

Language Assistance Plan

Ensuring Meaningful Access for Limited English Proficient Individuals

October 9, 2023

To request this document in another language, please send e-mail and attach document to languageservices.dot@state.mn.us.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a languageservices.dot@state.mn.us.

Yog xav kom muab daim ntawv no sau ua lwm hom lwm, thov sau ntawv nrog daim ntawv tuaj rau ntawm languageservices.dot@state.mn.us.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq dukumiintiga languageservices.dot@state.mn.us.

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NOTE: To request the appendices, please contact Don Simmons at Donald.Simmons@state.mn.us or 612-816-8847.

Purpose

Minnesota is a diverse, multi-cultural state that includes many people who fluently speak languages other than English. If these individuals have a limited ability to read, write, speak, or understand English, they qualify as limited English proficient (LEP). Language for LEP individuals can be a barrier to accessing benefits or services, understanding and exercising rights, complying with applicable responsibilities, or understanding other vital information provided by government agencies.

The Minnesota Department of Transportation (MnDOT or the Department) must reduce language barriers for LEP individuals that may impede meaningful access to important government services. Meaningful access means providing language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

MnDOT funds and manages transportation projects and services. The opportunity to benefit from those services, provide project or program input, and receive vital information from the Department must be made meaningfully accessible to LEP individuals. MnDOT is committed to ensuring the accessibility of these programs and activities to LEP individuals.

The Language Assistance Plan provides guidance to MnDOT staff who may interact directly with LEP individuals or whose work involves providing information or services to the public. The plan provides protocols for identifying LEP individuals, language assistance measures, and staff responsibilities related to ensuring meaningful access for LEP individuals.

For further questions regarding this plan, please contact:

Don Simmons
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MnDOT Office of Civil Rights
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Authority

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.” The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations provided by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP individuals because such conduct constitutes national origin discrimination.

[Executive Order 13166](#), “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121, August 16, 2000, directs each Federal agency to examine the services it provides and to develop

and implement a system by which LEP individuals can meaningfully access those services. Federal agencies were instructed to publish guidance to assist states and local governments who receive federal funds with their obligations to LEP individuals under Title VI. The Executive Order states that federal fund recipients, like MnDOT, must take reasonable steps to ensure meaningful access to their programs and activities for LEP individuals.

The U.S. Department of Transportation (DOT) published [revised guidance](#) for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take reasonable steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP individuals. Recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory LEP obligations.

The Federal Transit Administration (FTA) references the DOT LEP guidance in its [Circular 4702.1B](#), “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” which was published on October 1, 2012. Chapter III part 9 of this Circular reiterates the requirement to take reasonable steps to ensure meaningful access to benefits, services, and information for LEP individuals and suggests that FTA recipients and subrecipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP Guidance.

The DOT LEP Guidance recommends that all recipients, especially those that serve large LEP populations, should develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance notes that effective implementation plans typically include the following five elements:

1. Identifying LEP individuals who need language assistance:
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP individuals
5. Monitoring and updating the plan

Definitions

Four Factor Analysis: The assessment provided by federal regulation to help MnDOT determine the level of language assistance required for a program or activity.

Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

I Speak Guide: Provides an itemized list of non-English languages and can be used as a tool to help an LEP individual identify their preferred language to MnDOT staff.

Language Assistance: Oral and written language services needed to help LEP individuals communicate effectively with staff and ensure meaningful access to, and equal opportunity to fully participate in, the programs and activities administered by the Department.

Limited English Proficient (LEP): Individuals whose primary language is a not English and who have a limited ability to read, speak, write, or understand English. Individuals may be proficient in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

Language Line: Provides telephone-based, on-demand access to language interpreters 24 hours a day, 7 days a week, year-round. The service assists MnDOT staff in communicating effectively with LEP individuals.

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

Public Engagement: Any process that (1) involves the public in identifying and solving challenges and problems and uses public input to make sustainable decisions, (2) educates or informs the public about a topic or issue, or (3) seeks to build meaningful connections and trust with the public through communication and interaction.

