



**Capital District
Transportation Committee**

Draft CDTC Limited English Proficiency Plan

February 6, 2020

Capital District Transportation Committee
One Park Place
Albany NY 12205
518-458-2161
www.cdtcmpo.org

CDTC Limited English Proficiency Plan

Background

The Capital District Transportation Committee is committed to quality, inclusive planning that involves all residents of the Capital Region who wish to participate, including those who do not speak English as their primary language and who have a limited ability to speak, read, write, or understand English.

According to the U.S. Department of Transportation’s (USDOT) Policy Guidance Document Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons, “Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use USDOT guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to benefits, services, information, and other important portions of their programs and activities for persons who are LEP.” LEP requirements extend to all CDTC programs and activities, even those that may not receive federal assistance.

Analysis

The U.S. Department of Transportation recommends a specific method of analysis by an agency receiving federal funds. After conducting the analysis, the agency will be in a better position to both determine the extent of proactive language-assistance measures required and target resources appropriately. The USDOT recommends that four factors be analyzed:

1. The number or proportion of LEP persons eligible to be served or likely to encounter a program, activity, or service of the Capital District Transportation Committee.

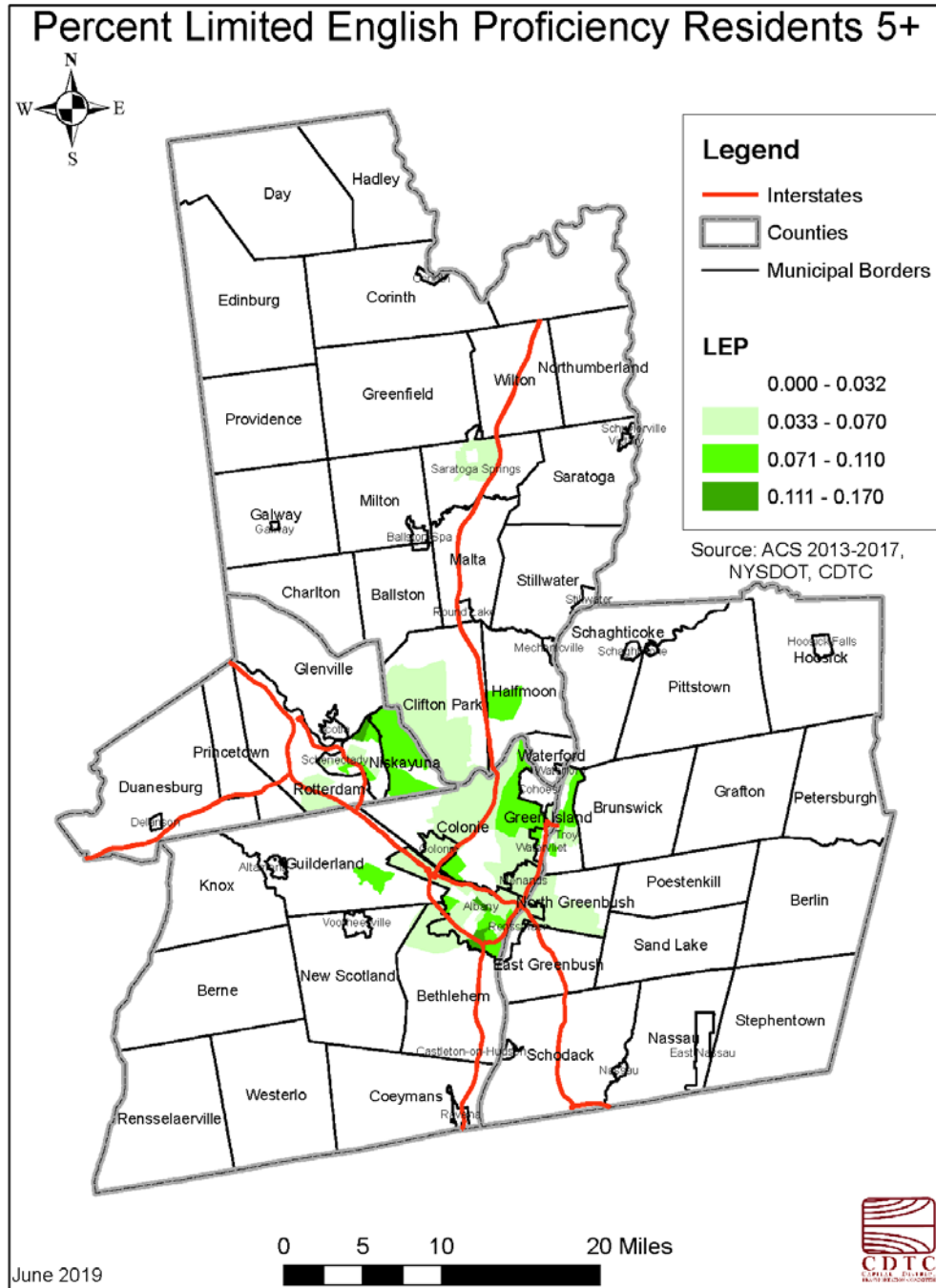
According to 2013-2017 data from the American Community Survey table B16004, 3.2 percent of the region’s population 5 years and over, or over 25,000 people, reported that they do not speak English “very well”. The following map shows the distribution of census tracts in which people who speak English “less than very well” constituted over 3.2% of the population 5 years and over.

