



Limited English Proficiency Plan

2023



Table of Contents

Introduction and Authorities.....	1
Safe Harbor.....	1
The Four-Factor Analysis.....	2
Factor 1.....	2
Factor 2.....	3
Factor 3.....	3
Factor 4.....	4
Conclusion.....	6

Appendix

Appendix A. Raw Language Data for the State of Nebraska.....	7
Appendix B. NDOT LEP Data by District.....	11

Introduction and Authorities

The Nebraska Department of Transportation (NDOT) in the course of routine business matters related to its programs, services or activities will make efforts to reduce language barriers to effectively communicate with all members of the public. NDOT's Limited English Proficiency (LEP) Plan is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act and related Executive Order 13166. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation.

A person of Limited English Proficiency (LEP) is one who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. NDOT as a recipient of Federal financial assistance must provide meaningful access by LEP persons to its programs, services or activities. Consistent with US DOT LEP Guidance, NDOT's LEP Plan provides a uniform framework to integrate, formalize and assess reasonable efforts based on the nature of its programs, services and activities, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the populations it serves.

Safe Harbor

According to Federal Register Volume 70, No. 239, Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, A "Safe Harbor" means that if a recipient provides written translations under "these circumstances", such action will be considered strong evidence of compliance with the recipient's written translation obligations under Title VI. Paragraphs (a) and (b) below outline the circumstances that can provide a "safe harbor" for recipients regarding the requirements for translation of written materials.

The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

- a. The DOT recipient provides 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. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The Four-Factor Analysis

The NDOT uses a four-factor analysis set forth in DOT’s General LEP Guidance to ensure meaningful access to its programs, services or activities. While designed to be a flexible and fact-dependent standard, the four-factor analysis is an individualized assessment that balances the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people’s lives; and (4) the resources available to the grantee/recipient and costs. The intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

Unless otherwise noted, all duties to be performed by the NDOT Civil Rights Office may also be performed by a designated consultant. The NDOT Civil Rights Office will always closely oversee and review any activities taken on its behalf by a designated consultant.

Factor 1: The number or proportion of LEP persons served or encountered in NDOT service areas.

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed.

The NDOT Civil Rights Office examined American Community Survey 2017-2021 data and determined that approximately 11.8% (215,669 persons) of the Nebraska population spoke a language other than English. Of those persons, 43.4% (or 93,556 persons) speak English “Less Than Very Well,” as defined in the America Community Survey. Of the LEP persons in Nebraska, 65.8% speak Spanish.

The percentages of LEP persons by the languages they speak are illustrated in **Figure 1**. For more data on the LEP population in Nebraska, see the Appendix.

