# TRI-COUNTY REGIONAL PLANNING COMMISSION

# LIMITED ENGLISH PROFICIENCY (LEP) PLAN



**ADOPTED November 21, 2013**

**Prepared by:**
**Tri-County Regional Planning Commission**
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**Website: www.mitcrpc.org**

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# A RESOLUTION OF THE
## Tri-County Regional Planning Commission
### ADOPTING THE
### LIMITED ENGLISH PROFICIENCY (LEP) PLAN

**WHEREAS,** in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how Tri-County Regional Planning Commission will accommodate persons with Limited English Proficiency;
and

**WHEREAS,** individuals who do not speak English well and who have a limited ability to read, write, speak, or 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; and

**NOW, THEREFORE, BE IT RESOLVED** that the Commission of Tri-County Regional Planning Commission approve and adopt the Limited English Proficiency Plan for the Tri-County Regional Planning Commission.

Adopted the 21$^{st}$ day of November 2013
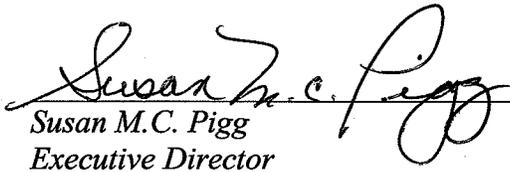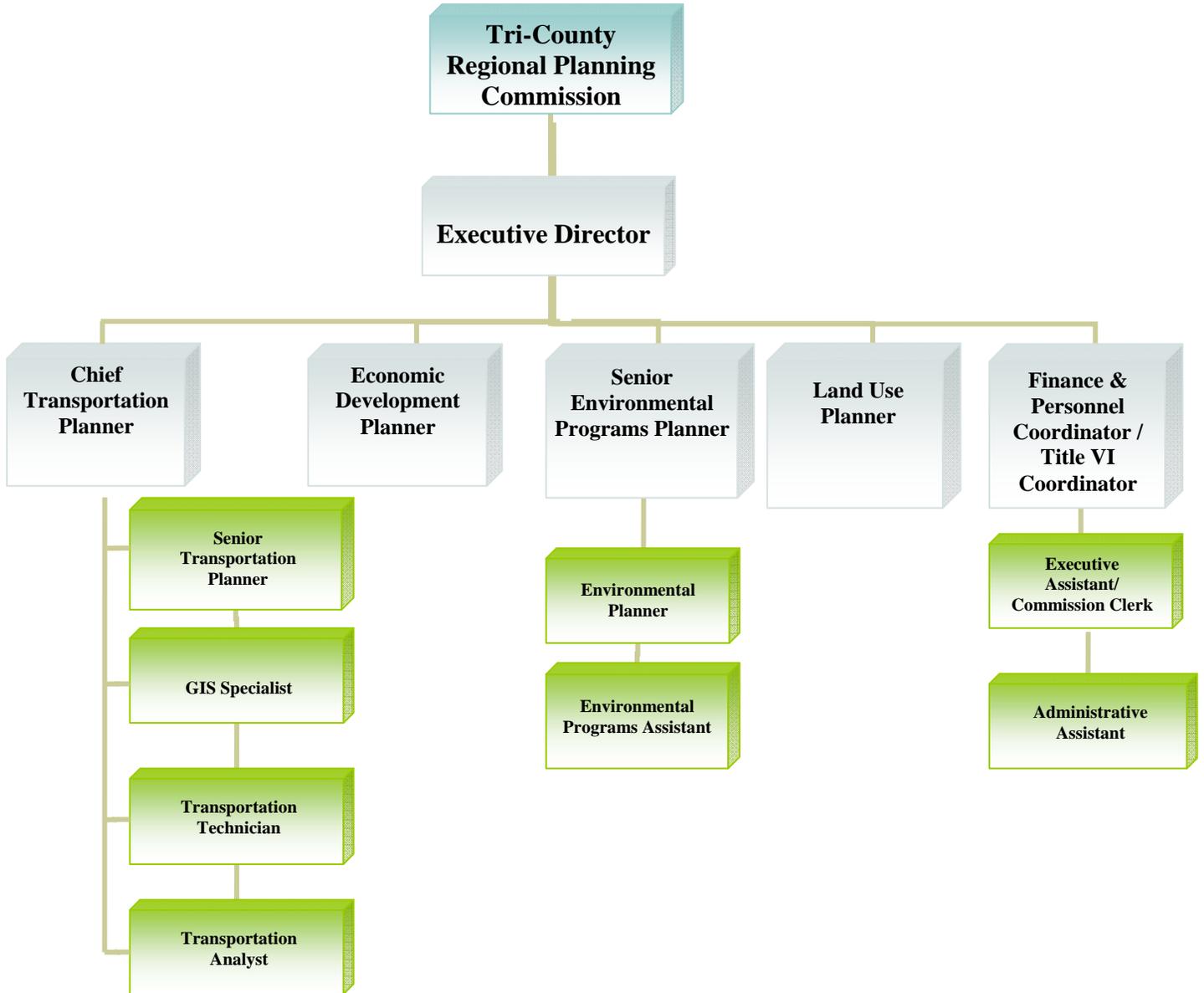
_____
Susan M.C. Pigg
Executive Director

