



Limited English Proficiency Plan

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Disclaimer

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Title VI and Limited English Proficiency Statement

The Capital Region Transportation Council (Transportation Council) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its metropolitan transportation planning process on the basis of race, color, national origin, gender, age, disability, or economic status, as protected by Title VI of the Civil Rights Act of 1964 and related statutes and regulations. It is also the policy of the Transportation Council to ensure that all programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations. Additionally, the Transportation Council will provide meaningful access to services for persons with limited English proficiency. If information is needed in another language, contact 518-458-2161 or send an e-mail to info@capitalmpo.org.

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I. Background

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

According to the U.S. Department of Transportation's (USDOT) Policy Guidance Document Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons, "Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use USDOT guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to benefits, services, information, and other important portions of their programs and activities for persons who are LEP¹." LEP requirements extend to all Transportation Council programs and activities, even those that do not receive federal assistance.

II. Analysis to Determine Appropriate Language Assistance

The U.S. Department of Transportation recommends a specific analysis by each agency receiving federal funds². The analysis is intended to help agencies identify required, proactive language-assistance measures and how to appropriately target agency resources. The USDOT recommends an analysis of four factors: 1) The number or proportion of LEP persons eligible to be served or likely to encounter a program, activity, or service of the Transportation Council, 2) The frequency with which LEP persons come in contact with Transportation Council programs, activities, and services, 3) The nature and importance of services provided by the Transportation Council to the LEP population, and 4) The resources available to the Transportation Council, and the overall costs incurred by the Transportation Council to provide LEP assistance.

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

Eligible LEP Language Groups at the Regional Level

The greater the number or proportion of LEP persons within a given service area (for example, the Capital Region, a specific county within the region, or a specific municipality or neighborhood where a study is taking place), the more likely language services will be needed³. USDOT guidance provides the "Safe Harbor rule" that states that "written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 people, whichever is less, of persons eligible to be served" is "strong evidence of compliance with the recipient's

¹ Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons. [Federal Register, Volume 70 Issue 239 \(Wednesday, December 14, 2005\) \(govinfo.gov\)](#). Accessed 12/15/23.

² Ibid.

³ USDOJ Final LEP Guidance. <https://www.justice.gov/crt/doj-final-lep-guidance-signed-6-12-02>. Accessed 12/14/23.

written translation requirements⁴." The Transportation Council uses the "Safe Harbor" 5%-or-1,000 person rule to help identify the language groups within a geographic area that are eligible for support under the LEP Plan.

To identify the language groups that meet the "Safe Harbor" rule, the Transportation Council uses the American Community Survey 5-year estimated count of *People 5 Years and Older Who Speak English Less Than "Very Well"* to determine the number and proportion of limited English proficient people in the region. Table 1 shows the total number and proportion of people by language group for Albany, Rensselaer, Saratoga and Schenectady Counties who speak English less than "very well." Three language groups, Spanish, Chinese, and Arabic were identified as having more than an estimated 1,000 people each who speak English less than "very well" and are therefore eligible for support under the LEP Plan.

Table 1: Number and Proportion of People in Albany, Rensselaer, Saratoga, and Schenectady Counties Who Speak English Less Than "Very Well"

Language Group⁵	Number of People who Speak English less than "very well" (age 5+)	Proportion of People who Speak English less than "very well" (age 5+)
Spanish	6,892	0.83%
Chinese	3,732	0.45%
Arabic	1,344	0.16%
All Languages	26,708	3.22%

Source: American Community Survey 5-Year estimate, 2018-2022, Table C16001.

