



# FOUNDATIONS OF LIMITED ENGLISH PROFICIENCY

What MPOs and RTPOs Need to Know to  
Fulfill their Title VI Obligations



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## SPEAKERS



Candace Groudine  
FHWA Office of Civil Rights

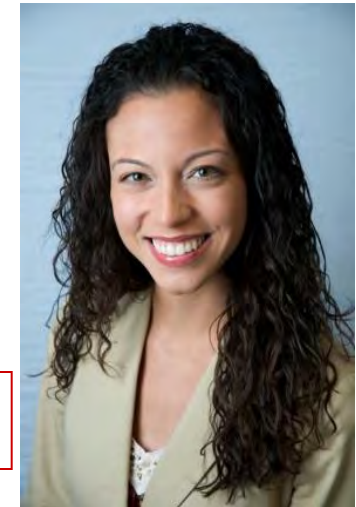
Not pictured:  
Jon Ocana, FTA  
Office of Civil  
Rights



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FHWA Florida Division



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# LEP Overview

- Executive Order #13166: *“Improving Access To Services For Persons With Limited English Proficiency”* -- President Clinton, August 11, 2000.
- Attorney General Holder Memorandum to All Federal Agencies, February 17, 2011 -- Does not create any new obligations.
- Clarifies responsibilities associated with the *“application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.”*



# Objectives of E.O. 13166

- Directs each Federal agency to develop and implement a system to ensure that LEP individuals can meaningfully access the agency's federally conducted programs and activities.
- Directs Federal agencies providing Federal financial assistance to issue guidance to recipients of such assistance regarding their legal obligation to ensure meaningful access for LEP persons under the national-origin, nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 and implementing regulations.



# Relationship to Title VI

- Title VI of the Civil Rights Act of 1964 states that “No person...” shall be excluded from participation, denied benefits, or subjected to discrimination based upon race, color, or national origin.
- *Lau v. Nichols*, 414 U.S. 563 (1974): The U.S. Supreme Court decided that the failure of the San Francisco school system to provide language accommodation to non-English speaking students violated Title VI.



## Who is an “LEP” individual?

“Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speak or understanding), but still be LEP for other purposes (e.g., reading or writing).” (*USDOJ Language Access Plan, March 2012*)



# Federal Government Responsibilities

- USDOJ has directed that all Departments and their agencies conduct Self-Assessments, and, develop an LEP Action Plan to address identified deficiencies.
- USDOT developed and disseminated an LEP Action Plan.
- FHWA Office of Civil Rights sent a Self-Assessment Survey to all FHWA Offices 2 years ago.
- FHWA Division Offices are responsible for ensuring that State DOTs are LEP compliant.





## Some Definitions

- “Meaningful Access” – “Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals.” (*USDOJ Language Access Plan, March 2012*)



## Definitions, cont'd.

- “Primary Language”: “An individual’s primary language is the language in which an individual most effectively communicates.” (*US DOJ Language Access Plan, March 2012*)
- “Program or Activity”: Identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973: “A federally conducted program or activity is, in simple terms, anything a Federal agency does.” *It also means all of the operations of the agency.*



## Definitions, cont'd.

“Language Assistance Services”: “Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.” (*USDOJ Language Access Plan, March 2012*)



# Elements of a Language Access Program

The webinar will address the topics:

- Policy Directives and Existing Guidance
- Conducting an MPO or RTPO LEP Self-Assessment
- The “Four-Factor” Analysis
- What are Considered to be “Vital Documents” in Need of Translation?
- Translation and Interpretive Services (Language Assistance Services)
- Ladders of Opportunity



# Policy Directives and Existing Guidance

- Policy Directives set forth standards, operating principles, and guidelines that govern the delivery of language-appropriate services. Policy directives may come in different forms but are designed to require the agency and its staff to ensure meaningful access.
- Should be made publicly available.





# Conducting an MPO or RTPO LEP Self-Assessment

- This is the starting point
- Similar to a needs assessment
- Type and degree of contact with the public?
- Services and Programs currently provided by MPO/RTPO?
- What language services are in place now?



