

Merrimack Valley Metropolitan Planning Organization (MVMPO)
Limited English Proficiency (LEP) Plan
January 2012

Introduction

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For example, 2006-2010 American Community Survey data for persons over age five indicates that over 35.5 million individuals speak Spanish. This number has grown over time. If these individuals have a limited ability to read, write, speak or understand English, they are classified by the federal government as “Limited English Proficient”, or LEP. Language for LEP individuals can be a barrier to accessing important benefits or services; understanding and exercising important rights; complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

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 subject to Title VI to publish guidance for its respective recipients clarifying its Title VI obligation. The executive order further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ) Policy Guidance entitled ‘Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against persons With Limited English Proficiency.’ (See 65 FR 50123, August 16, 2000 DOJ’s General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including Metropolitan Planning Organizations.

Plan Summary

The MVMPO developed this LEP Plan to identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to MVMPO programs as required by Executive Order 13166. As defined above, LEP persons do not speak English as their primary language and have a limited ability to read, speak, write or understand English.

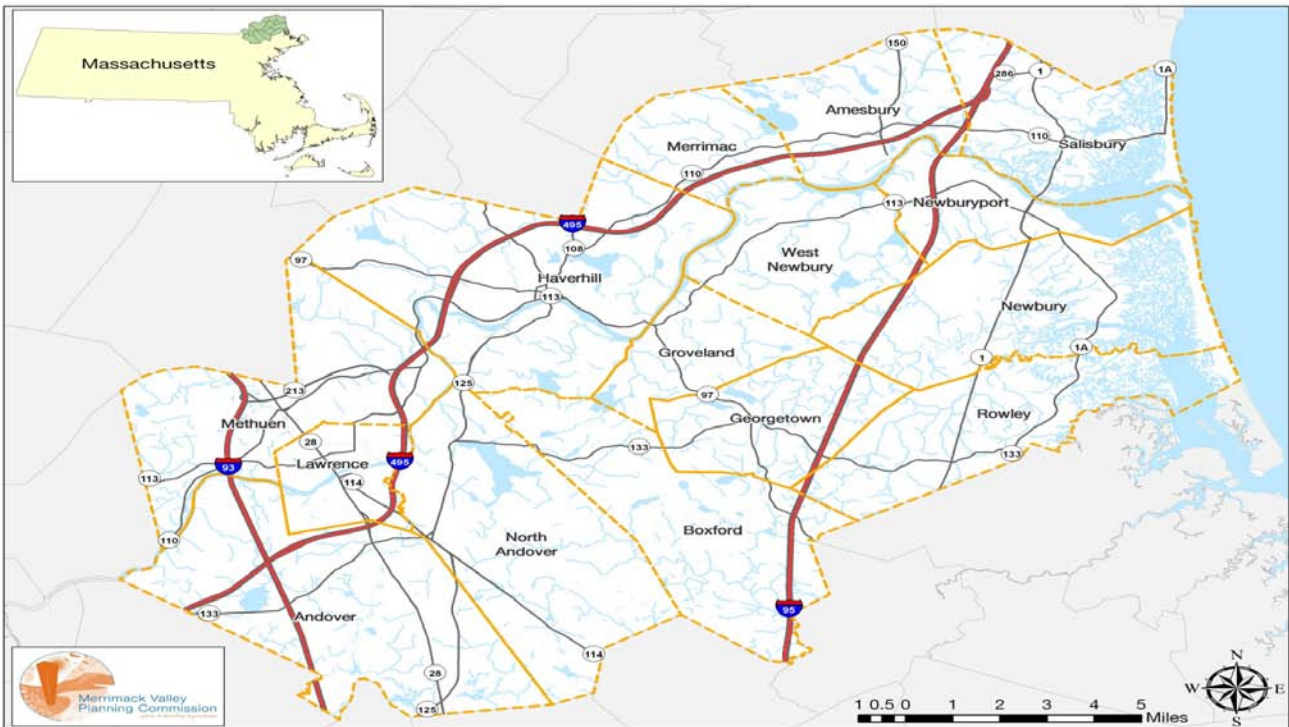
LEP Population Analysis

In determining the MVMPO’s extent of obligation to provide LEP services for development of the LEP Plan, the MVMPO undertook a U.S. Department of Transportation “Four-Factor” LEP analysis that considers the following:

- 1. The number or proportion of LEP-eligible persons in the service area or likely to encounter an MVMPO program, activity or service.**

The U.S. Census Bureau (the Census) reports a range of four classifications of how well people speak English. The classifications are ‘very well’, ‘well’, ‘not well’ and ‘not at all.’

Consistent with federal guidance, the MVMPO LEP Plan considers people reported in the Census to speak English 'not well' or 'not at all' as Limited English Proficient persons. The map below shows the geographic boundaries of the MVMPO region.



Community	Total Pop. 5+		Do not speak English well		% of Total Population	
	2000*	2006-2010'	2000*	2006-2010'	2000*	2006-2010'
Amesbury	15,324	15,162	100	57	.65	.37
Andover	29,165	30,938	331	493	1.13	1.59
Boxford	7,333	7,548	58	11	.79	.14
Georgetown	6,752	7,518	35	42	.52	.56
Groveland	5,589	5,810	22	37	.39	.64
Haverhill	54,747	55,980	1,450	1,845	2.65	3.3
Lawrence	65,730	68,891	10,763	17,212	16.37	24.9
Merrimac	5,690	6,047	30	36	.53	.51
Methuen	41,077	43,623	1,258	2,237	3.06	5.13
Newbury	6,269	6,361	0	30	0	.95
Newburyport	16,256	16,279	85	144	.52	.89
North Andover	25,342	26,350	323	271	1.27	1.02
Rowley	5,109	5,414	0	14	0	.26
Salisbury	7,322	7,875	61	0	.83	0
West Newbury	3,854	3,921	40	0	1.04	0
Totals	295,559	307,717	14,495	22,429	4.90	7.28

*2000 Census

'2006-2010 American Community Survey (ACS)

The above comparison indicates that the overall number of LEP persons in the MVMPO region who do not speak English well or at all may be increasing in nine of the MVMPO communities, and declining or nonexistent in six of the MVMPO communities. Across the region, the average percentage of the population classified as not speaking English well or at all shifted upward from 4.9% to 7.3%. The proportion of these individuals living in Lawrence has risen by 8.53%; by 2% in Methuen, and by .65% in Haverhill. As was reported in prior LEP updates, the number of LEP persons continues to exceed 1,000 in three MVMPO member communities: Lawrence, Haverhill and Methuen. This threshold is significant with respect to a 'safe harbor' provision for LEP program efforts (see page 7). The language spoken most often in the MVMPO region other than English is Spanish.

2. The frequency with which LEP individuals come into contact with an MVMPO program, activity or service

The MVMPO members and staff are in contact with *organizations* that provide services to constituencies that include LEP persons. Contacts include:

- Planning support to the MVRTA, which serves a large number of LEP persons daily.
- Outreach for the MVRTA on specific tasks, i.e. development of transportation plans for the elderly, disabled and the Coordinated Public Transit Human Services Transportation Plan.
- Coordination with community-based and social service organizations.

Notably, the MVRTA administers its own LEP Plan. As such, it has been the principal MVMPO member contacted by the public concerning issues relevant to this LEP.

The MVMPO staff reviewed public meeting information and its knowledge of phone inquiries to assess its frequency of contact with LEP *persons*. The MVMPO staff also noted that its invitations to participants in the development of the Coordinated Public Transit Human Services Transportation Plan specifically asked if invitees needed a language interpreter. The MVMPO received no requests in Fiscal or Calendar Year 2011 for an interpreter or for translations of MVMPO documents, e.g. its Regional Transportation Plan, Transportation Improvement Program, etc.), and no such requests to date in Fiscal or Calendar Years 2012.

In an effort to provide greater outreach to the City of Lawrence, several fact sheets relating to the 2012 Regional Transportation Plan (RTP) were made available and a translator helped with communicating to the public about the RTP at the Lawrence Farmer's Market and at the Lawrence Senior Center. At this Senior Center, most questions revolved around bus service (provided by the MVRTA, not the MVMPO). Comments received at the Lawrence Senior Center were subsequently transmitted to the MVRTA.

**TABLE 2.1
MVMPO TRANSPORTATION CONCERNS IDENTIFIED IN 3c PLANNING
ACTIVITIES AND IN DEVELOPMENT OF 2012 REGIONAL TRANSPORTATION
PLAN**

Stakeholders	Transportation Concerns Identified
<p>Education Merrimack College Northern Essex Community College Greater Lawrence Technical School Whittier Regional Vocational Technical School Municipal schools</p>	<ul style="list-style-type: none"> • Transit routes do not directly serve some campuses • Transit service frequency and capacity constrains use • Span of Service limits usage (no weekend service) • ‘Share the Road’ education and courtesy training for use of transit essential
<p>Elder Groups</p>	<ul style="list-style-type: none"> • Accessibility of vehicles and services • Personal Safety training would aid transit use • Reliability (schedules, appointments) • Gaps in transit, walking connections to / from shopping, medical, civic and religious facilities • Increase transit hours of operation • Medical appointment shuttles to/from Boston (implemented)
<p>Employment</p>	<ul style="list-style-type: none"> • More transit service to Southern NH employers and commerce areas • More ‘Reverse Commute’ transportation in the region’s corridors • Add transit linking neighborhoods and employment areas within MVMPO region, i.e. River Road in Andover
<p>Communities</p>	<ul style="list-style-type: none"> • Many of the region’s Concentrated Development Centers (CDCs) need better intermodal connections and higher levels of transit service (incl. EJ populations) • Roadway congestion and state of repair impact regional economy • Walking and bicycling infrastructure needed (paths, racks on buses, etc.)

TABLE 2.1, CONTINUED FROM PAGE 7

Stakeholders	Transportation Concerns Identified
Transportation (Federal, State) Officials	<ul style="list-style-type: none"> • Revisit MVMPO target allocations to high-cost projects • Incorporate statewide Strategic Transportation Plan recommendations into RTP • Refine Pavement Management assumptions

3. The nature and importance of the programs, activities or services provided by the MVMPO to the LEP population.

The MVMPO is committed to ensuring that the metropolitan transportation planning process is as accessible as possible. The MVMPO staff administers the MVMPO region’s federally-certified ‘3c’ transportation planning process. While the MVMPO does not provide any transportation services per se, it is responsible for planning and programming federal transportation funds for its member communities and for ensuring maximum public participation in this work. The MVMPO, through the MVPC website (www.mvpc.org), features a viewer-selectable application to translate site content into over thirty languages including Spanish. The MVMPO staff is instructed to assist callers requiring language translation to take the caller’s name and phone number and to subsequently engage a volunteer translator to return the call promptly.

The MVMPO is involved on a limited basis in providing assistance to the MVRTA with its comprehensive planning for public transportation services. The MVRTA, as an MVMPO member, is the region’s public transportation provider and administers its own Title VI LEP compliance effort including provision of all information for its transit services. The MVRTA operates the region’s fixed route, paratransit and special transportation services provider serving all 15 of the MVMPO communities. The MVMPO, like the MVRTA, strongly supports the policy that denial, delay or reduction in access to the MVRTA’s public transportation services due to language-related barriers is unacceptable.

The MVMPO transportation staff conducts various outreach efforts that are targeted to its LEP constituents. For example, the largest geographic concentration of Spanish—speaking residents live in the City of Lawrence and in an abutting section of the City of Methuen. The MVMPO staff has worked with three Community-Based Organizations (CBOs) in this area: 1) Groundwork Lawrence, Inc. (GWL); 2) the Methuen Arlington Neighborhood (MAN, Inc.), and 3) Lawrence Community Works (LCW) to identify their constituents’ transportation needs and concerns; their interest in the MVMPO’s planning activities, and how the MVMPO staff could best engage their participation. All three organizations believe that transportation is important to their constituents and that there might be some community interest in the MVMPO’s planning activities. In particular, the MVMPO staff:

- Attended several MAN, Inc. regularly scheduled meetings in 2010 and 2011 to discuss transportation issues and to request feedback on any needs for special language services;
- In FFY 2011, initiated a series of Transportation and Livability sessions that are being held in various parts of the region. Sessions were held with the Town of Salisbury's Planning Board and its Senior Center, to reach out to the MVMPO's Seacoast communities. Additional sessions are proposed to be held in the Greater Lawrence area in FFY 2012;
- Forged new partnerships with several regional organizations and eight of the region's communities ("Regional Corridors Coalition") to apply for a FFY 2011 HUD Sustainable Communities Regional Planning Grant. Most of the nineteen participating organizations and communities serve LEP constituents. While this grant was not awarded, the MVPC is exploring funding and programmatic opportunities to achieve shared transportation and community development goals that include the LEP population in FFY 2012 and beyond;
- Provided oral translation services for three 2012 Regional Transportation Plan-related public meetings including a seniors' group, with a PowerPoint presentation that was translated into Spanish and aired on a local cable television station, and
- Discussed the Draft 2012 Regional Transportation Plan and other transportation documents and projects at an August 2011 Lawrence Farmers Market event. A translator was on hand to help with communication with non-English speakers.

During the performance of these ongoing activities in the time period between 2007 and 2011, no requests were made to the MVMPO for language services.

4. The resources available to the MVMPO and overall costs to the MVMPO to provide LEP assistance.

The MVMPO Unified Planning Work Program (prepared annually) contains specific public participation process tasks to be undertaken in each FFY and identifies funding to be used specifically for this purpose. For FFY 2012, the MVMPO staff will continue to support the implementation of its regional Public Participation Plan (established 2007, revised 2010). Tasks include, but are not limited to:

- Continued analysis of the Implementation of the MVMPO Public Participation Plan. During FFY 2012, MVMPO staff will continue to evaluate the effectiveness of its specific components.
- The MVMPO staff will provide for and actively encourage public and private participation in the '3C' planning process through the Merrimack Valley Transportation Committee (MVTC) / MVMPO Working Group.
- Monitoring of MVTC and Stakeholder Outreach Lists: Additional groups and organizations will be added as warranted and non-participating parties will be removed upon their request.

- Public Involvement Process. The MVMPO will prepare mailings, newspaper announcements, public notices, and public service announcements outlined in the MVMPOs Public Involvement Process. The MVMPO in 2011 expanded notifications to include the region’s newspaper that serves its Spanish-speaking population, and will continue to communicate with organizations in the region to assess the best methods to engage LEP persons.
- The MVMPO utilizes FHWA, MassDOT, FTA and its own funds to conduct this work. For FFY 2012 the MVPC UPWP (Task 1.2, below) details the following funding sources that it will use for its comprehensive public participation efforts, which includes development of web pages and content for its LEP populations:

Task 1.2 Public Participation Process		
<u>Source</u>	<u>Person Hours</u>	<u>Amount</u>
FHWA	399	\$33,840
MassDOT	100	\$8,460
FTA Section 5303	99	\$6,640
FTA Section 5307	0	\$ 0
MVPC	25	\$1,660
TOTAL	623	\$50,600

- In some cases, transportation funding is augmented with other public funds (i.e. CDBG, EPA Brownfields, etc.) external to, but supportive of, the MVMPO’s charge. Support for LEP outreach and service is integrated with the development and implementation of these projects. The MVMPO continuously consults with its member communities and project stakeholders to identify LEP activities that can increase participation.

The MVMPO evaluated its internal resources for providing LEP assistance. Currently, none of the MVMPO staff speak another language besides English. Spanish-speaking interpreters have been engaged for one or more meetings. Document translation costs have been previously researched, and are prohibitive. In response, the MVMPO has prepared translated fact sheets for specific activities or projects (see attachments). As previously noted, the MVMPO’s documents are available at www.mvpc.org which provides translation of website text into 52 different languages.

Safe Harbor Provision for Written Translations

Federal law provides a “safe harbor” provision so that recipients and sub-recipients of federal funds can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. This provision means that if a recipient or sub-recipient provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the recipient or sub-recipient’s written translation obligations under Title VI. For example, the MVMPO arranged for preparation of fact sheets for its 2012 Regional Transportation Plan; two postings were made on Lawrence’s cable television channel in Spanish as well as in English. Other methods of providing meaningful access to the MVMPO process, such

as oral interpretation of key procedures and/or documents, are acceptable or preferable in certain circumstances. This approach's effectiveness has been demonstrated in the MVMPO area through Community-Based Organization (CBO) activities (i.e. community development, health care advocacy) outside the MVMPO process. The MVMPO understands that this provision applies only to translation of MVMPO written documents and does not apply to the Title VI requirement to provide meaningful access to LEP individuals through qualified, competent oral interpreters where oral language services are needed and reasonable. The U.S. Department of Justice (DOJ) advises that, "It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law." (<http://www.lep.gov/faqs/faqs.html#Four Title VI Regs FAQ.>) Further, the DOJ advises that for many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety." Source: <http://www.lep.gov/faqs/faqs.html>. The MVMPO will continue to review which of its documents are vital documents to determine its compliance with Title VI.

LEP LANGUAGE ASSISTANCE PLAN FOR IMPLEMENTATION

This section describes the MVMPO's current and future plans for providing language assistance to LEP persons in its region.

HOW TO IDENTIFY PERSONS WHO MAY NEED LANGUAGE ASSISTANCE

The MVMPO identifies LEP persons needing language assistance through the following activities and services:

- Coordination with municipal, regional and Commonwealth of Massachusetts agencies engaged in transportation planning;
- Outreach to CBOs and municipal agencies to request assistance in identifying LEP persons needing language assistance;
- Outreach to service agencies in the MVMPO region;
- Ongoing planning coordination, public involvement services and activities with the MVRTA;
- Inclusion of instructions for requesting language translation of key written documents referenced in public meeting notices;
- Asking public hearing attendees if language translation and/or signing interpreter services are needed, and
- Routine assessment of demographics information for the MVMPO region to identify likely geographic location of potential LEP persons and transportation consumers.

The MVMPO staff will continue to administer these tasks and will record the outcome of this effort.

PROVIDING NOTICE TO LEP PERSONS WHO MAY NEED LANGUAGE ASSISTANCE

USDOT LEP guidance states:

“Once an agency has decided, based upon the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons can understand.”

The MVMPO provides this notification through the following:

1. The statement in outreach documents that language services are available from the agency;
2. Working with CBOs and other stakeholders to inform LEP persons of the recipient's services, including the availability of language assistance services, and
3. Including notices in local newspapers in languages other than English.

For FFY 2012, the MVMPO staff proposes to perform the following ongoing or new tasks:

1. Posting MVMPO meeting notices in English and Spanish (in print and on the MVMPO website, plus instructions on how to request language assistance with advance notice);
2. Selecting and translating into Spanish certain MVMPO documents (including Title VI rights); document summaries, and other information for posting and distribution in MVMPO communities with significant proportions of LEP persons (5% or 1,000 or more);
3. Meeting with members of the Regional Corridors Coalition formed by the MVPC for a FFY 2011 HUD Sustainable Communities grant to discuss the MVMPO's programs and how information may best be disseminated to the LEP, low-income and minority populations as well as to bring the Coalition toward formal participation in the MVMPO planning process;
4. Develop a written translation and oral interpreter service provider database, or a link to an existing database that covers services available in the MVMPO region;
5. Ensure that MVMPO members are aware of the USDOT LEP guidance and support their LEP planning activities, as appropriate. Brief the MVMPO and the MVPC members with a written summary of Title VI activities undertaken during each FFY. This information will be posted at www.mvpc.org and incorporated into the MVPC Annual Report, and
6. When appropriate, the MVMPO staff will prepare fact sheets outlining important information related to its planning documents. These sheets may be translated in order to communicate with LEP individuals.

MONITORING AND UPDATING THE LEP PLAN

This Plan is designed to be flexible and easily updated. At a minimum, the MVMPO will follow the Title VI program update schedule.

Each update should examine all Plan components such as:

- How many LEP persons were encountered?
- How are their needs being met?
- What is the current LEP population in the MVMPO region?
- Have there been changes in the types of languages requiring translation services?
- Has the demand for general language assistance changed?
- Has the MVMPO's available resources changed?
- Has the MVMPO fulfilled the goals of the LEP Plan?
- Were any complaints received?

The MVMPO staff will undertake the following tasks on a continuing basis:

1. Establishing and implementing a feedback process from LEP persons directly, through community members and agencies;
2. Conducting internal monitoring and random reviews of LEP services;
3. Refining and improving the LEP Plan to incorporate feedback received;
4. Considering new language assistance needs in the MVMPO region when altering and/or expanding transportation infrastructure and services, and
5. Updating the LEP Plan annually and when significant new language-related demographic data becomes available to the MVMPO.

Dissemination of the MVMPO Limited English Proficiency (LEP) Plan: The MVMPO will post the LEP Plan on its web site at www.mvpc.org.

Any person, including social service, non-profit, and law enforcement agencies and other community members with internet access will be able to access the LEP Plan for Implementation. Copies of the LEP Plan will be provided to all public libraries and dissemination will follow the Public Participation Plan.

Any questions or comments regarding this LEP Plan should be directed to:

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