



LIMITED ENGLISH PROFICIENCY PLAN

May 20, 2011

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I. Introduction

On Aug. 11, 2000, President William J. Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964*. The executive order was issued to ensure accessibility to programs and services to otherwise eligible individuals not proficient in the English language.

The executive order stated that individuals with a limited ability to read, write, speak and understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The executive order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. This includes the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice (DOJ), and the Federal Railroad Administration.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies to nonprofits and organizations. Title VI covers the recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of the recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this executive order.

The USDOT published "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency" in the Dec. 14, 2005, Federal Register. The guidance explicitly identifies MDOT as an organization required to follow Executive Order 13166.

"The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity; i.e., to all parts of a recipient's operations. This is true even if only one part of the operation receives federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state

department of transportation—not just the particular highway program or project—are covered by the DOT guidance.”

To assist MDOT in meeting Title VI and LEP requirements of the FHWA and the FTA, MDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements.

II. Elements of an Effective LEP Policy and MDOT’s Strategy

The Civil Rights Division of the DOJ has developed a set of elements that may be helpful in designing an LEP policy or plan. For the purposes of this plan, only those individuals who were identified in the 2000 U.S. Census as having their ability to speak English as “not well” or “not at all” are being considered. MDOT’s LEP Plan addresses these elements to aid in identifying LEP persons so that they are provided meaningful access to MDOT services and activities that may affect their quality of life. These elements include:

1. Identifying LEP persons who need language assistance.

The State Long Range Plan (SLRP) and the State Transportation Improvement Plan (STIP) will provide the program and project level basis for determining the need for public involvement and public engagement. The Bureau of Transportation Planning conducts an Environmental Justice Analysis for low-income and minority populations within urban and non-urban areas. In conjunction with this study, LEP populations and other cultural variables are considered, using the Census, i.e., school and community demographics, data from Metropolitan Planning Organizations (MPO), MDOT transportation service centers and regions, and other stakeholders.

According to the 2000 U.S. Census, 630,565 citizens of the state of Michigan ages 18 or older spoke a language other than English at home. Of that number, 13.5 percent do not speak English well, and 4 percent of this number do not speak English at all. Hispanics comprised the largest non-English speaking language group and have shown a 37 percent increase in Michigan’s overall population. The 2000 Census showed that 17 percent of Hispanics/Latinos do not speak English well, and 7.3 percent do not speak English at all.

2. Identifying ways in which language assistance will be provided.

MDOT will provide oral and written translation; written interpretation and translation; and sign language, if requested, or as a result of an LEP analysis on any given project or projected program, requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate MDOT projects as called for in MDOT’s Public Participation Plan, dated April 2011.

Over the next two years, MDOT will examine its services and survey its employees to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to assess a program, service, or activity, on an annual basis, or as needed.

3. Training staff and others.

All MDOT staff will receive training, especially those involved in public outreach and public involvement, on identifying LEP populations and providing LEP translation and interpretation.

Sub-recipients and MPOs must provide LEP services to be in compliance with Title VI and Executive Order 12898. Sub-recipient reviews will be conducted to ensure compliance with Executive Order 12898, Limited English Proficiency.

Contractor compliance reviews will include a provision to comply with the order.

4. Providing notice to LEP persons.

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English).

Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

5. The recommended method of evaluating accessibility to available transportation services in the Four-Factor Analysis identified by the USDOT. (See below)

These recommended plan elements have been incorporated into this plan.

III. Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines **four factors** recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons;

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to MDOT and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov> or <http://www.michigan.gov/titlevi>.

According to the 2000 U.S. Census, Michigan's total population is 9,883,640.

State Population By Race Michigan – 2010 U.S. Census	
Percent of Population	Change 2000-2010
White alone – 78%	-2.0%
Black or African American alone – 14.2%	-0.9%
American Indian and Alaska Native Alone – 0.6%	6.0%
Asian alone – 2.4%	34.9%
Native Hawaiian and Other Pacific Islander alone – negligible	-3.3%
Some Other Race alone – 1.5%	13.5%
Two or More Races – 2.3%	19.7%
State Population By Hispanic or Latino Origin Michigan 2010	
Hispanic or Latino -- 4.4%	34.7%
Not Hispanic or Latino – 95.6%	-1.7%

IV. The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individual assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of MDOT's multi-modal transportation services. Recommendations are then based on the results of the analysis.