_11-21-13_____
Date

_____
Carol Wood
TCRPC Chairperson

_11-21-13_____
Date

**TRI-COUNTY REGIONAL PLANNING COMMISSION**
**AGENCY ORGANIZATIONAL CHART**
**As of November 2013**

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                    │     Tri-County      │
                    │  Regional Planning  │
                    │     Commission      │
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│Transport.│ │Developmt.│ │Environmtl.│ │ Planner  │ │  Personnel   │
│ Planner  │ │ Planner  │ │ Programs  │ │          │ │ Coordinator /│
│          │ │          │ │ Planner   │ │          │ │  Title VI    │
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     │  │Transportation│        │  │   Planner    │         │  │  Assistant/  │
     │  │   Planner    │        │  └──────┬───────┘         │  │ Commission   │
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     │  │  Technician  │
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     └──│Transportation│
        │   Analyst    │
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**Introduction**

On August 11, 2000, President William J. Clinton signed an executive order, <u>Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency</u>[i], to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or 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[ii]. These individuals are referred to as being 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 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 do all federal agencies have 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.

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

The Tri-County Regional Planning Commission (TCRPC) receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.[iii]

The Guidance implies that the Tri-County Regional Planning Commission is an organization that must follow this guidance:

This 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 recipient receives the 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.

**Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

**Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors 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 the Tri-County Regional Planning Commission and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a 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 DOT's 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 DOT guidance is modeled after the Department of Justice'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.

**The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized 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 Tri-County Regional Planning Commission services and activities that may affect their quality of life.  Recommendations are then based on the results of the analysis.

**Factor 1:  The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.'  For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2011 Data for the TCRPC shows that 14,383 (3.36%) of individuals have identified themselves as speaking English less than 'very well.' With 4,463 individuals (1.04%) in the Spanish language group, followed by the cumulative number of separate dialects in the Asian and Pacific Islander language group representing 5,497 individuals (1.29%), then by 2,931 individuals (0.69%) consisting of the cumulative number of separate dialects in the Indo-European language group, and finally the Other languages group consisting of 1,492 individuals (0.35%) of the TCRPC population.

**TABLE #1**

| LANGUAGE SPOKEN AT HOME | Clinton County | | Eaton County | | Ingham County | | Tri-County Region | |
|---|---|---|---|---|---|---|---|---|
| | # of Individuals | Percentage | # of Individuals | Percentage | # of Individuals | Percentage | # of Individuals | Percentage |
| Population 5 years and over | 65,328 | | 100,928 | | 261,428 | | 427,684 | |
| English only | 62,930 | 96.30% | 95,805 | 94.90% | 233,661 | 89.40% | 392,396 | 91.75% |
| Language other than English | 2,398 | 3.70% | 5,123 | 5.10% | 27,767 | 10.60% | 35,288 | 8.25% |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Speak English less than "very well"** | **943** | **1.40%** | **1,743** | **1.70%** | **11,697** | **4.50%** | **14,383** | **3.36%** |
| **Spanish** | **1,206** | **1.80%** | **2,196** | **2.20%** | **8,970** | **3.40%** | **12,372** | **2.89%** |
| **Speak English less than "very well"** | **521** | **0.80%** | **673** | **0.70%** | **3,269** | **1.30%** | **4,463** | **1.04%** |
| **Other Indo-European languages** | **764** | **1.20%** | **1,668** | **1.70%** | **7,260** | **2.80%** | **9,692** | **2.27%** |
| **Speak English less than "very well"** | **157** | **0.20%** | **446** | **0.40%** | **2,328** | **0.90%** | **2,931** | **0.69%** |
| **Asian and Pacific Islander languages** | **208** | **0.30%** | **995** | **1%** | **8,431** | **3.20%** | **9,634** | **2.25%** |
| **Speak English less than "very well"** | **113** | **0.20%** | **569** | **0.60%** | **4,815** | **1.80%** | **5,497** | **1.29%** |
| **Other languages** | **220** | **0.30%** | **264** | **0.30%** | **3,106** | **1.20%** | **3,590** | **0.84%** |
| **Speak English less than "very well"** | **152** | **0.20%** | **55** | **0.10%** | **1,285** | **0.50%** | **1,492** | **0.35%** |