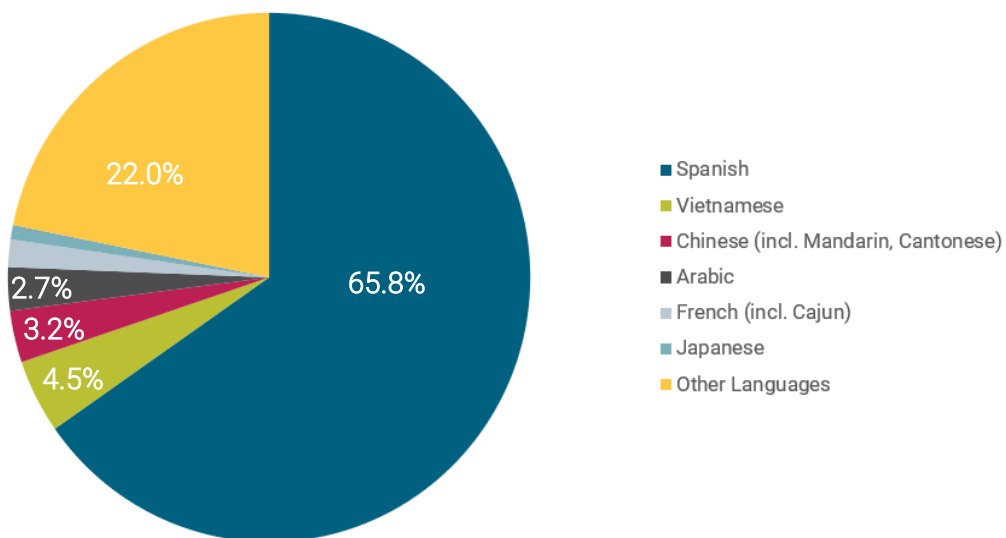


Figure 1. LEP persons in Nebraska by the languages they speak

Factor 2: The frequency with which LEP persons come in contact with NDOT's Programs, Services and Activities

Recipients 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, as the more frequent the contact, the more likely enhanced language services will be needed.

NDOT assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying staff. NDOT has not received requests from individuals requesting interpreters or translation of program documents. While NDOT encourages contact and reaches out to the LEP population through flyers, news releases, and so forth, very little contact is initiated by LEP individuals. NDOT also solicits participation of LEP persons at public meetings on a project-by-project basis as determined by the procedures within this document, see Factor 4.

NDOT programs identified to have the highest public interactions are listed below:

- NDOT Directors Office
- NDOT Divisions
- NDOT District Offices
- NDOT Civil Rights Office

In summation, Nebraska's population of persons who speak English "Less Than Very Well" is very low (about 5%), and NDOT's generally low reported numbers of LEP contacts corresponds with the American Community Survey data.

Factor 3: The nature and importance of services provided by the NDOT to the LEP population.

The more important the activity, information, service, or program, the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed.

Transportation is one of the most fundamental and important elements of everyday life, and the State of Nebraska relies heavily on its highway system to fulfill the transportation needs of government, businesses, and members of the public alike. Therefore, NDOT considers each of its programs, services, or activities to be of high importance. However, of primary importance is that the public, no matter their English language proficiency, are aware of their rights to request language services free of charge to be able to meaningfully express their views on transportation activities. LEP persons must have opportunity to communicate in a meaningful way with NDOT employees at public meetings and in other settings, and they must also have notice to request multi-lingual access to printed NDOT information.

NDOT's LEP Plan affirms the high importance of transportation-related information, while also recognizing that there is substantial flexibility in determining the appropriate mix of language services provided to avoid potential serious consequences to the LEP person.

Factor 4: The resources available to NDOT and overall cost to provide LEP assistance.

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons.

The NDOT regularly reviews its available resources that are used for providing LEP assistance. Given the relatively low numbers of LEP persons in the State, and thus the relatively low level of regularly-provided Language Assistance Measures needed, budgetary considerations are not anticipated to limit the language services provided by NDOT.

As rising or falling numbers or percentages of LEP persons in Nebraska (or increased contact with LEP persons by NDOT staff) resources will be reevaluated.

The NDOT has identified the following resources and procedures for LEP:

1. Program areas that have contact with the public will use the US Census "I Speak" language cards to identify language needs to match them with available services. Language cards are available on the NDOT Civil Rights webpage [here](#). All requests for language services will be reported to the NDOT Civil Rights Office for tracking purposes.
2. The use of telephonic interpretation services under contract with NDOT, when required. Instructions for using these services as a State of Nebraska employee can be found on the NDOT Civil Rights webpage [here](#).
3. In addition to the telephonic interpreting service, NDOT maintains a list of interpretation and translation services for use, when required. During cases of need, NDOT employees may be asked to volunteer as a short time interpreter until alternate arrangements can be made.
4. NDOT's LEP outreach efforts **prior to** Public Meetings and Hearings will include the following specific tasks:
 - a. The Civil Rights Specialist, as part of a comprehensive early review of each NDOT Project (see the NDOT Title VI Implementation Plan), will use US Census and other data to determine the languages spoken in and around the project site, in addition to conducting a Four-Factor Analysis. The affected area considered might be larger or smaller depending on the project size and location, but typically the Specialist considers the language data of the US Census tract where the project is situated, and the surrounding contiguous US Census tracts. The "affected area" is not simply the area directly impacted by the project, or the area within the physical limits of the project. Affected areas include those indirectly affected by transportation projects (for example, as a result of detours or increased traffic congestion). LEP persons will include all persons who speak a language other than English, and also speak English "Less Than Very Well," as defined by the American Community Survey.