The USDOT guidance “Safe Harbor” provision states that “written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 people, whichever is less, of persons eligible to be served” is “strong evidence of compliance with the recipient’s written translation requirements.”

Language	Speak English “less than very well” (age 5+)	Percent Population Speak English “less than very well” (age 5+)
Chinese	5,238	0.62%
Spanish	3,947	0.47%
All	24,304	2.90%

The table shows the two language populations that meet these criteria in the Albany-Schenectady-Troy metropolitan area. While this area is a subset of the four county Capital Region, the dataset available for the metropolitan area reports on a greater number of discrete languages. Data that is available for all four counties (2013-2017 American Community Survey table 5-year estimates, C16001) shows the same two languages with over 1,000 LEP residents.

CDTC Limited English Proficiency Plan



Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates, B16001

2. The frequency with which LEP persons come in contact with Capital District Transportation Committee programs, activities, and services.

To date, staff has not come in contact with LEP persons, and no requests for language-assistance have been made of CDTC by LEP individuals.

3. The nature and importance of services provided by the Capital District Transportation Committee to the LEP population.

CDTC's programs use federal funds to plan for future transportation projects that have an impact on all residents, but do not include any direct service or program that requires vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Nor does CDTC require "screening" activities, such as applications or interviews, prior to participation in its programs or events. Involvement by any citizen with CDTC or its committees is strictly voluntary.

4. The resources available to the Capital District Transportation Committee, and overall costs to provide LEP assistance.

CDTC is able to fund LEP assistance with federal transportation planning funds. It is unknown what it would cost to provide LEP assistance since there have been no such requests. However, the cost of these services is expected to be relatively low, given that the demand is expected to be relatively low.

Implementation

Inclusive public participation is a priority consideration in CDTC-sponsored plans, studies, and programs. Understanding and involvement are encouraged throughout the process. CDTC encourages input from all stakeholders and ensures that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process.

All language assistance activities detailed below will be coordinated by the Capital District Transportation Committee's Title VI Coordinator in collaboration with other CDTC staff.

Identifying LEP Individuals Who Need Language Assistance:

CDTC staff will use Language Identification Flashcards when encountering a LEP individual to identify that person's primary language. These cards, developed by the U.S. Census Bureau and widely used by federal and other agencies, bear the phrase "Mark this box if you read or speak [name of language]" translated into numerous languages. The Language Identification Flashcards are free and available online at <http://www.lep.gov/ISpeakCards2004.pdf>. CDTC will make the Language Identification Flashcards available at public meetings. Once a LEP person's primary language is identified by means of the flashcards, CDTC staff will assess the feasibility of providing translation and/or interpretation assistance.

CDTC Limited English Proficiency Plan

Language Assistance Measures:

Language assistance will be provided for LEP individuals speaking languages covered by the safe harbor provision through the translation of vital documents, as well as selected key documents on request, and oral interpreting when necessary and possible. Visitors to the website can utilize the website translate feature to view the website in different languages.

When conducting studies in geographic subareas, CDTC assesses the LEP needs to determine if any language groups in the subarea meet the federal safe harbor provision. CDTC uses the Census analysis represented on Page 2 and gives special attention to known large LEP populations in the City of Albany, the Town of Colonie, the City of Troy, and the City of Schenectady.

Translation of Written Documents:

The Title VI Notice and Complaint Procedure will be translated into languages covered by the safe harbor provision. Written executive summaries of the Long Range Transportation Plan, Transportation Improvement Program, Unified Planning Work Program, and Public Participation Program will be translated into languages covered by the safe harbor provision upon written or verbal request to CDTC, and posted to CDTC's website. In addition, written executive summaries of studies conducted in geographic subareas where language groups within the population constitute 1,000 people or 5% of the subarea will be translated into those languages upon request and posted on-line.

CDTC staff will use a free online translation service for all other requests for translations of documents. The CDTC website may be translated into many different languages using free online translation services such as Google Translate. In this way, meeting agendas and minutes, notices of official actions, public comment requests, and other documents may be translated.

Oral Interpretation:

Upon at least one-week request of LEP individuals speaking languages covered by the safe harbor provision, CDTC will provide interpreting services at meetings, in person if possible. If formal interpretation is required and an interpreter is not available, CDTC staff will use the telephone interpreter service, Language Line, at 1-800-752-6096.

Monitoring and Updating the LEP Plan:

CDTC continuously monitors the Capital Region's changing demographics and the needs of persons with limited English proficiency. CDTC conducts a biennial review of the number of people in the region who speak English less than very well by language to ensure translation of vital documents into languages with over 1,000 speakers, or 5% of the regional population, who speak English less than very well. Likewise, CDTC will provide translation and interpreter services for speakers of all such language groups, as described above. County-level American Community Survey data show a need to monitor the future number of LEP Arabic and Korean speakers, as they both fall short of the Safe Harbor provision by a relatively small number.

CDTC Limited English Proficiency Plan

Staff Training:

CDTC staff will be briefed on this LEP Plan and how to assist LEP individuals as part of ongoing Title VI training.

DRAFT