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PURPOSE

The purpose of the Texas Department of Transportation’s (TxDOT) Language Assistance Plan (LAP) is to ensure that TxDOT communicates effectively with Limited English Proficient (LEP) individuals. An LEP individual is a person who does not speak English as his or her primary language and who has a limited ability to speak, read, write, or understand English.

TxDOT’s Office of Civil Rights (OCR) developed the LAP to assist the Districts, Divisions, and Offices (DDOs) in their efforts to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to TxDOT programs. All directors, managers, and Title VI program liaisons are responsible for ensuring that meaningful services to LEP persons are provided in their respective districts, divisions, or offices. Additionally, the OCR will continuously monitor the DDOs to ensure LEP requirements are met and reported annually to the Federal Highway Administration (FHWA).

Each DDO must develop a plan to improve access for LEP individuals to its programs and services. Part C of this plan, entitled Developing and Implementing an LEP Plan, discusses how to apply the four-factor framework, which is consistent with the U.S. Department of Transportation LEP Guidance, and how to develop an LEP plan.

Nondiscrimination Statement

The Texas Department of Transportation, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any TxDOT programs or activities.

LEP Policy Statement

It is the policy of TxDOT to provide timely meaningful access to all agency programs and activities for persons with LEP. TxDOT shall provide free language assistance services to persons with LEP whom they encounter or whenever a person with LEP requests language assistance services. TxDOT personnel will inform members of the public that TxDOT will provide language assistance services free of charge to persons with LEP.
PART A
FEDERAL AUTHORITIES

The following are the relevant federal authorities that require TxDOT to provide LEP persons with meaningful access to programs, activities and services:

Title VI of the Civil Rights Act of 1964, as amended, 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 of an entity receiving Federal financial assistance.”

Executive Order 13166, entitled “Improving Access to Services for Persons with Limited English Proficiency,” is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. 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.
PART B
IMPLEMENTING THE LANGUAGE ASSISTANCE PLAN

This section sets forth the standards for language assistance services to be provided to LEP individuals. In addition, this section provides DDOs with a framework to develop, modify, and implement its own methods to provide language assistance to LEP individuals in its service area.

Key components to implementing the LAP include:

- Identifying the Language Needs of LEP Individuals
- Language Assistance Measures
- Training Staff on Policies and Procedures
- Providing Notice to LEP Individuals
- Complaints
- Monitoring and Updating the Language Assistance Plan
- Subrecipient Obligations

Any interaction with the public has the potential to interact with LEP individuals. These could include, but are not limited to, program applicants and participants; hotline or information line calls; outreach programs; public meetings and hearings; public access to agency websites; written materials or complaints sent in; and brochures intended for public distribution. It is important to examine the manner in which the agency interacts with the public and/or LEP individuals (e.g. in-person consultations versus correspondence) as this can dictate the type of language assistance services provided.

Identifying the Language Needs of LEP Individuals

Staff at the point of first contact with an individual must determine whether that person is LEP, must determine his/her primary language, and procure the appropriate language assistance services. Identifying an LEP person and his/her language helps provide consistent and meaningful access to the program or activity sought. An individual’s primary language can be identified utilizing one or more of the following methods:

- Post notices in commonly encountered languages to notify LEP individuals of language assistance to encourage them to identify themselves to TxDOT.
- Use “I speak” cards to identify the language needs of the LEP person. The “I speak” cards should be made visible and available to the public. A sample “I speak” card is available online at [http://www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf).
- When public meetings/hearings are held, set up a sign-in table and have a staff member that speaks the predominant language in that area attend the meeting/hearing to greet and briefly speak to each attendee in order to informally gauge his/her ability to speak and understand English.
DDOs should keep a record of the number of LEP individuals served, the primary language spoken by each LEP person encountered, and the type of language assistance provided (oral or written). By regularly collecting and updating this data, DDOs will be able to accurately identify and address the changing needs of their LEP communities. In addition, the data can be used to budget for the cost of translation and interpretation services.

**Language Assistance Measures**

There are several language assistance measures that can be made available to LEP persons, including both oral and written language services. There are also various ways in which TxDOT staff responds to LEP persons, whether in person, by telephone, or in writing.

**Interpretation Services**

TxDOT employees will inform all LEP individuals that TxDOT provides free interpreter services upon request for their interactions with TxDOT.

