

TDOT

**Language Access Assessment:
Subrecipient's Limited English Proficiency Guide**



English
as a second
Language

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Tennessee Department of Transportation's (TDOT) Language Access Assessment and Subrecipient Limited English Proficiency (LEP) Guide

I. Introduction

The Tennessee Department of Transportation's (TDOT) Language Access Assessment and Subrecipient Limited English Proficiency (LEP) Guide is a resource tool designed to ensure that all of TDOT's , and its subrecipient's) activities and programs are conducted in accordance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, and all related regulations and directives.

This manual will serve as a guide for addressing the LEP responsibilities of TDOT, and its subrecipients, and ensuring that TDOT has a fully coordinated process (i.e., implementation of an annual needs assessment [data collection and analysis of LEP community, needs, etc.], public involvement that includes a process for seeking out and considering the needs of the LEP population).

TDOT is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. TDOT assures that no person shall on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any TDOT services, programs or activities.

Therefore, in accordance with Executive Order (EO) 13166 – Improving Access to Services for Persons with Limited English Proficiency (LEP), TDOT's Civil Rights Office has developed this plan for providing meaningful access for people with limited English proficiency.

The following pages will delineate the prescribed procedures for ensuring that language does not become a roadblock to serving the needs of Tennessee's residents.

II. Authorities

A. Federal Authorities

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity “to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability.” 42 U.S.C. 2000d-1

Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency (LEP) - Executive Order (EO) 13166 ensures that, consistent with Title VI, persons with Limited English proficiency (LEP) have meaningful access to federally conducted and funded programs and activities. The Order requires all agencies that provide Federal financial assistance to issue guidance on how Title VI applies (to recipients of that assistance) in their contact with persons who are LEP. The Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994.

U. S. DOT Order 5610.2(a) Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 77 FR 27534, May 2012.

FTA Circular FTA 4703.1 – Environmental Justice Policy Guidance for Federal Transit Administration Recipients

B. Federal Case (Authority)

The Supreme Court, in Lau v. Nichols, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of DOJ, 45 CFR 80.3(b)(2), to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. In Lau, a San Francisco school district that has a significant number of non-English-speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

C. State Authority

Tennessee law provides that “[i]t is a discriminatory practice for any state agency receiving federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving such federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”

Tennessee Human Rights Commission (THRC) Chapter 1500

Title VI Compliance Program – THRC Rule 1500-01-03-.08(3)(a)(6). States, “Departments and agencies shall include a LEP policy and procedure that is followed by staff when confronted with circumstances where language assistance is required...”

THRC Rule 1500-01-03-.03 states that “[i]t is a discriminatory practice for any state department or agency receiving federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any entity person receiving such federal funds from a state agency, to exclude a person from participation under any program or activity on the basis of race, color, or national origin.”

III. Guidance

August 2000 DOJ Guidance. The Department of Justice (DOJ), at the time the EO was published, also issued a guidance document for agencies to follow in designing their own LEP guidance for recipients, and in creating plans for making Federal activities and programs meaningfully accessible. The guidance clarified long-standing LEP responsibilities under Title VI and the Title VI regulations, including disparate impact regulations and a 1976 DOJ regulation requiring translation of documents in certain circumstances. (See *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, dtd May 2011, Appendix D)

[Memo to Federal Agencies from Attorney General Eric Holder Reaffirming the Mandates of Executive Order 13166 - February 17, 2011](#)

IV. Definitions

Demography is the study of the characteristics of human population, as size, growth, and vital statistics.

Frequency of Contact is used in the Four Factor Analysis. The more frequent the contact with a particular language group, the more likely that enhanced services in that language is needed.

Hispanic/Latino refers to a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.

Interpretation is the act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning.

Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language and who also may have a limited ability to read, write or understand English.

Linguistically Isolated Household is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

Primary Language is the language in which an individual is most effectively able to communicate.

