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pennsylvania

DEPARTMENT OF TRANSPORTATION

Language Access Plan for Limited English Proficiency Individuals



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Language Access Plan for Limited English Proficiency Individuals

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I. Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. The executive order was issued to ensure accessibility to programs and services to otherwise eligible individuals not proficient in the English language.

The executive order stated that individuals with a limited ability to read, write, speak and understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The executive order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth To assist PennDOT in meeting Title VI and LEP requirements of the FHWA, FMCSA, FAA and the FTA, PennDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements. To assist PennDOT in meeting Title VI and LEP requirements of the FHWA, FMCSA, FAA and the FTA, PennDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements. in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only are all federally funded agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. This includes the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Department of Justice (DOJ), and the Federal Railroad Administration (FRA).

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies to nonprofits and privately-owned organizations. Title VI covers the recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of the recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this executive order.

The USDOT published "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency" in the December 14, 2005, Federal Register. The guidance explicitly identifies PennDOT as an organization required to follow Executive Order 13166.

"The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity; i.e., to all parts of a recipient's operations. This is true even if only one part of the operation receives federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation, not just the particular highway program or project, are covered by the DOT guidance."

To assist PennDOT in meeting Title VI and LEP requirements of the FHWA, FMCSA, FAA and the FTA, PennDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements.

II. Elements of an Effective LEP Policy and PennDOT's Strategy

The Civil Rights Division of the DOJ has developed a set of elements that may be helpful in designing an LEP policy or plan. For the purposes of this plan, only those individuals who were identified in the 2010 U.S. Census as having their ability to speak English as “less than well,” “not well” or “not at all” are being considered. PennDOT’s LEP Plan addresses these elements to aid in identifying LEP persons so that they are provided meaningful access to PennDOT services and activities that may affect their quality of life. These elements include:

1. Identifying LEP persons who need language assistance

The State Long Range Plan (SLRP) and the State Transportation Improvement Plan (STIP) will provide the program and project level basis for determining the need for public involvement and public engagement. The Center for Program Development and Management conducts an Environmental Justice Analysis for low-income and minority populations within urban and non-urban areas. In conjunction with this study, LEP populations and other cultural variables are considered, using the Census, i.e., school and community demographics, data from Metropolitan Planning Organizations (MPO), PennDOT transportation service centers and regions, and other stakeholders.

According to the 2010 U.S. Census, 10.3% citizens of the state of Pennsylvania ages 5 or older spoke a language other than English at home. Of that number, 3.8 percent speak English less than well.

2. Identifying ways in which language assistance will be provided.

PennDOT will provide oral interpretation, written translation, and sign language interpretation, if requested, or as a result of an LEP analysis on any given project or projected program, requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate PennDOT projects as called for in PennDOT’s Public Participation Plan, dated June 2010.

PennDOT will continually examine its services and survey its employees to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to assess a program, service, or activity, on an annual basis, or as needed.

3. Training staff and others.

All PennDOT staff will receive web-based LEP training beginning in 2019, which will be included as part of an ongoing annual requirement beginning in 2020. This training is especially vital for staff involved in customer service, public outreach and public involvement. This training focuses on identifying LEP populations and providing LEP translation and interpretation by using Department resources.

Sub-recipients and MPOs must provide LEP services to be in compliance with Title VI and Executive Order 12898. Sub-recipient reviews will be conducted to ensure compliance with Executive Order 12898, Limited English Proficiency.

Contractor compliance reviews will include a provision to comply with the order.

4. Providing notice to LEP persons.

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English).

Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

5. The recommended method of evaluating accessibility to available transportation services in the Four-Factor Analysis identified by the USDOT. (See below)

These recommended plan elements have been incorporated into this plan.

III. Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines the four-factor analysis recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

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 the LEP community.
4. The resources available to PennDOT and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

IV. The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individual assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of PennDOT's multi-modal transportation services. Recommendations are then based on the results of the analysis.

