



U.S. Department
of Transportation
**Federal Transit
Administration**

Implementing the Department of
Transportation's Policy Guidance
Concerning Recipients' Responsibilities to
Limited English Proficient (LEP) Persons

A Handbook for Public Transportation
Providers

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The Federal Transit Administration Office
of Civil Rights

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SECTION I
INTRODUCTION

Overview

This document provides technical assistance to help public transportation providers receiving Federal Transit Administration (FTA) funding implement the U.S. Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (DOT LEP Guidance, Federal Register, vol. 70, no. 239, pp. 74087-74100, December 14, 2005).

By following the recommendations and using the resources in this handbook, transit agencies will be better able to apply the DOT LEP guidance's four-factor framework for determining an appropriate mix of language assistance and prepare language assistance implementation plans that are consistent with the DOT LEP Guidance. The information in this handbook is advisory and does not establish new requirements for FTA recipients or subrecipients.

Who should use this handbook

This document was written for transit agency staff responsible for ensuring that their agency provides language assistance to LEP persons. These individuals will likely need to share this manual's suggestions and coordinate with their colleagues throughout their agency. FTA encourages its grantees to designate an individual or team of people to coordinate language services for their agency.

How to use this handbook

Users should review Section II of this document, which discusses how to apply the four-factor framework consistent with the DOT LEP Guidance and Section III, which discusses how to develop a language implementation plan. These sections provide step-by-step suggestions on how to put the DOT LEP Guidance into practice. Each section includes relevant passages from the DOT LEP Guidance as well as recommendations on how to interpret and implement these passages.

Users should also take note of Section IV, which provides checklists for conducting the four-factor analysis and developing a language implementation plan. Section V provides further resources for serving people with limited English proficiency.

Background Information

Individuals who have a limited ability to read, write, speak, or understand English are limited English proficient, or "LEP." According to the 2000 U.S. Census, more than 10 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 65 percent from 1990 to 2000. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Vietnamese, and Korean.

Public transit is a key means of achieving mobility for many LEP persons. According to the 2000 Census, more than 11 percent of LEP persons aged 16 years and over reported use of public transit as their primary means of transportation to work, compared with about 4 percent of English speakers. Recent immigrants to the United States (including those persons who may not be limited English proficient) use public transportation at higher rates than native-born adults, however, transit use among recent arrivals decreases with length of residence in the United States. Many immigrants desire to switch from transit to automobile use because personal vehicles are a symbol of assimilation and cars can provide greater mobility or access to economic and social opportunities that are beyond a transit system's service area. Recent immigrants might elect to continue using transit for at least a portion of their trips if their experience with public transportation is positive. For transit agencies seeking to increase their "choice riders," it may be easier to retain riders who have past, positive impressions of the system than to attract those persons who have never or rarely used transit.

Agencies that provide language assistance to persons with limited English proficiency in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers and, ideally, will engender riders to continue using the system after they are proficient in English and/or have more transportation options. Catering to LEP persons may also help increase and retain ridership among the agency's broader immigrant communities in two important ways: 1) agencies that reach out to recent immigrant populations in order to conduct a needs assessment and prepare a language implementation plan (pursuant to the DOT LEP Guidance) will send a positive message to these persons that their business is valued; and 2) community outreach designed to identify appropriate language assistance measures can also assist the agency in identifying the transportation needs of immigrant populations and ensuring that an agency's transit routes, hours and days of service, and other service parameters are responsive to the needs of these populations.

Legal basis for language assistance requirements

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their

obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001 by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. Federal agencies were directed to provide guidance and technical assistance to recipients of Federal funds as to how they can provide meaningful access to limited English proficient users of Federal programs.

The U.S. DOT published revised guidance for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

The FTA references the DOT LEP guidance in its Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for FTA Recipients," which was published on April 13, 2007. Chapter IV part 4 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and subrecipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance.

The DOT LEP Guidance, as well as FTA Circular 4702.1A, state that certain FTA recipients or subrecipients, such as those serving very few LEP persons or those with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. Recipients or subrecipients electing not to prepare a written language implementation plan should consider other ways to reasonably provide meaningful access.

While the DOT LEP guidance discusses specific language assistance techniques and lists promising practices implemented by DOT recipients, it does not provide detailed instructions on how transit agencies, in particular, can put the Guidelines into practice. Likewise, Circular 4702.1A references provisions of the DOT LEP Guidance but does not establish specific procedures on how to carry out this Guidance.

Congressional oversight of language assistance in transportation

On November 2, 2005, the Government Accountability Office (GAO) issued its report, "Transportation Services: Better Dissemination and Oversight of DOT's Guidance Could Lead to Improved Access for Limited English-Proficient Populations" (GAO-06-52). This report, which was informed by interviews in selected metropolitan areas with transit

providers, metropolitan planning organizations, and nonprofit organizations serving LEP persons, found that few agencies had assessed the language needs in their service area or evaluated their language access efforts and, as a result, it is unclear whether agencies' efforts are comprehensive enough to meet the needs of LEP persons. Several agencies interviewed by GAO stated that technical assistance and information would be helpful in implementing the DOT LEP Guidance.

The GAO recommended that DOT provide technical assistance (such as templates and examples) to aid transit agencies and MPOs in assessing the size, location, and needs of the LEP population; implementing language access services; and evaluating the effectiveness of these services. DOT concurred with this recommendation in its response to the GAO report and this document is part of FTA's strategy to implement the report's recommendations.

For More Information Contact:

Title VI Coordinator
The Federal Transit Administration's Office of Civil Rights
(202) 366-4018

SECTION II
APPLYING THE FOUR-FACTOR FRAMEWORK

Overview

This section provides grantees with step-by-step suggestions for conducting an LEP needs assessment based on the four-factor framework in Section V of the DOT LEP Guidance. After conducting the four-factor analysis transit agencies will be in a better position to implement a cost-effective mix of language assistance measures and to target resources appropriately.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population.

What the Guidance Says

"The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed (emphasis added). Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient's service area... When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.

Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries of recipients' programs, activities, or services but may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.

The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly spoken languages other than English." (DOT LEP Guidance Section V (1)).

Suggestions on Implementing this Guidance

Grantees should first examine their prior experiences with LEP individuals and then determine the number and proportion of LEP persons served or encountered within their service area. Agencies should strive to assess this number and proportion through a mix

of data sources, including the following: 1) data from the U.S. Census; 2) data from state and local government agencies; and 3) information from organizations that serve LEP persons.

Data from the 2000 Census provides statistics on the number of people who speak English less than well for every census tract in the recipients' service area. The Census can also provide data on households that are linguistically isolated.¹ State and local departments of education and school districts as well as other local sources may be able to provide additional statistics. Organizations that serve LEP persons may not be able to provide you with rigorous statistics, however these organizations should be able to help you confirm or identify gaps in the data you have obtained from the Census and other sources. These organizations may also be able to help you identify the specific languages spoken by the LEP population in your area.

Task 1, Step 1: Examine prior experiences with LEP individuals

This task involves reviewing the relevant benefits, services, and information provided by your agency and determining the extent to which LEP persons have come into contact with these functions. Your agency probably has come into contact or could come into contact with LEP persons through one or more of the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to your agency's customer service telephone line;
- Visits to your agency's headquarters;
- Access to your agency's website ;
- Attendance at community meetings or public hearings hosted by your agency;
- Contact with your agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

Agency staff may be able to provide you with relevant (if anecdotal) information on how frequently they come into contact with LEP persons. You may want to contact your agency's customer service representatives, vehicle operators, station managers, and community outreach staff to obtain this information and to find out if the staff person is able to identify the LEP persons' native language, how successful the agency has been in communicating with LEP persons, and common questions directed to the agency by LEP persons. Your agency may also want to review any available records on the number of hits it receives on its non-English web pages or requests for interpreters at public meetings or results of ridership surveys that capture the experiences of LEP persons.