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a MDOT program, service, or activity.

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'very well,' (2) 'well,' (3) 'not well,' and (4) 'not at all.'

For planning purposes, we are considering individuals who speak English 'not well' or 'not at all' as Limited English Proficient, or LEP.

Table 24b. below shows a breakdown of Michigan's population by race or ethnicity and demonstrates the need to ensure that LEP persons are included in the transportation public involvement process.

All programs/projects must consider the number and percent of persons in regards to their English language skills within the planning area for inclusion in public involvement and public engagement meetings.

TABLE 24b.

Census 2000 PHC-T-37. Ability to Speak English by Language Spoken at Home: 2000

Table 24b. Michigan – Ability to Speak English by Language Spoken at Home for the Population 18 Years and Over: 2000
Internet Release Date: October 29, 2004 (revised 2/05)

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2000/doc/c2k0.pdf>]

Language spoken at home	Total	Speak English "very well"		Speak English "well"		Speak English "not well"		Speak English "not at all"	
	Number	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population 18 years and over	7,345,850	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak only English	6,715,285	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak language other than English	630,565	384,500	61.0	135,775	21.5	85,175	13.5	25,115	4.0
Spanish or Spanish Creole	186,100	108,115	58.1	32,795	17.6	31,545	17.0	13,645	7.3
Other Indo-European languages	259,900	174,875	67.3	52,805	20.3	27,525	10.6	4,695	1.8
French (incl. Patois, Cajun)	31,045	23,770	76.6	4,395	14.2	2,665	8.7	190	0.6
French Creole	605	310	51.8	225	37.6	60	10.0	4	0.7
Italian	27,885	18,645	66.9	5,900	21.2	2,980	10.7	360	1.3
Portuguese or Portuguese Creole	2,730	1,795	65.8	660	24.2	260	9.5	15	0.6
German	44,700	34,675	77.6	6,995	15.7	2,965	6.6	65	0.2
Yiddish	1,870	1,425	76.2	350	18.7	95	5.1	0	0.0
Other West Germanic languages	9,015	7,140	79.2	1,615	17.9	260	2.9	4	0.0
Scandinavian languages	2,765	2,235	81.0	395	14.3	125	4.5	4	0.1
Greek	10,085	7,000	69.4	1,950	19.3	1,020	10.1	115	1.1
Russian	10,040	4,205	41.9	3,165	31.5	2,090	20.8	580	5.8
Polish	37,295	25,465	68.3	7,900	21.2	3,485	9.4	440	1.2
Serbo-Croatian	9,830	4,315	43.9	2,400	24.4	2,420	24.6	695	7.1
Other Slavic languages	13,090	7,850	60.0	3,265	24.9	1,700	13.0	280	2.1
Armenian	3,100	2,150	69.4	605	19.5	305	9.8	40	1.3
Persian	2,675	1,935	72.5	495	18.5	165	6.2	75	2.8
Gujarathi	5,440	3,435	63.1	1,095	20.1	685	12.6	230	4.2
Hindi	8,825	7,240	82.0	1,200	13.6	340	3.9	45	0.5
Urdu	5,975	4,230	70.8	1,250	20.9	375	6.3	120	2.0
Other Indic languages	11,255	6,365	56.6	2,810	25.0	1,555	13.8	525	4.7
Other Indo-European languages	21,675	10,680	49.3	6,130	28.3	3,965	18.3	900	4.2
Asian and Pacific Island languages	88,755	45,060	51.9	28,130	30.1	13,310	15.3	2,260	2.6
Chinese	22,845	10,820	47.4	7,840	34.3	3,265	14.3	925	4.1
Japanese	9,055	4,065	44.9	2,865	31.6	2,020	22.3	105	1.2
Korean	11,130	4,360	39.2	4,210	37.8	2,340	21.0	220	2.0
Mon-Khmer, Cambodian	1,230	425	34.6	465	37.8	265	21.5	75	6.1
Miao, Hmong	3,260	1,135	34.8	1,030	31.6	645	25.9	250	7.7
Thai	1,645	785	47.7	635	38.6	225	13.7	0	0.0
Laotian	1,840	740	40.2	670	36.4	410	22.3	20	1.1
Vietnamese	9,340	2,895	31.0	2,960	31.7	2,915	31.2	570	6.1
Other Asian languages	13,030	10,165	78.0	2,325	17.8	485	3.7	60	0.5
Tagalog	11,085	8,290	74.8	2,395	21.6	380	3.4	20	0.2
Other Pacific Island languages	2,290	1,380	60.3	735	32.1	160	7.0	15	0.7
Other languages	97,805	58,450	57.7	24,040	24.6	12,795	13.1	4,520	4.6
Navajo	75	70	94.6	4	5.4	0	0.0	0	0.0
Other Native North American languages	2,300	1,870	81.3	240	10.4	160	7.0	30	1.3
Hungarian	4,550	3,365	73.9	880	19.3	305	6.7	4	0.1
Arabic	56,430	30,865	54.4	14,615	25.9	8,100	14.4	3,045	5.4
Hebrew	2,620	2,285	87.1	235	9.0	105	4.0	0	0.0
African languages	6,765	5,205	76.9	1,145	16.9	340	5.0	75	1.1
Other and unspecified languages	25,065	12,995	51.9	6,920	27.6	3,785	15.1	1,385	5.5