Identifying Eligible LEP Language Groups at the Sub-Regional Level

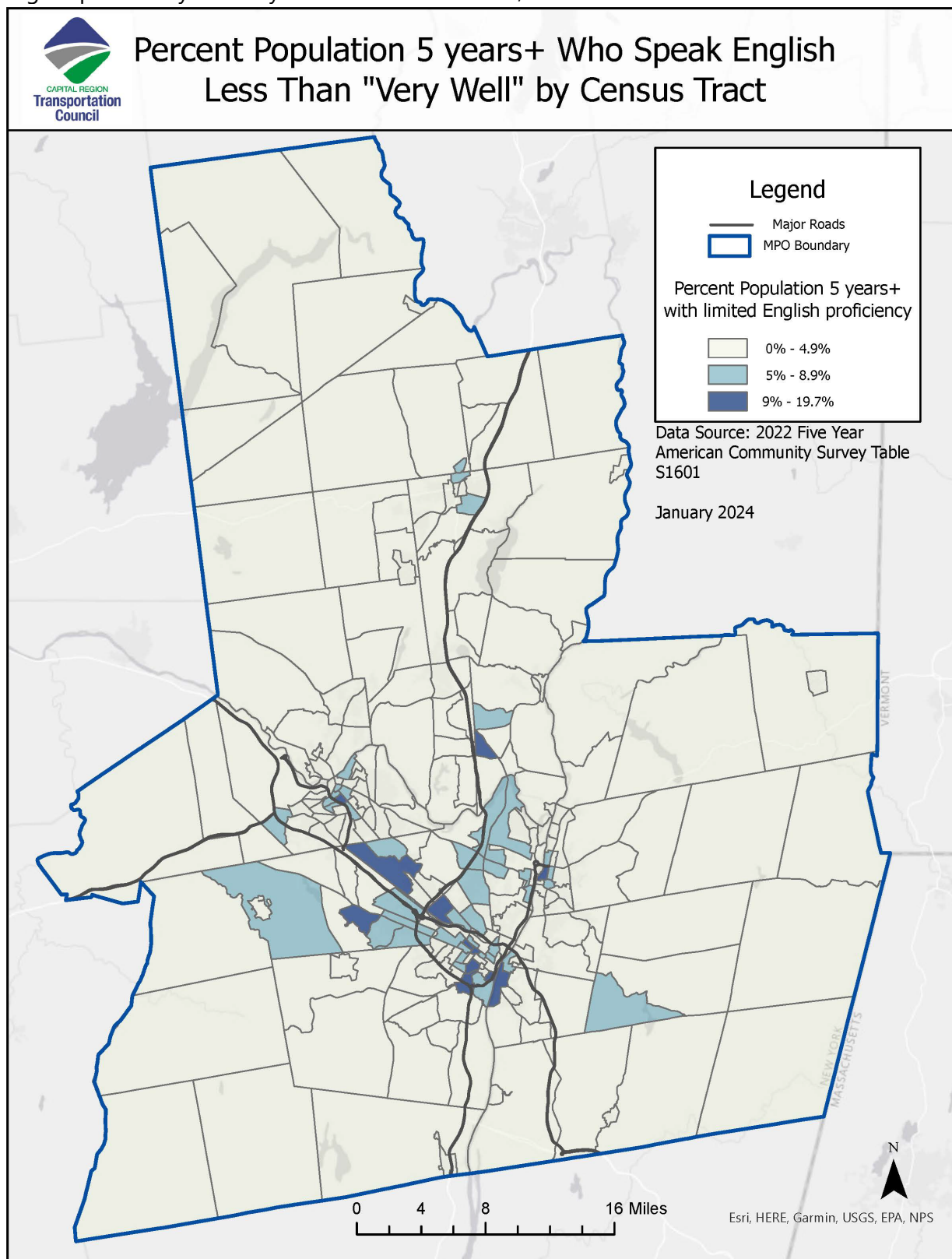
The eligible language groups identified in Table 1 apply to region-wide programs, studies and plans that the Transportation Council engages in. Initiatives carried out on a smaller geographic scale, such as Community and Transportation Linkage Planning Studies, must identify the number and proportion of persons in language groups present within the appropriate geographic area.

Figure 1, below, shows the proportion of each census tract's population over the age of 5 years who speak English less than "very well." While only about 3.22% of all Capital Region residents speak English less than "very well," the map illustrates that the proportion can vary greatly by Census Tract, reaching as high as approximately 19.7% in some neighborhoods. The variability in the map illustrates the importance of identifying language groups in each planning area when preparing the public engagement strategy for new plans and studies.