Timely: Language assistance provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of undue burden on or delay in important rights, benefits, or services to LEP individuals.

Title VI Liaison: Representative of a MnDOT office or district responsible for understanding and maintaining compliance with Title VI of the Civil Rights Act of 1964, including limited English proficiency requirements.

Translation: The replacement of a word, phrase, or text in one language (source language) with an equivalent-meaning word, phrase, or text in another language (target language).

Vital Documents: Paper or electronic written material containing information that is (1) critical for accessing programs, services, benefits, or activities, (2) directly and substantially related to public safety, or (3) required by law.

Identification of LEP Individuals (Four Factor Analysis)

Title VI and its regulations require MnDOT to take reasonable steps to ensure meaningful access to the Department's information and services. What constitutes reasonable steps to ensure meaningful access is contingent on a four-factor analysis established by the U.S. Department of Justice.¹ The four-factor analysis is an individualized assessment that should be applied to all districts, offices, programs, and activities to determine what reasonable steps must be taken to ensure meaningful access for LEP individuals.

¹ Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency, effective August 11, 2000. Available here: <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>.

This Language Assistance Plan does not provide a four-factor analysis for MnDOT’s individual offices, districts, programs and activities. Title VI Liaisons and office and district leadership are responsible for ensuring the four-factor analysis is conducted as needed for their programs and activities. The four factors are described in detail below, including guidance for weighing each factor. A template for completing a four-factor analysis is a word version is available for use [here](#) and attached as **Appendix A**.

Factor #1: The number or proportion of LEP individuals eligible to be served or likely to be encountered

The greater the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population, the more likely language assistance services are necessary. Ordinarily, “individuals eligible to be served or likely to be encountered” by a program or activity are those who are in fact, served or encountered in the eligible service population. This population will be program-specific and includes people who are in the program’s geographic area.

Districts, offices, and programs should first examine their prior experiences with LEP individuals and determine the breadth and scope of language assistance services needed. It is also important to include LEP populations that are eligible beneficiaries of MnDOT programs, activities, or services but may be underserved because of existing language barriers.

Reliable External Data Sources for Identifying LEP Groups

Offices, districts, and programs unable to identify and examine prior experiences with LEP individuals should use reliable external data sources to determine the number or proportion of individuals likely to be served or encountered. Reliable external data sources include:

[American Community Survey](#): An annual survey conducted by the U.S. Census Bureau providing vital demographic information and is widely considered the most reliable source of detailed information about the United States population.

[Minnesota Compass](#): A Wilder Research project providing Minnesotans with credible, user-friendly data about their communities.

[EJSCREEN](#): A mapping tool created by the U.S. Environmental Protection Agency based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. The functions include automated demographic reporting for a geographic area around an identified project area.

[MN Dept of Education](#): Provides counts of the number of students reported as speaking a language other than English at home.

[MN State Demographic Center](#): Provides data and reporting on various topics, including language and immigration.

Environmental Justice Analysis Reports: District-specific reports identifying the density of individual environmental justice groups living within a quarter-mile of each project listed on the [10-Year Capital Highway Investment Plan](#), including limited English proficient individuals. The reports are created annually by the MnDOT Office of Transportation System Management and distributed to each district.

To support the efforts of offices and districts conducting individual four-factor analyses, please see the data compiled for each district at the county-level attached as **Appendix B**.

Primary Languages for Statewide Programs or Information

The data attached as **Appendix B** identified Spanish, Hmong, and Amharic, Somali, or other Afro-Asiatic languages as the top three LEP groups in Minnesota. The third category includes several languages. However, the Minnesota State Demographer's Office reported that, as of 2018, Somali-born Minnesotans were the second-largest group of foreign-born immigrants living in Minnesota.² Therefore, programs providing statewide information to the public should consider Spanish, Hmong, and Somali as the primary languages for any necessary language assistance services.