When TxDOT employees encounter an LEP individual attempting to access services, TxDOT employees may not require an LEP individual to use a family member or friend as an interpreter. TxDOT employees should not rely on an LEP individual's family members, friends, or other informal interpreters to provide meaningful access to important programs or services. However, TxDOT employees must respect an LEP individual's choice of interpreter in place of the free language services offered by TxDOT employees.

DDOs may use bilingual staff to provide oral language services. To ensure that bilingual staff are competent, they must demonstrate proficiency and the ability to communicate information accurately in both English and other languages. DDOs can use the *Employee Language Report* form 2491, located in Appendix 1, to maintain a list of all competent bilingual employees that includes their non-English language(s) spoken and contact information. The following measures should be considered when using staff to provide oral language services:

1. When using interpreters, take reasonable steps to assess the following:
   - Does the interpreter demonstrate proficiency and the ability to communicate information accurately in both English and in the other language?
   - To the extent necessary, does the interpreter have knowledge in both languages of any specialized terms or concepts related to the program or activity?

2. Caution should be exercised when the LEP individual chooses to use a minor as the interpreter. While the LEP individual's decision should be respected, there may be issues of competency, confidentiality, or conflict of interest.
DDOs may consider using a telephone voice mail menu in the most common languages encountered. The menu would provide information about available language assistance services and how to receive those services. DDOs can use professional interpretation services, however, each is responsible for the cost of this service. DDOs should follow their purchasing requirements when accessing this service.

Public meeting notices should include notification in an appropriate language(s) that states interpreters will be provided. Bilingual staff should be on hand at public meetings, hearings, or open houses intended for gathering public input on projects having high LEP populations.

**Translation Services**

It is important to ensure that written materials routinely provided in English are also provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining services and/or benefits, or is required by law. TxDOT must provide a translation of vital documents, free of charge, to LEP individuals.

Vital documents must be translated when a significant number or percentage of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For larger documents, translation of vital information contained within the document will suffice and the document need not be translated in its entirety. Vital documents can include:

- Applications;
- Consent and complaint forms;
- Notices of rights and disciplinary action;
- Notices advising LEP persons of the availability of free language assistance; and
- Letters or notices that require a response from the beneficiary or client.

If any TxDOT employee requires translation services, they should contact their District Purchasing office. If a Division or Office needs services, they will need to enter an APS User Request and the Central Procurement Office will make the purchase.

**Training Staff on Policies and Procedures**

TxDOT's Senior Management will be notified of LEP requirements annually to fully understand the Department LEP plan, to reinforce its importance, and to ensure its implementation by employees. TxDOT will provide information to Title VI liaisons about the LEP plan and its provisions. TxDOT's OCR is also available to assist with information and training requests.
Providing Notice to LEP Individuals

TxDOT will provide notice that language services are available, free of charge, in a language LEP individual will understand, and how to get the language assistance. Dependent upon which region of the state and the need identified, DDOs may undertake the following measures to ensure notice is being provided:

- Post materials in intake areas and other entry points so LEP individuals can learn how to access those language services. (See Appendix 2, LEP Interpreter Services Poster)
- Make the LEP individual aware that he/she has the option of having an interpreter without charge, or of using his/her own interpreter.
- Attach onto documents, in the most common languages, that language services are available from TxDOT.
- Consider using a telephone voice mail menu in the most common languages encountered. The menu would provide information about available language assistance services and how to receive those services.
- Work with community-based organizations and other stakeholders to inform LEP individuals of TxDOT services, including the availability of language assistance services.
- Provide notices in local newspapers in languages other than English.

Complaints

LEP individuals can submit complaints regarding LEP services. DDOs will document actions taken to resolve each complaint in a timely manner. The complainant may, at his or her option, report the LEP complaint directly to the OCR.

Anyone who believes that he/she has been discriminated against because of race, religion, color, national origin, sex, age or disability may file a complaint with OCR within 180 days of the date on which the discrimination took place. TxDOT’s External Discrimination Complaint Form is located online at http://www.txdot.gov/inside-txdot/forms-publications/forms/civil-rights.html.