⁴ Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons. [Federal Register, Volume 70 Issue 239 \(Wednesday, December 14, 2005\) \(govinfo.gov\)](https://www.federalregister.gov/documents/2005/12/14/policy-guidance-concerning-recipient-s-responsibilities-to-limited-english-proficient-lep-persons). Accessed 12/15/23.

⁵ Note for Languages Spoken at Home from the 2016 American Community Survey. https://www.census.gov/content/dam/Census/programs-surveys/acs/tech-doc/user-notes/2016_Language_User_Note.pdf Accessed 12/14/23.

Figure 1: The proportion of people over the age of 5 years, in all language groups, with limited English proficiency. ACS 5-year estimate 2018-2022, Table S1601.



While the ACS does not provide enough granular data to identify all language groups at the census tract level, it does provide a useful “first pass” to determine whether the total LEP population reaches the “Safe Harbor” threshold and thus warrants additional investigation⁶.

One useful source of information for identifying languages spoken at the sub-regional level is the local school district. School districts must maintain current information of the languages spoken in the homes of students so that the schools can communicate effectively with parents and guardians. A list of the languages spoken, the number of families at the school that speak each language, and the boundary of the school’s attendance zone can all be obtained from the public school district or the New York State Department of Education.

Another consideration is the presence of worksites and other non-residential sites, such as places of worship and community centers. These locations may be places where significant numbers of LEP people are frequently present but are not captured in ACS or school data.

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

As part of its on-going efforts to improve public engagement and increase public feedback on core MPO products such as the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP), as well as the Community and Transportation Linkage Planning Program and other efforts, the Transportation Council has worked to improve its outreach and engagement to eligible LEP populations. Accordingly, the frequency with which LEP persons who come in contact with Transportation Council programs, activities, and services has increased slightly and is expected to rise modestly.

3. The nature and importance of services provided by the Transportation Council to the LEP population.

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

4. The resources available to the Capital Region Transportation Council, and overall costs incurred by the Transportation Council to provide LEP assistance.

The Transportation Council funds LEP assistance with federal transportation planning funds. Technological advances and reasonable business practices have helped keep the costs to

⁶ ACS 5-year Table C16001 provides more detailed estimates for some language groups by Census Tract but is not a comprehensive list.

provide these services down. A native Spanish-speaking staff member is available to assist with Spanish speakers, as needed. Staff has researched and established other cost-effective translation and interpretation service relationships.

Discussion

The Capital Region is home to a diverse population that speaks dozens of languages. All residents and travelers within the region deserve the opportunity to engage meaningfully with Transportation Council policies, programs, plans and studies. Three language groups, Spanish, Chinese, and Arabic, meet the “Safe Harbor” provision and are identified as eligible LEP language groups that should receive written translation and oral interpretation support in compliance with federal regulations. While staff have not often encountered LEP people in the past, the Transportation Council recognizes the importance of engaging people with limited English proficiency in order to serve the public good and endeavors to increase engagement with these groups. The Transportation Council has the staff and financial resources available to address these needs.

III. Implementation

Inclusive public participation is a high priority in Transportation Council-sponsored plans, studies, and programs. The Transportation Council encourages input from all stakeholders and seeks to ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process. All language assistance activities detailed below will be coordinated by the Transportation Council’s Title VI Coordinator, the Executive Director, in collaboration with other Transportation Council staff.

Translation of Written Documents

Title VI Notice and Complaint Procedure

The Transportation Council will maintain the Title VI Notice and Complaint Procedure in the three languages that are covered by the “Safe Harbor” provision for the Capital Region: Spanish, Chinese, and Arabic⁷. The English version and all translated versions will be posted on the Transportation Council website. Staff will utilize a professional service for these translations.

