

Auxiliary Aids And Services

(Provided as Reference Material by the NDDOT – Updated August 21, 2014)

As a recipient of Federal Financial Assistance, the North Dakota Department of Transportation (NDDOT) assures compliance with Title VI of the Civil Rights Act of 1964, Regulations, and other pertinent directives. NDDOT is required to take reasonable steps to ensure meaningful access to persons with Limited English Proficiency (LEP) through oral and written translation.

Additionally, NDDOT has a responsibility to develop a policy in advance of any request for auxiliary aids or services for persons with impaired vision and hearing. With respect to the provision of auxiliary aids to access State Transportation Agency/Local Public Agency (STA/Grand Forks/East Grand Forks Metropolitan Planning Organization [GF-EGF MPO]) programs, services and activities the most likely of these will be public activities in connection with the planning and construction of federal-aid construction projects. Program areas where auxiliary aids and effective communications may be required include, but are not limited to the following: bid opening events, Disadvantaged Business Enterprise (DBE) certification activities, right-of-way proceedings (appraisals, acquisitions), public telephone lines (511, project hotlines, pothole repair hotlines), law enforcement activities (if STA has a law enforcement activities (if STA has a law enforcement branch), groundbreaking/ribbon-cutting ceremonies, and rest area tourist information centers.

Auxiliary aids and services for the vision impaired include providing access to printed information through the following:

- Sign language interpreter
- Note takers
- Computer-aided real-time transcription services (CART)
- Amplified and hearing-aid compatible telephones
- Assistive listening systems
- Open or close captioning and caption decoders

- Video relay, or
- Text telephones/telephone communication devices for the deaf (TTY/TDD), and
- Flashing alarms

Auxiliary aids and services for the vision impaired include providing access to printed information through the following:

- Audio recording – MP3
- Computer diskettes
- Braille or large print materials, or through the use of qualified readers
- Providing verbal descriptions of action and visual information to enhance the accessibility of performances and presentations; and
- Making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route

The following information provides a synopsis of the critical facts and costs involved in providing oral and written communication services.

North Dakota has laws governing Interpreter Services for individuals that are deaf, deaf-blind, speech impaired, hard of hearing, or who require special communication techniques in order to communicate. Our policy should identify what qualifications are required for interpreters after reviewing the North Dakota Century Code as the Federal Highway Administration (FHWA) Americans With Disabilities Act (ADA) Desk Reference states that when sign language interpretation is necessary, the ADA requires that it be provided by a “qualified interpreter” and defined at [28 C. F. R. § 35.104].

- ▶ North Dakota Century Code
 - Under Occupations & Professions, Chapter 43-52 Interpreters
 - Defines requirements for deaf persons
 - Requires a valid nationally recognized certification or met certification by 2003
 - Contains exceptions

- Under Judicial Procedure, Civil, Chapter 28-33 Interpreters For Deaf Persons
 - Defines requirements for deaf persons
 - Includes administrative proceedings
 - Requires “Qualified interpreter” – certified by the national registry of interpreters for the deaf or ND Association for the deaf, interpreter approved by the superintendent of the school for the deaf, or, if none available, any other interpreter whose qualifications have been appropriately determined.

The FHWA ADA Desk Reference allows flexibility in providing accommodations. A visual communication accommodation may include the use of other auxiliary aids such as recorded text, electronic documents, or large print text depending on the circumstances.

The FHWA Limited English Proficiency Program Desk Reference states that oral interpreters are not required to have formal certification but certification is helpful. Recipients can ensure with greater certainty that they comply with their obligation to provide written translations in language other than English by following the Safe Harbor provisions.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English.

Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor” for recipients regarding the requirements for translations of written materials. 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.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide 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.

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

- a. The STA/GF-EGF MPO 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 reached 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.