TxDOT provides the External Discrimination Complaint form in both English and Spanish and will provide accommodations for other languages, as needed.
Monitoring and Updating the Language Assistance Plan

The OCR will monitor the language assistance policies and procedures at least annually to evaluate its effectiveness in serving LEP individuals and modify it accordingly. The evaluation will include:

- Identifying the LEP population in the DDOs
- Assessing the current level of services delivered to LEP individuals by each DDO
- Reviewing LEP training received by TxDOT employees
- Reviewing activities by each DDO
- Evaluating complaints (both at the DDO level and the headquarters level)

Subrecipient Obligations

23 Code of Federal Regulations (CFR) 200.5(n) defines “recipient” as any entity or individual to whom Federal assistance is extended, either directly or indirectly through another recipient, for any program. The term “subrecipient” is used to identify a recipient that indirectly receives Federal assistance from TxDOT, a direct recipient. Subrecipients include, but are not limited to, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.

The obligations under Title VI of the Civil Rights Act of 1964 and Executive Order 13166 do not cease with TxDOT; instead, these obligations extend to all levels of subrecipients receiving the Federal assistance. DDOs must monitor their subrecipients for compliance. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

DDOs should provide information and resources to its subrecipients to assist them in complying with LEP requirements. For example, TxDOT’s LAP provides a framework to help subrecipients plan their approach to providing language assistance services to LEP individuals. Accordingly, subrecipients may tailor this framework to develop its appropriate language access policy directives, implementation plan, and procedures. TxDOT’s LAP and additional resources are available at [http://www.txdot.gov/inside-txdot/forms-publications/publications/civil-rights.html](http://www.txdot.gov/inside-txdot/forms-publications/publications/civil-rights.html).
PART C
DEVELOPING AND IMPLEMENTING AN LEP PLAN

Each DDO will complete a Four Factor Analysis and use the results of the analysis to determine which language assistance services are appropriate. The analysis will help each DDO develop an LEP plan to address the identified needs of the LEP population(s) it serves.

Four Factor Analysis

Conducting a Four Factor Analysis can help each DDO determine if it communicates effectively with LEP persons and will assist with language assistance planning. The Four Factor Analysis is an individualized assessment that balances the following four factors: (1) demographics; (2) frequency; (3) nature and importance; and (4) available resources and costs.

1. Demographics

   The decision to provide language assistance services should include an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the DDO’s service area. The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. For the assessment to be accurate it must also include all communities that are eligible for services or are likely directly affected by the DDO’s programs or activities. Each DDO may determine the linguistic characteristics of an LEP population in its service area by:

   • Examining prior experiences with LEP individuals
   • Analyzing the information available from a variety of resources such as:
     o Federal Interagency Working Group on Limited English Proficiency
       www.lep.gov/demog_data/demog_data.html
     o U.S. Census Bureau
       www.census.gov/hhes/socdemo/language/data/index.html
       http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml
       www.census.gov/hhes/socdemo/language/
     o U.S. Department of Education
       http://ocrdata.ed.gov/
     o National Center for Education Statistics
       http://nces.ed.gov/faststats/display.asp?id=96
     o Texas Department of Transportation
     o State and local government agencies
     o Local community based and religious organizations
   • Windshield survey
2. Frequency
Each DDO should assess the frequency with which it has or should have contact with LEP individuals from different language groups. The more frequent the contact, the more likely language services will be needed.

3. Nature and Importance
Once the DDO has assessed what languages to consider by looking at the demographics and the frequency of contact, the DDO should look at the nature and importance of its activities, information, services, and programs.

Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. Each area of the transportation system will have a different importance and effect on LEP individuals. From each DDO’s prospective, the importance of the activity, or the greater likelihood of consequences to LEP individuals, has to be reviewed and balanced against the other three factors.

If the denial or delay of access to services or information could have serious implications for LEP individuals, policies and procedures should be in place to provide language assistance to LEP individuals as part of standard business practices. For programs and activities where public outreach or public involvement is central to the service, the DDO should evaluate its outreach efforts to LEP individuals.