Factor #2: The frequency with which LEP individuals come in contact with the program

Districts, offices, and programs should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance. If LEP individuals access a program or service on a regular, consistent basis, then that program or service provider has greater language access duties than a program or service whose contact with LEP individuals is unpredictable or infrequent. However, districts, offices, and programs with infrequent or unpredictable interactions with LEP individuals must be prepared to provide language assistance services to LEP individuals.

In applying this factor, districts, offices, and programs should also consider whether outreach to LEP individuals could increase the frequency of contact with LEP language groups and remain mindful of the data analysis conducted under Factor #1 to identify the proportion of LEP population present in the service area.

Factor #3: The nature and importance of the program, activity, or service provided by the program to people's lives

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the greater the need for language assistance services. Districts, offices, and programs must determine whether denial or delay of access to services or information could have serious implications for the LEP individual. Generally, programs providing information and services related to accessing benefits, opportunities, or rights are considered high importance.

²Immigration and Language: Key Findings, <https://mn.gov/admin/demography/data-by-topic/immigration-language/> (visited Dec. 19, 2020).

Vital Documents

As part of its analysis, a district, office, or program may determine that necessary language assistance measures include the translation of vital documents into the language of each LEP group that is frequently encountered, eligible to be served, or likely to be affected. Vital documents are paper or electronic written material containing information that is (1) critical for accessing programs, services, benefits, or activities, (2) directly and substantially related to public safety, or (3) required by law. Whether a document (or the information it solicits) is “vital” may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is neither accurate nor timely.

Examples of vital documents in the U.S. DOT LEP Guidance include:

- Emergency transportation information
- Notices of public hearings regarding proposed transportation plans or projects
- Notices advising LEP individuals of free language assistance
- Applications or instructions on how to participate in a program or activity or receive benefits or services
- Consent forms

Sometimes a large document may include both vital and non-vital information. For these documents, vital information may include providing notice in the necessary non-English languages explaining where an LEP individual can obtain an interpretation or translation of the document.

Below is a LEP notice that can be placed on the cover of large documents in English, Spanish, Somali, and Hmong. Each office should determine whether all languages should be included:

To request this document in another language, please send e-mail and attach document to languageservices.dot@state.mn.us.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a languageservices.dot@state.mn.us.

Yog xav kom muab daim ntawv no sau ua lwm hom lwm, thov sau ntawv nrog daim ntawv tuaj rau ntawm languageservices.dot@state.mn.us.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq dukumiintiga languageservices.dot@state.mn.us.

Factor #4: The resources available to MnDOT and cost of language assistance

MnDOT’s available resources and the costs of providing language assistance services may impact the steps taken to provide meaningful access to LEP individuals. Generally, the Department should have sufficient resources to provide meaningful access through reasonable language assistance measures. However, language assistance measures may cease to be reasonable where the costs imposed substantially exceed the benefits. Districts, offices, and programs should ensure any resource limitations are documented and explained before using this factor as a reason to limit language assistance.

The four-factor analysis necessarily implicates a spectrum of language assistance measures. For instance, written translations can range from translation of an entire document to translation of a short description of the document, and interpretation services may range from using telephone-based interpretation services to providing in-person interpretation at a public event. Language assistance measures should be based on what is necessary and reasonable after considering the four-factor analysis. Districts, offices, and programs should proactively identify how to provide language assistance services efficiently and cost-effectively while ensuring meaningful access to LEP individuals.

Safe Harbor for Written Translations

U.S. DOT LEP Guidance provides a “safe harbor” to help ensure greater clarity regarding whether MnDOT is meeting its obligation to provide written translations. These safe harbor provisions only apply to the translation of written documents and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language assistance services are needed and reasonable.

The following actions are considered strong evidence of compliance with the Department’s written-translation obligations:

- (a) Providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 people, whichever is less, of the population of individuals eligible to be served or likely to be affected or encountered. Translation of non-vital documents, if needed, can be provided orally; or
- (b) If there are fewer than 50 individuals in a language group that reaches the 5% trigger in (a), the vital written materials are not translated, but written notice of the right to receive free, competent oral interpretation of those vital written materials in the primary language of the LEP language group of is provided.