Safe Harbor is provided for in Federal law. "Safe Harbor" is a stipulation so that recipients 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 provides written translations certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

Translation is the replacement of written text from one language into an equivalent written text in another language. Translating documents to fourth (4th) grade literacy level ensures the targeted audience understands the information.

Vital Documents is documents that convey information that critically affects the ability of the recipient/customer to make decisions about his or her participation in the program.

V. TDOT Four Factor Analysis

Factor 1: Number or Proportion of LEP Persons eligible to be served or likely to encounter TDOT programs, activities or services. To determine the number of LEPs in TDOT’s service area (statewide), the CRO utilized the population estimations provided in the 2010 US Census. This data was used to determine **1)** the LEP populations represented in the state, **2)** Percentages of LEPs in the service areas, **3)** whether LEP groups reach and/or exceed 5% the Safe Harbor stipulation, and **4)** where the greatest population of LEPs reside in Tennessee.

According to the 2010 census, Tennessee’s population is estimated to be 6,346,105. As represented in Figure 1 above, White persons not Hispanic represent 75.6%; African Americans represent 16.7%; persons of Latino/Hispanic origin represent 4.6%; Asian persons represent 1.4%; American Indian and Alaska Native persons represent .3%; and Native Hawaiian and Other Pacific Islanders represent .1% of the total population.

Based on the relatively high percentage of Latino/Hispanic residents in the state, the CRO focused its analysis on this group.

Latino/Hispanic LEP Numbers			
Total:	249,279	Total:	135,401
Native:	113,878	Foreign Born:	5,136
Speak Only English	59,333	Speak Only English	130,265
Speak another language	54,546	Speak another language	36,121
Speak English “ very well ”	41,896	Speak English “ very well ”	94,144
Speak English “ less than very well ”	12,649	Speak English “ less than very well ”	135,401

Total LEPs: **106,793** = **.0168 %** less than 1 percent of Tennessee’s population

Table 1 - Linguistic Isolated Hispanic/Latino

Region 1		Region 2		Region 3		Region 4	
Hamblen County	10.7%	Bradley County	4.7%	Bedford County	11.3%	Crockett County	8.7%
Loudon County	7.0%	DeKalb County	6.6%	Davidson County	9.8%	Shelby County	5.6%
Sevier County	5.3%	Hamilton County	4.5%	Montgomery County	8.0%		
		Putnam County	5.3%	Rutherford County	6.7%		
		Warren County	8.1%				

Table 2 - Tennessee Counties with large with large concentrations of Latino/Hispanic Populations

Factor 2: Frequency with which LEP individuals come in contact with TDOT programs, activities or services.

Based on the assessments conducted in the area of LEP utilization, there has been little to no contact with LEP individuals in the service areas during the 2010 reporting period.

Southwest TN Human Resource Agency, First TN Human Resource Agency, Mid-Cumberland Human Resource Agency, Upper Cumberland Resource Agency, Southeast TN Human Resource Agency, Northwest TN Human Resource Agency, Delta Human Resource Agency, South Central TN Human Resource Agency, East TN Human Resource Agency, Hancock County Rural Transportation, and the City of Pigeon Forge are TDOT subrecipients. These transportation providers report little to no contact with LEP individuals during the 2010 reporting period.

The City of Gatlinburg serves as a transportation provider in a tourist/resort area. Subsequently, this service provider reflects a substantial amount of contact with LEP individuals (20%). It is assumed that the riders are tourist, and that this number will fluctuate with the tourist seasons.

Factor 3: Nature and importance of the program, activity or services provided by TDOT to the LEP population.

Transportation plays an importance role in the lives of the LEP individuals and the citizens of Tennessee. Generally speaking, when transportation decisions are made, the LEP and minority communities are normally impacted the greatest. TDOT is committed to providing safe and reliable transportation services to the LEP population as well as all citizens of Tennessee.

TDOT’s most critical services are those related to public transportation, right of way acquisitions, public involvement (public information or planning meetings), safety during construction, and providing the ability to file complaints.