4. Available Resources and Costs
A DDO’s own particular demographics, frequency, and importance of contacts will dictate the level of language services it should commit to provide. Some language services can be provided at little or no cost, such as using bilingual staff competent in the skill of interpreting. Each DDO should carefully explore the most cost-effective means of delivering competent and accurate language services by:

- Taking an inventory of the language assistance measures currently being provided, along with associated costs
- Determining what, if any, additional services are needed to provide meaningful access
- Reviewing its budget
- Considering cost-effective practices for providing language services
**LEP Plan**

After analyzing the four factors, each DDO must develop an LEP plan for providing language assistance to address the identified needs of the LEP population(s) it serves. The LEP Plan shall, at a minimum:

- Include the results of the Four Factor Analysis along with a description of the LEP population(s) served;
- Describe efforts to provide language assistance services by language;
- Describe efforts to provide notice to LEP persons about the availability of language assistance;
- Describe efforts to train employees to provide timely and reasonable language assistance to LEP populations;
- Describe complaint handling procedures; and
- Describe efforts to monitor, evaluate and update the LEP plan.

**Monitoring and Updating the LEP Plan**

For a DDO’s LEP plan to be effective, each DDO must periodically monitor, evaluate, and update its plan accordingly. Annually, each DDO will re-evaluate the changes in demographics, services and programs, and other factors that should be considered when determining LEP needs. Monitoring and evaluating the accessibility and quality of language assistance needs of LEP persons ensures that LEP persons can meaningfully access agency programs and activities.

Additionally, DDOs should create a record of language assistance services provided. By regularly collecting data, DDOs will be able to accurately identify and address the changing needs of their LEP communities which, in turn, can help inform DDOs whether there should be changes to the quantity or type of language assistance services. At a minimum, data collected should include:

- Primary language of customers served.
- Number of LEP individuals, by language group, who received language services.
- Number of translation services provided.
- Number of interpreter services provided.
- Number and type of complaints received by the DDO or against its subrecipients alleging lack of provision of services due to limited English proficiency.
- Cost of translation and interpreter services provided.

This annual assessment will help guide DDOs in determining what changes, if any, are needed to update its LEP plan. A record of this evaluation will be submitted to the OCR using the LEP Annual Report form 2492, located in Appendix 1 by September 30 of each year along with an updated LEP plan, if applicable.
PART D
PUBLIC TRANSPORTATION DIVISION

The Public Transportation Division (PTN) provides financial, technical, and coordination assistance to the state’s public transit providers. The division also represents public transit in the planning and programming process and prepares funding-needs projections.

PTN’s Title VI Program and Language Assistance Plan

PTN coordinates with the Federal Transit Administration (FTA) Region 6 Civil Rights Officer and TxDOT’s OCR for policy and procedure guidance on all civil rights programs, including its Title VI Program and the Language Assistance Plan. PTN’s current Title VI Program (dated April 10, 2012) and Language Assistance Plan (dated October 22, 2012), which provides guidance to the Division and its subrecipients, received concurrence from FTA in November 2012 and will be updated by April 1, 2015 to comply with the latest FTA Circular 4702.1B for Title VI.

Subrecipient’s Title VI Program and Language Assistance Plan

All subrecipients that receive FTA grant funds through PTN are required to comply with FTA’s and TxDOT’s Title VI programs. This includes submission of subrecipient Title VI/Language Assistance programs to Public Transportation Coordinators (PTCs) for review in accordance with the PTN Title VI Program and guidance for updates. The next subrecipient Title VI Program updates are due to PTCs on June 6, 2014, and shall comply with the general requirements in Chapter III of FTA Circular 4702.18 (October 1, 2012). Annual compliance reviews of a subrecipient’s Title VI/LAP programs will be conducted by PTCs using the forms PTN-129 for Section 5307 and 5311 grants and PTN-137 for Section 5310, 5316, and 5317 grants. These reviews are consistent with the information provided in grant applications and address the requirements in FTA Circular 4702.1B, Chapters II through IV and Appendix A, Title VI Program Checklist.
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APPENDIX 1

LEP Reporting Forms

On the following pages are the Employee Language Report form 2491 and the LEP Annual Report form 2492. These forms are available online on TxDOT’s eForms at http://txeform/eFormsWorkspace/.
<table>
<thead>
<tr>
<th>Language</th>
<th>Employee Name</th>
<th>Employee Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>123-456-7890</td>
<td></td>
</tr>
</tbody>
</table>

Employee Language Report

Example: Maria Gomez

Date:

DDC:

Note: Please include employees who possess language skills other than English and who are willing to assist a limited English proficient (LEP) individual who requires language assistance.
<table>
<thead>
<tr>
<th>Description</th>
<th>Date Read</th>
<th>Date Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of complaints issued:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of complaints resolved:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Types of documents translated:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of documents translated:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of documents translated upon request:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of written translations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of telephone translations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of oral interpretations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of encounters:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LEP Completions**