## MPO Self-Assessment, cont'd.

- Identification of **languages most frequently encountered** by the MPO in the delivery of activities, programs, and services
- List of **office hotlines, toll-free telephone numbers, web-based public comment features** that members of the public will likely use to communicate with the MPO
- List of all **complaint and grievance forms** available for use by members of the public



## The “Four-Factor” Analysis: An LEP Plan’s Critical Component

1. Number of LEP persons eligible to be served or likely to be encountered: Important when recipients are developing reasonable steps to provide meaningful opportunities: A State DOT/recipient might ask: “What number or proportion of people will be excluded from benefits or services absent efforts to remove language barriers?”





## Four-Factor Analysis, cont'd.

2. Frequency with which LEP persons use/need the program or service: If LEP persons must access a recipient's program/activity daily, the recipient has a greater duty than if the contact was unpredictable or infrequent.



## Four-Factor Analysis, cont'd.

3. Nature and importance of the program or service to the individuals: More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications.

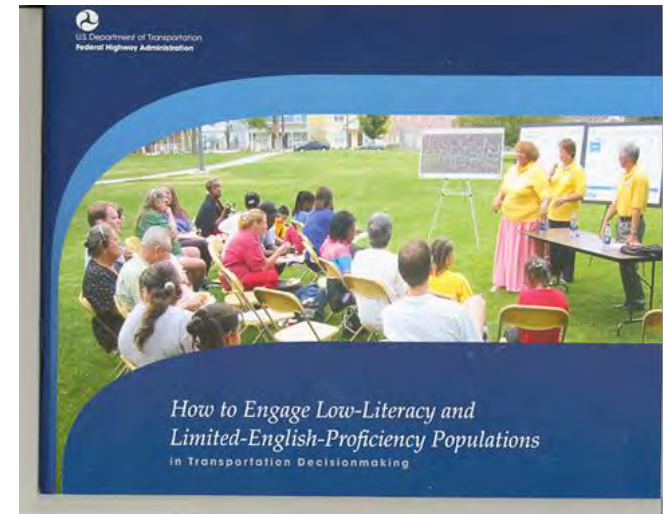


## Four-Factor Analysis, cont'd.

4. Resources available to the MPO and RTPO:  
A small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP assistance programs that have a limited number of LEP persons.



# LEP PUBLICATIONS



[fhwa.dot.gov](http://fhwa.dot.gov)

<http://www.lep.gov/dojbrochures.html#LEP>



# What are considered to be “Vital Documents” in need of translation?

## Requirement to Translate “Vital” Documents:

- The agency must prioritize translation of vital documents.
- Classification as “vital” depends upon the importance of the program, information, encounter, or service involved, if required by law, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.





## Type of Public Information materials which might be displayed in another language

- Web pages
- Brochures / flyers / pamphlets
- Business / marketing plan
- Display signs
- Marketing mailings
- Newsletters / bulletins
- Manuals
- Presentations
- Proposals
- Reports

**Be Ready  
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Mariopoli County Public Health  
www.maricopa.gov

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Logos: American Red Cross, FEMA, Arizona Commission on Aging, H.U.R.T., UNIVISION, 100.3, 105.9, COMPEP

**Prepárese,  
¡Este Listo y a Salvo!**

Mariopoli County Public Health  
www.maricopa.gov

**Feria de Preparación de Emergencias**

Localidad  
**11 de Sep. 2012**  
3-7 p.m.

**FIESTA MALL**  
1445 W. Southern Ave.  
Mesa, AZ 85202

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Desamparados | Clases de Primeros Auxilios y &  
Botiquines GRATIS | ... y mucho más!

¡Estaremos recibiendo Calcetines Nuevos  
para los Desamparados!

Logos: American Red Cross, FEMA, Arizona Commission on Aging, H.U.R.T., UNIVISION, 100.3, 105.9, COMPEP





## Example: WMATA's List of Vital Documents

- Application for Metro Services for People with Disabilities;
- Application for Reduced Fare Program;
- Metro Recruiting Literature;
- Metrorail Safety;
- Metrobus Safety;
- Planning Your Alternate Route Home;
- Metro Pocket Guide;
- Metro Guide to Title VI of CRA;
- Public Hearing Notice;
- Public Meeting Notice;
- Metro video "Your Safe and Easy Ride";
- Voluntary Title VI Public Involvement Form;
- Title VI Complaint Form;
- Title VI Brochure;
- Title VI Take One; and
- Visual Translator.