Factor 4: Resources available to TDOT and overall costs to provide LEP assistance.

Currently, TDOT’s resources consist of a department employee volunteer list. In situations where TDOT employees cannot provide services, i.e., an unfamiliar Language or dialect, a legal matter or need for expert testimony, TDOT utilizes AVAZA for its translation and interpreting needs. Payment for these professional services is expended when services are rendered.

Tennessee, according to the 2010 US Census, has 6,403,353 people living throughout the 95 counties.

1. **Statewide racial/ethnic breakdown** looks like this:

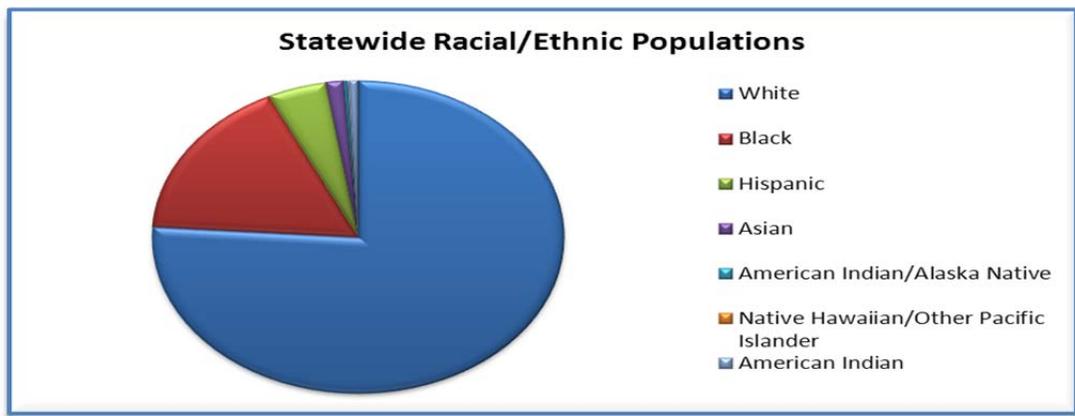


Figure 1 – Statewide Demographics

2. **Region 1 racial/ethnic breakdown** looks like this:

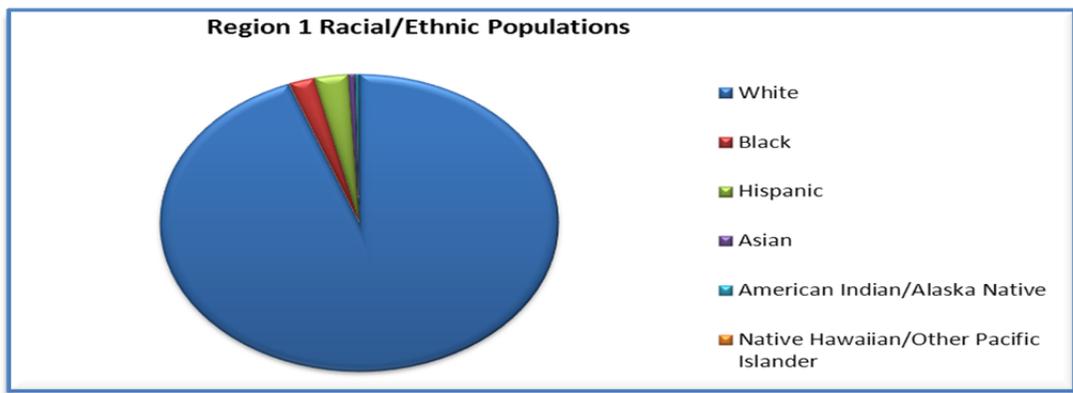


Figure 2 – Region 1 Demographics -

(Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties)

White persons (not Hispanic)	89.60 percent
Black	2.03 percent
Hispanic	2.64 percent
Asian	.51 percent

American Indian and Alaska Native	.29 percent
Native Hawaiian and Other Pacific Islander	.01 percent