(X) Not Applicable.

Source: U.S. Census Bureau, Census 2000.

For larger viewing use the following link:

<http://www.census.gov/population/www/cen2000/briefs/phc-t37/tables/tab24b.pdf>

For each program, project, service, or activity, an assessment will be conducted to determine the number of LEP, minority, and low-income populations to ensure meaningful public involvement. The Bureau of Transportation Planning's Public Involvement Plan will be followed to ensure all groups have notification and access.

Factor 2: The frequency with which LEP persons come in contact with an MDOT program, activity, or service.

The program/project must be evaluated in relationship to the number of persons who are within the program/project area and the number of times they have

frequented the program or activity. For public meetings, a sign-in sheet or survey must be utilized to determine the demographic and frequency of participation. Planners and project managers must provide notice to LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life.

Programs, services, and activities that have potential impact for LEP persons include, but are not limited to:

- Public involvement and public engagement meetings/hearings for constructions projects affecting LEP communities or individuals
- Welcome Centers and Rest Areas
- Roadside assistance drivers
- Transportation maintenance workers
- Transit sub-recipients
- Requests for permits
- Real estate transactions/condemnation
- Payment of tolls at MDOT bridges
- Internet access: MDOT and Mi Drive Web sites must be accessible to LEP persons
- Requests for certifications, licenses
- Phone communications: notices/greetings in languages other than English

Factor 3: The Nature and Importance of the Program, Activity, or Service by MDOT to the LEP population.

As the state transportation agency responsible for coordinating the Statewide Transportation Planning process, MDOT must make sure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and under represented population groups are part of the evaluation process. MDOT provides oversight and helps ensure that LEP and other protected classes of persons are not overlooked in the transportation planning process.

MDOT's main function is to support cooperative, comprehensive, and continuing transportation planning as outlined in federal transportation acts. In doing so, MDOT develops three main documents: the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP), and as needed, other studies. The LRTP provides direction for transportation investments out to 20 years in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UPWP outlines tasks to be performed in the upcoming year. LEP persons, low-income, minority populations, the elderly, and the disabled must be considered in these processes.

Factor 4: The Resources Available to MDOT and the Overall Cost to provide LEP assistance.

MDOT serves the entire state of Michigan and is required by federal law to provide access to LEP persons, and to ensure that its sub-recipients also provide access. Even sub-recipients with very limited resources should have an LEP section in the Public Involvement Plan with the acknowledgment that current demographic trends indicate the number of LEP persons may increase within the state of Michigan and projects impacted in their specific planning area. Or at the very least, they should contact their MPO to examine the potential need for LEP services based on the demographics provided by the MPO.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*: December 14, 2005 (Volume 70, Number 239), "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*"

Funds available for LEP services would be derived entirely from existing MDOT operating funds, and compete with other operational requirements of MDOT.

