

Merrimack Valley Metropolitan Planning Organization

Limited English Proficiency (LEP) Analysis and Language Access Plan (LAP)

Revised December 2022

I. 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. If these individuals have a limited ability to read, write, speak, or understand English, the federal government classifies them 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.

As a recipient of federal funding from the Federal Transit Administration (FTA), the Federal Highway Administration, the Merrimack Valley Metropolitan Planning Organization (MVMPO) is required to comply with federal civil rights statutes and executive orders. These laws include Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin. 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. This 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 (MPOs).

II. LEP Population Analysis

The Merrimack Valley MPO (MVMPO) developed this LEP Analysis (and the accompanying LAP) to identify reasonable steps it could take 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.

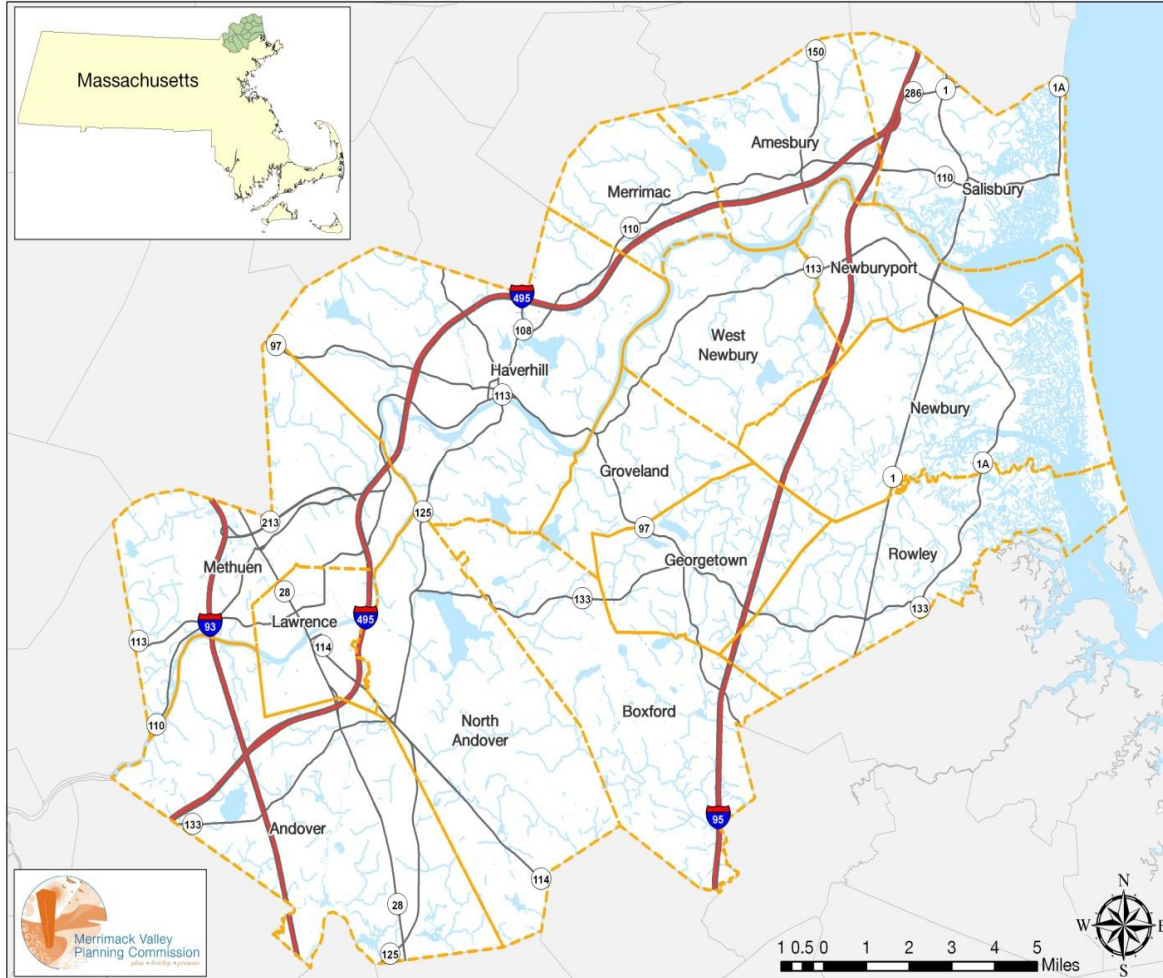


Figure 1: Geographic boundary of the MVMPO region.