3. **Region 2 racial/ethnic breakdown** looks like this:

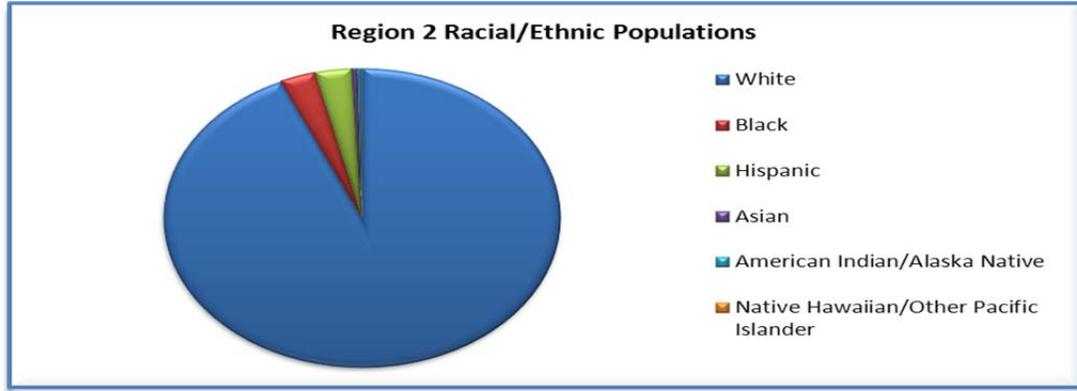


Figure 3 – Region 2 Demographics -

(Bledsoe, Bradley, Cannon, Crockett, Clay, Coffee, Cumberland, DeKalb, Fentress, Franklin, Grundy, Hamilton, Jackson, McMinn, Marion, Meigs, Overton, Pickett, Polk, Putman, Rhea, Sequatchie, Van Buren, Warren, White Counties)

White persons (not Hispanic)	92.27 percent
Black	2.91 percent
Hispanic	2.94 percent
Asian	.41 percent
American Indian and Alaska Native	.32 percent
Native Hawaiian and Other Pacific Islander	.01 percent

4. **Region 3 racial/ethnic breakdown** looks like this:

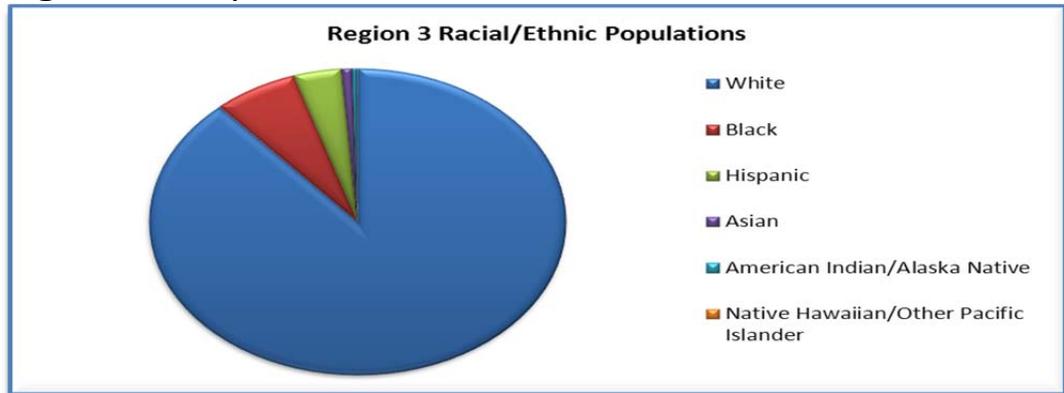


Figure 4 – Region 3 Demographics -

(Bedford, Cheatham, Davidson, Dickson, Giles, Hickman, Houston, Humphreys, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Perry, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Wayne, Williamson, Wilson Counties)

White persons (not Hispanic)	87.23 percent
Black	6.48 percent
Hispanic	3.68 percent
Asian	.80 percent

American Indian and Alaska Native	.38 percent
Native Hawaiian and Other Pacific Islander	.02 percent