¹ The U.S. Census classifies as "linguistically isolated" those households in which no person 14 years old and over speaks only English and no person 14 years old and over who speaks a language other than English speaks English "very well." Individuals in these households may face significant language barriers because they may not be able to rely on an adult relative who speaks English well to provide translation assistance.

Task 1, Step 2: Become familiar with data from The U.S. Census

Data from the 2000 Census and the Census Bureau's American Community Survey (ACS) is currently available at www.census.gov. The 2000 Census, which was designed to measure the count of the population and housing as of April 1, 2000, includes data on the number of persons who indicated that they spoke English "very well," "well," "less than well," and "not at all" which can be accessed at the national, state, county, census tract, census block group, and census block level. The 2005 American Community Survey produced a period estimate of the characteristics of the population and housing for the period from January through December of 2005. The ACS provides single-year estimates for geographic areas with populations of 65,000 or more and provides estimates for smaller geographic areas. Unlike the 2000 Census, the 2005 ACS does not include data at the census tract, block group, or block level. As of April, 2007, data on ability to speak English is available at the state level and for some counties. As future annual ACS surveys become available, data will become available at smaller geographic levels.

The ACS includes a table that divides the non-English speaking into the four major language categories ("very well," "well," "less than well," and "not at all") and an additional table that provides greater detail than the 2000 census on the specific languages of populations who speak English less than very well. The ACS also provides information on the age, place of birth, citizenship status, poverty status, and educational attainment of persons who do speak languages other than English at home..

Specific instructions on how to access Census data at www.census.gov and are included in Section V of this handbook. If you have difficulty accessing Census data, you can call the Census Bureau's regional office in your region.

Task 1, Step 2A: Identify the geographic boundaries of the area that your agency serves

In many cases, the geographic boundaries of a transit agency's service area are identical to the geographic boundaries of specific municipalities or counties. If this is the case for your agency, you can access census data on the LEP population at the county level.

In some cases, a transit agency is authorized to provide service to portions of one or more jurisdiction(s) but not the entire jurisdiction. If this is the case, you will need to identify the census tracts that correspond to the geographic area(s) that your agency is authorized to serve. The total population and total LEP population of your agency's service area can be estimated by adding the populations of each census tract.

In general, it is useful for you to know the census tracts that are served by your agency. You can use the census website to identify the LEP population on a census tract-by-census tract basis, which will allow your agency to determine if LEP persons are concentrated in specific neighborhoods within your service area.

Task 1, Step 2B: Obtain Census data on the LEP population in your service area

Information from the 2000 Census and the American Community Survey can be found at the "American Fact Finder" link on the Census website, www.census.gov. The relevant table from the 2000 Census is QT-P17, "Population 5 years and Over by Language Spoken at Home and Ability to Speak English, 2000." Below is an example of this table from the State of California:

POPULATION 5 YEARS AND OVER BY LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH		
Population 5 years and over	31,416,629	100.0
Speak only English	19,014,873	60.5
Speak a language other than English	12,401,756	39.5
Spanish	8,105,505	100.0
Speak English "very well"	3,801,556	46.9
Speak English "well"	1,792,446	22.1
Speak English "not well"	1,561,403	19.3
Speak English "not at all"	950,100	11.7
Other Indo-European languages	1,335,332	100.0
Speak English "very well"	881,743	66.0
Speak English "well"	274,073	20.5
Speak English "not well"	136,822	10.2
Speak English "not at all"	42,694	3.2
Asian and Pacific Island languages	2,709,179	100.0
Speak English "very well"	1,270,591	46.9
Speak English "well"	801,472	29.6
Speak English "not well"	508,756	18.8
Speak English "not at all"	128,360	4.7
All other languages	251,740	100.0
Speak English "very well"	170,087	67.6
Speak English "well"	52,878	21.0
Speak English "not well"	20,817	8.3
Speak English "not at all"	7,958	3.2
ABILITY TO SPEAK ENGLISH		
Population 5 years and over	31,416,629	100.0
Speak a language other than English	12,401,756	39.5
5 to 17 years	2,879,695	9.2
18 to 64 years	8,537,488	27.2
65 years and over	984,573	3.1
Speak English less than "very well"	6,277,779	20.0
5 to 17 years	1,111,387	3.5
18 to 64 years	4,559,970	14.5
65 years and over	606,422	1.9
ABILITY TO SPEAK ENGLISH IN HOUSEHOLD		

Linguistically isolated households ¹	1,107,222	(X)
Population 5 years and over in households	30,601,299	100.0
In linguistically isolated households ¹	3,472,270	11.3
5 to 17 years	906,231	3.0
18 to 64 years	2,261,448	7.4
65 years and over	304,591	1.0

Information from the 2005 ACS provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Below is an example of ACS Data Set B16001, "Language Spoken at Home by Ability to Speak English for the Population Five Years or Older," for the state of California:

	California	
	Estimate	Margin of Error
Total:	32,599,457	+/-3,023
Speak only English	18,808,277	+/-59,716
Spanish or Spanish Creole:	9,192,012	+/-46,687
Speak English "very well"	4,625,485	+/-43,969
Speak English less than "very well"	4,566,527	+/-47,849
French (Incl. Patois, Cajun):	127,539	+/-8,684
Speak English "very well"	107,163	+/-8,268
Speak English less than "very well"	20,376	+/-2,663
French Creole:	5,001	+/-1,685
Speak English "very well"	4,501	+/-1,646
Speak English less than "very well"	500	+/-354
Italian:	64,991	+/-5,275
Speak English "very well"	50,560	+/-4,880
Speak English less than "very well"	14,431	+/-2,158
Portuguese or Portuguese Creole:	73,130	+/-7,681
Speak English "very well"	47,986	+/-5,690
Speak English less than "very well"	25,144	+/-4,181
German:	114,971	+/-6,974
Speak English "very well"	98,405	+/-6,363
Speak English less than "very well"	16,566	+/-1,862
Yiddish:	3,594	+/-997
Speak English "very well"	3,264	+/-862
Speak English less than "very well"	330	+/-471
Other West Germanic languages:	28,633	+/-2,937
Speak English "very well"	24,479	+/-2,893
Speak English less than "very well"	4,154	+/-1,073
Scandinavian languages:	26,271	+/-3,255
Speak English "very well"	23,087	+/-3,267
Speak English less than "very well"	3,184	+/-822
Greek:	22,712	+/-3,227
Speak English "very well"	18,014	+/-2,686
Speak English less than "very well"	4,698	+/-1,252
Russian:	142,734	+/-12,229
Speak English "very well"	70,957	+/-6,883
Speak English less than "very well"	71,777	+/-8,321
Polish:	18,378	+/-3,101
Speak English "very well"	13,108	+/-2,791
Speak English less than "very well"	5,270	+/-1,154
Serbo-Croatian:	24,661	+/-4,979
Speak English "very well"	15,915	+/-3,653
Speak English less than "very well"	8,746	+/-2,563