- b. If a language other than English is spoken in the affected area by 5% or greater of the population, or 1,000 persons or greater, any written information released prior to the Public Meeting will be translated into the appropriate language(s). This includes, for example, NEPA scoping letters, legal notices, door-to-door handouts, project information sheets, or comment forms. NDOT will identify sources of media frequently used by LEP persons in an affected area (such as local or ethnic newspapers, radio stations, etc.) so that meeting notices can be included in those publications.
 - c. If a language other than English is spoken in the affected area by 5% or greater of the population, but the number of LEP persons is less than 50, written information released to the public prior to the Public Meeting will include a block of text, translated into the applicable language(s), stating that LEP persons have the right to receive competent oral interpretation of those written materials, and may do so by contacting the NDOT Communication Division.
 - d. The Civil Rights Specialist will contact community leaders and community organizations representative of the identified LEP persons to determine the most efficient way to get the translated information to those persons. These organizations might include community centers, churches, schools, nonprofits, sports clubs, and so forth as the circumstances dictate.
5. NDOT's LEP outreach efforts **during** Public Meetings and Hearings will include the following specific tasks:
- a. If a language other than English is spoken in the affected area by greater than 5% of the population, or greater than 1,000 persons, all written information released at the Public Meeting will be translated into the appropriate language(s). This may include, for example, the project information sheets, meeting sign-in sheets, and comment sheets.
 - b. If a language other than English is spoken in the affected area by greater than 5% of the population, or greater than 1,000 persons, an interpreter will be available to verbally relay information between the LEP persons and NDOT representatives.
 - c. Signs are posted at the Public Meetings in conspicuous places notifying the LEP persons of the availability of an interpreter, free of charge. Although videos created for NDOT Public Meetings are not typically translated, the interpreter is available to verbally relay the language in the videos to the LEP persons. The availability of an interpreter for the videos is displayed prominently by sign in the area of the meeting-place where the video is being shown.
6. NDOT LEP outreach efforts **after** Public Meetings will include the following specific tasks:
- a. In 2022, the NDOT Public Involvement Team began collecting feedback on public involvement materials using online and in person surveys (see Documents Appendix in NDOT Title VI Implementation Plan). Online surveys are linked to specific NDOT construction projects and can be accessed through a project's public information webpage. Identical surveys are also used at project-specific public involvement meetings. These surveys allow members of the public to give feedback on the public involvement information they have received, and to state which types of public involvement they prefer. Additionally, members of the public are given the opportunity to report their demographic and home zip code information. The NDOT Civil Rights Office intends to review this data for

monitoring purposes in the future. NDOT will begin to develop a standardized baseline procedure to assess impacts of Public Involvement activities.

7. The NDOT Civil Rights Office will work towards coordinating with each program area to implement processes for conducting a Four Factor Analysis and ensuring compliance with Title VI, EO 13166 and NDOT's LEP Plan on a project by project basis.