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a PennDOT program, service, or activity.

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'very well,' (2) 'well,' (3) 'not well,' and (4) 'not at all.'

The Department considers individuals who speak English less than 'very well' Limited English Proficient, or LEP.

The tables provided in the appendix shows a breakdown of Pennsylvania's population by race/ethnicity and the most common languages spoken in the Commonwealth which demonstrates the need to ensure that LEP persons are included in the transportation public involvement process.

All programs/projects must consider the number and percent of persons in regard to their English language skills within the planning area for inclusion in public involvement and public engagement meetings.

For each program, project, service, or activity, an assessment will be conducted to determine the number and type of LEP populations impacted to ensure meaningful public involvement. Guidance provided in the Center for Program Development and Management Public Involvement Plans will be followed to ensure all groups have notification and access as part of the Department's public outreach efforts.

Factor 2: The frequency with which LEP persons come in contact with a PennDOT program, activity, or service.

The program/project must be evaluated in relationship to the number of persons who are within the program/project area and the number of times they have frequented the program or activity. For public meetings, a sign-in sheet or survey must be utilized to determine the demographic and frequency of participation. Planners and project managers must provide notice to LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life.

Programs, services, and activities that have potential impact for LEP persons include, but are not limited to:

- Public involvement and public engagement meetings for transportation projects affecting LEP communities or individuals
- Welcome Centers and Rest Areas
- Roadside assistance drivers
- Transportation maintenance workers
- Transit sub-recipients
- Requests for permits
- Real estate transactions/condemnation
- Payment of tolls at PennDOT bridges
- Internet access: PennDOT Web sites provides translation features
- Requests for certifications, licenses
- Phone communications: notices/greetings in languages other than English

Factor 3: The Nature and Importance of the Program, Activity, or Service by PennDOT to the LEP population.

As the state transportation agency responsible for coordinating the Statewide Transportation Planning process, PennDOT must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and underrepresented population groups are part of the evaluation process. PennDOT provides oversight and helps ensure that LEP persons, groups and other protected classes of persons are not overlooked in the transportation planning process.

PennDOT's main function is to support cooperative, comprehensive, and continuing transportation planning as outlined in federal transportation acts. In doing so, PennDOT develops three (3) main documents: the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and

Unified Planning Work Program (UPWP), and as needed, other studies. The LRTP provides direction for transportation investments 20 years out in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UPWP outlines tasks to be performed in the upcoming year. LEP persons, low-income, minority populations, the elderly, and the disabled must be considered in these processes.

Factor 4: The Resources Available to PennDOT and the Overall Cost to provide LEP assistance .

PennDOT serves the entire Commonwealth of Pennsylvania and is required by federal law to provide access to LEP persons, and to ensure that its sub-recipients also provide access. Even sub-recipients with very limited resources should have an LEP section in their Environmental Justice analyses with the acknowledgment that current demographic trends indicate the number of LEP persons may increase within the Commonwealth of Pennsylvania and projects impacted in their specific planning area. At the very least, sub-recipients should contact their MPO to examine the potential need for LEP services based on the demographics provided by the MPO.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239), *"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."*

V. Safe Harbor Stipulation

Federal law provides a "Safe Harbor" provision so that recipients can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English.

A "safe harbor" means that if a recipient provides written translations in certain 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 does not mean there is noncompliance, but rather provides 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.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing 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. PennDOT's translation of other documents, if needed, can be provided orally.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

VI. Providing Notice to LEP Persons

USDOT LEP guidance says: Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating on websites and in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.
6. Providing notice on non-English-language radio and television about the available language assistance services and how to get them.
7. Providing presentations and/or notices at schools and religious organizations.