5. **Region 4 racial/ethnic breakdown** looks like this:

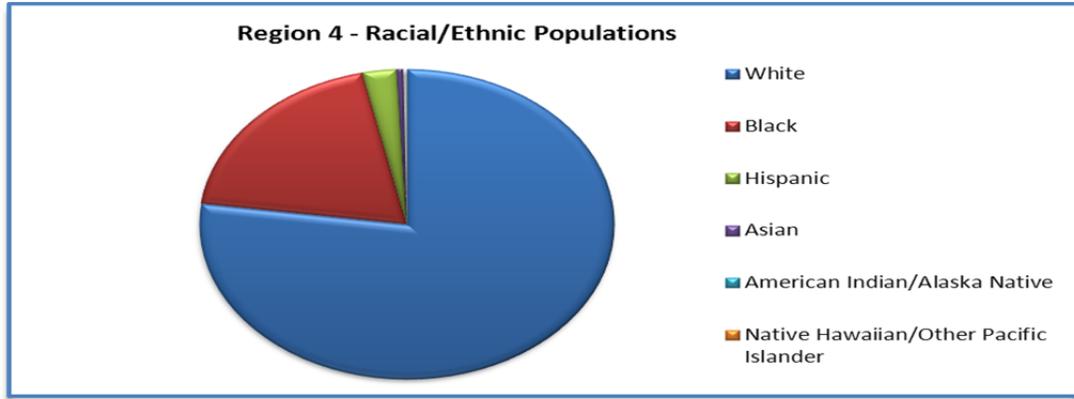


Figure 5 – Region 4 Demographics

(Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, and Weakly Counties)

White persons (not Hispanic)	76.22 percent
Black	19.2 percent
Hispanic	2.67 percent
Asian	.46 percent
American Indian and Alaska Native	.26 percent
Native Hawaiian and Other Pacific Islander	.00 percent

VI. How does LEP affect the Department of Transportation?

The following matrix illustrates legal and policy considerations that require TDOT 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	Provides protection on the basis of national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA, FTA, and THRC	Annual Accomplishment and Upcoming Goals Report to FHWA, FTA, and THRC

Table 3 Governing Federal Laws and Policies

VII. TDOT Divisions/Programs Responsibilities

EO 13166 directs recipients of Federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to its programs, activities and services. The following chart, although not exhaustive, illustrates TDOT divisions/programs and Title VI Program activities and responsibilities relative to LEP services.

Activities	Responsibilities	
	TDOT DIVISION/s PROGRAMS	TITLE VI PROGRAM
1. Assessing and addressing the needs of eligible persons	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
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance	X	X
6. Reporting accomplishments and goals	X	X
7. Data collection and analysis	X	X
8. Ensuring that programs and activities provide for a fully coordinated process (interdisciplinary approach)	X	X

Table 4 – Table Delineating LEP Responsibilities

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the service provider and the LEP person. To accomplish effective communication, the following actions and discussions are considered appropriate at a division/program level:

- ⊕ Perform a needs assessment.
- ⊕ Provide for oral language assistance.

- ⊗ Notify LEP customers of the availability of language assistance services.
- ⊗ Translate vital documents in languages other than English into appropriate language.
- ⊗ Train staff.
- ⊗ Develop written procedures.
- ⊗ Monitor and evaluate access to language assistance.



Table 5 – Self Assessment Model

An effective Limited English Proficiency Plan should include:

1. Understanding How LEP Individual Interact with Your Agency

A federally conducted or funded program could interact with LEP individuals in a variety of ways. Any interaction with the public has the potential to interact with LEP individuals. These could include, but are not limited to, information line calls; education and outreach programs; public meetings; property acquisition, and more. It is important for an agency to examine the manner in which it interacts with the public and/or LEP individuals.

The Tennessee Department of Transportation’s Public Involvement Plan details the appropriate actions to take when conducting outreach and notification activities.