Of the LEP populations in the state of Nebraska, the Spanish speaking LEP population is the largest. As stated in Factor 1, of the LEP persons in Nebraska, 65.8% speak Spanish. The following vital documents have been translated into Spanish and made available on the NDOT Website:

- "Your Rights Under Title VI" brochure
- Notice under ADA
- Complaint Procedure/Form

These documents are regularly translated into Spanish or other languages as the need arises:

- Public Meeting/Hearing Information Fact Sheets
- Public Meeting/Hearing Comment Sheets
- Legal Notices of Public Meetings/Hearings

Conclusion

The NDOT understands that language needs will change as the Nebraska population changes. Further, the NDOT will comply with the requirement to assess its programs, services or activities each year to determine compliance with Title VI and Executive Order 13166. The NDOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the NDOT's commitment to nondiscrimination or to request additional information about LEP services, contact Kimberly Baker, Civil Rights Program Manager at ndot.civilrights@nebraska.gov, 402-479-4544.

LEP Guidance and Resources

[Text of Executive Order 13166 - Improving Access to Services for Persons With Limited English Proficiency](#)

[USDOT Limited English Proficiency Guidance](#)

[Federal LEP Program Information](#)

www.lep.gov

For Local Public Agency LEP guidance and requirements please see the NDOT Local Public Agency Manual, Chapter 10 <https://dot.nebraska.gov/media/6319/lpa-guidelines.pdf>. The requirements and obligations of your local agency may differ from those outlined in this document.

Appendix A. Raw Language Data – State of Nebraska

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates
Retrieved March 26, 2023 from: <https://data.census.gov/>

	Population Estimate	Margin of Error
Total:	1,821,080	±341
Speak only English	1,605,411	±3,504
Spanish:	140,884	±2,503
Speak English "very well"	79,298	±2,270
Speak English less than "very well"	61,586	±1,905
French (incl. Cajun):	5,137	±781
Speak English "very well"	3,381	±574
Speak English less than "very well"	1,756	±517
Haitian:	164	±110
Speak English "very well"	137	±93
Speak English less than "very well"	27	±31
Italian:	514	±140
Speak English "very well"	442	±127
Speak English less than "very well"	72	±67
Portuguese:	915	±411
Speak English "very well"	510	±167
Speak English less than "very well"	405	±330
German:	4,256	±438
Speak English "very well"	3,602	±389
Speak English less than "very well"	654	±154
Yiddish, Pennsylvania Dutch or other West Germanic languages:	508	±143
Speak English "very well"	428	±115
Speak English less than "very well"	80	±68
Greek:	310	±124
Speak English "very well"	276	±118
Speak English less than "very well"	34	±28
Russian:	2,044	±428
Speak English "very well"	1,478	±382
Speak English less than "very well"	566	±164
Polish:	665	±223
Speak English "very well"	531	±172
Speak English less than "very well"	134	±84
Serbo-Croatian:	855	±355
Speak English "very well"	521	±228
Speak English less than "very well"	334	±172
Ukrainian or other Slavic languages:	1,711	±515
Speak English "very well"	1,239	±343

Speak English less than "very well"	472	±244
Armenian:	44	±45
Speak English "very well"	44	±45
Speak English less than "very well"	0	±23
Persian (incl. Farsi, Dari):	1,120	±360
Speak English "very well"	702	±227
Speak English less than "very well"	418	±190
Gujarati:	252	±182
Speak English "very well"	217	±176
Speak English less than "very well"	35	±30
Hindi:	1,835	±377
Speak English "very well"	1,523	±370
Speak English less than "very well"	312	±200
Urdu:	287	±133
Speak English "very well"	207	±102
Speak English less than "very well"	80	±71
Punjabi:	160	±105
Speak English "very well"	135	±89
Speak English less than "very well"	25	±28
Bengali:	392	±197
Speak English "very well"	296	±164
Speak English less than "very well"	96	±77
Nepali, Marathi, or other Indic languages:	3,202	±865
Speak English "very well"	1,737	±618
Speak English less than "very well"	1,465	±510
Other Indo-European languages:	3,077	±705
Speak English "very well"	1,793	±445
Speak English less than "very well"	1,284	±466
Telugu:	1,972	±506
Speak English "very well"	1,492	±386
Speak English less than "very well"	480	±245
Tamil:	821	±342
Speak English "very well"	602	±224
Speak English less than "very well"	219	±187
Malayalam, Kannada, or other Dravidian languages:	644	±376
Speak English "very well"	510	±367
Speak English less than "very well"	134	±119
Chinese (incl. Mandarin, Cantonese):	5,362	±643
Speak English "very well"	2,582	±449
Speak English less than "very well"	2,780	±477
Japanese:	1,558	±355
Speak English "very well"	857	±238