Below are examples of how to apply the safe harbor:

1. A project is determined to affect a geographic area that includes 1,100 LEP Spanish-speakers that make up 3% of the affected population. This LEP group meets the safe harbor, and MnDOT providing a translated vital document, such as a project factsheet at a public meeting, would be considered strong evidence of compliance with LEP requirements.
2. A project is determined to affect a geographic area that includes 500 LEP Somali-speakers that make up 5.7% of the affected population. This LEP group meets the safe harbor, and MnDOT providing a translated vital document, such as a project feedback survey, would be considered strong evidence of compliance with LEP requirements.
3. A project is determined to affect a geographic area that includes 37 LEP Hmong-speakers that make up 6% of the affected population. This LEP group meets the safe harbor, but because the LEP group is less than 50 people, MnDOT providing a translated written notice of the right to receive free language assistance on a vital document, such as a project factsheet at a public meeting, would be considered strong evidence of compliance with LEP requirements.

The failure to provide written translations under the circumstances outlined in the safe harbor does not mean there is noncompliance. Rather, these paragraphs merely provide a guide for greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. Generally, it is not necessary to translate vital documents when it would be so burdensome as to defeat the legitimate objectives of a program. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, may be acceptable under such circumstances.

Tribal Communities

MnDOT acknowledges the sovereign status of federally recognized tribes and the cultural values of all indigenous tribes in Minnesota. In what we now know as Minnesota, Dakota and Ojibwe languages have been spoken for centuries and predate the English language are revitalized. The Department supports the revitalization of indigenous languages to preserve, protect and promote indigenous cultures, traditions, and way of life.³

MnDOT staff are encouraged to consider ways in which the Department can support the revitalization of Dakota and Ojibwe languages acknowledging Tribal sovereignty and respect for the indigenous communities from which those languages originate. For questions, please contact the Office of Tribal Affairs.

Language Assistance Measures

MnDOT must utilize various language assistance services and protocols to ensure meaningful access to LEP individuals. The sections below identify available language assistance services and operational areas where language assistance measures are necessary.

Language Assistance Services

The Office of Equity and Diversity (OED) oversees MnDOT's Language Services program. OED is responsible for receiving and fulfilling all requests for interpretation and translation services in a timely manner. The terms below identify specific types of language assistance available. For more information, please contact [Janet Miller](#) at 651-366-4720.

Translation (written)

Translation is the replacement of a word, phrase, or text in one language (source language) with an equivalent-meaning word, phrase, or text in another language (target language).

³See also Native American Languages Act, Pub L. No. 101-477, 104 Stat. 1152, 1153 (1990) ("It is the policy of the United States to . . . preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.").

To request translation services: [Language Services Translation Request](#)

Interpretation (oral)

Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

The request interpretation services: [Language Services Interpreting Request](#)

Language Line

The Language Line provides telephone-based, on-demand access to language interpreters 24 hours a day, 7 days a week, year-round. MnDOT staff can find instructions on how to use the service [here](#). When working with interpreters MnDOT staff should:

- Briefly tell the interpreter the nature of the call.
- Speak directly to the limited English proficient individual and not to the interpreter.
- Pause at the end of a complete thought.
- Provide the interpreter with clarification or repetition as requested to ensure accuracy.

I Speak Guide

The guide provides an itemized list of non-English languages and the translated phrase “I speak . . .” for each language. The guide is a tool to help MnDOT staff identify an LEP individual’s preferred language. Staff should show the I Speak Guide to the LEP individual and help identify their preferred language. Then staff can use the Language Line to facilitate further conversation and determine the LEP individual’s needs. The I Speak Guide is attached as **Appendix C**.