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

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

(a) *How LEP person interact with the agency*

The Merrimack Valley MPO region includes 15 cities and towns in the northeast corner of Massachusetts. The communities included in our region include:

Table 1: Merrimack Valley Communities

Amesbury	Merrimack
Andover	Methuen
Boxford	Newbury
Georgetown	Newburyport
Groveland	North Andover
Haverhill	Rowley
Lawrence	Salisbury
	West Newbury

MVPC makes a special effort to reach out to LEP persons and include them in planning processes and is engaged in the following ways:

1. Focus Groups and Community Meetings

MVPC attends neighborhood meetings to present information on plans and studies and solicit feedback and input from participants.

2. Meeting with Community Organizations

MVPC staff also participate in a variety of meetings attended by representatives of community-based organizations. The provide opportunities for MVPC to contribute to existing activities as well as solicit input on planning activities.

3. Participating in Community-Based Events

MVPC staff participate in local events by tabling and interacting with participants and asking for their input.

4. Implementation of the Public Participation Process
This process includes translation and distribution of public hearings, etc. in local newspapers (Rumbo), cable TV stations and at the transit stations.
5. Translation of surveys, fact sheets, and project lists.

Next Steps:

- MVPC staff will reach out to communities with LEP persons, especially those with newer language requirements (Vietnamese, Haitian Creole, Portuguese to identify language barriers and ways in which the agency can better interact with these groups. Merrimack Valley Transit will be included in these meetings.
- Coordinate outreach activities with Merrimack Valley Transit to ensure that information is provided to these new groups.
- Create an action plan for:
 - Identifying new organizations to work with
 - Best methods for reaching LEP persons

(b) *Identification of LEP communities and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group.*

Persons with Limited English Proficiency are considered those who self-report on the Censuses as speaking 'less than very well'. The MVMPO did not choose to use the Public use Microdata (PUMS) 2021 data at this time, because the data set does not match our region – it includes communities outside our region and leaves out one that should be included. The 2022 data promises to be oriented to regional planning agency geographies and the MVMPO will examine the data when it is released.

The MVMPO used data from the 2017-2021 American Community Survey to determine the number of LEP people ages 5+ living in the region. Table 2 shows the number of LEP individuals exceeds the 1,000-person threshold in Spanish (38,959 people), French, Haitian, or Cajun (1,186), Chinese (1,113 people) and Vietnamese (1,095). The LEP persons in these two languages represent 90% of all LEP people in the region. The table also includes other languages that are under the 1,000-person threshold. 'Other unspecified languages' includes a wide array of languages.

Further, Table 2 shows the distribution of LEP persons in each community. By far, Lawrence has the highest number of LEP persons, with 31,404 people, 96% who speak Spanish. In Haverhill, 76% of LEP persons speak Spanish.

Table 2: Limited English Proficiency People Who Speak English Less Than Very Well By Community

Community	Spanish	French, Haitian, or Cajun	German or other West Germanic languages	Russian, Polish, or other Slavic languages	Other Indo-European languages	Korean	Chinese (incl. Mandarin, Cantonese)	Vietnamese	Other Asian and Pacific Island languages	Arabic	Other and unspecified languages	Total Speaking English Less Than Very Well
Amesbury	194	0	0	0	29	0	46	0	5	43	0	317
Andover	288	15	10	44	368	122	545	88	237	32	0	1,749
Boxford	0	0	18	18	29	0	0	0	0	0	0	65
Georgetown	32	7	0	36	15	0	0	0	0	0	0	90
Groveland	0	0	0	0	12	0	0	0	0	0	0	12
Haverhill	3,203	333	0	49	360	17	20	182	0	0	21	4,185
Lawrence	30,237	7	0	37	189	0	96	435	208	195	0	31,404
Merrimac	17	0	44	0	16	0	0	0	0	0	0	77
Methuen	4,325	733	0	34	399	79	122	356	44	176	142	6,410
Newbury	23	0	10	0	29	0	0	0	0	0	0	62
Newburyport	32	5	14	0	348	0	7	0	0	0	0	406
North Andover	534	68	0	86	406	148	192	34	18	13	11	1,510
Rowley	2	0	0	0	79	0	0	0	0	0	0	81
Salisbury	46	18	9	44	0	0	57	0	0	0	0	174
West Newbury	26	0	0	0	7	0	28	0	0	0	38	99
Total	38,959	1,186	105	348	2,286	366	1,113	1,095	512	459	212	46,641

Source: American Community Survey 2017-2021, Table C16001

Table 3: Massachusetts Department of Education English Learners in the Merrimack Valley (2021-2022 School Year)