*Census Bureau ACS 2011 5-year County Profiles, calculated by TCRPC Staff

**Factor 2:  Frequency of Contact with LEP Individuals**
The TCRPC has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular Commission meetings are held once a month which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is high.

**Factor 3:  The Nature and Importance of the Program, Activity, or Service to LEP**

As the regional MPO, TCRPC must make sure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the transportation planning process. The impact of proposed transportation investments on

underserved and under-represented population groups are part of the evaluation process. TCRPC develops three main documents: the Long Range Transportation Plan (LRP), Transportation Improvement Program (TIP) and Unified Work Program (UWP), and as needed, other studies. The LRP provides direction for transportation investments out to 20 years 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 UWP 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. The nature of the services that the MPO provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the tri-county area, we will ensure accessibility to all of our programs, services, and activities.

**Factor 4:  The Resources Available to the TCRPC and Overall Cost**

US 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) states:

*"A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons.  Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets.  In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits.  Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns."*

Based on this guidance, we have reviewed our resources and deemed that given the high concentration of LEP individuals in our city, upon request we will translate our vital documents into the language requested to ensure accessibility.
Although there will not be a fixed amount allocated from our yearly budget for the translation of documents, the cost associated with the necessary translation of document in order to comply with LEP requirements will be allocated on an as-needed basis.

**Safe Harbor Stipulation**

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English.  A "Safe Harbor" means that if a recipient provides written translation 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 non-compliance, 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. 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.

Given that the number of LEP individuals in the tri-county area is above the Safe Harbor threshold, the TCRPC upon request will translate all vital documents, which may include but not be limited to: the complaint form, complaint procedures, and all public meeting notices.

**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, in languages that an LEP individual would understand that free language assistance is available with advance notice.
2.  Stating in outreach documents that free language services are available from the agency.
3.  Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the TCRPC.

**Options and Proposed Actions**

**Options:**

Federal fund 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.[iv]

The TCRPC is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.[v]

Considering the size of the TCRPC, the large number of LEP individuals in the service area, and limited financial resources; it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

**What the TCRPC will do.  What actions will the TCRPC take?**

- All partners and sub-recipients of TCRPC will be encouraged to address the needs of LEP individuals.

- Notify the public that interpreter services are available upon request, with seven day advance notice.

- With advance notice of seven calendar days, the TCRPC will provide interpreter services at public meetings, including language translation and/or signage for the hearing impaired.

- The TCRPC will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation (see Appendix I).

- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals (see Appendix II).

- Once the LEP individual's language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.

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- Publications of the MPO's complaint form will be made available online and upon request.

- In the event that a MPO employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.

2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT's *Translators Resource List.*

3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI Coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.

2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.

3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.

2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.

3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.

2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

**TCRPC's Staff Training**

The TCRPC's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

**LEP Plan Access**

A copy of the LEP plan document can be requested at the TCRPC's main office during normal business hours and the TCRPC will make the plan available on the website at www.mitcrpc.org. Any person or agency may also request a copy by contacting:

> Greg Hoffman
> Finance and Personnel Coordinator
> 3135 Pine Tree Road
> Suite 2C
> Lansing, MI 48911
> Phone: 517-393-0342
> Fax: 517-393-4424
> Email: ghoffman@mitcrpc.org

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[i] The executive order verbatim can be found online at http://www.usdoj.gov/crt/cor/Pubs/eolep.htm.