PennDOT will also provide statements in public information (meetings) and public notices, as outlined in our Public Participation Plan, that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to PennDOT

Federal financial recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. PennDOT defines an interpreter as a person who translates spoken language orally. A translator is one who translates the written language and who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering PennDOT's size and scope, LEP individuals in PennDOT's statewide services area, and our financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. PennDOT currently has contracts with multiple private translators and interpreters, Language Services Associates and Propio Language Services for all translation and interpreting needs.

VII. Proposed Actions: What it will take for PennDOT to Comply

USDOT LEP guidance says: Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

- Publish the LEP Plan on the PennDOT Internet website in languages other than English as warranted.
- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; also in languages other than English.

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- With advance notice of seven (7) calendar days, PennDOT will provide interpreter services for Drivers Licensing Services and for any public meetings. Interpreter to include foreign language(s) and American Sign Language (ASL) for the hearing impaired.
 - Place statements in notices and publications that interpreter services are available for meetings, with seven (7) days advance notice.
 - A notice of PennDOT's non-discrimination policies and information on the local and federal complaint process will be placed on the website and made available at public meetings.
 - Provide training to PennDOT staff on the requirements for providing meaningful access to services for LEP persons.
 - Utilize the PennDOT Pennsylvania Statewide Planning Process Participation Plan in conjunction with the PennDOT LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

VIII. LEP Plan Access

PennDOT will post the LEP Plan in languages other than English on its website.

Any person, including social services and civic organizations, non-profits, law enforcement agencies, and other community partners with internet access will be able to access the plan. For those without personal internet service, libraries may offer free internet access, and should be contacted to determine if this service is available. Copies of the LEP plan will be provided to PennDOT sub-recipients and stakeholders, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the Federal Transit Administration, the Federal Aviation Administration, and any person or agency requesting a copy.

IX. Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the 2020 U.S. Census and any Environmental Justice (EJ) analysis done on a project. It should be considered in relationship to the need for LEP services provided by PennDOT and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons, and to monitor changes in demographics and types of services.

PennDOT will update the LEP Plan as needed. At a minimum, the plan will be reviewed and updated when data from the U.S. Census changes or more data is available, or when it is clear that higher numbers of LEP individuals may be affected by projects or programs in the program or project affected communities.

PennDOT will examine and update its LEP Plan based on the following:

- The number of LEP persons who were encountered annually via survey of public meetings and other transportation related events or hearings.
- Determine how the needs of LEP persons have been addressed.
- Determine whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons.

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- Determine whether transit system's financial resources are sufficient to fund language assistance resources needed during compliance reviews.
 - Determine whether PennDOT and its contractors have fully complied with the goals of the LEP Plan.
 - Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

X. Dissemination of PennDOT's LEP Plan

The PennDOT LEP Plan and the Title VI Plan will be made available on its website and will be made available in languages other than English, i.e., Arabic and Spanish, and other languages as warranted, or requested.

PennDOT's LEP Plan will be shared with human service organizations, minority-focused organizations, governmental entities, contractors, and consultants, cities, villages, townships, Metropolitan Planning Organizations, community advisory committees, and road commissions.

Any person with internet access will be able to access and download the plan from the PennDOT website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, e-mail or in person shall be provided a copy of the plan at no cost.

XI. LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the PennDOT Title VI Program complaint procedures. For a more comprehensive look at PennDOT's Title VI Program Policy, please use the following link:

<https://www.penndot.gov/about-us/EqualEmployment/Pages/TitleVI.aspx>

Questions or comments regarding this LEP Plan or questions related to Title VI Program should be directed to:

Pennsylvania Department of Transportation
Bureau of Equal Opportunity / Title VI Program
400 North Street - 5 West
Harrisburg, Pennsylvania 17120-0041

Phone: (717) 787-5891

Fax: (717) 772-4026

E-mail: PennDOTeoreports@pa.gov

ATTENTION: If you speak another language other than English, language assistance services can be made available to you. Call (717) 787-5891.

Arabic:

تنبيه: إذا كنت تتحدث لغة أخرى غير اللغة الإنجليزية، يمكننا توفير خدمات المساعدة اللغوية لك. اتصل بالرقم (717) 787 5891.