School/District	Total Enrollment 2021-22 School Year	English Learner (EL) Enrollment		English Learner (EL) First Language				
		EL#	EL%	Most Common Language	Most Common Language % of EL	Second Most Common Language	2nd Most common Language % of EL	# of Languages
Amesbury	1,797	29	1.6	Spanish	48.3	Portuguese	20.7	30
Andover	5,456	161	3	Spanish	24.8	Chinese	15.5	30
Boxford	739	8	1.1	Portuguese	50	Bengali	12.5	5
Community Day Charter - Prospect	400	98	24.5	Spanish	100			1
Community Day Charter - Webster	394	79	20.1	Spanish	100			1
Community Day Charter Gateway-Gateway	401	91	22.7	Spanish	100			1
Georgetown	1,276							
Greater Lawrence RVT	1,655	135	8.2	Spanish	99.3	Indo-European	0.7	2
Haverhill	7,738	786	10.2	Spanish	84.5	Portuguese	5	25
Lawrence	12,786	4,697	36.7	Spanish	98.6	Haitian Creole	0.3	15
Lawrence Family Development Charter	796	208	26.1	Spanish	100			1
Methuen	6,439	858	13.3	Spanish	83.3	Arabic	5	18
Newburyport	2,150	51	2.4	Portuguese	84.3	Spanish	7.8	6
North Andover	4,493	105	2.3	Spanish	42.9	Portuguese	28.6	15
Pentucket	2,210	7	0.3	Portuguese	42.9	Arabic	28.6	4
Phoenix Charter Academy	185	117	63.2	Spanish	89.7	Portuguese	6.8	6
Triton	2,217	26	1.2	Portuguese	34.6	Spanish	30.8	8
Whittier RVT	1,282	15	1.2	Spanish	80	Portuguese	20	2

Source: <https://www.doe.mass.edu/ele/>

MVPC also examined data from the Massachusetts Department of Education English Learner data for schools in the Merrimack Valley (Table 3). As expected, Spanish is the most frequent language spoken by English Learners. However, the data also shows that families are speaking other languages, such as Portuguese, Chinese, Bengali, Arabic and Haitian Creole. Portuguese seems to be the second most spoken language among school age language learners.

The MVMPO further contacted the City of Methuen regarding the French/Haitian Creole/Cajun LEP persons, because data indicates that the largest group lives in Methuen. City officials indicated that the group speaks Haitian Creole. The MVMPO is scheduling a meeting with City officials about outreach needs in their LEP populations.

Factor 2: Frequency of Contact with LEP Persons

MVMPO members and staff are in contact with organizations and individuals representing concerns of LEP persons during planning processes, but not frequently due to the nature of the programs. Interactions with LEP generally occur during specifically scheduled outreach activities in concert with the development of a plan such as the Coordinated Public Transit Human Services Transportation Plan, the Unified Planning Work Program, Transportation Improvement Program or Metropolitan Transportation Plan. Examples include:

- Focus groups organized for specific language groups.
- Tabling at community events.
- Coordination of public involvement of outreach for planning projects, posting of public hearing information, distribution of surveys, etc.
- Participating in meetings with community-based organizations.

Factor 3: Nature and Important of MVMPO Transportation Planning and Service to LEP Community

MVMPO's role in improving the transportation system through planning is important to the lives of every person, whether it is improving transit service, increasing multi-mobility options or eliminating fatalities and serious injuries caused by car crashes. However, the planning process does not impact a person on a daily basis as, for example, providing transit service does. The MVMPO strives to include LEP persons in the public involvement process through quality interactions that allow people to tell us about their transportation needs. Our conversations have resulted in action items for the MVMPO to follow up on a variety of topics including bridge disrepair, confusing signage on roadways, dangerous intersections needing study, bike

racks at shelters, and the need for more transit information to be distributed.

Projects chosen to be funded through the Transportation Improvement Program must progress through an outreach, visioning, design and construction process under the responsibility of a municipality or MassDOT. These implementing agencies have their own policies in place to reach out to LEP persons.

Factor 4: Resources Available

The MVMPO is committed to ensuring that its public documents and meetings are accessible to people with disabilities as well as to people with Limited English proficiency. Support for LEP outreach is integrated within specific planning projects (such as the Coordinated Public Transit Human Services Transportation Plan, the Unified Planning Work Program and the Metropolitan Transportation Plan) as well as in the implementation of the Public Participation Planning Process. The MVMPO receives Spanish translation and interpretation services from our partner, Merrimack Valley Transit. The MPO also works with our partners for additional interpretation assistance with our Chinese/Vietnamese speaking audiences. In the past, the MVMPO has also contracted with interpreters for meetings when needed. In addition, the MVMPO contracts for translation services. For FFY2022, the MVMPO spent \$2,388.04 on translation services.

