



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 3

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Memorandum

TO: Legislation Committee

DATE: June 4, 2010

FR: Executive Director

W. I. 1112

RE: Release of Draft Plan for Special Language Services to Limited English Proficient Populations

Background

Presidential Executive Order 13166 states that people who speak limited English should have meaningful access to federally conducted and federally funded programs and activities. It requires that all federal agencies identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so all persons can have meaningful access to services. Agencies such as MTC that receive federal funds also are subject to this requirement. MTC has a number of procedures in place to assist Bay Area residents who are not proficient in the English language. Attachment 1 documents the various services and proposes some new procedures in a Draft Plan for Special Language Services to Limited English Proficient (LEP) Populations.

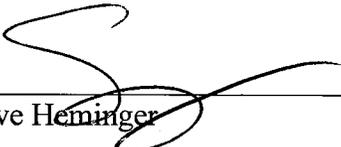
MTC staff will circulate this draft document widely throughout the region, and conduct focus groups with residents with limited English proficiency, as well as with community groups working with these residents. The draft will also be released in Spanish and Chinese. We will also seek comments via the web, mailings and e-mail notices, and through presentations to groups, including MTC's Policy Advisory Council. The schedule calls for final approval of this LEP Plan by October.

Next month, we will return with a draft 2010 update to MTC's federal Public Participation Plan, which will detail plans for involving Bay Area residents in the OneBayArea Sustainable Communities Strategy. This is being developed jointly with the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the Bay Conservation and Development Commission.

Recommendation

To begin the dialogue on the attached draft document, staff requests the Legislation Committee's action to release MTC's Draft Plan for Special Language Services to Limited English Proficient Populations for public review, with the comment period closing at 4 p.m. on Monday, July 26, 2010. Written comments can be submitted via e-mail at info@mtc.ca.gov, via fax to 510.817.5848, or via postal mail to:

Metropolitan Transportation Commission
Attention: Public Information Office
Joseph P. Bort MetroCenter
101 Eighth Street, Oakland, CA 94607-4700


Steve Heminger



**METROPOLITAN
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D R A F T

MTC Plan for Special Language Services to Limited English Proficient (LEP) Populations

**Draft for Public Review:
June 2010**

Also available in Chinese and Spanish languages

Please send written comments by July 26, 2010 to:

Metropolitan Transportation Commission

Attn: Public Information Office

Joseph P. Bort MetroCenter

101 Eighth Street

Oakland, CA 94607-4700

info@mtc.ca.gov

510.817.5848 (fax)

Para solicitar una copia en español del Plan de Servicios del Idioma para Poblaciones con Aptitud de Ingles Limitada llame al 510.817.5813.

為了滿足英文程度有限的人士的需要，此報告有提供中文版本。請致電510.817.5834索取副本。

MTC Plan for Special Language Services to Limited English Proficient (LEP) Populations

Introduction

Individuals who have a limited ability to read, write, speak or understand English are limited English proficient, or "LEP." In compliance with regulations from the U.S. Department of Transportation, and to avoid discrimination against LEP persons on the grounds of national origin, MTC will take reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, free of charge.

An LEP Plan starts with an assessment to identify LEP individuals who need assistance. Implementation includes the development of language assistance measures, staff training, notification measures to LEP individuals, and monitoring of the plan.

As the metropolitan transportation agency for the nine-county San Francisco Bay Area, MTC's service area includes a population of some 7 million residing in over 7,000 square miles of land. The nine counties that make up the Bay Area range from urban and suburban cities to rural towns and farming communities. The population is quite diverse, with large numbers of residents favoring a language other than English.

Determination of Need

In order to prepare this plan, MTC undertook the U.S. Department of Transportation's four-factor LEP analysis, which considers the following:

1. The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population
2. The frequency with which LEP persons come in contact with MTC programs, activities or services
3. The Importance to LEP Persons of MTC's Program, Activities and Services
4. The resources available to MTC and overall cost to provide LEP assistance.