- Telephone Interpretation: [ ]
- Written Translation: [ ]
- Oral Language (Specify): [ ]

**LEP Expenditures**

- Total LEP expenses: [ ]

**LEP Encounters**

- Total number of encounters: [ ]

---

**Notes:** This report is to be completed by District Directors and Office (DDO) and submitted to the Office of Civil Rights via email at TexasDOT.gov.
<table>
<thead>
<tr>
<th>Method for Providing Notice to LEP Individuals</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ / □</td>
<td>Language assistance services are available.</td>
</tr>
<tr>
<td>□ / □</td>
<td>Informs disseminated to the public notifying LEP individuals that</td>
</tr>
<tr>
<td>□ / □</td>
<td>Language assistance services are available.</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD does not distribute material in braille and other materials in</td>
</tr>
<tr>
<td>□ / □</td>
<td>Languages other than English.</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD provides notice of language assistance services in the</td>
</tr>
<tr>
<td>□ / □</td>
<td>Languages other than English.</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD uses language identification cards to determine if</td>
</tr>
<tr>
<td>□ / □</td>
<td>There are no LEP individuals in the LDD's jurisdiction.</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD does not translate application forms and other materials in</td>
</tr>
<tr>
<td>□ / □</td>
<td>Languages other than English.</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD provides written materials in languages other than</td>
</tr>
<tr>
<td>□ / □</td>
<td>English.</td>
</tr>
</tbody>
</table>

**Translation of Written Materials**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ / □</td>
<td>The LDD uses telephone interpreters.</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD uses a contracted interpreter service(s).</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD uses a contracted interpreter service(s).</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD provides written materials in languages other than</td>
</tr>
<tr>
<td>□ / □</td>
<td>English.</td>
</tr>
</tbody>
</table>

**Overall Language Interpretation Resources**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ / □</td>
<td>The LDD identifies the resources that will be needed to provide</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD identifies the resources that will be needed to provide</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD identifies the points of contract with</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD identifies the points of contract with</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD uses the services of contracted interpreter(s)</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD uses the services of contracted interpreter(s)</td>
</tr>
<tr>
<td>□ / □</td>
<td>The LDD uses the services of contracted interpreter(s)</td>
</tr>
</tbody>
</table>

**Assessing and Recording Language Needs**

Include any explanations/examples/comments that apply to each question.
<table>
<thead>
<tr>
<th>LEP Areas</th>
<th>Explanation / Comment</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training of Staff</td>
<td>Include any translation/explanation/comments that apply to each question.</td>
<td></td>
</tr>
</tbody>
</table>

**LEP Budget**
- Identify if any corrective actions were taken and when.
- 21. Has the DDO addressed LEP complaints and concerns? Explain and report.
- 22. Does the DDO budget for LEP services in its annual budget?
- 23. Does the DDO track the number of complaints and concerns?
- 24. Does the DDO have a complaint process in place to address LEP concerns and complaints from LEP individuals about the department?
- 25. Does the DDO solicit and track customer feedback related to LEP concerns?

**Customer Service**
- Effectiveness at serving LEP individuals and modify if necessary?
- 27. Does the DDO monitor its LEP plan at least annually to evaluate its impact?

**Monitoring**
- Tracking language access policies and procedures?
- 28. Does the DDO maintain records of the staff that has received language needs of LEP individuals?
- 29. Have all staff been trained on TxDOT’s LEP for addressing the needs of LEP individuals?
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**APPENDIX 2**

**LEP Interpreter Services Poster**

---

**English:**
Free Interpreter services are available.
Please ask someone at the front desk.

---

**Español:**
Tenemos a su disposición servicios de intérpretes gratuitos.
Si está interesado, por favor solicítele ayuda a la recepcionista.
Texas Transportation Commission
Ted Houghton
Chair

Jeff Austin III
Commissioner

Victor Vandergriff
Commissioner

Jeff Moseley
Commissioner

Fred Underwood
Commissioner

Texas Department of Transportation
LtGen J.F. Weber, USMC (Ret)
Executive Director

Office of Civil Rights
Ron Wilson
Director

April 28, 2014