# Translation and Interpretive Services

**Translation Services:** Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

- **Sight Translation:** Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.





# Translation and Interpretive Services

## **Interpreter Services: Oral Language**

**Services:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.





# Translation and Interpretive Services

- **Qualified Translator or Interpreter**
- More than self-identification as bilingual is necessary.
- [www.ssa.gov/multilanguage/](http://www.ssa.gov/multilanguage/)





# Ladders of Opportunity

- As MPOs and RTPOs address LEP in fulfilling their Title VI obligations, they should also consider how well traditionally underserved populations, which include LEP populations, are accommodated by the transportation system in reaching essential services such as of jobs, schools, health care facilities and other essential services.
- Viewing access to transportation as a critical link connecting people to jobs, health care, education and other services by eliminating gaps in the transportation network and removing barriers in public rights of way for ADA-related issues is important for MPOs and RTPOs to consider as they address LEP in fulfilling their Title VI obligation.



# State DOT Responsibilities

- Perform Self-Assessment to determine which personnel interact with members of the Public;
- Identify LEP Populations State-wide using US Census data (American Community Survey data available annually); [www.census.gov/acs/www/](http://www.census.gov/acs/www/)
- Perform Four-Factor Analysis to determine frequency of contact, importance of services provided by the State DOT, need for translation of written documents and interpreters, etc.



## State DOT Responsibilities, cont'd.

- State DOT CEO issues LEP Policy
- Identify written plans/manuals that are impacted and update/revise plans/manuals to implement LEP-related processes
- Documents: Title VI/Nondiscrimination Plan, public participation plan, operations manuals for offices of planning, environment, design, and rights-of-way.



## State DOT Responsibilities, cont'd.

- Ensure personnel interacting with public understand steps to follow if an LEP person contacts State DOT in person, by telephone, or by email
- Communicate language access services available to public via State DOT website, brochures, etc.
- Ensure that sub recipients are LEP compliant



# State DOT Monitoring of MPOs and RTPOs

- State DOTs are responsible for ensuring MPOs and RTPOs understand LEP requirements and are LEP compliant.
- State DOTs communicate need for each MPO or RTPO to conduct the self-assessment and develop a language-access program based upon the self-assessment and the Four-Factor Analysis.
- Having a sound language-access plan is a core part of an MPO's Title VI Obligations.



# LEP Tips from:

1. Use best available data
2. Consider the Pepsi approach
3. This is *your* plan, not Uncle Sam's
4. Your plan is alive – no Ouija Board translation services, please
5. A Partner earned, is a Penny saved!
6. Compliance doesn't mean forfeiting common sense . . . Use your noggin
7. Extensive language services are great, but it ain't enough





# MPO and RTPO Responsibilities

Very much the same as the State DOTs responsibilities.

- Self-assessment to determine nature and level of interaction with the public.
- Identify LEP populations for the geographic area covered by the MPO or RTPO.
- Perform the Four-Factor Analysis to determine frequency of contact, importance of services provided by the MPO or RTPO, need for translation of written documents, and interpreters, etc.





# MPO Keys to Success



metroplan orlando

A REGIONAL TRANSPORTATION PARTNERSHIP

broward

MPO

metropolitan planning organization



# Understand Your Demographics

- Start with the US Census Bureau's American Community Survey
- Crunch numbers at <http://factfinder.census.gov>

Table 1: Languages Spoken in the Broward MPO for 2007-2012 and Level of Proficiency

Language Spoken	Speaks English Less than Very Well	%LEP Population	% MPO Population
Spanish	146,941	59.6%	8.9%
French Creole	45,395	18.4%	2.7%
Portuguese	11,299	4.6%	0.7%
French	9,380	3.8%	0.6%
Chinese	3,492	1.4%	0.2%
Vietnamese	3,225	1.3%	0.2%