Factor 1: Number and proportion of LEP persons served or encountered

For planning purposes, MTC looked at American Community Survey data for people who speak English "less than very well" as Limited English Proficient persons. Table 1 shows the languages spoken at home, by ability to speak English, for persons five years of age and older, with number and percentage broken out by county. Looking at the regional totals, the five most frequently spoken languages other than English are Spanish (8.4 percent), Chinese (3.8 percent), Vietnamese (1.5 percent), Tagalog (1.2 percent) and Korean (.5 percent). The data show that

providing language assistance in Spanish and Chinese would give population groups that are identified as not speaking English very well and that represent greater than 5 percent of the county population access to information and services in their language spoken at home.

Table 1

Language Spoken at Home by Ability to Speak English, Persons Age 5 Years and Over, 2006-2008
 San Francisco Bay Area
 American Community Survey 2006-2008

County	Speaks English Less than "Very Well"						Total Speaking English Less than "Very Well"	Speaks English "Very Well"	Total
	Spanish	Korean	Chinese	Vietnamese	Tagalog	Other Languages			
Alameda	114,426	7,947	60,488	15,457	15,509	43,983	257,810	1,097,653	1,355,463
	8.4%	0.6%	4.5%	1.1%	1.1%	3.2%	19.0%	81.0%	100.0%
Contra Costa	80,833	3,165	10,956	2,914	6,297	24,179	128,344	822,653	950,997
	8.5%	0.3%	1.2%	0.3%	0.7%	2.5%	13.5%	86.5%	100.0%
Marin	14,911	401	957	1,005	22	4,449	21,745	211,690	233,435
	6.4%	0.2%	0.4%	0.4%	0.0%	1.9%	9.3%	90.7%	100.0%
Napa ¹	19,195	220	75	152	1,326	1,707	22,675	101,453	124,128
	15.5%	0.2%	0.1%	0.1%	1.1%	1.4%	18.3%	81.7%	100.0%
San Francisco	41,983	3,280	93,528	7,308	10,656	28,581	185,336	571,075	756,411
	5.6%	0.4%	12.4%	1.0%	1.4%	3.8%	24.5%	75.5%	100.0%
San Mateo	58,521	2,442	20,098	1,550	14,585	20,813	118,009	537,407	655,416
	8.9%	0.4%	3.1%	0.2%	2.2%	3.2%	18.0%	82.0%	100.0%
Santa Clara	147,189	11,944	56,985	66,344	16,866	58,426	357,754	1,246,412	1,604,166
	9.2%	0.7%	3.6%	4.1%	1.1%	3.6%	22.3%	77.7%	100.0%
Solano	28,059	581	1,029	862	9,179	6,261	45,971	333,554	379,525
	7.4%	0.2%	0.3%	0.2%	2.4%	1.6%	12.1%	87.9%	100.0%
Sonoma	42,063	648	1,143	1,104	536	4,601	50,095	384,795	434,890
	9.7%	0.1%	0.3%	0.3%	0.1%	1.1%	11.5%	88.5%	100.0%
Bay Area	547,180	30,628	245,259	96,696	74,976	193,000	1,187,739	5,306,692	6,494,431
	8.4%	0.5%	3.8%	1.5%	1.2%	3.0%	18.3%	81.7%	100.0%

Notes: Tabulation prepared by MTC Staff based on data from American Community Survey (ACS) 2006-2008 (Table B16001).

¹Data for Napa County not available with the standard tabulation. Extracted from ACS Public Use Microdata Samples 2006-2008.

Factor 2: Frequency of LEP populations' contact with programs, activities, services.

MTC's prior experience with limited English proficient persons has been overwhelmingly with Spanish and Chinese speakers. Since 2003, MTC has contracted with community-based organizations for each update of its long-range transportation plan to host community meetings to gather input from minority and low-income residents. Such meetings provide insight into the needs and concerns of residents who too often do not participate in regional government. Material is translated into the language or languages recommended by the community group. Spanish and Chinese are the two languages most often requested, although translators have been provided for Vietnamese and Lao speakers. Some meetings have been conducted entirely in Spanish or Chinese; at other times, simultaneous translation has been provided.

Factor 3: Importance to LEP population of programs, services, activities.