V. Safe Harbor Stipulation

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

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

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

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

VI. Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.
6. Providing notice on non-English-language radio and television about the available language assistance services and how to get them.
7. Providing presentations and/or notices at schools and religious organizations.

MDOT will also provide statements in public information (meetings) and public notices, as outlined in our Public Involvement Plan, that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to MDOT.

Federal fund recipients have two main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. MDOT defines an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering MDOT's size and scope, LEP individuals in MDOT's statewide services area, and our financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. Many options were discussed and considered by MDOT staff and the following recommendations were adopted as measure to provide meaningful access to limited English speaking persons:

- *Identifying existing staff to be used as translators and interpreters.* MDOT employs over 3000 people. Staff have been identified who are proficient in a second language, particularly Spanish, and would be available, with advanced notice to provide interpretation services. A survey of staff language skills has been conducted and formal procedure/policy put in place in MDOT's Title VI Plan.
- *Utilize MDOT LEP services outlined in MDOT's Title VI Plan.* MDOT employees who speak Arabic, French, German, Gujarati, Hindi, Mandarin, Punjabi, Russian, Spanish, Tagalog, Turkish, and Urdu have been identified and listed as interpreters. (See volunteer list in Appendix 1 of this Plan). In Addition, a vendor has been selected for both translation and interpreter services.

Bromberg & Associates
 3320 Caniff St.
 Hamtramck, MI 48212
 Phone: 313-871-0080
 Fax: 888-225-1912

- Ensure MDOT members are aware of the USDOT LEP guidance and support their LEP planning activities, as appropriate.
- Revisit the MDOT LEP Plan when (2010 decennial census or other indication of increase of LEP persons) warranted.

VII. Proposed Actions: What MDOT will do

- Publish the LEP Plan on the MDOT Intranet in languages other than English as warranted.
- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; also in languages other than English.
- With advance notice of seven calendar days, MDOT will provide interpreter services at any meeting or public hearing. Interpreter to include foreign language and hearing impaired.
- Place statements in notices and publications that interpreter services are available for meetings, with seven days advance notice.
- Notices of MDOT's non-discrimination policies and information on the local and federal complaint process will be placed on the website and made available at public meetings.
- Provide training to MDOT staff on the requirements for providing meaningful access to services for LEP persons.
- Include a Limited English Proficiency policy in the updates of the MDOT Public Involvement Plan through, 1) statements and notices that interpreters will be

provided, upon prior request for language assistance as well as for sign language, and 2) maintenance of a contact list for interpretation and translation providers.

- Utilize the MDOT Michigan Statewide Planning Process Participation Plan in conjunction with the MDOT LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

VIII. LEP Plan Access

MDOT will post the LEP Plan on its Web site at <http://www.michigan.gov/titlevi> in languages other than English.

Any person, including social service and civic organization, non-profit, law enforcement agencies, and other community partners with internet access will be able to access the plan. For those without personal internet service, libraries may offer free internet access, and should be contacted to determine if this service is available. Copies of the LEP plan will be provided to MDOT sub-recipients and stakeholders, the Federal Highway Administration, the Federal Transit Administration, and any person or agency requesting a copy.

IX. Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the 2000 U.S. Census and any Environmental Justice (EJ) analysis done on a project. It should be considered in relationship to the need for LEP services provided by MDOT, and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services.

MDOT will update the LEP as needed. At a minimum, the plan will be reviewed and updated when data from the 2010 U.S. Census is available, or when it is clear that higher numbers of LEP individuals may be affected by projects or programs in the program or project affected communities.