[ii] Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

[iii] The DOT has also posted an abbreviated version of this guidance on their website at http://www.dotcr.ost.dot.gov/asp/lep.asp.

[iv] http://www.dotcr.ost.dot.gov/asp/lep/asp

[v] Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

# TRANSLATORS RESOURCE LIST

**Translators do not have to be on the Translators Resource List to be acceptable**, but they must be a community or government agency, attorney, college, university, or _translation-related_ business. Translators are **not** certified by the Michigan Department of State. When providing acceptable translated documents to the Michigan Department of State the translation must:

O Be on the letterhead stationery of the agency that employs the translator and include the address of the agency. The letterhead on which the translation appears must also be translated if it is in a foreign language.

> O Include the legibly printed name and signature of the person who prepared the translation
> O Include a daytime telephone number where the translator may be reached
> O Include the date the translation was prepared.

Translations do not need to be notarized. A translation does not have to be prepared by an agency in Michigan or the United States. Translations prepared in other countries are acceptable if they meet Michigan Department of State requirements.

The agencies listed below may charge a fee for translating documents. Please inform your customer to ask the agency about any fees they may be expected to pay.

Note: An organization or individual not on this list may provide translations if they meet the requirements listed above.

The agencies and information on this list are subject to change without notice. Please check the yellow pages of your local telephone directory under "Translations" or "Translators" for other resources that may be available in your area. Translation services may also be available from local community agencies, colleges, universities, attorneys, and government agencies.

The below list is comprised of local agencies only. Please see the Translators Resource List dated 10/23/15, for all agencies statewide.

| AGENCY | LOCATION | TELEPHONE NUMBER | LANGUAGES |
|---|---|---|---|
| 7C Lingo | Lansing | (517) 337-2700 | Arabic, Chinese, Dutch, French, German, Japanese, Korean, Portuguese, Somali, Spanish, Urdu |
| Cristo Rey Community Center | Lansing | (517) 337-2700 | Spanish |
| Interactive Designs for Translation & Instructions | East Lansing | (517) 575-8878 (517) 337-4486 | Chinese |
| Michigan State University | East Lansing | (517) 353-0740 (517) 353-8351 (517) 355-8350 | Arabic, Chinese, German, Japanese, Russian, Swahili, French, Greek, Italian, Portuguese, Spanish |

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐ Խնդրում ենք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐ ឈ្មបបញ្ជាក់ក្នុងប្រអប់នេះ៖ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐ Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐ 如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐ 如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐ Mark this box if you read or speak English.

11. English

☐ اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.

12. Farsi

☐ Cocher ici si vous lisez ou parlez le français.

**13. French**

☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.

**14. German**

☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.

**15. Greek**

☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.

**16. Haitian Creole**

☐ अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएँ।

**17. Hindi**

☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.

**18. Hmong**

☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.

**19. Hungarian**

☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.

**20. Ilocano**

☐ Marchi questa casella se legge o parla italiano.

**21. Italian**

☐ 日本語を読んだり、話せる場合はここに印を付けてください。

**22. Japanese**

☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.

**23. Korean**

☐ ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.

**24. Laotian**

☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.

**25. Polish**

DB-3309

| | | |
|---|---|---|
| ☐ | Assinale este quadrado se você lê ou fala português. | 26. Portuguese |
| ☐ | Însemnaţi această căsuţă dacă citiţi sau vorbiţi româneşte. | 27. Romanian |
| ☐ | Пометьте этот квадратик, если вы читаете или говорите по-русски. | 28. Russian |
| ☐ | Обележите овај квадратић уколико читате или говорите српски језик. | 29. Serbian |
| ☐ | Označte tento štvorček, ak viete čítaťalebo hovoriťpo slovensky. | 30. Slovak |
| ☐ | Marque esta casilla si lee o habla español. | 31. Spanish |
| ☐ | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog |
| ☐ | ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย. | 33. Thai |
| ☐ | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. | 34. Tongan |
| ☐ | Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою. | 35. Ukranian |
| ☐ | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگا ئیں ۔ | 36. Urdu |
| ☐ | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. | 37. Vietnamese |
| ☐ | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. | 38. Yiddish |