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Transportation Outreach Planner

Home Customized Demographic Reports Community Background Reports Public Outreach Strategies Metadata Help Login

## Project Information

The Federal Highway Administration (FHWA) September 2003 Certification Report recommended that the Miami-Dade Metropolitan Planning Organization (MPO) incorporate 'Sociocultural Effect' features in its planning process to ensure community values and concerns receive proper attention throughout the entire transportation development process. In response, the Miami-Dade MPO created the Community Characteristics Project (CCP) in order to review the social, economic, and geographic characteristics of an area before public involvement (PI) efforts are initiated. In 2010 the Broward and Palm Beach MPOs joined the program, and the CCP was renamed the "Transportation Outreach Planner".



## 2010 Census Demographic Reporting Tool

Introducing a New, Interactive Mapping and Reporting Tool.

Now you can locate 2010 census data and 2009 American Community Survey (ACS) data by census block groups, census places, and neighborhoods for Broward, Miami Dade, and Palm Beach counties. Interactive graphs illustrating changes from 1990, 2000, and 2010 are just the tip of the iceberg. [Explore it now!](#)

The 2000 Census Demographic Reporting Tool has been archived [here](#).



Broward MPO Title VI Program

Russian	3,066	1.2%	0.2%
Italian	2,434	1.0%	0.1%
Arabic	1,546	0.6%	0.1%
Korean	1,202	0.5%	0.1%
Greek	609	0.2%	0.0%
Japanese	382	0.2%	0.0%
Other Languages	17,506	7.1%	1.1%
Total	246,477	100.0%	14.9%

Customized Demographic Reports  
Generate a customized demographic

Community Background Reports  
Provides information on select

Public Outreach Strategies  
Get detailed information on the most

# What to Translate?

Here are a few examples...

**INVIRTIENDO SU \$ EN TRANSPORTE**

**COMPRENDIENDO EL PROGRAMA DE MEJORA DEL TRANSPORTE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

**¿QUÉ ES LA ORGANIZACIÓN DE PLANIFICACIÓN METROPOLITANA DE BROWARD (BROWARD MPO)?**

La MPO de Broward es una agencia responsable de la planificación del transporte. En coordinación intergubernamental y la asignación de fondos de transporte en el condado de Broward. La MPO de Broward trabaja con el público, organizaciones de planificación, agencias gubernamentales, funcionarios electos y grupos comunitarios para identificar las necesidades de transporte y desarrollar planes de transporte, tales como el Programa de Mejora del Transporte (TIP) y el Plan de Transporte a Largo Plazo (LRTP).

**¿CÓMO SE DESARROLLA EL TIP?**

El TIP es preparado por la MPO de Broward, en cooperación con las agencias de transporte

**¿QUÉ ES EL PROGRAMA DE MEJORA DEL TRANSPORTE (TIP)?**

El TIP es un programa que prioriza y documenta los fondos de los proyectos de mejora del transporte en la región que se espera construir en los próximos cinco años. Incluye proyectos de transporte, carretera, aeropuerto y el puerto marítimo, así como bicicletas, peatones, y proyectos relacionados al transporte de mercancías. El TIP es una herramienta para avanzar proyectos del Plan de Transporte a Largo Plazo (LRTP) a un programa de corto alcance de cinco años. Todos los proyectos del TIP son evaluados para asegurar la coherencia con las metas y objetivos del LRTP. El TIP actual y LRTP se pueden encontrar en la página web

**broward MPO**  
TRANSPORTATION PLANNING ORGANIZATION



**JULY 2014 ISSUE** bon bagay pou ekonomi an.

**Se on kose kote yon sèktè biznis ap ede yon lòt sèktè...**

Kèk nan lajan ki ekonomize pou tèt trafik lan diminye retounen nan biznis lokal yo.

**Ekonomi lokal**

Lajan ki ekonomize pou tèt trafik lan diminye ede sipòte ekonomi an



**Se pou devlope opòtinite...**

Modèl Transit-Oriented Development (TOD) avek kominote kote ou ka mache ap vin de pli zan pli popilè nan nouvo generasyon jenn adilt, sa ki fet ke valè nan pwopriyete ki bo devlopman sa yo ap ogmante.