Public Engagement

MnDOT must consider LEP communities during all public engagement planning. Consideration of LEP communities can be documented by utilizing the four-factor analysis to determine the level and type of language assistance necessary for a particular public engagement plan or activity. The analysis may be conducted as part of a public engagement plan spanning multiple engagement activities or standalone engagement activities. A [worksheet is available](#) to assist in completing the four-factor analysis.

Providing notice of free language assistance during all engagement activities is considered a best practice. This may include, but is not limited to, signage in the welcome area of an event or a notice at the beginning of a presentation.

Staff should be prepared to provide language assistance via the Language Line unless there is an interpreter present. Staff should determine what information the LEP individual is interested in receiving. If the information is not readily available in other languages, staff should request the LEP individual’s contact information and follow up with the requested information in a timely manner.

Districts or offices conducting outreach should regularly assess the needs of the populations frequently encountered or affected by their program or activity to determine whether translation of outreach materials is needed. Community organizations may help determine what outreach materials are most helpful to translate, and some translations may be more effective when done in tandem with other outreach methods, including utilizing ethnic media, schools, and religious or community organizations to help spread a message.

Microsoft Teams for Virtual Engagement

Generally, automated translation does not produce the same level of quality and accuracy as a certified translator. However, it is a tool that can be relied upon to communicate with LEP individuals attending an online public engagement event. Staff should make a reasonable effort to ensure LEP individuals can obtain the necessary information and provide their input sufficiently during virtual public engagement. Microsoft Teams allows for real-time closed caption translations during a Teams [meeting](#) or [live event](#). As a best practice, meeting organizers should provide information to attendees at the beginning of the meeting or live event regarding using translated closed captions.

For a Teams live event, a producer can turn on the ability for attendees to view closed captioning in up to 6 languages. Instructions are available [here](#).

For a Teams meeting, there is no ability to automatically set up closed captioning for the attendees. However, attendees can turn on closed captioning for their view only. Instructions are available [here](#). Closed captioning is not recorded, but a meeting transcript is available in Microsoft Stream if the meeting is recorded. Note: Before recording an event, please review the recording [guidelines](#).

For assistance using Microsoft Teams for meetings or events with the public, please contact MNIT Service Desk at itservicedesk.dot@state.mn.us or 651-355-0200. These resources are staffed Monday-Friday, 7:00 A.M. to 5:00 P.M.

For high profile or large-scale public events, please contact the help desk at least one week prior to the event to ensure MNIT staff have knowledge of potential IT support issues.

WebEx for Virtual Engagement

WebEx does not have real-time translated closed captioning. Therefore, if LEP individuals are likely to attend, it is recommended the event be hosted via Microsoft Teams as a meeting or live event, if possible.

Surveys Distributed to the Public

MnDOT regularly distributes surveys to the public to obtain feedback and insight about projects and programs. Surveys are an opportunity for public input and must be accessible to LEP individuals. Districts, offices, or programs planning to distribute a survey should determine whether the target audience is statewide, a limited geographic, or a non-geographic stakeholder group. Statewide surveys should be available in Spanish, Somali, and Hmong (see page 8). All other surveys should provide translations in accordance with a four-factor analysis that accounts for the intended audience.

Websites and Online Documents

All MnDOT websites must provide a standard multi-language translation feature and notice of the availability of free language assistance. If there is vital information included in a webpage, the district or office responsible for the content of that webpage (i.e. the Content Stewards) should obtain any necessary translations and provide them to the Digital Communications team to be posted. Similarly, vital documents should be translated as needed and provided to the Digital Communications team to be posted.

Generally, websites are considered a statewide resource, and the four-factor analysis should use statewide LEP data to determine necessary translations. However, where districts, offices, or programs determine a more specific audience is likely to visit their webpage(s), the four-factor analysis should include a demographic analysis limited to that audience. For example, a district maintaining a project-specific webpage should consider the population likely to be affected by the project.

Customer Service

Customer service includes any interaction with the public in which they are seeking information or assistance from MnDOT. Several MnDOT offices have regular interaction with the public and should be prepared to provide language assistance. Necessary language assistance may vary depending on the mode of interaction, as described below.

In-Person

Any facilities where MnDOT interacts with the public in-person should have a Public Notice of Rights Under Title VI posted clearly and conspicuously, including non-English versions of the notice, if deemed necessary after conducting a four-factor analysis. Notices in English, Spanish, Somali, and Hmong are attached as **Appendix E**. Staff should use the I Speak Guide in interactions with LEP individuals if necessary, and Language Line should be utilized when bilingual staff is not available to assist. The I Speak Guide is available at **Appendix C**.

Phone

Language Line should be utilized when bilingual staff is not available to assist.

Email or Other Written Communication

Bilingual customer service staff can provide informal written communication in another language. If this is not an option, staff should call the LEP individual using the Language Line to respond.

Please refer to the Bilingual Staff section on page 15 for further information about their role in providing language assistance.

Recording use of Language Assistance Services

Under federal regulations, 23 C.F.R. 200, MnDOT must collect data on participants in, and beneficiaries of its state highway programs. This requirement extends to documenting language assistance services provided to LEP individuals. The following process is used to maintain the necessary records:

- The Office of Equity and Diversity (OED) will maintain records via the translation and interpretation requests forms.
- All districts, offices, and programs must record any language assistance services requested by the public. A template Public Language Request Log is available [here](#) and attached as **Appendix D** to assist MnDOT staff in fulfilling this requirement. The template includes all information categories necessary to record each instance of language assistance.
- The Title VI Coordinator will request the data from OED and the Public Language Request Log from districts and offices each August for evaluation and analysis.

Competent Translation and Interpretation

Quality and accurate language assistance services are critical to avoiding potentially serious consequences for LEP communities and MnDOT. MnDOT must ensure the language assistance provided is sufficiently Competent translation or interpretation requires more than self-identification as bilingual.

Office of Equity and Diversity

All language assistance services must be requested through MnDOT Office of Equity and Diversity (OED). The language assistance services OED provides are the same services provided to all Minnesota state agencies. The Department of Administration is responsible for procuring these services under a master contract. The service providers are subject to extensive vendor requirements and conditions, including the general requirement to “provide skillful interpreting services that ensure linguistic accuracy and cultural responsiveness.”

To submit a request for language services, please complete the appropriate form below:

- [Language Services Translation Request](#)
- [Language Services Interpreting Request](#)

For more information, please contact [Janet Miller](#) at 651-366-4720.

Other Language Service Providers Prohibited

MnDOT staff may encounter instances where contractors or consultants offer to provide translation or interpretation services as part of their contract with MnDOT. Utilizing these services creates an unnecessary risk of potential quality and accuracy issues because MnDOT may not be able to verify the credentials of these service providers. Therefore, **MnDOT offices and districts are prohibited from utilizing language service providers other than those available via OED.**

Bilingual Staff

Offices and districts should consider the following factors when determining whether bilingual staff are sufficiently qualified to provide language assistance:

- Ability to communicate information accurately in English and the requested language, and identify and employ the appropriate interpretation mode (e.g., consecutive, simultaneous, summarization, or sight translation)
- Knowledge in both languages of any specialized terms or concepts related to the office's or district's work
- General comfort level with the role of providing interpretation or translation services

Supervisors should ensure bilingual staff is willing and able to provide language assistance prior to referring any requests for assistance. Supervisors should not mandate that bilingual staff provide language assistance if they are not comfortable performing that role.

In any instance where communication with an LEP individual involves information critical to accessing program benefits, services, or rights, offices and districts should make every effort to use a certified interpreter or translator via the Office of Equity and Diversity rather than bilingual staff. Bilingual staff should not translate vital documents and should only provide written translation services in a customer service capacity (i.e. emails and other informal written communication).

Responsibilities

MnDOT staff have varying responsibilities related to ensuring language assistance. For instance, staff whose work involves public engagement or public information will have more significant language assistance responsibilities than staff whose work involves internal administrative activities. The sections below enumerate responsibilities assigned to certain roles and offices.