Regarding the importance to LEP persons of MTC's programs, activities and services, in general, access to the planning process will affect residents in the long-term and not in an immediate manner. For example, MTC serves as the region's transportation banker and planner rather than as a direct provider of services. Some of MTC's programs, however, have a larger reach, including a regional transit fare card (known as the "Clippersm" card), a 511 traveler information system, a regional transit hub signage program, motorist-aid call boxes, freeway service patrols and automatic toll collection for the region's state-owned toll bridges.

Factor 4: Resources available to MTC and overall cost to provide LEP assistance.

Providing translation services to allow LEP populations to participate in the development of MTC's core planning and investment policies is a routine practice for MTC. It is worth noting, however, that there has not been a significant demand from LEP residents to participate in these policy-oriented discussions. Additionally, MTC works with many advocate groups representing LEP persons to determine their needs and concerns for planning purposes. For MTC's programs that more directly serve Bay Area residents, measures have been incorporated to provide access for LEP populations (see Table 2). In some cases, however, the cost to implement multiple-language programs is significant and not currently funded. MTC staff is now exploring lower cost options to expand access to these programs for Spanish and Chinese languages speakers.

Language Assistance Measures

MTC will use a number of techniques or practices to provide meaningful, early and continuous opportunities for all interested Bay Area residents to participate in the dialogue that informs key decisions, regardless of language barriers. This is done in a number of ways, including:

General Measures or Practices

- Review prior experiences with LEP populations to determine the types of language services that are needed.
- Robust use of "visualization" techniques, including maps, charts and photographs to illustrate trends, choices being debated, etc.

- Translation (Spanish and Chinese as a matter of routine; other languages as requested) of select printed materials for the various traveler services provided by MTC (Clippersm, FasTrak[®], Freeway Service Patrol, Call Boxes).
- Consultation with MTC's Policy Advisory Council, which includes appointed representatives from communities of color and low-income communities (populations that frequently include LEP residents).
- Use of personal interviews or use of audio recording devices to obtain oral comments at key public workshops/meetings.
- Translation of vital documents — including certain news releases, brochures, fact sheets and portions of the long-range regional transportation plan.
- Ensure competency of translators; have translators available at meetings as requested
- Contract with a language translation firm for on-call assistance (for example, interpreters for public meetings or translating documents).

Local Community Media

- Work with non-English language media outlets to place articles about MTC's work or announce participation opportunities.
- Purchase display ads in non-English language community newspapers to announce public meetings for the long-range regional transportation plan or major corridor studies.

Work with Advocates of LEP Persons

- Work to involve in MTC's activities non-profit groups that advocate on behalf of persons with limited English proficiency (for example, encourage such advocates to participate on MTC's Policy Advisory Council).
- Provide financial assistance (in response to competitive requests for proposals) to nonprofits and community groups who work with LEP persons for such things as co-hosting and conducting meetings in multiple languages with simultaneous translation services (or conducting meeting entirely in a language other than English); or assistance with identifying LEP individuals for participation in community focus groups or public meetings.
- Include, as appropriate, limited-English speaking populations in random-digit telephone surveys or transit rider surveys by having bilingual staff available to conduct the survey.

Staff Training

Routine Accommodations:

MTC works to instill its staff with an awareness of and sensitivity to the needs of LEP residents. Staff is trained on procedures for accommodating LEP populations. Some of the items covered include information about LEP guidance from the U.S. Department of Transportation, MTC's contract with a language translation firm to assist all staff in translating documents and to obtain translation services for meetings, projects or services.

Special Projects:

As public participation or public information campaigns are developed, MTC staff receives training either from consultants or from MTC public information staff about the need to be alert

to and anticipate the needs of low-literacy participants. For example, planning staff who attend public workshops to answer questions and get feedback are trained to look for ways to draw out participants who seem to be reluctant to speak. When display boards are used, planners are taught to be mindful of participants who might be struggling to read complex materials and converse with them if appropriate as they view the materials rather than assuming they are able to read all the materials.

“Brown-bag” Lunch Sessions:

MTC has initiated a series of ongoing “brown bag” sessions to provide staff with a quick orientation on a number of issues. Periodically, a session will focus on special issues of diversity — including sensitivity to the needs of LEP populations.