MDOT will examine and update its LEP Plan based on the following:

- The number of LEP persons who were encountered annually via survey of public meetings and other transportation related events or hearings
- Determine how the needs of LEP persons have been addressed
- Determine whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons
- Determine whether transit system's financial resources are sufficient to fund language assistance resources needed during compliance reviews

- Determine whether MDOT and its contractors have fully complied with the goals of the LEP Plan
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals
- Obtain input from customers and the general community via MDOT's Planning Study of the needs of the public

X. Dissemination of MDOT's LEP Plan

- The MDOT LEP Plan and the Title VI Plan may be assessed via the following link: <http://www.michigan.gov/titlevi>. The Plan will be made available in languages other than English, i.e., Arabic and Spanish, and other languages as warranted, or requested.
- MDOT's LEP Plan will be shared with human service organizations, minority organizations, governmental entities, contractors, and consultants, cities, villages, townships, MPOs, community advisory, committees, and road commissions.
- Any person with internet access will be able to access and download the plan from the MDOT website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan at no cost.
- The plan will be published in Spanish and Arabic; and other languages when requested.

XI. LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the MDOT Title VI complaint procedures, included in this plan. For a more comprehensive look at MDOT's Title VI Policy, please use the following link: <http://www.michigan.gov/titlevi>.

Questions or comments regarding this LEP Plan or questions related to Title VI should be directed to:

Michigan Department of Transportation
Cheryl J. Hudson
Equal Employment Opportunity Officer/Title VI Specialist
425 West Ottawa
Lansing, Michigan 48909
Phone: (517) 373-0980
Fax: (517) 335-8841
E-mail: HUDSONC1@michigan.gov

TITLE VI COMPLAINT PROCEDURES AND INVESTIGATION GUIDELINES

Introduction

Any person who believes that he or she, individually or as a member of any specific class or in connection with any Michigan Department of Transportation (MDOT) program, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes, as stated in 49 C.F.R. 21.11(b), may file a complaint with the department or the Federal agency that provides funds for the program where the alleged discrimination occurred. A complaint may also be filed by a representative on behalf of a complainant.

Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:

- (a) 180 days after the date of the alleged act of discrimination; or
- (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

A designated Federal or MDOT representative may extend the time for filing or waive the time limit in the interest of justice. The reason(s) for the extension of time must be documented in writing and retained with the file.

2. Complaints must be in writing and must be signed by the complainant or the complainant's designee or representative. The MDOT Title VI Complaint Form (#0112) may be used or any other signed document that alleges a complaint. The complaint must provide a complete explanation of the facts and circumstances surrounding the alleged discrimination. The individual receiving the complaint must date stamp the document immediately upon receipt in order to preserve the complainant's right to pursue resolution in another forum. Complaints against contractors, sub-contractors and other sub-recipients receiving federal financial assistance through MDOT must be reported to:

Cheryl Hudson
EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa
Lansing, MI 48933
517-373-0980
Hudsonc1@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT EEO Officer. If necessary the MDOT EEO Officer will assist the complainant in reducing his/her complaint to writing and obtain the complainant's signature. The following are examples of sources that should not be considered a complaint, unless the source contains a signed cover letter specifically asking that the agency take action concerning the allegations:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State, or Federal agencies.
- Newspaper articles.

- Courtesy copies of internal grievances.
4. Complaints are logged in by the MDOT EEO Officer or another individual designated by department.
 5. Within 10 days the MDOT EEO Officer will acknowledge receipt of the complaint, and inform the complainant of the initial action taken or proposed action to process the allegation. If the correspondence indicates that the allegation is not within the jurisdiction of MDOT, the MDOT EEO Officer will send the complainant a letter stating that the issues presented do not come within the authority of this agency or department. The complainant will be advised regarding other avenues of redress available, such as the FHWA, FTA, FAA, the Department of Civil Rights, and the U.S. Department of Transportation. The department must make a good faith effort to refer the complaint to the appropriate agency to handle the case if it is not within MDOT's jurisdiction.

Note: Appropriate assistance will be provided to individuals with disabilities and individuals who speak a language other than English. Also, complaints in alternate formats from individuals with disabilities may be accepted for example, complaints filed on computer disks, audio tape, or in Braille.

Acceptance for Investigation

1. After initial review of the complaint by the MDOT EEO Officer and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT EEO Officer will retain a copy of all documents on file.
2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

The Investigation

1. If the case is assigned to MDOT for investigation, the investigator assigned the case, must review the alleged facts to determine the course of the investigation. The investigation must be completed within 60 days after the case is assigned.