Title VI Coordinator

- Maintain and update the Language Assistance Plan
- Provide language assistance training to MnDOT districts, offices, and programs
- Assist districts and offices with the use of demographic analysis resources
- Periodically review language assistance measures implemented by individual offices and districts, and coordinate improvements as needed
- Collaborate with Title VI Liaisons and other MnDOT staff to identify resource gaps and efficiencies related to the provision of language assistance
- Collaborate with the Office of Equity and Diversity to ensure adequate language assistance services are available to the Department

Title VI Liaisons

- Understand how language assistance requirements impact the work of their respective office or district
- Establish and clearly assign language assistance responsibilities for office or district staff
- Ensure notices of language assistance are posted as needed in office or district facilities, and on websites
- Periodically take an inventory of the office or district's vital documents and request translations as needed
- Ensure any necessary four-factor analysis is conducted for specific programs and activities
- Ensure all language assistance services requested by the public are consistently and accurately recorded
- Collaborate with Title VI Coordinator to identify resource gaps and barriers to the provision of language assistance

Office of Equity and Diversity

- Manage the Language Services program
- Receive translation and interpretation requests
- Fulfill translation and interpretation requests in a timely manner
- Provide guidance and expertise regarding available translation and interpretation services
- Consistently and accurately record all language assistance requests received and fulfilled
- Provide prompt department-wide notice of any changes to the Language Services program that would alter the services offered or the process for using those services

Public Engagement, Public Affairs, and Planning Staff

- Consider language assistance in all public engagement planning
- Ensure a four-factor analysis is conducted prior to planned public engagement activities to identify potential LEP communities that may be encountered
- Identify vital documents for engagement and obtain translations as needed
- Request all necessary language assistance services in a timely manner
- When possible, connect with LEP community groups to better identify specific language assistance needs in a particular area
- Ensure all language assistance services requested by the public are consistently and accurately recorded

Project Management Staff

- Consider language assistance in all public engagement planning
- Collaborate with public engagement staff as needed to complete four-factor analyses
- Be mindful of language access needs during public meetings and presentations
- Ensure all language assistance services requested by the public are consistently and accurately recorded
- When possible, connect with LEP community groups to better identify specific language assistance needs in a particular area

Customer Service Staff

- Be familiar with the available language assistance services and protocols for providing language assistance in-person, and via phone and email
- Ensure LEP individuals understand their right to receive necessary language assistance through proper signage and communication
- Ensure all language assistance services provided to LEP individuals are recorded

Digital Communications Unit

- Provide automated multilingual translation for all MnDOT webpages
- Ensure notice of free language assistance is posted on all MnDOT webpages
- Post translated documents and webpages in a timely manner

Other MnDOT Staff

- Understand MnDOT's obligation to provide reasonable language assistance free of charge upon request
- Be familiar with the available language assistance services
- Attend language assistance training as requested
- Report issues or complaints related to language assistance to supervisors or the Title VI Coordinator

Staff Training

MnDOT Title VI Liaisons will participate in Title VI training provided by MnDOT's Title VI Coordinator each year, which includes limited English proficiency and language assistance as a topic. Title VI Liaisons should request further training for their office or district from the Title VI Coordinator as needed.

The Title VI Coordinator will proactively assess offices or districts that may need additional training through Title VI program area reviews, the annual Title VI survey, and informational inquiries.

Monitoring and Updating the Language Assistance Plan

MnDOT is committed to continuously improving its Language Assistance Plan. The plan will be reviewed and updated every other year. The review and updates will include:

- Updates to external LEP data
- Reviews of internal data regarding language assistance
- Meetings with MnDOT staff who have provided language assistance
- Updates to various sections based on feedback from MnDOT staff or the public
- Reviews and incorporation of best practices

The next review is scheduled to begin in October 2023.

Appendices

To request the appendices, please contact Don Simmons at Donald.Simmons@state.mn.us or 612-816-8847.