[TDOT Public Participation Plan](#)

2. Identifying and Assessing of LEP Communities

A federally conducted or funded program should consider assessing the number of proportion of LEP persons from each language group in its service area to determine appropriate language assistance services. This analysis includes persons in a geographic service area with whom your agency comes into contact while carrying out the agency functions. For the assessment to be accurate it must also include all communities who are eligible for services or are likely directly affected by programs or activities. Agencies may determine the linguistic characteristics of an LEP population in a service area by reviewing available data from federal, state, and local government agencies, community, and faith based organizations.

3. Providing Language Assistance Services

Effective communication with LEP individuals requires your agency to have language assistance services in place. There are two primary types of Language assistance services: Oral and Written.

Interpretation is and **ORAL** language assistance service:



Translation is a **WRITTEN** language assistance service:



It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents (documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or her participation in the program or activity) into languages other than English is particularly important where a significant number or percentage of the customers served and/or eligible to be served have limited English proficiency. Written materials include electronic documents and websites. Examples of vital documents for translation include, but not limited to: signage, public meeting notices, notices advising LEP individuals of free language assistance, language identification cards, applications or instructions on how to participate in a recipient's program or activities, or to receive recipient's benefits of services, etc.

Examples of vital documents include, but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, 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 and outreach and community education materials. It is recommended that divisions/programs develop criteria for deciding which documents are vital thereby subject to translation.

Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community-based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

4. Training of Staff on Policies and Procedures

Staff will not be able to provide meaningful access to LEP individuals if they do not receive training on language access policies and procedures, including how to access language assistance services. Training should be mandatory for staff that has the potential to interact or communicate with LEP individuals, staff whose job it is to arrange for language assistance services, and managers. Training should include:

- 1) How to identify the language needs of an LEP individual;
- 2) How to access and provide the necessary language assistance services;
- 3) How to work with interpreters;
- 4) How to get documents translated; and
- 5) How to track and document the use of language services.

5. Monitoring, Evaluating, and Updating the LEP Plan

For a LEP Plan to be effective, Recipients/Subrecipients of federal funds must periodically monitor, evaluate, and update the plan, policies, and procedures. There is no prescribed method for monitoring and evaluating. You may include the following:

- ⊕ Surveying staff on how often they use the language assistance services;
- ⊕ Conducting customer satisfaction surveys to LEP beneficiaries;
- ⊕ Observing and evaluating agency interactions with LEP individuals;

- ⊕ Soliciting feedback from community based organizations and other stakeholders about the agency’s effectiveness and performance in ensuring meaningful access for LEP individuals;
- ⊕ Keeping current on community demographics and needs by engaging stakeholders, faith-communities, and other local resources;
- ⊕ Considering new resources including funding, collaborations with other agencies, human resources, emerging technology, and other mechanisms for ensuring improved access for LEP individuals; and
- ⊕ Monitoring your agency’s response to complaints or suggestions by LEP individuals, community members, and employees regarding language assistance services provided.
- ⊕ Creating a record of language assistance services can help inform programs whether there should be changes to the quantity or type of language assistance services. The monitoring and review of current policies and the types of languages assistance services provided should occur on an annual basis.

6. Providing Notices of Language Assistance

Recipients/Subrecipients must inform LEP individuals of their edibility for Benefits, programs, and services in languages they understand. Agencies should assess all points of contact, telephone, in-person, mail, and electronic communication its staff has with the public and LEP individuals when determining the best method of providing notice of language assistance services.

An agency should not only translate its outreach materials, but also explain how LEP individuals may access available language services. This may be accomplished through the use of effective, program specific notices such as forms, brochures, language access posters placed in conspicuous locations describing in multiple languages the availability of language assistance services, the use of “I Speak” language identification cards, and by including instructions in non-English languages on telephone menus.