**8%** Valè mwanyèn propriyete ogmante si propriyete sa a tou pre kote ki geyen on bon sistèm transpòtasyon piblik.



**Kisa mwen ka fè pou ede?**

Pandan ke Kongrè ap batay pou jwenn yon solisyon sou lon tem pou rezoud pwoblèm sa a, anpil vil ak depatman ap jwenn jan pa yo pou envesti lokal pou amelyore sistèm transpòtasyon yo. Si ou ta renmen envesti nan yon sistèm transpòtasyon ki pi bon pou fiti Broward, kounye a se moman pou pale pou fe pati nan efò sa.

**Aprann kouman ou ka vin yon lidè...**

Tanpri vizite sit entènèt nou pou aprann plis sou sijè transpòtasyon, ak ki jan òganizasyon ou ka vin yon lidè pou Speak Up Broward. Souple ede nou gaye pawol sou enpòtan transpòtasyon pou fiti ekonomi nou.

**SPEAK UP BROWARD**  
Transportation Choices. Your Voice Counts.  
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[www.UniversityDriveImprovements.org](http://www.UniversityDriveImprovements.org)

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¡Comentarios recibidos antes del 15 de julio del 2014 entrarán en un sorteo para recibir una tableta gratis!

**EneR@BrowardMPO.org**  
**JJosselyn@Kittelson.com**

**MPO**  
METROPOLITAN PLANNING ORGANIZATION



Usted está invitado a **¡MetroPlan•) LIVE!**

Conozca los detalles del Plan de Transporte a Largo Plazo de la región para el año 2040. Haga preguntas a nuestros expertos, y denos su opinión - ¡de la comodidad de su propio hogar!

**CUÁNDO**  
El martes, 1 de abril de 2014, 7-8 p.m.

**DÓNDE**  
Participe en línea o por teléfono

Para participar en este evento gratuito, por favor, registre su correo electrónico y número de teléfono en:

[www.MetroPlanLIVE.com](http://www.MetroPlanLIVE.com)

Para más información: LRTP@metroplanning.com

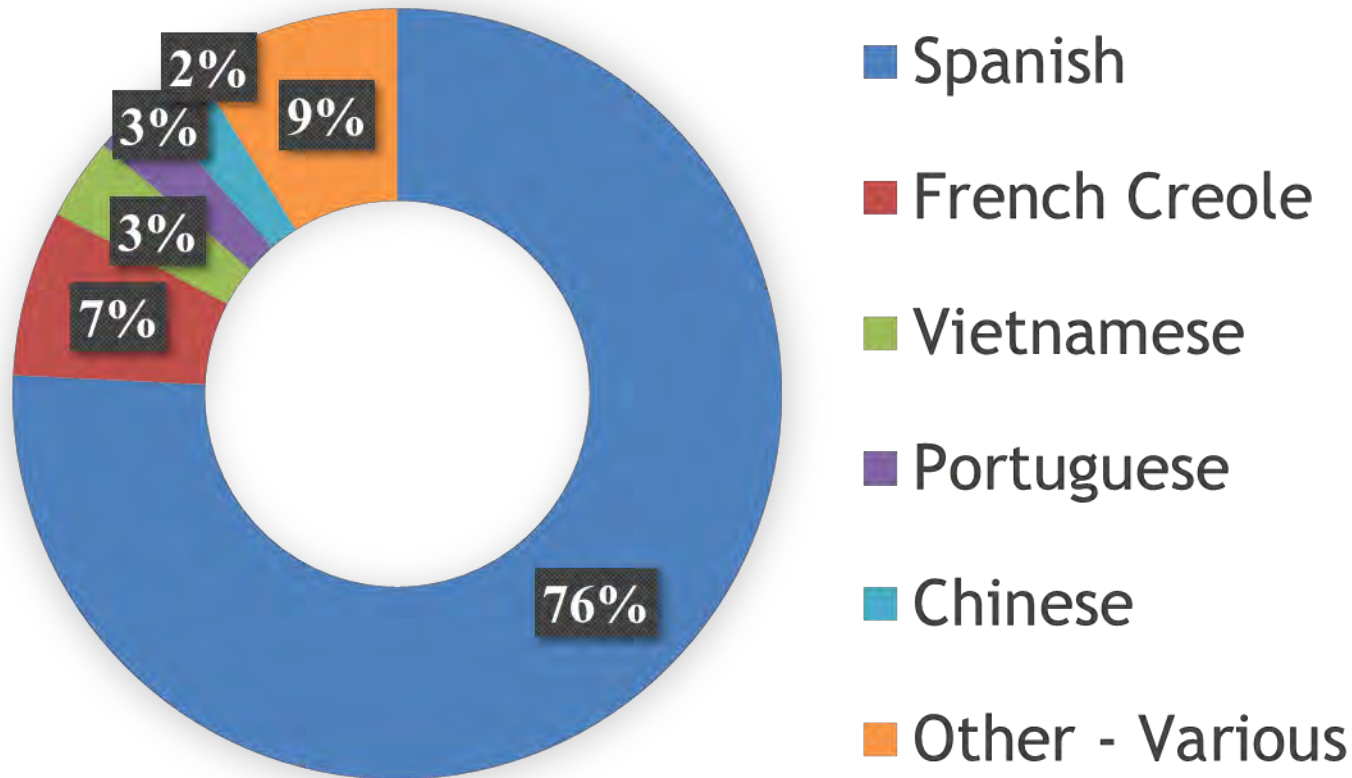





# Demographics & Staff Training

Central Florida Region: 11.9% LEP

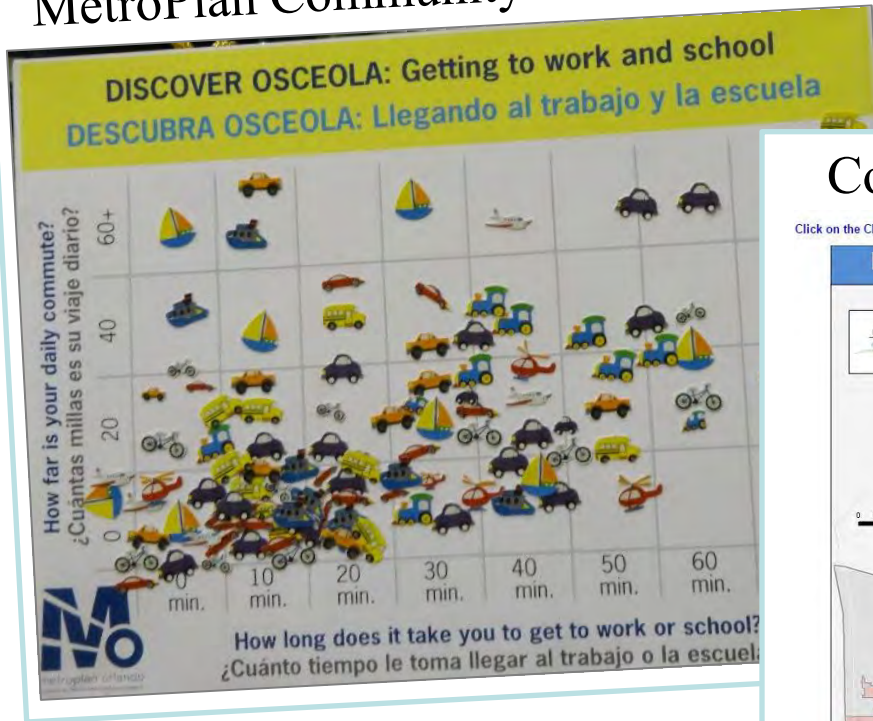
Orange County: 12.8%   Osceola County: 16.9%   Seminole County: 6.0%



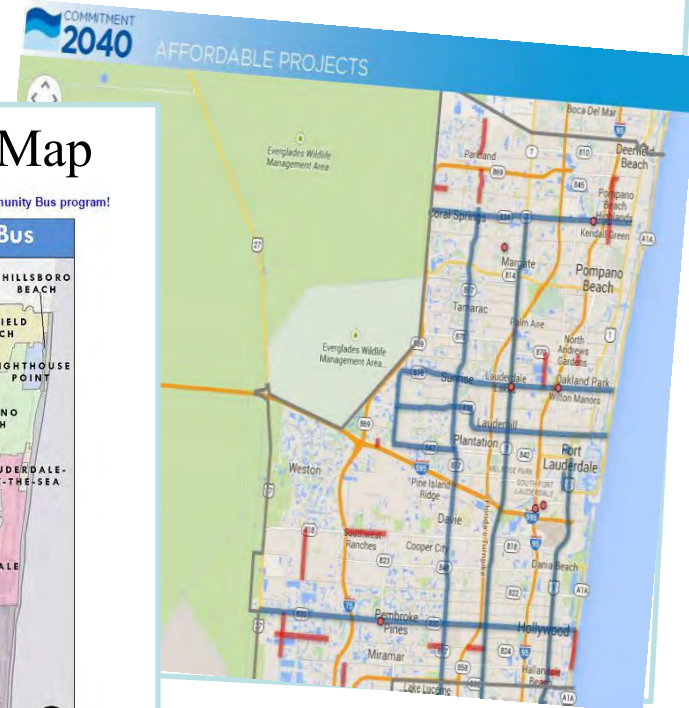
# Visualization Reduces Translation

A picture is worth 1,000 words – and rarely requires extensive translation!

## MetroPlan Community Event Activity

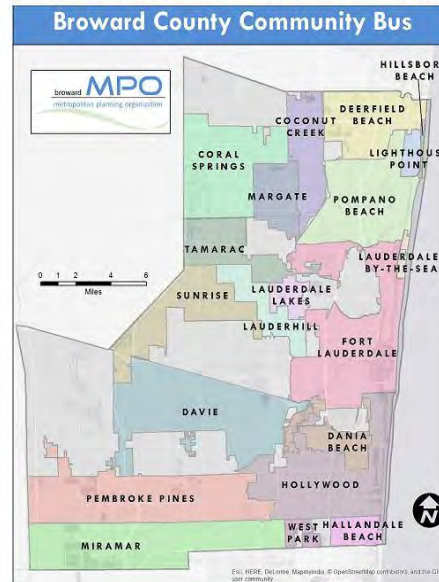


## Broward MPO Interactive L RTP



## Community Bus Map

Click on the CITY below to find out more information on your local Community Bus program!



# Checklist for Success

- Don't panic!
- Use partners as resources (e.g. FHWA, fellow MPOs)
- Monitor the requests you get, then plan accordingly
- Provide regular LEP training for your staff
- Field check your data
- Use visuals as much as possible





# Resources

- Rural Assistance Center (Health & Human Services)  
<http://www.raconline.org/about>
- FHWA-FTA TPCB Public Involvement Focus Page  
[http://planning.dot.gov/focus\\_publicEngage.asp](http://planning.dot.gov/focus_publicEngage.asp)
- Department of Justice LEP website  
[http://www.lep.gov/guidance/guidance\\_DOJ\\_Guidance.html](http://www.lep.gov/guidance/guidance_DOJ_Guidance.html)
- Resource material we provide to various sub-recipients:
  - The CR Handbook for LAP (LPAs) . . . LEP falls under Section III. [http://www.dot.state.fl.us/specificationsoffice/LAP/Forms/LAP-CR\\_Handbook.pdf](http://www.dot.state.fl.us/specificationsoffice/LAP/Forms/LAP-CR_Handbook.pdf)
  - The Handbook for MPOs – Chapter 8, Title VI and Nondiscrimination . . . LEP falls at section 8.8  
<http://www.dot.state.fl.us/planning/Policy/metrosupport/mpohandbook/ch8.pdf>
  - For small sub-recipients (LPAs, not MPOs), we give them a guided template to follow. <http://www.dot.state.fl.us/specificationsoffice/LAP/Forms/AttachmentC.pdf>







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