Table 4: Safe Harbor Languages Spoken in the Merrimack Valley Region

Language	LEP Population	Percent of LEP Population	Percent of MVMPO Region (Age 5+)
Spanish	38,959	83.5%	11.3%
French, Haitian, or Cajun	1,186	2.5%	0.3%
Other Indo European Languages	2,286	4.9%	0.7%
Chinese	1,113	2.4%	0.3%
Vietnamese	1,095	2.3%	0.3%
Total Safe Harbor Languages	44,639	95.7%	13.5%
Total LEP Population	46,664		

Source: ACS 2017-2021

Note: MVMPO region total population Ages 5+ is 346,209.

Safe Harbor

According to USDOT guidance, if a recipient provides written translation of vital documents into languages that meet certain thresholds—called “Safe Harbor languages”—then their obligation is likely to be considered to have been met. Safe harbor languages are those non-English languages that are spoken by LEP persons (of those eligible to be served or likely to be affected or encountered by the recipient) who make up at least 5% of the population, or 1,000 individuals, whichever is less.

As a result of our findings, the MVMPO has translated its vital documents into both Spanish and Simplified Chinese. With the new data showing additional language needs, the MVMPO will translate vital documents in Spanish, simplified Chinese, Vietnamese, and Haitian Creole.

No requests for interpretation services or for additional translations of the MPO documents have been submitted in the last three years.

III. 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 community organizations 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 Merrimack Valley Transit.
- Inclusion of instructions for requesting language translation of key written documents referenced in public meeting notices.
- 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.

LANGUAGE ASSISTANCE MEASURES

1. Oral Translation

The MVMPO provides interpreter services upon request with two weeks advance notice. Notices for all meetings state this information and how to request an interpreter. The MVMPO has rarely had a request for interpretive services at meetings or public hearings.

The MVMPO tries to anticipate the need for oral translations at workshops and community meetings in which we know that LEP

persons will be present. The MVMPO often requests assistance from Merrimack Valley Transit or other partners at these meetings or employs interpreters.

The MVMPO has and continues to employ a company to provide interpretation translations. The MVMPO has never had a need for the telephonic interpretation.

Examples include:

- When planning meetings or outreach events in the City of Lawrence, ensure that a Spanish speaking translator is on hand.
- When holding workshops specifically to reach the Chinese-speaking populations, the MVMPO has sought the services of an interpreter.

2. Virtual Public Meetings

Due to the pandemic, the MVMPO has held meetings and public hearings virtually. MPO meetings are held via Zoom meeting platform. Attendees may request an interpreter at least two weeks ahead of time.

3. Written Translation

The MVMPO provides written translation of vital documents. Vital documents are those that contain critical information for obtaining MPO services, or that are required by law. The MVMPO believes vital documents should help people participate in the planning process. The MVMPO's vital documents include:

- Title VI nondiscrimination Rights and Protections
- Complaint Procedures and form.
- Executive summaries for the MTP and the Title VI Program
- UPWP summary sheet and TIP project lists
- Language Assistance Plan
- MPO meeting and planning document notices

MVMPO Website has a translation button visible and easily found on every web page. LEP persons also have the option of setting their internet web browser language.

In addition to posting translations of vital documents, the MVMPO provides documents in html format that are easily translatable using Google translation button provided in each document.

NOTICE TO LEP PERSONS

The MVMPO provides this notification through the following:

1. The statement in meeting notices that language services are available from the MVMPO. If this information is needed in another language, please contact the MVMPO Title VI/Nondiscrimination Specialist at 978-374-0519.
 - Posting MVMPO meeting or document development process Notices in languages other than English in local newspapers or at MVRTA-served transit facilities.
 - Posting MVMPO meeting notices in English, Spanish and simplified Chinese (in print and on the MVMPO website, plus instructions on how to request language assistance with advance notice). The notice is posted in html with a google translator for additional language access;
 - Selecting and translating into Spanish and Chinese 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);
 - 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.

TRAINING

MVPC has a handbook of information regarding Title VI, ADA accessibility that is available to all staff members. Periodic training takes place to ensure that all staff are aware of the agency's legal obligation as well as the tools available.

IV. MONITORING AND UPDATING THE LANGUAGE ACCESS PLAN (LAP)

The MPO continues to monitor the language needs of the region and to update language-assistance services as appropriate. Staff tracks the number of requests for language assistance and looks for ways to expand the participation of LEP persons in its transportation-planning process. The MPO has not received any requests for oral language assistance in the past three years. However, this does not mean that there will not be a need in the future. The MPO advertises its language-assistance services through its communications avenues, including email notifications and the MPO website.

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

Merrimack Valley Planning Commission
160 Main Street
Haverhill, MA 01830-5061
978-374-0519, extension 29
Attn: Title VI / Nondiscrimination Program Coordinator