For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of :

- *Public hearing procedures, including participation therein.*
- *The location, design, and access to a structure or facility constructed with federal financial assistance.*
- *Real estate and relocation activity.*

In order to conduct a complete investigation, the investigator may determine the need to interview program managers, witnesses, or others named in the complaint.

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.

3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT EEO Officer. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.
4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.

TITLE VI – COMPLAINT FORM

This form may be used to file a complaint with the Michigan Department of Transportation (MDOT) for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance completing this form due to a physical impairment or other reasons, please contact us by phone at (517) 373-0980 or via FAX (517) 373-8841 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

Only the complainant or the complainant's designated representative should complete this form.

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE

WORK TELEPHONE

FAX

Individual(s) discriminated against, if different from above (use additional page(s) if necessary):

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE NO.

WORK TELEPHONE NO.

FAX NO.

PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDICATED ABOVE

Name of Agency and department or program that discriminated:

AGENCY AND DEPARTMENT NAME

NAME OF INDIVIDUAL (If known)

STREET ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

Date(s) of alleged discrimination:

DATE DISCRIMINATION BEGAN

LAST OR MOST RECENT DATE OF DISCRIMINATION

XII. Appendices

MDOT Limited English Proficiency (LEP) Volunteers

LANGUAGE	EMPLOYEE	PHONE	SPEAK	READ	WRITE
AMERICAN LANGUAGE	SIGN Susan Laurin	989-754-0784 x 221			
AMERICAN LANGUAGE	SIGN Brian Walsh	517-241-2735			
ARABIC	Mohammad Hammad	517-335-2032	X	X	X
ARABIC	Ghazi Musfata	517 - 324-2285	X	X	X
ARABIC	Najim Salman	517-241-2181	X	X	X
FARSI	Gisso Shams	517-241-0232	X	X	X
FRENCH	Jeanne Day-Labo	517- 373-9246	X	X	X
FRENCH	Michael Odette	248-483-5192	X	X	X
GERMAN	Diane Hayes	517-750-0404	X	X	X
GUJARATI	Raman Patel	248-483-5123	X	X	X
HINDI	Raman Patel	248-483-5123	X	X	X
HINDI	Gian Taneja	517-322-6181	X	X	X
MANDARIN	Zhizhen Liu	269-337-3932	X	X	X
PUNJABI	Gian Taneja	517-322-6181	X	X	X
RUSSIAN	Levon Arakelov	517-241-0081	X	X	X
RUSSIAN	Ken Tiffany	517-373-2625	X	X	X
SPANISH	Jose Garcia	517-373-0075	X	X	X
SPANISH	Michael Odette	248-483-5192	X	X	X
TAGALOG	Angel Fandialan	517-335-2577	X	X	X
TURKISH	Michael Odette	248-483-5192	X		
URDU	Mohammad Azam	517-636-0832	X	X	X
BRAILLE	Carrie Martin	517-373-9424	Michigan Commission for the Blind		

TITLE VI PUBLIC INVOLVEMENT SURVEY

Completing this form is **voluntary**. You are not required to provide the information requested in order to participate in this meeting

Title VI of the Civil Rights Act of 1964 requires the Michigan Department of Transportation (MDOT) to provide opportunities for everyone in the affected project area(s) to comment on transportation programs and activities that may affect their community. Title VI specifically states: "No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance."

Completing this form helps MDOT to comply with federal data collection and public involvement obligations under Title VI and the National Environmental Protection Act (NEPA), and improve our public service.

Coordinators from the MDOT Bureau of Transportation Planning will handle all information confidentially. Please call Cheryl Hudson, MDOT Title VI Coordinator at (517) 373-0980, or e-mail HUDSONC1@michigan.gov if you have any questions or concerns regarding this form.

MEETING TYPE OR PROJECT		LOCATION OF MEETING				DATE		
PLEASE CHECK ALL THAT APPLY. CHECK RACE/ETHNIC DESIGNATION.								
	ZIP CODE	GENDER - INDICATE MALE/FEMALE	WHITE	AFRICAN AMERICAN	HISPANO / LATINO	ASIAN	2 OR MORE RACES	OTHER
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THANK YOU FOR YOUR PARTICIPATION!