Training Materials:

MTC will develop training materials for staff who interact with LEP populations.

Notification to LEP or Low Literacy Persons

The public must be informed of their rights under Title VI. This will be done in a number of ways:

- Notification on MTC’s website.
- Documents or flyers that describe an LEP person’s right to access MTC’s services, translated into other languages, will be available at meetings and the MTC office.
- Notification at MTC’s Library, which is open to the public
- Routine use of language on printed or electronic announcements for public workshops on key planning efforts that alert interested individuals on how to request translation services.

Monitoring and Updating of the LEP Plan

MTC will monitor requests for translations and adjust practices to meet demand while maintaining a basic level of access by LEP populations to key programs and documents. Some of MTC’s customer-service oriented programs — including the 511 traveler information program — are exploring the costs and feasibility of providing increased access to their programs in Spanish and Chinese. MTC’s LEP Plan will be updated periodically as needed to reflect significant changes.

Table 2: MTC Programs, Activities, Services and LEP Persons

Program, Activity, Service	LEP Component
MTC meetings, Key planning and funding activities	<ul style="list-style-type: none"> • MTC contracts with a firm to translate key documents (or summaries of documents) or provide in-person translation assistance as needed upon request. • Flyers for major community workshops and similar meetings include instructions on how to request translation services. • MTC’s Web site includes Spanish and Chinese language content, including translated versions or summaries of selected documents. • Public participation plans for MTC’s long-range plan include seeking out views of LEP populations (including conducting meetings in other languages and sensitivity to the needs of low-literacy populations). • Multi-lingual notification at meetings on how to request translation services.
Motorist-aid call boxes	<ul style="list-style-type: none"> • Instructions on call boxes in English and Spanish; English- and Spanish-speaking dispatchers are available at all times through the toll-free dispatch center; for other languages, dispatchers connect speakers to a translations service for assistance (available at all times).
Freeway Service Patrol	<ul style="list-style-type: none"> • Tow truck drivers have a card available in multiple languages (Spanish and Chinese, Vietnamese, Tagalog); translation service is available to assist via telephone through dispatch center.
FasTrak®	<ul style="list-style-type: none"> • Applications available in Spanish and Chinese; • Advertising and news releases done in Spanish and Chinese.
Clipper sm universal transit ticket	<ul style="list-style-type: none"> • The program is available in English, Spanish and Chinese. Materials are printed in these three languages (separate versions in each language). Likewise, advertising is trilingual (separate versions in each language), telephone service (automated service) is available in these three languages; for self-serve “add value” machines, customers can select their language preference when they begin a transaction. • Website is in English with short program overviews in both Spanish and Chinese. • Customer service center’s live support can connect with a translation service. • Card readers themselves are English-only due to limited capacity and a small display screen.

Program, Activity, Service	LEP Component
511 traveler information	<ul style="list-style-type: none"> • <u>511.org homepage</u> – Google translator drop-down menu, options for Chinese and Spanish translations. • <u>Traffic page</u> – Google translator drop-down menu, options for Chinese and Spanish translations • <u>Transit page</u> – includes professionally translated summary of Transit site services in Chinese and Spanish as well as Google translator for Chinese and Spanish. • <u>Rideshare page</u> – includes professionally translated summary of Rideshare program services in Chinese and Spanish as well as Google translator for Chinese and Spanish. • <u>Bicycling page</u> – Google translator links for Chinese and Spanish • <u>Language Disclaimer</u> – All websites include language disclaimer stating that machine translation is imperfect. • <u>511 Phone</u> – Rideshare and Bicycling menus have prompts in Spanish. When transferred to a live operator, customers can speak to rideshare/bicycling operators who are proficient in Spanish. For customers needing assistance in other languages, the operators use a language translation service. The other phone menu selections do not include prompts in other languages.
Transit hub signage program	<ul style="list-style-type: none"> • Way-finding and transit information signs intentionally rely on universal icons/pictographs to bridge language barriers. Limited space for text on signs precludes use of languages other than English in most cases.