7. Develop written procedures

To implement a successful language assistance program, guidance shall be provided to all employees through written procedures that address the following:

1. Identification and assessment of language needs.
2. Oral language assistance; including vendor charges for services, procedures on how to access and to request Department translation assistance.
3. Written translation of materials and publications.
4. Oral and written notification of the availability of language assistance.
5. Staff training on language service provision.
6. Monitor access to language assistance.

8. Monitor and evaluate access to language assistance

Monitoring and evaluating the accessibility and quality of language Assistance needs of LEP persons ensure that LEP persons can meaningfully access

programs and activities and is the responsibility of the respective divisions/programs. At a minimum, divisions/programs 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; and whether sources of and arrangements for assistance are still current and viable. One mechanism for monitoring is to seek feedback from customers and advocates.

Data collection and record keeping are key to an effective monitoring and compliance system. Analysis of the data collected provides an overview of how services are provided. Data collection mechanisms include the following:

- ⊕ Race of LEP person
- ⊕ Ethnicity of LEP person
- ⊕ Primary language of the population in the program service area
- ⊕ Primary language of customers served
- ⊕ Data upon which the division based language needs assessment
- ⊕ Number of LEP persons, by language group, who received language services

IX. LEP Criteria Resources

- ⊕ [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](#) <http://www.usdoj.gov/crt/cor/>
- ⊕ [U.S. Department of Justice Clarifying Memorandum](#), dated October 26, 2001
- ⊕ Avaza Language Service Corp
- ⊕ [U. S. Census Language Identification Flashcards](#)

X. Data Collection

The Nondiscrimination Agreement between Federal Highway Administration (FHWA) Division Administrator, Federal Transit Authority (FTA) and TDOT obligates the department to collect statistical data (race, color, National origin, sex, disability and age) of participation in and beneficiaries of the program and activities conducted by the Recipient.

Data collection is crucial for ensuring that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.

Timely and accurate data allow for better decision making and provide support and defensibility to the decisions made.

Why collect data?

The Code of Federal Regulations 23, Chapter 1. Part 2009 (state Actions)(4) requires that the State “develop procedures for the collection of statistical data of participants in and beneficiaries of State highway programs; i.e., relocates, impacted citizens and affected communities.” The Nondiscrimination Agreement between the FHWA Division Administrator and the Department Commissioner assures the Department will collect statistical data (race, color, national origin, sex, disability and age) on participation in and beneficiaries of the program and activities conducted by the Department. In addition, data collection provides measurable evidence of the Department’s performance as it relates to Title VI for annual reports to the FHWA and the Department’s efforts to ensure compliance with Title VI.

Objective data is necessary to identify

1. Transportation needs of all persons within boundaries of plan and projects.
2. Impacts and persons impacted.
3. Persons to include in the decision making process.
4. “Champion(s) for various modes and transportation options.
5. Strategies to address impacts.
6. Alternatives to modes and locations and types of facilities (transit, light rail, van and carpooling, HOV lanes, etc.).
7. Priorities for investments.
8. Sources for financing investments.
9. Strategies to disseminate information.

Based on Title VI implementing regulations, each division/district is required

1. Provide for the collection of data and information to permit effective Enforcement of Title VI.
2. Collect data about beneficiaries.
3. Analyze the data and information collected.
4. Eliminate discrimination when it is found.
5. Take affirmative measures to ensure nondiscrimination.

Analysis

Types of analysis to address compliance with Title VI:

1. Percent of benefits allocated to persons below poverty line vs. persons above poverty line.
2. Distribution of benefits (dollars, facilities, systems, projects) by groups and communities.
3. Impact of investments on income, race, gender, disability and age groups.
4. Allocation of funds by mode (highway, bus, Commuter rail, urban rail).
5. Projected population increases versus planned facilities and types of facilities.
6. Language needs assessment.