Speak English less than "very well"	701	±234
Korean:	1,551	±496
Speak English "very well"	935	±430
Speak English less than "very well"	616	±172
Hmong:	222	±98
Speak English "very well"	128	±80
Speak English less than "very well"	94	±77
Vietnamese:	6,533	±956
Speak English "very well"	2,584	±489
Speak English less than "very well"	3,949	±606
Khmer:	304	±199
Speak English "very well"	166	±144
Speak English less than "very well"	138	±132
Thai, Lao, or other Tai-Kadai languages:	1,764	±605
Speak English "very well"	908	±379
Speak English less than "very well"	856	±269
Other languages of Asia:	6,508	±1,002
Speak English "very well"	1,683	±364
Speak English less than "very well"	4,825	±825
Tagalog (incl. Filipino):	2,429	±502
Speak English "very well"	1,628	±414
Speak English less than "very well"	801	±301
Ilocano, Samoan, Hawaiian, or other Austronesian languages:	1,031	±254
Speak English "very well"	790	±220
Speak English less than "very well"	241	±95
Arabic:	5,639	±1,089
Speak English "very well"	3,417	±750
Speak English less than "very well"	2,222	±536
Hebrew:	146	±64
Speak English "very well"	105	±62
Speak English less than "very well"	41	±38
Amharic, Somali, or other Afro-Asiatic languages:	4,135	±721
Speak English "very well"	1,400	±337
Speak English less than "very well"	2,735	±683
Yoruba, Twi, Igbo, or other languages of Western Africa:	1,603	±495
Speak English "very well"	1,068	±344
Speak English less than "very well"	535	±329
Swahili or other languages of Central, Eastern, and Southern Africa:	3,675	±838
Speak English "very well"	1,626	±468

Speak English less than "very well"	2,049	±592
Navajo:	36	±31
Speak English "very well"	35	±31
Speak English less than "very well"	1	±2
Other Native languages of North America:	709	±181
Speak English "very well"	665	±176
Speak English less than "very well"	44	±34
Other and unspecified languages:	695	±249
Speak English "very well"	435	±177
Speak English less than "very well"	260	±135

Appendix B. NDOT LEP Data by District

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates
Retrieved September 16, 2022 from: <https://data.census.gov/>

NDOT District 1

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Butler County	1.70%	None	7,773
Cass County	0.66%	None	23,864
Gage County	0.63%	None	20,602
Jefferson County	1.14%	None	7,040
Johnson County	3.40%	None	4,906
Lancaster County	4.79%	Spanish, Vietnamese, Chinese	277,740
Nemaha County	0.35%	None	6,763
Otoe County	3.22%	None	14,864
Pawnee County	0.39%	None	2,583
Richardson County	0.28%	None	7,807
Saline County	11.08%	Spanish	13,399
Saunders County	1.16%	None	19,601
Seward County	0.93%	None	15,979
NDOT District 1	3.87%	Spanish, Vietnamese, Chinese, Arabic	422,921

NDOT District 2

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Cass County	0.66%	None	23,864
Dodge County	5.08%	Spanish	34,412
Douglas County	6.80%	Spanish, Chinese, Other Asian Languages, African Languages	496,591
Sarpy County	3.28%	Spanish	155,802
Washington County	0.39%	None	19,144
NDOT District 2	5.60%	Spanish, French, German, Other Indic Languages, Chinese, Korean, Vietnamese, Other Asian Languages, Arabic, African Languages, Other and Unspecified Languages	729,813