Available Sources

There are several sources to obtain auxiliary aids and services for persons with Limited English Proficiency or speech, hearing, and vision impairments. Some common sources are as follows:

- ▶ Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)
- ▶ CTS Language Link
- ▶ Interagency Program for Assistive Technology (IPAT)
- ▶ International Translation Services
- ▶ Metro Interpreter Resource Center (MIRC)

- ▶ ND Association for the Blind (NDAB)
- ▶ North Dakota School for the Deaf
- ▶ ND Vision Services/School for the Blind (NDVS/SB)
- ▶ Relay North Dakota

Communication Services For the Deaf (CSD) and Interpreting Online (CSDIO)

CSD is a private, nonprofit organization dedicated to providing services for all individuals who are deaf or hard of hearing. Interpreter service information including service area, hours of service, rates, etc., can be obtained by contacting CSD.

Additionally, CSD operates CSDIO which enables deaf and hearing people in the same room to communicate through an interpreter at a distant location. Video conferencing equipment is required for this service.

Contact: Cathy Obregon, Communication Services for the Deaf, P.O. Box 66, Fargo, ND 58107; (701) 799-1395; e-mail: cobregon@c-s-d.org website: www.c-s-d.org

CTS LanguageLink

CTS LanguageLink is located in Vancouver, Washington. CTS LanguageLink provides a variety of services including Over-the Phone-Interpretation, Video Remote Interpretation, Translation, and dialects, and can accommodate call centers and industries like court/legal, general businesses, government and healthcare/medical.

The State of North Dakota has contracted with CTS Language Link for telephone based interpretive services under the Western States Contracting Alliance (WSCA). The contract provides 24/7/365-days/year/7-days/week/24-hours a day Telephone Based Interpreter Services on an “as needed” basis for limited English Proficiency (LEP) clients needing immediate interpreter assistance. The contract is not for scheduled, in-person interpretation services.

Government agencies may access the contract at The North Dakota State Procurement Office website at the following location:

<https://secure.apps.state.nd.us/csd/spo/services/bidder/listCurrentContracts.htm>

Contact: Richard Miller, CTS LanugageLink, WSCA Account Executive, 911 Main St, Suite 10, Vancouver, WA 98660; 1-800-208-2626; e-mail: Richard.miller@ctslanguagelink.com; website: www.ctslanguagelink.com

Interagency Program For Assistive Technology (IPAT)

The North Dakota Interagency Program for Assistive Technology (IPAT) is the North Dakota Telecommunications Equipment Distribution Service for relay equipment. IPAT provides free specialized telecommunications equipment for individuals who are deaf, hard-of-hearing, deaf-blind, or have a speech disability who meet income, residency, disability, etc., qualifications.

IPAT operates a statewide assistive technology Equipment Rental Program for short-term access to a variety of assistive devices. The rental program offers a wide range of devices for short-term loan, including: communication; telecommunications; computer access; vision; hearing; seating, positioning, and personal mobility, etc. Rental fees and procedures can be accessed on IPAT's website.

Contact: Judie Lee, Executive Director, Program Director, IPAT, 3240 15th St. So., Suite B, Fargo, ND 58104; (701) 365-4728; toll-free 1-800-895-4728; e-mail: jlee@ndipat.org website: www.ndipat.org

International Translation Services

International Translation Services is located in Moorhead, Minnesota. Leonor Sillers, Owner, provides onsite and telephonic interpreters. She also provides written translation services. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting Leonor Sillers.

Contact: Leonor Sillers via e-mail: Leonor.Sillers@gmail.com No website.

Metro Interpreter Resource Center (MIRC)

The Metro Interpreter Resource Center (MIRC) is located in and serves the Fargo area. They work with local city and county government. MIRC provides access to an Oral Interpreter List for an annual fee for non-profits and for profit businesses.

Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting MIRC.

Contact: Hatidza Asovic, Coordinator, MIRC, 3350 35th Avenue S.W., Fargo, ND 58104; (701) 241-8594; e-mail: hasovic@cityoffargo.com website: www.rrrmirc.com

ND Association for the Blind (NDAB)

The North Dakota Association for the Blind publishes the Promoter, a quarterly newsletter. The Promoter is available in alternative formats. You may submit notices or information for publication in the Promoter. Details regarding publications can be obtained by contacting NDAB.

