conducted in the course of OWI arrests and investigations.

Driver Services will make every reasonable effort to provide a qualified interpreter to assist any non-English speaking/reading person in translating and understanding non-commercial examinations, including written or skills testing. Additionally, the DOT has entered into a contract for on-call telephone interpretation services that are available to all DOT divisions and offices, including the Office of Driver Services.

The customer or DOT may provide translators. Driver Services has several employees who are bi-lingual. Translators for the Iowa DOT are coordinated through community colleges or the Bureau of Refugee Services.

◇ **Planning**

The Office of Systems Planning has the responsibility of developing long- and short-range plans on behalf of the Iowa DOT to provide efficient transportation services to the citizens of the state of Iowa.

◇ **Public Transportation**

The Office of Public Transit provides state and federally funded grants to Iowa's 16 regional and 19 urban transit systems. To view information on the grant program administration and other transit-related guidance, please refer to the Transit Manager's Handbook at <http://www.iowadot.gov/transit/handbook.html>. For information specific to Title VI, please click on the following link to Chapter 13 of the Transit Manager's Handbook: http://www.iowadot.gov/transit/handbook/Chapter_13.pdf.

◇ **Purchasing**

The Office of Purchasing and Materials Management (PMM) Team regulates, manages, and improves the procurement of purchased goods and services, and information technology hardware and software. PMM maintains accountability of consumable, capital, and IT assets of the department and ensures data integrity for Iowa DOT procurement and inventory systems. PMM also ensures Iowa DOT adherence to public procurement and supply management principals, procedures and ethical standards, and supports stores and inventory operations in the districts and Central Campus.

◇ **Research**

The Office of Research & Technology is responsible for the development of research projects that include not only engineering-related projects, but other areas such as transit, transportation and environmental studies, socioeconomic analysis, and Intelligent Transportation Systems efforts. The Research & Technology Bureau is located within the Highway Division.

◇ **Right of Way**

The Office of Right of Way manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services.

◇ **Traffic Operations**

- Traffic Engineering - produces a limited number of project plans (mostly signing and lighting) and provides traffic engineering expertise to the districts
- Safety - manages crash data and administers two safety funding programs (one of these is federal dollars), but all those dollars are spent on DOT projects
- Advertising Management - administers billboard permits, Logo signing on interstates and freeways (gas, food, lodging businesses), and tourist signing on two-lane roadways and expressways
- Sign Shop - 98% of their customers are DOT maintenance garages

◇ **Transit Mobility**

The Regional Mobility Grant Program supports local efforts to improve transit mobility and reduce congestion on our most heavily traveled roadways. The program provides money to local governments to: deliver transit mobility projects that are cost-effective; reduce travel delay for people and goods; improve connectivity between counties and regional population centers; and to be consistent with local and regional transportation and land use plans.

C. General Responsibilities

The Iowa DOT will make every effort to provide services, either through translation or interpreter, prior to scheduled meetings, such as public hearings or project meetings.

When a need has been identified by the Iowa DOT or a request is received, the Iowa DOT shall make every effort to provide services requested in a timely manner. The Iowa DOT will pay for the translation of vital documents and interpreter services.

The LEP Plan Implementation Guide will provide the framework for all of Iowa DOT including a reporting system, training plan and other technical assistance.

VI. Resources and References

The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries,
<http://www.fta.dot.gov/documents/Newlepguidance.doc>

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. <http://www.usdoj.gov/crt/cor/>

Website of the Federal Interagency Working Group on Limited English Proficiency
<http://www.lep.gov/index.htm>

U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001.
<http://www.usdoj.gov/crt/cor/lep/Oct26BackgroundQ&A.htm>

United States Census 2000 Language Identification Flashcard
<http://www.dol.gov/oasam/programs/crc/ISpeakCards.pdf>