Burmese:

သတိပြုရန်- သင်သည် အင်္ဂလိပ် ဘာသာစကား မဟုတ်သော အခြား ဘာသာစကားကို ပြောလျှင် သင့်အတွက် ဘာသာစကား အကူအညီ ဝန်ဆောင်မှုကို ရရှိနိုင်ပါသည်။ (717) 787-5891 သို့ ခေါ်ဆိုပါ။

French:

« ATTENTION : Si vous parlez une autre langue que l'anglais, des services d'assistance linguistique peuvent être mis à votre disposition. Appelez le (717) 787-5891. »

Greek:

ΠΡΟΣΟΧΗ: Εάν μιλάτε άλλη γλώσσα διαφορετική από τα αγγλικά, οι υπηρεσίες γλωσσικής βοήθειας μπορούν να σας διατεθούν. Καλέστε (717) 787-5891.

Hindi:

सूचना: यदि आप अंग्रेजी के अलावा कोई अन्य भाषा बोलते हैं, तो आपको भाषा सहायता सेवाएं उपलब्ध कराई जा सकती हैं। कॉल करें (717) 787-5891

Italian:

ATTENZIONE: Se parli una lingua che non sia l'inglese, i servizi di assistenza linguistica possono essere messi a tua disposizione. Chiama (717) 787-5891.

Japanese:

注意：英語以外の言語を話す場合は、言語支援サービスを利用できるようにすることができません。電話 (717) 787-5891

Korean:

주의: 영어 이외의 다른 언어를 사용하는 경우, 언어 지원 서비스를 이용할 수 있습니다. (717) 787-5891으로 전화하십시오.

Nepali:

ध्यान दिनुहोस्: यदि तपाईं अंग्रेजीबाहेक अन्य भाषा बोल्नुहुन्छ भने तपाईंलाई भाषा सहायता सेवा उपलब्ध गराउन सकिन्छ। (717) 787-5891 मा फोन गर्नुहोस्।

Polish:

UWAGA: Jeśli posługujesz się językiem innym niż angielski, możesz skorzystać z usługi pomocy językowej. Zadzwoń pod numer (717) 787-5891.

Russian:

ВНИМАНИЕ: если вы говорите на другом языке, вам может быть оказана языковая помощь. Обратитесь в информационно-справочную службу по номеру: (717) 787-5891.

Simplified Chinese:

请注意：如果您说英语以外的另一种语言，我们可以为您提供语言帮助服务。
请致电 (717) 787-5891。

Somali:

FIIRO GAAR AH: Haddii aad ku hadasho luqad kale aanan ahayn Ingiriisiga, adeegyada gargaarka luqadda ayaa lagu diyaarin karaa. Wac (717) 787-5891.

Spanish:

ATENCIÓN: Si habla otro idioma que no sea inglés, habrá servicios de asistencia en otros idiomas disponibles. Llame al (717) 787-5891.

Traditional Chinese:

請注意：如果您說英語以外的另一種語言，我們可以為您提供語言幫助服務。
請致電 (717) 787-5891。

Ukrainian:

УВАГА: якщо ви розмовляєте іншою мовою, вам може бути надана мовна допомога. Зверніться до інформаційно-довідкової служби за номером: (717) 787-5891.

Urdu:

توجہ دیں: اگر آپ انگریزی کے علاوہ کوئی اور زبان بولتے ہیں تو آپ کی زبان میں مدد کے لیے آپ کو خدمات فراہم کرائی جاسکتی ہے۔ براہ کرم (717) 787-5891 پر کال کریں۔

Vietnamese:

LƯU Ý: Nếu quý vị nói một ngôn ngữ khác không phải tiếng Anh, các dịch vụ hỗ trợ ngôn ngữ có thể được cung cấp cho quý vị. Gọi (717) 787-5891.