Contact: Mark Kueffler, President, NDAB, West Fargo, ND 58078; (701) 866-9908; website: www.ndab.org or Kathy Larson, Promoter Editor, klarson@dia.net 15225 59th St. N.W., Williston, ND 58801-9560; (701) 875-4291.

North Dakota School for the Deaf

The North Dakota School for the Deaf maintains the ND Freelance Interpreter's List on their website. A disclaimer states that the interpreters listed are not endorsed or in any way recommended by the ND School for the Deaf other than the fact they hold national certification. The Interpreters list can be accessed at the web link below.

Contact: Communications Department, Lake Region State College, 1401 College Drive No., Devils Lake, ND 58301; (800) 877-2980; website: www.nd.gov/ndsd

Web link for interpreters list: www.nd.gov/ndsd/outreach/doc/freelance-interpreters-2011.pdf

ND Vision Services/School for the Blind (NDVS/SB)

North Dakota Vision Services/School for the Blind operates a Braille Access Center that transcribes materials into Braille or large print and electronic media. The cost of Braille or another alternative formatted project can be obtained by contacting NDVS/SB.

Contact: Leslie Pederson, ND Vision Services/School/School for the Blind, 500 Stanford Road, Grand Forks, ND 58203; (701) 795-2713; e-mail: lespeder@nd.gov Website: www.ndvisionservices.com

Relay North Dakota

Relay North Dakota is a free service that provides full telephone accessibility to people who are deaf, hard-of-hearing, deaf-blind, and speech-disabled. This service allows hearing callers to communicate with text-telephone (TTY) users and vice versa through specially trained Communication Assistants (CAs). Calls can be made to anywhere in the world, 24-hours a day, 356 days a year with no restrictions on the number, length, or type of calls. All calls are strictly confidential and no records of any conversations are maintained. Anyone wishing to use Relay North Dakota simply dials the relay number to connect with a CA. The CA will dial the requested number and relay the conversation between the two callers.

Contact: Roxy Ennen, Relay ND Administrator, Telecommunications Analyst, ITD, 4201 Normandy Street, Bismarck, ND 58503; (701) 328-2300; e-mail: rennen@nd.gov Website: www.relaynorthdakota.com

INTERNET RESOURCES

Limited English Proficiency, a Federal Interagency Website, promotes a positive and cooperative understanding of the importance of language access to federally conducted and

federally assisted programs. It is located at www.lep.gov There are numerous documents addressing language issues.

North Dakota Department of Public Instruction website provides statistics on the location and number of students with Limited English Proficient skills. This information may provide an alternate method of identifying LEP populations. Their website is located at: www.dpi.state.nd.us

United States Access Board, a Federal Agency Committed to Accessible Design, is an independent federal agency devoted to accessibility for people with disabilities. The Board is a leading source of information on accessible design. Their website is located at: www.access-board.gov

United State Census Bureau, at the Census Bureau Web Site provides on-line access to Data on Race and Hispanic Origin, Age, Employment, Income, Marital Status, Education, Genealogy, Businesses, Governments and more. It is located at www.census.gov. Put your mouse on Data and select American Fact Finder where you can locate detailed data sets. There is a Help tab available on the Fact Finder ribbon.

U.S. Department of Justice, Americans with Disabilities Act, ADA Home Page is found at www.ada.gov

- ▶ Search – Title II Technical Assistance Manual.
 - Select the Title II Technical Assistance Manual (1993) and Supplement to view a 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance. (Spanish edition available)

U.S. Department of Transportation, Federal Highway Administration (FHWA) carries out the Federal Highway programs in partnership with the State and local agencies to meet the Nation's transportation needs. FHWA's website hosts vast information about

nondiscrimination issues. FHWA's Home Page is found at www.fhwa.dot.gov Under Programs, select Browse by Topic, and see specifically the following:

- ▶ Search – Overview Environmental Justice
 - Describes and explains Environmental Justice (EJ) issues
- ▶ Search – Civil Rights FHWA
 - Under Programs – Select and read about FHWA Programs
 - Title VI and Nondiscrimination
 - Limited English Proficiency
 - Americans with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act of 1973 (504)
 - Many others