NDOT District 3

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Antelope County	1.83%	None	6,072
Boone County	1.11%	None	5,057
Burt County	0.70%	None	6,296
Cedar County	0.44%	None	8,166
Colfax County	26.98%	Spanish	9,613
Cuming County	4.29%	None	8,561
Dakota County	17.69%	Spanish	19,068
Dixon County	4.82%	None	5,497
Knox County	1.48%	None	8,022
Madison County	5.42%	Spanish	32,536
Pierce County	0.70%	None	6,750
Platte County	6.53%	Spanish	30,262
Stanton County	1.96%	None	5,677
Thurston County	1.47%	None	6,272
Wayne County	2.50%	None	8,935
NDOT District 3	6.70%	Spanish	166,784

NDOT District 4

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Adams County	3.24%	None	29,388
Buffalo County	2.18%	None	44,652
Clay County	3.83%	None	5,982
Fillmore County	0.74%	None	5,435
Greeley County	0%	None	2,341
Hall County	11.16%	Spanish	56,074
Hamilton County	0.66%	None	8,624
Howard County	0.32%	None	5,955
Merrick County	0.67%	None	7,342
Nance County	0.99%	None	3,425
Nuckolls County	0.77%	None	4,172
Polk County	2.43%	None	4,988
Sherman County	0.41%	None	2,943
Thayer County	1.02%	None	4,898
Valley County	0.13%	None	3,990
Webster County	0.69%	None	3,497
York County	1.66%	None	12,929
NDOT District 4	4.39%	Spanish	206,635

NDOT District 5

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Banner County	1.03%	None	775
Box Butte County	0.76%	None	10,611
Cheyenne County	2.00%	None	9,422
Dawes County	3.77%	None	8,651
Deuel County	4.33%	None	1,869
Garden County	0%	None	1,726
Kimball County	1.56%	None	3,455
Morrill County	3.23%	None	4,612
Scotts Bluff County	3.91%	Spanish	34,216
Sheridan County	1.21%	None	5,057
Sioux County	0.34%	None	1,170
NDOT District 5	2.81%	Spanish	81,564

NDOT District 6

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Arthur County	0%	None	414
Blaine County	0%	None	507
Custer County	1.30%	None	10,144
Dawson County	17.97%	Spanish	22,256
Grant County	0%	None	720
Hooker County	0%	None	649
Keith County	1.88%	None	7,799
Lincoln County	1.10%	None	33,626
Logan County	0%	None	790
McPherson County	0%	None	401
Thomas County	2.16%	None	649
NDOT District 6	5.98%	Spanish	77,955

NDOT District 7

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Chase County	6.40%	Spanish	3,670
Dundy County	3.68%	None	1,904
Franklin County	0.51%	None	2,955
Frontier County	0.16%	None	2,439
Furnas County	0.13%	None	4,655
Gosper County	0.27%	None	1,870
Harlan County	0.09%	None	3,244
Hayes County	4.29%	None	1,049
Hitchcock County	2.14%	None	2,705
Kearney County	2.07%	None	6,187
Perkins County	0.07%	None	2,745
Phelps County	1.60%	None	8,584
Red Willow County	0.93%	None	10,311
NDOT District 7	1.54%	None	52,318

NDOT District 8

Area	% of Population that is LEP Persons	LEP Languages Spoken by 5% or Greater, or 1,000 persons or Greater, of the Total Population	Population of Area Age 5 or Older
Blaine County	0%	None	507
Boyd County	0.42%	None	1,916
Brown County	0.17%	None	2,919
Cherry County	3.16%	None	5,419
Garfield County	0.32%	None	1,849
Holt County	0.95%	None	9,725
Keya Paha County	0.15%	None	687
Loup County	0.20%	None	509
Rock County	0%	None	1,360
Wheeler County	0%	None	819
NDOT District 8	1.12%	None	25,710