

**It is our policy to ensure that no person in the United States of America shall on the grounds of race, color, national origin, sex, age or disability, be excluded from the participation in, be denied the benefits of or otherwise be subjected to discrimination under any of our programs or activities.**

## Contacts

Texas Department of Transportation (TxDOT)  
Office of Civil Rights – Contract Compliance Section  
125 E. 11th Street  
Austin, Texas 78701  
Phone: (512) 416-4750  
Fax: (512) 416-4751  
Toll Free: 1 (866) 480-2518  
[www.txdot.gov](http://www.txdot.gov)

## Resource Web Sites

Federal Highway Administration (FHWA)  
Office of Civil Rights  
[www.fhwa.dot.gov/civilrights/index.htm](http://www.fhwa.dot.gov/civilrights/index.htm)

FHWA Resource Center  
Civil Rights Technical Service Team  
[www.fhwa.dot.gov/resourcecenter](http://www.fhwa.dot.gov/resourcecenter)

U.S. Department of Transportation  
[www.dotcr.ost.dot.gov](http://www.dotcr.ost.dot.gov)

U.S. Department of Justice  
[www.usdoj.gov/crt/faqcrt.htm](http://www.usdoj.gov/crt/faqcrt.htm)

Limited English Proficiency  
[www.lep.gov](http://www.lep.gov)

If you have a speech or hearing impairment, dial Texas Relay at 1 (800) 735-2988 or dial 711.



**Complying with  
Limited English Proficiency  
Requirements in the  
Federal-aid Highway Program**





## DEFINING LIMITED ENGLISH PROFICIENCY

### LIMITED ENGLISH PROFICIENCY

The Texas Department of Transportation (TxDOT) and anyone who does business with TxDOT (subrecipients) must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to its programs, services and/or information provided. This requires TxDOT and its subrecipients to create solutions to address the needs of the ever-growing population of individuals for whom English is not their primary language.

### WHO IS A LEP PERSON?

Persons who do not speak English as their primary language and have a limited ability to read, speak, write or understand English may be considered Limited English Proficient or LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit or encounter.

### WHO MUST COMPLY?

All programs and activities of entities that receive assistance from the U.S. Department of Transportation (U.S. DOT) must comply with Executive Order (E.O.) 13166. This includes: state agencies, local agencies, private/non-private entities and subrecipients (entities that receive federal funding from one of the recipients mentioned above, e.g., public transportation entities, planning organizations.)

Recipients of U.S. DOT assistance include:

- State departments of transportation
- Metropolitan planning organizations
- Regional transportation authorities
- Universities
- Public safety agencies
- State and local agencies with emergency transportation responsibilities

All programs and operations of TxDOT and its subrecipients must comply with this Executive Order.



## RULES AND REGULATIONS

### EXECUTIVE ORDER 13166

In August 2000, E.O. 13166 "Improving Access to Services for Persons with Limited English Proficiency" was issued directing federal agencies to:

- Publish guidance on how their recipients can provide access to LEP persons
- Improve the language accessibility of their own programs
- Break down the language barriers by implementing standards of language assistance across federal agencies and amongst all recipients of federal financial assistance

The Executive Order covers all federal and federally assisted programs and activities.



### OTHER LEGAL AUTHORITIES

- USDOT LEP Guidance (December 14, 2005)
- USDOJ LEP Policy Guidance (June 18, 2002)
- Title VI of the Civil Rights Act of 1964
- USDOT Title VI Regulations, 49 CFR §21
- FHWA Title VI Regulations, 23 CFR §200

## RESPONSIBILITIES

### FOUR-FACTOR ANALYSIS

Recipients of federal assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services. (The federal government has the same obligation as the result of E.O. 13166.) An individualized assessment that balances the following four factors is needed:

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP individuals come in contact with the program, activity or service
3. The nature and importance of the program, activity or service provided by the program
4. The resources available to the recipient and the costs

### EFFECTIVE IMPLEMENTATION PROCEDURES

TxDOT and its subrecipients may provide language services in either oral or written form. Quality and accuracy of the language service is critical in order to avoid potentially serious consequences to the LEP person, TxDOT and subrecipients.

Effective implementation procedures include:

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
  - Oral interpretation services
  - Bilingual staff
  - Telephone interpreter lines
  - Written language services
  - Community volunteers
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy