

NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD (TPB)

LANGUAGE ASSISTANCE PLAN

Accommodating Individuals with Limited English Proficiency
(LEP) in the Planning Process

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CONTENTS

I. Introduction	4
Relationship between COG and TPB	6
U.S. Department of Transportation (DOT) Guidance on LEP	6
FTA Circular: Title VI and Title VI-Dependant Guidelines for Federal Transit Administration Recipients.....	7
TPB’s Proactive Approach to Public Involvement.....	8
II. Needs and Capacity Assessment.....	9
Four-Factor Analysis.....	9
Languages Spoken in the Region and Locations of LEP Individuals	9
Travel Characteristics of LEP Individuals.....	12
III. Plan Implementation – Providing Language Services	13
Oral Language Assistance and Communications	13
Written Language Assistance	13
Website Translation	13
Training Staff.....	16
Providing Notice to LEP Persons	16
III. Monitoring and Updating the Language Assistance Plan.....	17

List of Figures

Figure 1: The TPB Planning Area

Figure 2: Languages Other Than English Most Often Spoken at Home

Figure 3: Distribution of Limited English Speaking Population by Census Tract

Figure 4: Commuting By Bus is Most Common for Limited English Speakers

Figure 5: The TPB’s Website Displayed in Spanish

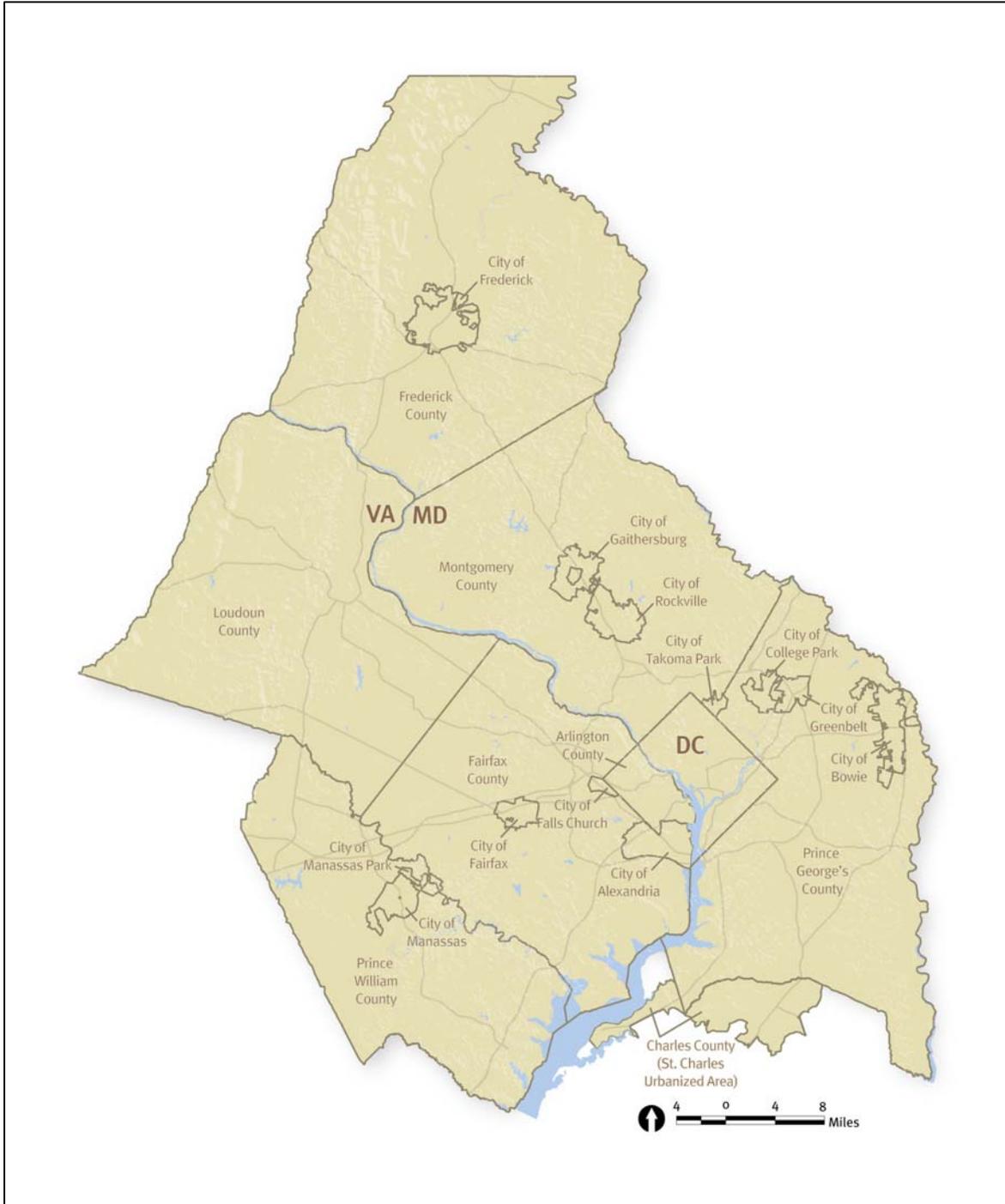
Figure 6: CLRP Website Displayed in Spanish

I. INTRODUCTION

The National Capital Region Transportation Planning Board (TPB) is the official Metropolitan Planning Organization (MPO) for transportation planning in the metropolitan Washington region, and serves as the transportation policy committee for the Metropolitan Washington Council of Governments (COG). As the MPO for the region, the TPB carries out several important federal planning requirements, including the development of transportation plans and programs and analyzing the plans for compliance with federal regulations. The TPB Bylaws state: “the TPB shall be responsible for the development of policies of regional significance ... for the effective implementation of [the sections] of the United States Code concerning a metropolitan transportation planning process”.

The TPB plans for an area that covers approximately 3,000 square miles and includes over 5.2 million people and over 3.2 million jobs. The TPB planning area is shown in Figure 1 below and includes the District of Columbia, Suburban Maryland (Frederick County, Montgomery County, Prince George’s County, and the St. Charles urbanized area of Charles County, plus the cities of Bowie, College Park, Frederick, Gaithersburg, Greenbelt, Rockville and Takoma Park), and Northern Virginia (Arlington County, City of Alexandria, Fairfax County, Loudoun County, and Prince William County, plus the cities of Fairfax, Falls Church, Manassas and Manassas Park).

Figure 1: The TPB Planning Area



RELATIONSHIP BETWEEN COG AND TPB

COG was established in 1957 by local cities and counties to deal with regional concerns including growth, housing, environment, public health and safety - as well as transportation. COG is an independent, nonprofit association. It is supported by financial contributions from its participating local governments, federal and state grants and contracts, and donations from foundations and the private sector. Policies are set by the full membership acting through its board of directors, which meets monthly to discuss area issues.

COG serves as the administrative agent for the National Capital Region Transportation Planning Board (TPB) under an agreement with the Transportation Departments of Maryland, Virginia, and the District of Columbia. The TPB was created in 1965 by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive and coordinated" transportation planning process in every urbanized area in the United States. The TPB is designated as this region's Metropolitan Planning Organization (MPO) by the governors of Virginia and Maryland and the mayor of Washington based upon an agreement among the local governments. Although the TPB is an independent body, its staff is provided by COG's Department of Transportation Planning. COG administers a Unified Planning Work Program (UPWP) in conjunction with the TPB in accordance with the requirements of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub.L. 109-59)

U.S. DEPARTMENT OF TRANSPORTATION (DOT) GUIDANCE ON LEP

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121). This Executive Order requires that Federal agencies develop guidance on how recipients should, consistent with the DOJ LEP Guidance and Title VI of the Civil Rights Act of 1964, as amended, assess and address the needs of otherwise eligible limited English proficient (LEP) persons seeking access to the programs and activities of recipients.

The DOT issued guidance to recipients on special language services to LEP beneficiaries in the Federal Register on January 22, 2002, Vol. 66, No. 14. The purpose of the guidance "is to clarify the responsibilities of recipients of federal financial assistance from the...DOT... and assist them in fulfilling their responsibilities to limited English proficiency (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964..."¹ Furthermore, "Title VI and its regulations require recipients to take reasonable steps to ensure 'meaningful' access to DOT recipients' programs and activities. The key to providing meaningful access to LEP persons is to ensure that recipients and LEP beneficiaries can communicate effectively and

¹ Federal Register, January 22, 2002, Vol. 66, No. 14/ Notices, page 6733

act appropriately based on that communication. Thus DOT recipients should take reasonable steps to ensure that LEP persons are given adequate information, and are able to participate effectively in recipient programs and activities, where appropriate.”² The guidance indicates that “reasonable steps” depend on a number of factors, such as the number and proportion of people who are potentially served, and the frequency and level of service provided by the recipients program.

Based on consideration of public comments received regarding the initial LEP guidance issued in 2002, the U.S. DOT published revised guidance in 2005³ in order to clarify the responsibilities of recipients of federal funds. This revised guidance is meant to better convey the flexibility of the guidelines, based on the four-factor analysis set forth in DOJ’s General LEP Guidance. It states that the identification of reasonable steps to provide oral and written services in languages other than English is to be determined on a case-by-case basis through a balancing of four factors. Among the factors to be considered is the number or proportion of LEP persons in the TPB planning area, the frequency with which LEP individuals come into contact with TPB activities, the importance of the TPB activities under consideration, and the resources available to the TPB for providing such services in languages other than English.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be Limited English Proficient or “LEP.”

FTA CIRCULAR: TITLE VI AND TITLE VI-DEPENDANT GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS

The Federal Transit Administration (FTA) issued Circular “Title VI and Title VI-Dependant Guidelines for Federal Transit Administration Recipients” (FTA C 4702.1A) on May 13, 2007 which requires the following of Metropolitan Planning Organizations: “In order to integrate, into metropolitan planning activities, considerations expressed in the DOT Order on Environmental Justice, MPOs should have an analytic basis in place for certifying their compliance with Title VI.”; and “Those MPOs that are direct recipients of Federal Transit Administration (FTA) shall report to FTA consistent with the reporting procedures in Chapter II part 4. Other MPOs should report to their direct recipient, the State Departments of Transportation (State DOTs), consistent with reporting procedures established by the State DOT.

² Ibid. page 6736

³ Federal Register, December 14, 2005, Vol. 70, No. 239/ Notices, page 74087

This Language Assistance Plan was developed to demonstrate the commitment of the TPB and its staff to ensure meaningful access to TPB activities by LEP persons, as mandated by Executive Order 13166.

TPB'S PROACTIVE APPROACH TO PUBLIC INVOLVEMENT

In order to ensure that the TPB's planning process, identifies the needs of transportation-disadvantaged population groups, the TPB has developed a proactive approach to public involvement.

TPB Staff held an interactive dialogue with members of the public during development of the TPB Participation Plan⁴, which was adopted in December 2007. The central concept of the Participation Plan is that there are three constituencies for the TPB, each having a different level of knowledge and familiarity with the TPB and the transportation decision-making process:

The **Involved** public consists of a relatively small group of people who are familiar with the TPB and participate in its processes through professional roles, membership on a TPB committee, or as a commenter on TPB plans or at meetings.

The **Informed** public consists of people who are engaged in civic issues and have a general understanding of transportation issues – these people are often referred to as “community leaders” by virtue of their status as information conduits to larger citizen groups.

The **Interested** public is the largest group, consisting of everyone who has an interest in transportation in the region simply by the role it plays in their daily lives.

The TPB Participation Plan is based upon the fundamental premise that in order to most effectively use its resources the TPB must tailor its outreach to these three different groups. The TPB works in a number of ways to engage traditionally disadvantaged communities, including the LEP community, in these three constituency groups.

The **TPB Access for All (AFA) Advisory Committee**⁵ was specifically created by the TPB to proactively address Title VI, Environmental Justice and involve minority communities, low-income communities and persons with disabilities, including LEP communities, in the transportation planning process.. The AFA was established in 2001 to advise the TPB on transportation issues, programs, policies, and services that are important to minority communities, low-income communities, and people with disabilities. The mission of this committee is to identify concerns for these traditionally transportation disadvantaged communities, and to determine whether and how these issues might be addressed within

⁴ <http://www.mwcog.org/transportation/involved/documents/ParticipationPlan-2007.pdf>

⁵ http://www.mwcog.org/transportation/committee/committee/default.asp?COMMITTEE_ID=99

the TPB process. AFA membership includes elected officials, transportation planners, community-based organizations, local advocacy groups, and interested citizens. Its diverse membership covers all three constituency groups identified in the TPB Participation Plan.

The AFA has identified needs for improved access to transit information and the TPB has helped advocate for such improvements through coordination with the Washington Metropolitan Area Transit Authority (WMATA).

The **TPB Community Leadership Institute (CLI)** is another outreach approach and it is tailored to the “informed” and “interested” constituencies identified in the TPB Participation Plan. The CLI is a workshop designed to help community activists learn how to get involved more effectively in transportation decision-making in the Washington Region. It is also intended to help the TPB reach out to communities and groups that typically have not been involved in the TPB process. The 2007 CLI session focused on engaging the LEP community and included representatives from the DC Language Access Coalition, Central American Resource Center of Washington, African Resource Center, African Political Action Committee, Caribbean Help Center, Multicultural Community Service, Hogar Hispano, Radio Fiesta, Prince George’s County Office of Community Relations, Maryland Vietnamese Mutual Association, Boat People SOS, Adelphi Langley Park Family Support, and Tenants and Workers United.

II. NEEDS AND CAPACITY ASSESSMENT

FOUR-FACTOR ANALYSIS

In the U.S. DOT “ Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” published December 14, 2005, it is stated that “Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.” The guidance further recommends that the following four-factor analysis be used to help determine how to ensure reasonable and meaningful access to TPB activities:

- (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 people's lives; and
- (4) The resources available to the recipient and costs.

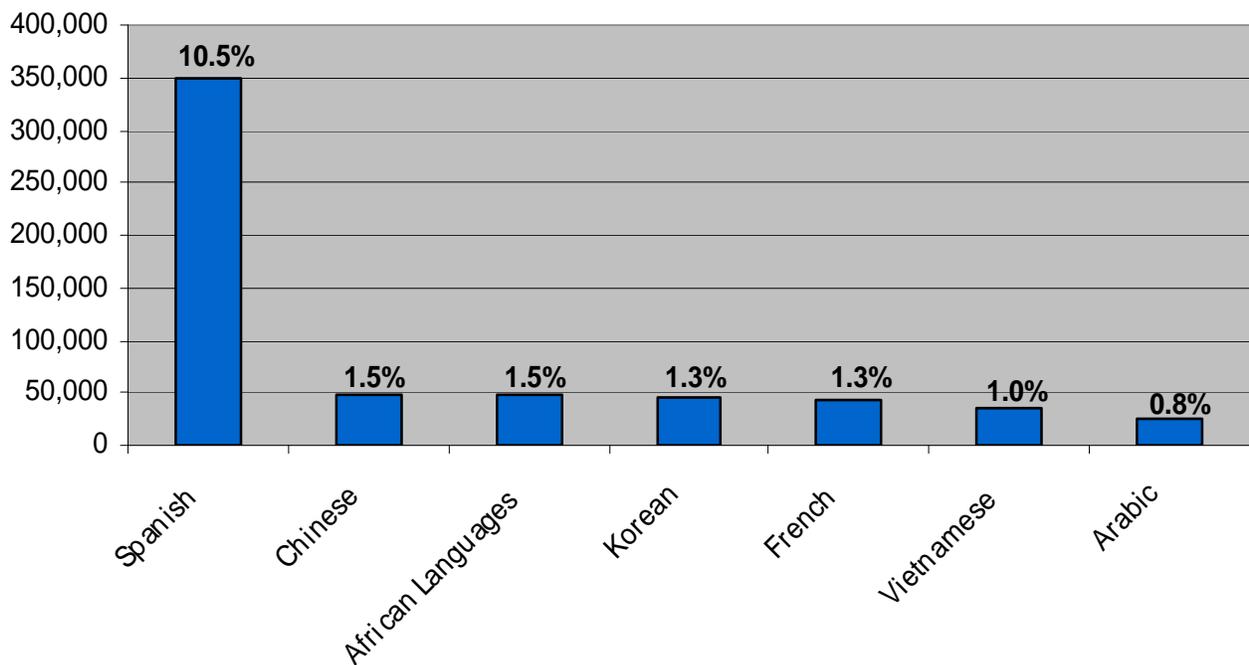
The TPB applied these four-factors to determine what language assistance measures should be put in place; these measures are described in Section III. Plan Implementation. Some of the information that fed into the analysis are provided below.

LANGUAGES SPOKEN IN THE REGION AND LOCATIONS OF LEP INDIVIDUALS

The 2000 U.S. Census provides the best source of information on those with limited English skills. The Census asks what language is spoken at home and if English is spoken less than “very well”. Data from the Census shows that the Washington region includes more than 800,000 people who are foreign born, and also indicates that 23% of the region’s population speaks a language other than English at home, ten percent of which speak English less than “very well”. The languages other than English most often spoken at home are Spanish, Chinese, African languages⁶ (including Amharic, the language spoken in Ethiopia), Korean, French, Vietnamese and Arabic, as shown in Figure 1.

With approximately 350,000 residents speaking Spanish at home, it is by far the most commonly spoken non-English language in the region. Based on this information, it is most likely that special language services provided would need to accommodate people who speak Spanish. However, non-English speaking groups in the region are not only diverse; they are also geographically dispersed throughout the region, as shown in Figure 2. Therefore, regional information about LEP language access may not be as useful as information from a smaller geographic area and it is necessary for transportation planning staff to understand the demographic profile of the communities they operate in within the region.

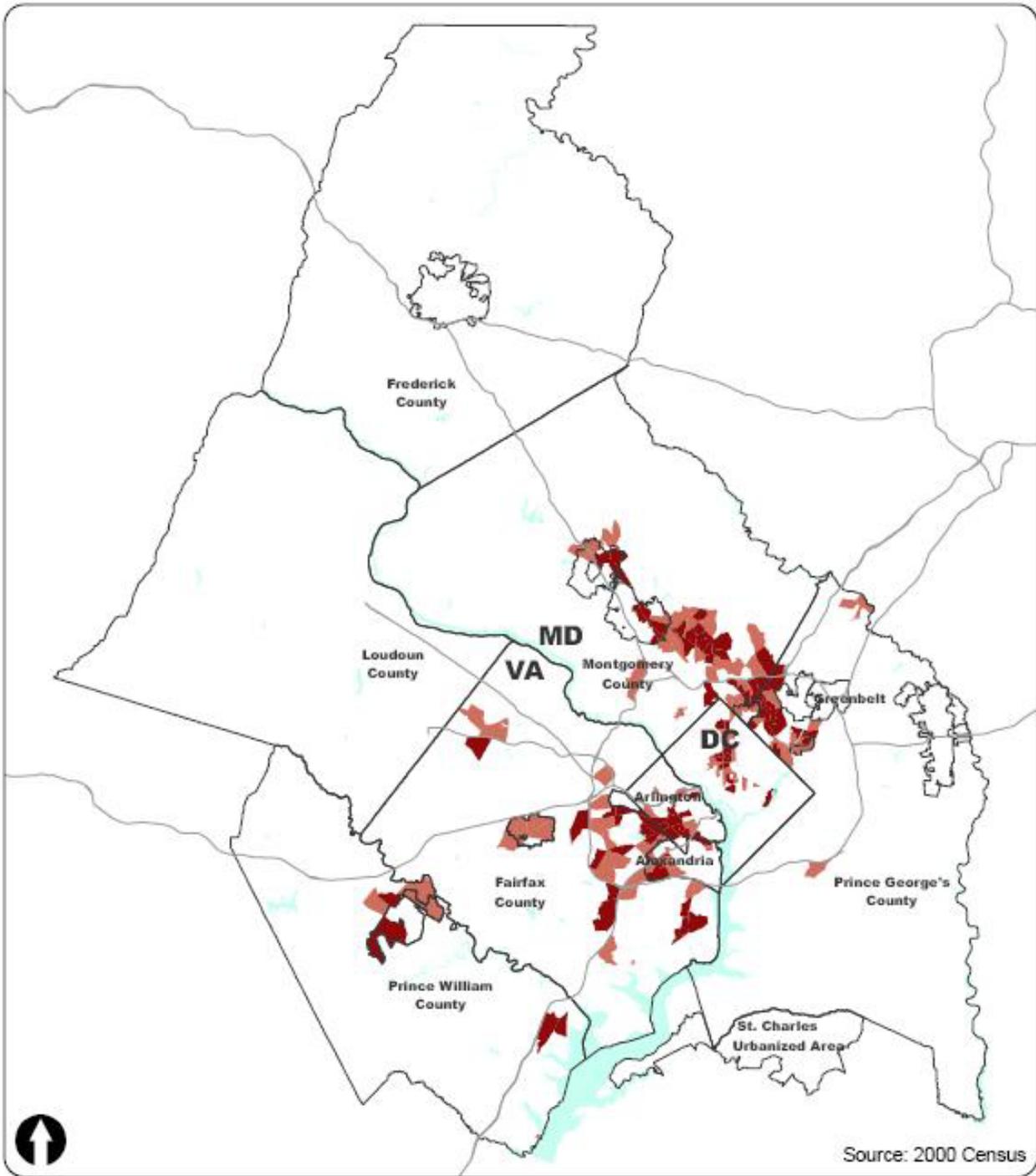
Figure 2: Languages Other Than English Most Often Spoken at Home



Source: 2000 Census. SF3. Jurisdictions include Arlington County, the City of Alexandria, the District of Columbia, the City of Fairfax, the City of Falls Church, Fairfax County, Montgomery County and Prince George’s County.

⁶ African Languages include Amharic, Ibo, Twi, Yoruba, Bantu, Swahili, and Somali.

Figure 3: Distribution of Limited English Speaking Population by Census Tract



Limited English Speaking

5% - 10%

10% +

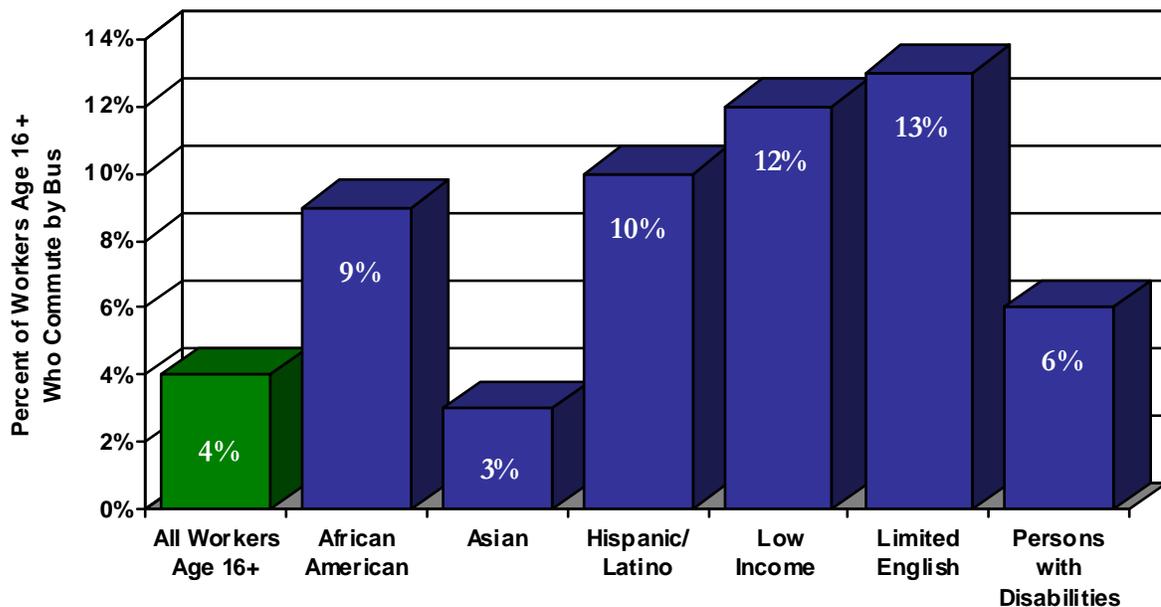
Source: 2000 Census. SF3. Limited English Speakers includes individuals who speak English “not well” or “not at all”

TRAVEL CHARACTERISTICS OF LEP INDIVIDUALS

In 2007, the TPB Access for All (AFA) Advisory Committee released a report⁷ to provide an overview of the major continuing barriers and the recommendations for improving access to transit for LEP communities in the short- and long-term. Analyzing data from the 2000 U.S. Census, the report found that LEP individuals are over *three times as likely* to commute to work by bus as the general population (see Figure 3). Also, limited English speakers are *half as likely* to commute by subway (3% versus 7% for the general population). Lastly, workers with limited English skills are twice as likely to walk and bicycle to work and almost three times as likely to carpool or vanpool⁸.

The AFA report made recommendations for three language “hot spots”, as well as system-wide recommendations. The three “hot spot” areas are Columbia Heights in D.C., Langley Park in MD and Baileys Crossroads in VA. All the recommendations have a timeframe for implementation associated with them: Short-term (within 6 months), Medium-term (within 1 year), and Long-term (1 to 3 years).

Figure 4: Commuting By Bus is Most Common for Limited English Speakers



Source: 2000 Census PUMS data

⁷ National Capital Region Transportation Planning Board, Access for All Advisory Committee. *Improving Language Access to Transit in the National Capital Region*. Endorsed by the TPB on May 16, 2007.

<http://www.mwcog.org/uploads/committee-documents/j1dYV1Y20070608143606.pdf>

⁸ These statistics are for workers 16 years and older and are provided in the report “Travel Characteristics and Accessibility Impacts of the 2004 Financially Constrained Long-Range

III. PLAN IMPLEMENTATION – PROVIDING LANGUAGE SERVICES

ORAL LANGUAGE ASSISTANCE AND COMMUNICATIONS

COG's Accommodations Policy⁹ states that translation services (including Spanish and sign language) are available upon request for meetings that are open to the public. It is expressed that requests for such services are appreciated seven business days in advance of a meeting to process the request.

The Commuter Connections program employs one full time Spanish speaking employee that is available for their call center and assists staff with in person contact and written communication in Spanish. Additionally, there is designated Spanish speaking staff in each COG department to handle calls from Spanish speakers.

The Commuter Connections program also periodically advertises their program via radio spots. These radio ads are broadcast in both English and Spanish.

WRITTEN LANGUAGE ASSISTANCE

Key documents of the TPB will be translated upon request. Staff arrange for the translation of materials through coordination with the Facilities Manager and Human Resources staff who maintain a list of qualified companies that provide translation services.

At certain times during our planning process it is required to publish notifications of TPB activities in local newspapers (e.g. announcement of the opportunity to comment on air quality conformity determination). When this is required, a notification is published in several newspapers, including a notification written in Spanish for the Spanish-language newspaper El Pregonero.

Outreach strategies for the annual Street Smart pedestrian and bicyclist safety campaign¹⁰ that is coordinated by TPB include radio, video, newspaper and transit advertising. These advertising efforts are focused on educating motorists, pedestrians and bicyclists to improve safety. All advertising materials are produced in English and Spanish versions, with select materials also produced in Korean, Vietnamese, Chinese, and Amharic.

WEBSITE TRANSLATION

The website for the Metropolitan Washington Council of Governments¹¹, including the Department of Transportation Planning's subsection of that website¹², is able to be

⁹ <http://www.mwcog.org/accommodations>

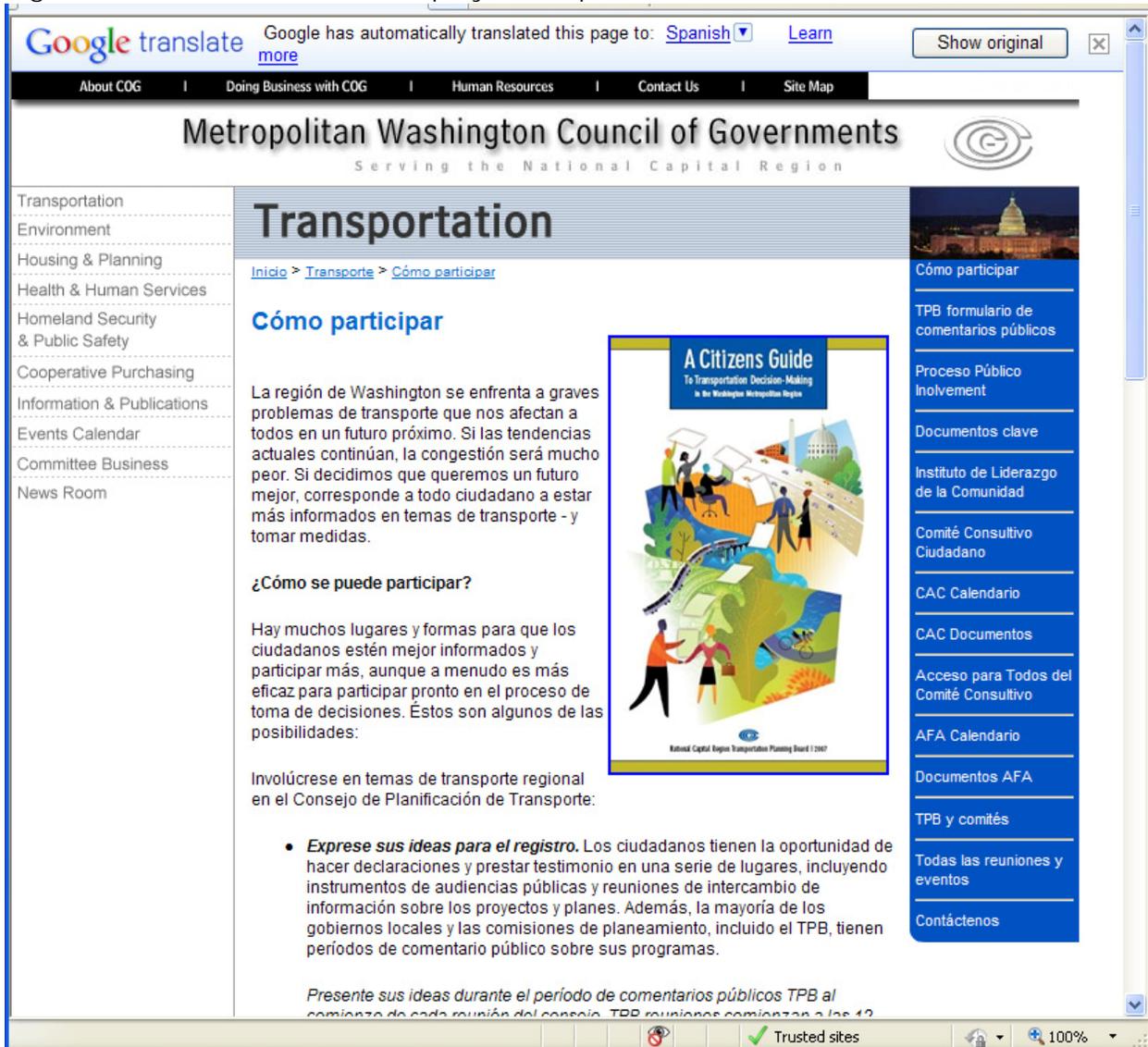
¹⁰ <http://www.bestreetsmart.net>

¹¹ <http://www.mwcog.org>

translated into 52 different languages. Staff incorporated Google Translate translation capability into the development of this website as a cost-efficient means of making sure that the information contained on the website is accessible to LEP stakeholders and the interested non-English speaking public.

Additionally, the website for the Financially-Constrained Long Range Transportation Plan (CLRPP) is able to be translated into numerous different languages, through incorporation of Yahoo! Babel Fish translation capability into the development of this website.

Figure 5: The TPB's Website Displayed in Spanish



¹² <http://www.mwcog.org/transportation>

Figure 6: CLRP Website Displayed in Spanish



Additionally, the Commuter Connections website¹³ is provided in Spanish, to accommodate Spanish speaking customers' participation in ridesharing and other Commuter Connections programs.

¹³ <http://www.mwcog.org/commuter2>

TRAINING STAFF

Most TPB staff is not in public contact positions; however those employees that do engage with the public (e.g. Program Coordination team) receive direct training from their supervisor regarding their obligations to provide meaningful access to information and services for LEP persons.

COG developed an Accommodations Policy to guide staff and outline how COG will provide certain services to accommodate people with special needs. Additionally, COG regularly provides diversity training for all of their employees.

In an effort to continuously improve the TPB's overall compliance posture, nondiscrimination and LEP-related training will be coordinated with the U.S. Department of Transportation, the Virginia Department of Transportation (VDOT), the Maryland Department of Transportation (MDOT) and the District Department of Transportation (DDOT) and made available to COG staff on an ongoing basis to ensure up to date knowledge of Title VI, other nondiscrimination statutes and LEP guidance.

PROVIDING NOTICE TO LEP PERSONS

COG's Accommodations Policy is posted online¹⁴ and states that translation services (including Spanish and sign language) are available upon request for meetings that are open to the public. It is expressed that requests for such services are appreciated seven business days in advance of a meeting to process the request. Similarly, agendas distributed for TPB meetings include the following notice in the footer indicating that alternative formats of meeting materials can be made available:

“Alternative formats of this agenda and all other meeting materials are available upon request. Phone: 202-962-3300 or 202-962-3213 (TDD). Email: accommodations@mwcog.org. Please allow seven working days for preparation of the material.”

At certain times during our planning process it is required to publish notifications of TPB activities in local newspapers (e.g. announcement of the opportunity to comment on air quality conformity determination). When this is required, a notification is published in several newspapers, including a notification written in Spanish for the Spanish-language newspaper El Pregonero.

¹⁴ <http://www.mwcog.org/accommodations/default.asp>

III. MONITORING AND UPDATING THE LANGUAGE ASSISTANCE PLAN

The TPB's Language Assistance Plan as part of the Metropolitan Washington Council of Government's Title VI Plan, will be reviewed annually by Title VI coordinators on the COG staff. This annual review will also include a review of whether existing assistance is meeting the needs of LEP persons, and whether new documents, programs, services, and activities need to be made accessible for LEP individuals. Such guidance will also be based on consideration of the frequency of encounters with LEP language groups and the availability of resources.

The TPB Access for All (AFA) Advisory Committee annually reviews the significant changes to CLRP and TIP projects and provides input to the TPB regarding the transportation-related concerns of the people they represent, including LEP persons, people with disabilities, older adults, and economically disadvantaged populations. As part of the annual review, the AFA will also be asked to review the Language Assistance Plan and provide feedback on which TPB activities are of most importance to LEP persons.

Additionally, as new data is made available on the demographics of the region and the resulting transportation needs (e.g., 2010 U.S. Census Data), this Language Assistance Plan will be reviewed and updated to respond to the needs of the region's growing and changing population.