In collecting data, consider

- ⊕ Race:
 - White
 - Asian
 - American Indian/Alaskan Native
 - Black or African American
 - Hispanic/Latino
- ⊕ National Origin:
 - Born in United States, Puerto Rico, Guam, the U.S. Virgin Islands, Northern Marianas or,
 - Born abroad of American parent(s);
 - Born outside United States, Puerto Rico, Guam, the U.S. Virgin Islands or Northern Marianas.
- ⊕ Does this person speak a language other than English at home?
 - Yes
 - No

If yes, what is the language?

- ⊕ Sex
- ⊕ Disability
- ⊕ Age

XI. Technical Assistance

The TDOT CRO Title VI Program is responsible for providing TDOT division/programs with technical assistance. This includes advising divisions/programs of LEP requirements, implementing, and assisting in developing individual program plans and mechanisms.

XII. Language Assistance Resources

1. Internal Employee Language Translation Assistance TDOT maintains an up-to-date listing of employees (statewide) who have volunteered their interpreting skills.
2. AVAZA Language Service Corporation has secured the Tennessee State Government contract for providing over the phone interpreting, face-to-face interpreting, document translation and training, therefore assisting in providing over meaningful language assistance to the LEP population. 615-534-3400 (local) or 800-482-8292 (outside of Nashville ONLY).
3. 'I Speak Card' - Language identification card allows the LEP person to Communicate his or her language visually. See AVAZA's 'I Speak' card in



Figure 6 – TDOT “I SPEAK CARDS”

XIII. Compliance and Enforcement

TDOT Division/Program Directors are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. Additionally, the designated Title VI Liaison will continuously monitor their respective division/programs to ensure LEP requirements are fulfilled, report quarterly on LEP service usage, and report annually on the accomplishments and upcoming goals relating to LEP activities to

the TDOT CRO Title VI Program.

In determining whether LEP compliance is met, the Title VI Program will assess whether the division/program's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division/program's activities and services. The division/program's appropriate use of methods and options detailed in this LEP Plan will be viewed as evidence of intent to comply with LEP requirements and the Title VI of the Civil Rights Act of 1964.

The following LEP Language Assessment Form should be used to collect data, evaluate and report your division's/program's activities to the TDOT CRO annually.

The form is titled "CIVIL RIGHTS OFFICE" with the Tennessee Department of Transportation logo. Below the logo, it lists "Affirmative Action", "Small Business Development", and "Title VI". The main title is "TITLE VI PROGRAM LIMITED ENGLISH PROFICIENCY (LEP) QUARTERLY REPORTING FORM".

NAME: _____ HQ/REGION/DISTRICT: _____ DATE: _____

1. How did the LEP person contact you?
 Walk-In Telephone In Writing Other

2. How were the interpreting services provided?
 Department Volunteer
 Department Interpreter/Translator
 AVAZA Language Service Corp
 Other Language Service Provider (Please Specify): _____

3. Language (spoken): _____

4. Approximate time language services were provided: _____

5. Cost for language services: _____

6. Has your division/region/district had any documents translated during the last quarter?
 Yes If yes, which document(s): _____
 No

7. Cost for translation services: _____

Please send the completed form to:
Sylvia Odum, Title VI Coordinator
Title VI Program
Civil Rights Office
505 Deaderick Street, Suite 1800
Phone: 615-253-1064 • Fax: 615-741-3169 • Email: sylvia.odum@tn.gov

Figure 7 – LEP Quarterly Reporting Form

CIVIL RIGHTS OFFICE

TENNESSEE DEPARTMENT OF TRANSPORTATION

Affirmative Action
Small Business Development
Title VI

TN Department of Transportation
Civil Right Office
505 Deaderick ST
Suite 1800, JKP
Nashville, TN 37243
Toll Free: 888.370.3647
Office Number: 615.741.3681
Fax No.: 615.741.3169

<http://www.tdot.state.tn.us/civil-rights/titlevi/>

Deborah Luter, Civil Rights Office Director
Cynthia Howard, Title VI Program Director
Sylvia Odum, Title VI Coordinator
Pamela Sharp, Title VI Specialist
Kelsey Finch, Title VI Specialist
Peggy Nolan, Administrative Assistance