Other Slavic languages:	35,373	+/-7,022
Speak English "very well"	17,885	+/-3,662
Speak English less than "very well"	17,488	+/-4,415
Armenian:	161,221	+/-14,698
Speak English "very well"	81,789	+/-9,216
Speak English less than "very well"	79,432	+/-8,617
Persian:	152,418	+/-12,393
Speak English "very well"	92,487	+/-8,862
Speak English less than "very well"	59,931	+/-6,786
Gujarathi:	35,093	+/-5,187
Speak English "very well"	26,088	+/-4,083
Speak English less than "very well"	9,005	+/-1,929
Hindi:	106,728	+/-9,007
Speak English "very well"	86,499	+/-8,239
Speak English less than "very well"	20,229	+/-3,266
Urdu:	34,620	+/-7,769
Speak English "very well"	21,897	+/-4,564
Speak English less than "very well"	12,723	+/-5,902
Other Indic languages:	160,408	+/-14,944
Speak English "very well"	98,188	+/-8,895
Speak English less than "very well"	62,220	+/-8,487
Other Indo-European languages:	40,121	+/-6,420
Speak English "very well"	26,362	+/-5,047
Speak English less than "very well"	13,759	+/-2,725
Chinese:	905,679	+/-21,815
Speak English "very well"	388,506	+/-12,302
Speak English less than "very well"	517,173	+/-14,822
Japanese:	160,285	+/-9,429
Speak English "very well"	82,839	+/-6,231
Speak English less than "very well"	77,446	+/-5,645
Korean:	333,539	+/-16,439
Speak English "very well"	124,184	+/-7,095
Speak English less than "very well"	209,355	+/-13,799
Mon-Khmer, Cambodian:	71,630	+/-9,587
Speak English "very well"	32,195	+/-5,540
Speak English less than "very well"	39,435	+/-6,012
Hmong:	60,017	+/-8,140
Speak English "very well"	28,805	+/-4,850
Speak English less than "very well"	31,212	+/-6,034
Thai:	41,241	+/-4,691
Speak English "very well"	15,926	+/-2,747
Speak English less than "very well"	25,315	+/-3,107
Laotian:	41,438	+/-6,584
Speak English "very well"	19,636	+/-4,378
Speak English less than "very well"	21,802	+/-3,626
Vietnamese:	457,510	+/-22,432
Speak English "very well"	180,465	+/-13,122
Speak English less than "very well"	277,045	+/-14,332
Other Asian languages:	97,800	+/-8,520
Speak English "very well"	69,537	+/-6,584
Speak English less than "very well"	28,263	+/-3,840
Tagalog:	670,203	+/-24,411
Speak English "very well"	436,269	+/-17,310
Speak English less than "very well"	233,934	+/-15,587
Other Pacific Island languages:	110,879	+/-9,968
Speak English "very well"	70,635	+/-7,564
Speak English less than "very well"	40,244	+/-4,570
Navajo:	1,037	+/-763
Speak English "very well"	1,037	+/-763

Speak English less than "very well"	0	+/-293
Other Native North American languages:	6,349	+/-1,643
Speak English "very well"	5,715	+/-1,624
Speak English less than "very well"	634	+/-338
Hungarian:	16,905	+/-3,868
Speak English "very well"	11,200	+/-2,334
Speak English less than "very well"	5,705	+/-2,474
Arabic:	127,603	+/-12,157
Speak English "very well"	83,427	+/-8,788
Speak English less than "very well"	44,176	+/-5,485
Hebrew:	42,330	+/-8,342
Speak English "very well"	35,049	+/-7,332
Speak English less than "very well"	7,281	+/-2,520
African languages:	52,123	+/-6,707
Speak English "very well"	40,841	+/-5,728
Speak English less than "very well"	11,282	+/-2,287
Other and unspecified languages:	24,003	+/-3,924
Speak English "very well"	14,993	+/-2,991
Speak English less than "very well"	9,010	+/-1,931

Task 1, Step 2C: Analyze the data you have collected

Once you have downloaded the Census data, you can determine the number and proportion of LEP persons in your agency's service area as well as the languages most frequently spoken by LEP persons.

When using the 2000 Census data, this total number of LEP persons can be obtained by totaling the number of persons who speak English "well," "not well," or "not at all" in the "Spanish," "Other Indo-European Language," "Asian-Pacific Island Language," and "All Other Language" categories.

For example, the above 2000 Census table for the state of California shows that 4,303,949 Spanish speakers also speak English either "well," "not well" or "not at all." In addition, 453,589 speakers of other Indo-European Languages, 1,438,588 speakers of Asian-Pacific Island Languages, and 81,653 speakers of other languages speak English in a category other than "very well." The total number of persons in California who reported to the 2000 Census that they speak English in a category other than "very well" is, 6,277,779 or 19.9% of the total population of persons 5 years and older.

The ACS data can also be used to provide a second estimate of the number and proportion of LEP persons. The above ACS table for the state of California gives a total population of 32,599,457. Of this population, the Census estimates that 6,585,792 people, or 20.2% of the state's population speak English "less than 'very well'". This represents the sum of the persons in each of the table's 38 language categories that are estimated to speak English less than "very well." Of these persons, 4,565,527 (or 69% of the LEP population) speak Spanish, 517,173 (7.8%) speak Chinese, 277,045 (4.2%) speak Vietnamese, 233,934 (3.5%) speak Tagalog and 209,355 (3.1%) speak Korean.

Task 1, Step 2D: Identify any concentrations of LEP persons within your service area

We recommend that agencies use 2000 Census data to identify specific census tracts where the proportion of LEP persons exceeds the proportion of LEP persons in the service area as a whole. This information should help agencies identify if their LEP population is concentrated around specific stations or transit routes. It may also help agencies determine if concentrations of LEP persons speaking different languages are concentrated around different stations or routes.

Agencies can identify LEP concentrations by highlighting those census tracts in their table where the proportion of LEP persons is higher than the service-area average. Agencies with access to Geographic Information System (GIS) mapping software can produce maps showing where the LEP population is concentrated. These maps can also display an agency's routes and facilities over the map highlighting concentrations of LEP persons.

Task 1, Step 3: Consult state and local sources of data

State Departments of Education may have a bilingual education office that collects LEP student enrollment data from all the school districts in a state and State bilingual education staff may be able to help you identify LEP populations and types of languages spoken in the area that your agency provides service.

In addition, school districts have a responsibility to identify those students who are LEP and whose primary language is other than English and provide assistance to these students. Newly registered students and parents complete Home Language Surveys that identify the primary language spoken by the student and his or her family.

The Department of Labor has sponsored a special tabulation of Census data on Limited English proficient (LEP) populations as a resource for One Stop Career Centers and other providers of employment and training services. Information is broken out for 39 Census languages and language clusters, and the tabulations are designed to match the service areas of states and local Workforce Investment Areas. (Local Workforce Investment Areas are jurisdictions comprised of one or more county within a state and these jurisdictions may match or overlap with your agency's transit service area). This data can be found at <http://www.doleta.gov/reports/CensusData/>.

Task 1, Step 4: Reach out to community organizations that serve LEP persons

Data from the U.S. Census as well as state and local agencies provide a good starting place for identifying individuals who are limited English proficient, but keep in mind that Census data includes the following drawbacks:

1. The Census Bureau's survey methodology may undercount the actual number of people who speak English less than very well;

2. The Census records people who report that they speak English less than very well, but does not contain information on the extent to which people read, write, or understand English, which are also elements of limited English proficiency;
3. The Census has limited information on what languages are spoken by LEP people at the census tract, block group, or block level;

Given these limitations, FTA recommends that your agency conduct community outreach to organizations that work with LEP populations. These may be able to provide you with information that is not included in the Census, such as information on specific languages spoken by the LEP population, population trends, and what services are most frequently sought by the LEP population.

The DOT LEP Guidance recommends that recipients consult data from the following entities:

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- Legal aid entities.

Given the time and resource constraints on you and your agency, and depending on the number and variety of community organizations in your service area, you may likely not be able to contact all of the relevant organizations in your jurisdiction. Your agency may want to focus its outreach on those organizations that are located in areas with high proportions of LEP persons, or you may want to contact organizations with which your agency has worked in the past, or develop a representative sample of organizations to contact.

Task 1, Step 4A: Identify community organizations

Your agency's previous outreach and marketing initiatives may have yielded a list of community organizations that serve populations with limited English proficiency.. Agencies that have not historically conducted outreach to organizations that serve or represent LEP persons can generate a list of potential community partners by reviewing information in the local phone directory or by obtaining referrals from local government agencies.

If LEP population is comprised of persons who speak one language but have immigrated from multiple nations or regions within nations, you may need to work with community organizations that serve people who speak the same language but who have arrived from different countries of origin to ensure that your outreach and assistance will resonate equally well among all nationalities and subcultures within the intended audience.

Task 1, Step 4B: Contact relevant community organizations

Once your agency has developed a list of community organizations that serve LEP persons, you should contact the organization to explain your agency's objectives and request information about the population served by the organization. You may want to place a phone call or transmit a letter to the organization that describes your agency's mission, discusses your attempt to improve the language services it provides, and invites the organization to partner with your agency. You may also want to clarify that you are not seeking information on specific individuals but are looking for general information on the area's LEP community in order to provide better transportation service. Although most community organizations include multilingual staff members or volunteers, your agency may want to translate the letter or have an interpreter present on a phone call.

Task 1, Step 4C: Obtain information

Once you have made contact with the community organization, we recommend that you hold a meeting or phone call with its representatives in order to gather relevant information and also discuss the services your agency provides. You should seek feedback from the organization on the size of the population it serves, the transportation and other needs of the population, any demographic trends among this population, and effect ways to obtain input from this population. Section IV of this handbook contains a list of questions that you may want to ask organizations serving LEP persons.

Factor 2: The Frequency with Which LEP Individuals Come into Contact with your programs, activities, and services

What the Guidance Says

"Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed (emphasis added). The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups." (DOT LEP Guidance Section V (2)).

Suggestions on Implementing This Guidance

Although the Census includes some data on the extent to which recent immigrants use public transportation, the Census will not contain information on how frequently LEP persons inquire about, use, or are affected by the specific services your agency provides. Individuals within your agency, as well as the community organizations identified in Task 1 and LEP persons themselves will be the best sources of information on frequency of contact with your agency's programs, activities, and services.

Task 2, Step 1: Review the relevant programs, activities, and services you provide

Agencies conducting the review of their prior experiences with LEP persons, per the guidance in Task 1 Step 1 will have listed the programs, activities, and services with which LEP persons most frequently come in contact.

Task 2, Step 2: Review information obtained from community organizations

Your interviews with community organization representatives, per Task 1, Step 4, will likely yield information on how frequently LEP persons use transit service, and what modes of service or particular routes are used most frequently.

Task 2, Step 3: Consult directly with LEP persons

Another way to obtain relevant information is to hold face-to-face meetings, such as focus groups or individual interviews, with LEP individuals. In order to hold a successful meeting, your agency will likely need to partner with community organizations to advertise the event and hold meetings during times of day and at locations that are convenient and accessible to the LEP population. Oral language interpreters should be present at the meeting and any written material you distribute should be translated.

In addition to, or in lieu of holding face-to-face meetings, your agency may elect to conduct a survey of LEP persons. You will likely need to coordinate with community organizations to administer the survey and will need to translate the information in the survey. Section IV of this handbook contains a list of questions that your agency can consider using in focus groups and in questionnaires.

Agencies would be well advised to ask LEP persons whether they are aware of the types of language assistance the agency provides, which of these forms are most beneficial, and what, if any, additional language assistance measures would be most beneficial.

Factor 3: The Importance to LEP Persons of Your Program, Activities and Services

What the Guidance Says

"The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language

services are needed (emphasis added). The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual..." (DOT LEP Guidance Section V(3)).

"...providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment." (DOT LEP Guidance Section V (4)).

Suggestions on Implementing this Guidance

Task 3, Step 1: Identify your agency's most critical services

Your agency should identify what programs or activities would have serious consequences to individuals if language barriers prevent a person from benefiting from the activity. Your agency should also determine the impact on actual and potential beneficiaries of delays in the provision of LEP services.

For example, your agency may provide emergency evacuation instructions in its stations and vehicles or may provide information to the public on security awareness or emergency preparedness. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to these individuals could be life threatening.

Task 3, Step 2: Review input from community organizations and LEP persons

Your agency's contact with community organizations that serve LEP persons, as well as contact with LEP persons themselves, should provide information on the importance of the modes or types of service you provide to LEP populations. Depending on the results of your fieldwork, you may conclude that some particular routes or modes of transportation are of particular importance to the LEP population.

Factor 4: The Resources Available to the Recipient and Costs

This last step in the four-factor analysis will allow your agency to weigh the demand for language assistance against the agency's current and projected financial and personnel resources. This analysis should help your agency determine if the language services it currently provides are cost effective and should also help agencies plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of agency resources.

What the Guidance Says

"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. (emphasis added). 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.

Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal agencies." (Section V(4)).

The DOT LEP Guidance also notes that, "large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining what language services would be limited based on resources or costs." (Section V (4)).

Suggestions on Implementing this Guidance

Task 4, Step 1: Inventory language assistance measures currently being provided, along with associated costs.

As part of your agency's evaluation of its past experience with LEP persons, you should have developed a record of language assistance services currently being provided. Your agency's marketing, customer relations, and community outreach offices may be able to determine the costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures your agency is taking or plans to implement. It may also be helpful for your agency to estimate whether these costs have increased in recent years or are expected to increase.

In addition to estimating the financial cost of providing language assistance, agencies should estimate the number of staff and percentage of staff time that is associated with providing language assistance.

Task 4, Step 2: Determine what, if any, additional services are needed to provide meaningful access

Based on your analysis of demographic data and contact with community organizations and LEP persons, your agency may determine that information may need to be translated into additional languages, that additional oral or written language services should be provided, or that existing language assistance needs to be made available on a more

widespread basis. If this is the case, your agency should create a list of specific measures that it determines are needed to provide meaningful access to its programs and activities.

Task 4, Step 3: Analyze your budget

To the extent practicable, you should consider what percentage of the agency's capital and/or operating budget could be devoted to additional language assistance expenses, if needed, and whether the agency's budget for these expenses will remain stable over time or whether it may be subject to reduction. Your agency can estimate the cost of providing new or additional measures by getting price quotes from translating and interpreting firms or by consulting with similar transit agencies that have implemented the assistance measures in question.

Task 4, Step 4: Consider cost effective practices for providing language services

Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.

Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency will need to verify that they can provide competent interpretation service and train them on their role within the agency. Your agency may need to explain to volunteers any specialized terms and concepts (such as "vehicle headway," "span of service," or "bus rapid transit") that pertain to your agency's programs and activities. Section VI of the DOT LEP Guidance contains instructions on how to ensure competency in oral and written language services.

Other potential cost saving measures, which are listed in Section V(4) of the DOT LEP Guidance, include telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.

Conclusion: Developing the Right Mix of LEP Services

Your agency's four-factor analysis should help you develop new language assistance services or alter the mix of services currently provided. What specific steps should be taken will depend on the information you have gathered from Census and other data, from fieldwork with LEP individuals and the organizations that serve them, and from your analysis of agency resources and the costs of providing language assistance. Section IV part 3 of this handbook contains a menu of written and oral language assistance measures that transit agencies have implemented.

SECTION III
DEVELOPING AN IMPLEMENTATION PLAN ON LANGUAGE ASSISTANCE

Overview

The DOT LEP Guidance recommends that recipients develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance notes that effective implementation plans typically include the following five elements: 1) identifying LEP individuals who need language assistance; 2) providing language assistance measures; 3) training staff; 4) providing notice to LEP persons; and 5) monitoring and updating the plan (See Section VII, "Elements of an Effective Implementation Plan on Language Assistance for LEP Persons").

This section summarizes the DOT LEP Guidance on language implementation plans and describes how transit agencies can put this guidance into practice.

Task 1: Identifying LEP Individuals Who Need Language Assistance

What the Guidance Says

"There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

One way to determine the language of communication is to use language identification cards (or "I speak cards"), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, "I speak Spanish" in both Spanish and English, or "I speak Vietnamese" in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau's "I speak card" can be found and downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>.

When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify." (DOT LEP Guidance Section VII(1)).

Suggestions on Implementing this Guidance

This guidance overlaps to a great extent with the recommendations provided in Section V of the DOT LEP Guidance concerning the four-factor analysis. In this part of a language implementation plan, agencies should identify the number and proportion of LEP individuals eligible to be served and the frequency of encounters, pursuant to the first two factors of the four-factor analysis. Agencies should consider including the following information in their implementation plan:

1. Data collected from the U.S. Census as well as state and local demographic data;
2. Information gathered from community organizations that serve LEP persons;
3. Information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons;
4. Information gathered from interviews with agency staff who typically come in contact with LEP persons;
5. Information kept by the agency on past interactions with members of the public who are LEP.

In its assessment of the number and proportion of LEP persons eligible to be served, the plan should distinguish the native language spoken by these populations and geographic areas (if any) where LEP persons are concentrated. Where there are concentrations of LEP persons who speak different native languages (such as Spanish, Vietnamese, or Korean) the plan should identify where each group is concentrated. It should also describe, as accurately as possible, the frequency with which LEP individuals come into contact with the agency's particular services.

Task 2: Language Assistance Measures

What the Guidance Says

"An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- *Types of language services available.*
- *How recipient staff can obtain those services.*
- *How to respond to LEP callers.*
- *How to respond to written communications from LEP persons.*
- *How to respond to LEP individuals who have in-person contact with recipient staff.*
- *How to ensure competency of interpreters and translation services."* (DOT LEP Guidance Section VII (2)).

Suggestions on Implementing this Guidance

Pursuant to this guidance, transit agencies should consider including the following information in their implementation plan:

1. A list of what written and oral language assistance products and methods the agency has implemented and how agency staff can obtain those services;
2. Instructions to customer service staff and other agency staff who regularly take phone calls from the general public on how to respond to an LEP caller. (Ideally, the call taker will be able to forward the caller to a language line or to an in-house interpreter who can provide assistance);

3. Instructions to customer service staff and others who regularly respond to written communication from the public on how to respond to written communication from an LEP person. (Ideally, the agency staff person will be able to forward the correspondence to a translator who can translate the document into English and translate the agency's response into the native language);
4. Instructions to vehicle operators, station managers, and others who regularly interact with the public on how to respond to an LEP customer;
5. Policies on how the agency will ensure the competency of interpreters and translation services. Such policies could include the following provisions:
 - The agency will ask the interpreter or translator to demonstrate that he or she can communicate or translate information accurately in both English and the other language;
 - The agency will train the interpreter or translator in specialized terms and concepts associated with the agency's policies and activities;
 - The agency will instruct the interpreter or translator that he or she should not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator;
 - The agency will ask the interpreter or translator to attest that he or she does not have a conflict of interest on the issues that they would be providing interpretation services.

It may be difficult for a non-bilingual bus or rail operator to provide assistance to an LEP person who boards the vehicle and requests information. In such circumstances, the operator could ask if another passenger on the vehicle could serve as a translator or the driver could provide the phone number to the agency's customer service office, which would provide translation services. The driver could also direct the LEP person to any translated schedule and route information that has been placed aboard the vehicle. Drivers in some agencies have volunteered to learn Spanish in order to assist LEP Spanish-speaking customers and the Colorado Department of Transportation has published "Basic Spanish for Transit Employees," which provides transit personnel with relevant words and phrases that would be useful in encounters with customers (more information on this resource is included in Section IV of this handbook).

Transit station managers who encounter LEP persons requesting assistance may be able to provide the above resources and, in addition, may have telephone access to a language line in order to provide assistance.

Task 3: Training Staff

What the Guidance Says

"Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained. An effective LEP plan would likely include training to ensure that:

- *Staff knows about LEP policies and procedures.*
- *Staff having contact with the public (or those in a recipient's custody) is trained to work effectively with in-person and telephone interpreters.*

Recipients may want to include this training as part of the orientation for new employees. Recipients have flexibility in deciding the manner in which the training is provided, and the more frequent the contact with LEP persons, the greater the need will be for in-depth training. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff." (DOT LEP Guidance Section VII (3)).

Suggestions on Implementing this Guidance

In this part of the language assistance plan, agencies should describe the training that is conducted to ensure that appropriate staff members know about LEP policies and procedures and are ready to provide assistance.

Task 3, Step 1: Identify agency staff that are likely to come into contact with LEP persons as well as management staff.

This handbook recommends that agencies identify those members of their staff—or job positions—that have frequent contact with LEP persons in order to target training to the appropriate staff. Management staff, even if they do not interact regularly with LEP persons, should be included on the list to ensure they are fully aware of the language assistance plan.

Task 3, Step 2: Identify existing staff training opportunities

It may be cost-effective to integrate training on their responsibilities to persons with limited English proficiency into agency training that occurs on an ongoing basis. The DOT LEP Guidance suggests that recipients consider including this training as part of the orientation for new employees. Existing employees, especially managers and those who work with the public may periodically take part in re-training or new training sessions to keep up to date on their responsibilities to LEP persons.

Task 3, Step 3: Design and implement LEP training for agency staff

Agencies are encouraged to develop a standard presentation concerning recipients' responsibilities to persons with limited English proficiency that could be used at multiple agency trainings. While agencies have flexibility in designing language assistance training, FTA recommends that such training include the following information:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Transit agencies designing their staff training may want to take advantage of the following resources:

- "Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice." This video, which is available on DVD and as a streaming video link on www.lep.gov, explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.
- "Providing Language Access for Persons with Limited English Proficiency," a PowerPoint presentation produced by the FTA Office of Civil Rights and available at http://www.fta.dot.gov/civilrights/title6/civil_rights_5102.html.
- "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decisionmaking," available at <http://www.fhwa.dot.gov/hep/lowlim>. This report documents "best practices" in identifying and engaging low-literacy and LEP populations in transportation decisionmaking. These "best practices" were collected during telephone interviews with individuals in 30 States.
- "Basic Spanish for Transit Employees" this flip guide was produced by the Roaring Fork Transit Authority and the Colorado Mountain College. It includes

requests and commands that vehicle operators use every day in English and in Spanish and written phonetically in English. Copies of this guide can be obtained by calling 970-945-8691.

- “Guidelines for Developing Traffic Safety Educational Materials for Spanish-Speaking Audiences,” a manual developed by the Education in Traffic Safety project, Education Development Center, Inc., with funding from the National Highway Traffic Safety Administration. The manual is organized into three sections: research and planning, creating materials, and dissemination and evaluation. Available at <http://www.nhtsa.dot.gov/people/injury/airbags/TBSM/index.htm>.

These and additional resources are listed in Section V of this manual.

Task 4: Providing Notice to LEP Persons

What the Guidance Says

“Once an agency has decided, based on the four factors, that it will provide language services, it is important that the recipient notify LEP persons of services available free of charge (emphasis added). Recipients should provide this notice in languages LEP persons would understand. Examples of notification that recipients should consider include:

- *Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients*

For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at <http://www.ssa.gov/multilanguage/langlist1.htm>. DOT recipients could, for example, modify these signs for use in programs, activities, and services.

- *Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be “tagged” onto the front of common documents.*
- *Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.*

- *Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.*
- *Including notices in local newspapers in languages other than English.*
- *Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.*
- *Providing presentations and/or notices at schools and religious organizations.” (DOT LEP Guidance Section VII (4)).*

Suggestions on Implementing this Guidance

This part of the plan should identify how the agency will advertise its language services to the LEP community.

Task 4, Step 1: Inventory the existing public service announcements and community outreach the agency currently performs.

Transit agencies typically communicate to the public through one or more of the following methods:

- Signs and handouts available in vehicles and at stations
- Announcements in vehicles and at stations
- Agency websites
- Customer service lines
- Press releases
- Newspaper, radio, and television advertisements
- Announcements and community meetings.
- Information tables at local events.

Some of these communications tools are geared towards riders who are using the system, while other methods are intended to reach members of the public at large, who may or may not use the transit system. Both methods can be used to inform people of the availability of language assistance.

Task 4, Step 2: Incorporate notice of the availability of language assistance into existing outreach methods

Agencies should consider developing non-English outreach documents that notify people of the availability of language assistance and incorporating this outreach into the public relations materials routinely disseminated by the agency. Agencies should provide notice of the availability of language assistance on a regular basis, in order to reach the greatest number of potential riders.

Agencies might, for example, decide to specify in their plan that where documents are available in languages other than English, the English version will include a notice of such availability translated into other languages in which the document is available.

Task 4, Step 3: Conduct targeted community outreach to LEP populations.

Targeted community outreach can consist of meeting with agencies that serve LEP populations and attending community meetings and events to inform people of the agency's service in general and that language assistance is available. Your agency may wish to partner with its existing community contacts and other agencies that are seen by your audience as credible and trusted to notify the LEP population of the availability of language services. Notification can also be distributed through programs used by LEP persons, such as English classes for speakers of other languages.

Task 5: Monitoring and Updating the LEP Plan

Evaluation can help you track your outreach efforts, discover dissemination problems early, make corrections, and find out whether your language services have impacted your ridership and/or relations with local immigrant communities. The results can help you improve future efforts. Regardless of your budget, some level of evaluation can be done.

What the Guidance Says

"Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees."

In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community.

In their reviews, recipients may want to consider assessing changes in:

- *Current LEP populations in the service area or population affected or encountered.*
- *Frequency of encounters with LEP language groups.*
- *Nature and importance of activities to LEP persons.*
- *Availability of resources, including technological advances and sources of additional resources, and the costs imposed.*
- *Whether existing assistance is meeting the needs of LEP persons.*
- *Whether staff knows and understands the LEP plan and how to implement it.*
- *Whether identified sources for assistance are still available and viable.*

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process."(DOT LEP Guidance Section VII (5)).

Suggestions on Implementing this Guidance

Transit agencies can implement this portion of the DOT LEP Guidance by undertaking the following steps:

Task 5, Step 1: Establish a process to obtain feedback on your agency's language assistance measures.

How frequently an agency should consult with community organizations representing LEP persons as well as the staff that is responsible for providing language assistance will depend on the size and complexity of the agency's LEP program as well as the resources available to the transit provider. Agency staff can combine meetings to obtain feedback on its language assistance program with regularly scheduled community outreach events as well as regularly scheduled staff meetings.

Task 5, Step 2: Obtain feedback from community members and from agency staff.

Transit agencies should consider conducting follow-up meetings and focus groups or surveys with the community organizations and individuals they contacted in order to develop their needs assessment. This outreach would allow agency staff to determine if there have been any noticeable changes in the demographics of the LEP population in their service area, to receive input on whether their language assistance measures and efforts to inform the LEP community of the availability of language assistance are working, and to continue to inform the LEP community of new or updated language assistance.

Agencies should also meet with staff that are in contact with LEP persons to determine whether the written and oral assistance measures are effective. Agency staff may also be in a position to comment on whether the numbers of LEP persons they have encountered are increasing or decreasing and whether they are interacting more frequently with members of a particular language group.

Task 5, Step 3: Conduct internal monitoring

Agencies can conduct internal monitoring of their system to determine whether language assistance measures and staff training programs are working. Such monitoring might be best accomplished if the monitors pose as riders and observe how agency staff respond to their requests. Agencies can work with multilingual staff or community members to determine if employees are responding appropriately to requests made with limited English or in a language other than English. Section 4 of Section IV provides an internal monitoring template.

Task 5, Step 4: Make changes to the language assistance plan based on feedback received

Based on the feedback received from community members and agency employees, agencies will likely need to make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. Agencies may take into account the cost of proposed changes and the resources available to them. Depending on their evaluation, agencies may choose to disseminate more widely those language assistance measures that are particularly effective or modify or eliminate those measures that have not been effective.

Task 5, Step 5: Consider new language assistance needs when expanding service

Transit agencies that are expanding service into areas with high concentrations of LEP persons should consider modifying their implementation plan to provide language assistance measures to areas not previously served by the agency.

SECTION IV
LANGUAGE ASSISTANCE CHECKLISTS

1. QUESTIONS TO ASK COMMUNITY GROUPS SERVING LEP PERSONS

The DOT LEP Guidance states that the nature of language assistance an agency provides should be based in part on the number and proportion of LEP persons served by the recipient, the frequency of contact between the recipient and the LEP population, and the importance of the service provided by the recipient to the LEP population.

In order to better analyze these factors, transit agencies are encouraged to consult with community organizations serving LEP persons and ask some or all of the following questions:

- What geographic area does your agency serve?
- How many people does your agency provide services to?
- Has the size of the population you serve increased, stayed the same, or decreased over the past five years?
- What are the countries of origin from which your population has immigrated?
- Does your population come from an urban or rural background?
- What are the languages spoken by the population you serve?
- What is the age and gender of your population?
- What is the education and literacy level of the population you serve?
- What needs or expectations for public services has this population expressed?
- Has the population inquired about how to access public transportation or expressed a need for public transportation service?
- What are the most frequently traveled destinations?
- Are there locations that the population has expressed difficulty accessing via the public transportation system?
- Do the transit needs and travel patterns of the population vary depending on the age or gender of the population members?
- What is the best way to obtain input from the population?
- Who would the population trust most in delivering language appropriate messages?

2. LEP SURVEY/FOCUS GROUP QUESTIONS

Transit agencies implementing the four-factor analysis described in the DOT LEP Guidance are encouraged to consult directly with LEP persons to determine how frequently these persons use the agency's service and the importance of the service to LEP persons.

Section II of this handbook recommends that agencies gather input from LEP persons using focus groups and surveys. Agencies using these methods should consider asking some or all of the following questions:

- Do you use public transportation?

If a person answers "yes," ask the following questions:

- How often do you use public transportation?
- What kinds of public transportation do you use—trains, buses, the city subway?
- When do you use public transportation? For what purpose?
- Are you satisfied with the transportation you use?
- Do you have any suggestions how the people who run the transportation services could improve it to make it work better for you? Please be as specific as you can.

If a person answers "no" to the first question, ask the following questions:

- How do you travel if you have to go somewhere in your area?
- Would you use public transportation if the trains or buses were set up differently?
- If the person answers "yes," to this question, then ask:
- Which transit systems would you use?
- How can the people who run that system improve it to make it work better for you?²

When possible, survey or focus group questions should be provided to advocacy groups and other interested organizations so that they may provide feedback on the instrument and offer additional suggestions.

² These questions are adopted from "Mobility Information Needs of Limited English Proficiency (LEP) Travelers in New Jersey" a report produced by the New Jersey Institute of Technology for the New Jersey Department of Transportation

3. LANGUAGE ASSISTANCE MEASURES CURRENTLY BEING OFFERED BY TRANSIT PROVIDERS

The Government Accountability Office and the New Jersey Department of Transportation have identified the following language assistance measures that have been deployed by public transportation providers. Each agency should determine its appropriate mix of services after conducting the DOT LEP Guidance's four-factor analysis.

More information about these assistance measures, including which measures are most frequently used, can be found in the GAO report, "Transportation Services: Better Dissemination and Oversight of DOT's Guidance Could Lead to Improved Access for Limited English-Proficient Populations," and the New Jersey Department of Transportation report, "Mobility Information Needs of Limited English Proficiency (LEP) Travelers in New Jersey." Web links to these documents are available in Section V of this handbook.

I—Written Language Assistance (check all that applies):

Bilingual or multilingual versions of the following information:

- ☐ "How to ride" brochures
- ☐ Fare payment instructions
- ☐ System maps and timetables
- ☐ Public service announcements
- ☐ Safety and security announcements
- ☐ Service change announcements
- ☐ Notices pertaining to upcoming events
- ☐ Complaint/commendation forms
- ☐ Pictographs in stations and in vehicles
- ☐ Ticket vending machines with multilingual functions
- ☐ "I Speak" cards to be used by station managers
- ☐ Translated information on agency websites
- ☐ Translated electronic signs

II--Oral language Assistance (check all that applies)

- ☐ Hiring permanent, full-time staff interpreters
- ☐ Contracting for interpreters on an "as needed" basis
- ☐ Using community volunteers to interpret information
- ☐ Using bilingual staff to interpret information on an "as needed" basis
- ☐ Using telephone interpreter services
- ☐ Translated recorded announcements in stations and in vehicles

III-Community Outreach (check all that applies)

- ☐ Translated TV advertisements

- ☐ Translated radio advertisements
- ☐ Translated newspaper advertisements
- ☐ Advertisements in ethnic media

4. LANGUAGE ASSISTANCE MONITORING CHECKLIST

Periodic monitoring of language assistance measures that have been implemented can help an agency determine if assistance is being provided competently and effectively. Agencies can use the following checklist to monitor their services. Actual monitoring should be tailored to what services the agency has implemented. Depending on the language assistance provided, the following questions could be answered by periodic monitoring:

Stations

___ Are translated instructions on how to make fare payments available?

___ Are translated schedules, route maps, or information on how to use the system available?

___ Has the information been placed in a visible location?

___ How many units of the material have been distributed?

___ If such information is available, are station managers aware that they have this information?

___ Are announcements audible?

___ Are any announcements, such as security awareness announcements, made in languages other than English?

___ Does the station display information or instructions using pictographs?

___ Can a person who speaks limited English or another language receive assistance from a station manager when asking for directions? How is this assistance provided?

Vehicles

___ Are translated instructions on how to make fare payments available?

___ Are translated schedules, route maps, or information on how to use the system available?

___ Has the information been placed in a visible location?

___ How many units of the material have been distributed?

___ If such information is available, are vehicle operators aware that they have this information?

___ Are announcements audible?

___ Are any announcements, such as security awareness announcements, made in languages other than English?

___ Can a person who speaks limited English or another language receive assistance from a bus operator when asking about the destination of the vehicle? How is this assistance provided?

Customer Service

___ Is the customer service telephone line equipped to handle callers speaking languages other than English?

___ Can customer service representatives describe to a caller what language assistance the agency provides and how to obtain translated information or oral interpretation?

___ Can a person speaking limited English or a language other than English request information from a customer service representative?

Community Outreach

___ Are translators present at community meetings?

___ Are translated versions of any written materials that are handed out at a meeting provided?

___ Can members of the public provide oral as well as written comments?

Press/Public Relations

___ Are meeting notices, press releases, and public service announcements translated into languages other than English?

___ Does the agency website have a link to translated information on its home page?

SECTION V
LANGUAGE ASSISTANCE RESOURCES

LANGUAGE ASSISTANCE RESOURCES

1. Policy and Guidance Documents

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. Executive Order 13166 was signed by President Clinton in 2000. It clarifies federal agencies' and their grant recipients' responsibilities to make their services available to LEP populations. A link to this executive order can be found at FTA's Title VI web page, http://www.fta.dot.gov/civilrights/civil_rights_5088.html.

DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. DOT's Guidance was issued in 2001 and updated in 2005. It discusses strategies for providing services to LEP persons and outlines a framework for providing an effective language assistance program. A link to this document can be found at FTA's Title VI web page, http://www.fta.dot.gov/civilrights/civil_rights_5088.html.

FTA Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients." This document provides recipients and subrecipients of FTA financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation's Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005). A link to this document can be found at FTA's Title VI web page, http://www.fta.dot.gov/civilrights/civil_rights_5088.html.

2. Websites

Federal Interagency Working Group on Limited English Proficiency, www.lep.gov. LEP.gov promotes a cooperative understanding of the importance of language access to Federal programs and federally assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and federally assisted programs, and other stakeholders.

The Modern Language Association, <http://www.mla.org>. The MLA has produced a Language Map intended for use by students, teachers, and anyone interested in learning about the linguistic and cultural composition of the United States. The MLA Language Map uses data from the 2000 Census to display the locations and numbers of speakers of 30 languages and three groups of less commonly spoken languages in the United States. The census data are based on responses to the question, "Does this person speak a language other than English at home?" The Language Map illustrates the concentration of language speakers in zip codes and counties. The MLA's Data Center provides census data on more than 300 languages spoken in the United States.

The U.S. Census, <http://www.census.gov>. The "American Fact Finder" link at this website provides a wide range of demographic information collected at the 2000 Census at multiple geographic levels. The Census Bureau's regional contacts can be found at <http://www.census.gov/field/www>.

Special Tabulation of LEP Information from Census 2000, <http://www.doleta.gov/reports/CensusData/>. The Department of Labor has sponsored a special tabulation of Census data on Limited English proficient (LEP) populations as a resource for One Stop Career Centers and other providers of employment and training services. Information is broken out for 39 Census languages and language clusters, and the tabulations are designed to match the service areas of states and local Workforce Investment Areas.

The FTA's Title VI Website, http://www.fta.dot.gov/civilrights/civil_rights_5088.html. This website includes copies of DOT Title VI policies, guidance, and procedures, links to Title VI compliance reviews conducted of FTA grantees, and sources of technical assistance.

FTA and FHWA's Transportation Planning Capacity Building (TPCB) Program, <http://www.planning.dot.gov>. Information regarding language access services is available at this site.

FTA's Innovative Practices to Increase Ridership, <http://ftawebprod.fta.dot.gov/bpir>. This website serves as a central information resource on innovative strategies that are submitted by transit organizations, reviewed by FTA, and are then made available for other transit organizations to search records, review innovations, and potentially implement similar programs. Innovative practices regarding language access services are available.

3. Reports

Federal Highway Administration, "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decisionmaking," available at <http://www.fhwa.dot.gov/hep/lowlim>. This report documents best practices" in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decisionmaking. These "best practices" were collected during telephone interviews with individuals in 30 States.

Government Accountability Office, "Transportation Services: Better Dissemination and Oversight of DOT's Guidance Could Lead to Improved Access for Limited English-Proficient Populations," GAO-06-52 (November 2005) available at www.gao.gov. This report summarizes the language assistance measures implemented by 20 transit agencies and seven metropolitan planning organizations and contains recommendations to the U.S. Department of Transportation.

New Jersey Department of Transportation, "Mobility Information Needs of Limited English Proficiency (LEP) Travelers in New Jersey," available at

http://www.transportation.njit.edu/nctip/final_report/LEP.htm. This report surveys the needs of LEP persons in New Jersey, surveys best practices of peer transit agencies in bi- or multilingual populations, and surveys selected transportation providers outside the United States along with various airports, tourism centers, and other locales catering to multilingual clientele. The report includes examples of multilingual web pages, publications and announcements, telephone lines, pictograms, visual aids and personal assistance.

U.S. Department of Education, **"The State of Literacy in America (2003),"** available at <http://www.nifl.gov/readers/reder.htm>. This report provides the first assessment of the nation's progress in adult literacy since 1992. In addition to describing the status and progress of literacy in the nation and in each of the six participating states (Kentucky, Maryland, Massachusetts, Missouri, New York, and Oklahoma), the 2003 NAAL provides information about background factors associated with literacy, the skill levels of the least-literate adults, and the application of literacy skills to health-related materials. It seeks to: describe the status of adult literacy in the United States; report on national trends; and identify relationships between literacy and selected characteristics of adults.

4. Presentations, Guides, and Teaching Tools

"Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice." This video, which is available on DVD and as a streaming video link on www.lep.gov explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.

"Providing Language Access for Persons with Limited English Proficiency," a power point presentation produced by the FTA Office of Civil Rights and available at http://www.fta.dot.gov/civilrights/title6/civil_rights_5102.html.

"How to Identify Limited English Proficient (LEP) Populations in Your Locality," a presentation given by the Federal Highway Administration at the American Association of State Highway and Transportation Officials (AASHTO) 2004 Civil Rights Conference. The workshop provides information on the LEP Executive Order, DOT's LEP Guidance, and specific information about what resources can be used to identify LEP populations. The presentation is available at <http://www.fhwa.dot.gov/civilrights/confworkshops04.htm>.

"Basic Spanish for Transit Employees," a flip guide funded by the Colorado Department of Transportation and produced by the Roaring Fork Transit Authority and the Colorado Mountain College. It includes requests and commands that vehicle operators use every day in English and in Spanish and written phonetically in English. Copies of this guide can be obtained by contacting the Colorado Mountain College at 970-945-8691 or www.coloradomtn.edu.

Guidelines for Developing Traffic Safety Educational Materials for Spanish-Speaking Audiences, created by the Education Development Center for the National Highway Traffic Safety Administration, These *Guidelines* were developed as part of a larger project, *Educación de seguridad en el tránsito/Education in Traffic Safety (EST)*. The goal of the project was to foster the development of effective traffic safety educational materials to serve the growing Spanish-speaking population in the United States. Although most of the demographic and cultural information in this document is specific to Latinos, the nine steps and much of the expert advice can be used to develop educational materials for other populations or materials that deal with other safety and health topics.

Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance, created by the U.S. Department of Justice. This document is intended to assist organizations that receive Federal financial assistance in their strategic planning efforts to ensure that program goals and objectives address meaningful access for all of the people they serve or encounter, including those who are limited English proficient. This tool assists recipients in assessing their current other-than- English language services capabilities and planning for the provision of language services.

Accessing and Using Language Data from the U.S. Census Bureau
(Adopted from materials provided by the U.S. Census at the March 15, 2007 Federal Interagency Conference on Limited English Proficiency)

I. How can I use the American FactFinder to find Census Bureau Language data?

1. Start at our main Web site, www.census.gov
2. On the left-hand side, click on the blue bar for American FactFinder (AFF)
3. On the AFF main site, click on the left-hand side, scroll your mouse over the blue bar DATA SETS.
4. Click on the second bullet that says "American Community Survey."
5. Click on the radio button for the year you want.
6. On the second bullet labeled "Select a geographic type," pull the menu down and click on the geography you want.
7. Once your geography is highlighted, click the ADD button, then click the NEXT button.
8. Click on the second tab that says "by keyword."
9. Type in "language" in the box and click SEARCH (note: you can isolate any other information you're looking for by typing the word or looking at the "by subject" tab).
10. You'll get a list of all tables with language data.
11. Highlight the table(s) you want and click the ADD button.
12. Click SHOW RESULTS.

II. How Can I download tables from American FactFinder

1. Near the top right side of the page where you have your output table, you'll see three choices: OPTIONS, PRINT/DOWNLOAD, and RELATED ITEMS.
2. Scroll your mouse over the PRINT/DOWNLOAD choice.
3. Click on DOWNLOAD.
4. On the pop-up window, keep the settings as they are and click OK.
5. Once you have it saved on your hard drive, you can open it up and do whatever tabulations you want.

III. Where can I find documentation on the Accuracy of the Data, including instructions on how to calculate confidence intervals?

1. Start on the main Web site, www.census.gov.
2. On the middle of the page, click on the link for American Community Survey.
3. Inside the Using the Data tab, click on the link for Accuracy of the Data—2005.
4. Click on the document that corresponds with the data of the year you want.

IV. What are the key ACS language tables that are available from American FactFinder?

The Detailed Tables are the data products with the most detailed information on language. Two key tables include:

- B16001. Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. This table gives the most detailed language data available by English-speaking ability.
- B16004. Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. This table gives the four major language categories by English-speaking ability for the 5-17 year olds, 18-64 year olds, and 65 years and older populations.

V. Where can I find information about other language-related products?

The Language Use Web page includes a list of Census 2000 products. Use the following directions to find that Web page.

1. Start at main Web site, www.census.gov
2. On the top right-hand side, click on Subjects A to Z
3. Click on L for language
4. Click on the link for Language Use Data.

The most detailed language data available are accessible from the Language Use Web site using Census 2000 data. Choose link F---STP 224. Data are not available by English-speaking ability but are available down to the census tract level. Also, under Related Reports, the document How Good is "How Well?" An Examination of the Census English-Speaking Ability Question is available.

VI. What should I do if I need language information for a small geographic area?

In 2010, the ACS will release 5-year estimates for the smallest geographic areas. The most recent ACS data available at this time are based on one year of sample and cannot support the production of most small area data. You should therefore continue to use Census 2000 data following the step-by-step instructions in section I. You should select "2000 Decennial Census—Summary File 3" as the DATA SET.

VII. Where can I find information about special tabulations?

1. For Census 2000
 - a. Look at the Language Use Web site at
 - i. http://www.census.gov/population/www/socdemo/lang_use.html.
 - ii. Those labeled STP indicate special tabulations.
 - b. Go the Gateway to Census 2000 at
 - i. <http://www.census.gov/main/www/cen2000.html>
 - ii. On the left-hand side, under Information Links, click on the link for Special Tabulations.
2. For the ACS
 - a. Please visit the Custom Tabulations Web site to get more information on requesting special tabulations from ACS.

i. http://www.census.gov/www/Products/psec_tabs/

VIII. Who Can I contact if I have questions?

For specific questions about the American Community Survey, contact
Deborah H. Griffin, Special Assistant to the Chief of the American Community Survey
Office

U.S. Census Bureau

HQ-3H159

Washington, DC 20233

301-763-2855

Deborah.H.Griffin@census.gov

For questions about Census 2000 and ACS data on language, contact

Hyon B. Shin, Demographic Statistician

U.S. Census Bureau

Housing and Household Statistics Division

HQ-7H070H

Washington DC 20233

301-763-6169

Hyon.B.Shin@census.gov