Other Core MPO Products

The executive summaries of other core products identified in the Transportation Council’s Public Participation Plan, including the Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP), will be translated into Spanish, Chinese, and Arabic following the adoption of this LEP Plan and when a new draft version of each core product is released for public comment. The executive summaries of

⁷ Simple Chinese will be used to translate all documents into Chinese unless a compelling reason is made to begin using Traditional Chinese instead. Modern Standard Arabic will be used to translate all documents into Arabic.

adopted, final drafts of the core products will be re-translated if it is substantively different from the draft version. Upon written or verbal request to the Transportation Council, the executive summary of a core product will be translated into any other language as well, provided that translation services are available for the requested language. If, after reviewing the executive summary, the requester finds it to be insufficient for their needs, they may request a translation of the full version of the core product. All translations will be made available on the Transportation Council website. Staff will utilize a professional service for these translations.

Plans and Studies in Sub-Regional Areas with Eligible LEP Language Groups

Upon written or verbal request to the Transportation Council, the executive summary of any sub-regional draft plan or study released for public comment will be translated into any eligible LEP language corresponding to the sub-regional area of that plan or study. The executive summary of the adopted, final draft of the product will be re-translated if it is substantively different from the draft version. Translated versions of the executive summaries will be made available on the corresponding plan or study website for as long as the website is active and will also be posted on the Transportation Council website. Staff will utilize a professional service for these translations.

Other Requests for Written Translation

Upon written or verbal request to the Transportation Council, other publicly released documents such as meeting agendas and minutes, notices of Requests for Proposals (RFP), and newsletters will be translated into any language, provided that translation services are available for the requested language. Staff will utilize a professional service for these translations. The Transportation Council website can be translated into many different languages by the general public by using a free, browser-based service such as Google Translate.

Oral Interpretation

Transportation Council staff will use Language Identification Flashcards when encountering a LEP individual to identify the person's primary language. These cards, developed by the U.S. Census Bureau and widely used by federal and other agencies, bear the phrase "Mark this box if you read or speak [name of language]" translated into numerous languages. The Language Identification Flashcards are free and available online at <http://www.lep.gov/ISpeakCards2004.pdf>.

Language Identification Flashcards will be kept in the following locations and will be made available for staff to use with members of the public:

- Transportation Council office
- Meetings/Tabling caddy
- Public meetings when Transportation Council staff are present, such as for member-sponsored programs, plans, and studies, the MTP, and the TIP.

Oral Interpretation, In-person

At in-person outreach and engagement events for Transportation Council-related initiatives with a study area containing eligible LEP populations, staff are expected to be prepared to use the Lionbridge interpretation service to fulfill a request from an eligible LEP person. To ensure requests can be accommodated, procedures for how to use the Lionbridge interpretation service must be available at all such Transportation Council outreach and engagement events⁸.

When staff encounter LEP people that are not covered under the “Safe Harbor” provision, they must determine what level of support is feasible during the in-person event. Support can take many forms and will vary depending on the circumstances, including the initiative’s Public Involvement Plan⁹. Possible support options include having an accompanying bilingual person interpret, politely gesturing for the person to leave their name and contact information so staff can set up a follow up conversation with an interpreter, using Google Translate on a cellphone, or calling the Lionbridge interpretation service¹⁰.

Oral Interpretation, Virtual Meetings

Requests from any LEP person for oral interpretation for presentations or meetings with a regional scope must be made at least 48 hours prior to the meeting. Staff are to use Lionbridge for interpretation services.

Developing Public Involvement Plans

A Public Involvement Plan (PIP) for each plan or study will be developed and implemented according to the Transportation Council’s Public Participation Plan and this LEP Plan. When conducting a study or developing a plan in a sub-regional area, the Transportation Council will determine eligibility of LEP language groups using the analysis in Section II, above.

The Transportation Council will inform consultants of the LEP Plan and of the LEP requirements that their work is subject to. The Transportation Council will also inform its consultant teams of the Lionbridge interpretation service that Transportation Council staff can access, as needed, for consultant-led projects.

Plans and Studies in Sub-Regional Areas with Eligible LEP Language Groups

Each sub-regional plan or study PIP will require all its associated public outreach and engagement materials include a notice, in each eligible LEP language, that states translation and interpretation services are available for the eligible LEP language group upon request. Upon written or verbal request to the Transportation Council, public outreach and engagement

⁸ A copy of the Lionbridge procedures document should accompany the Language Identification Flashcards in the office meetings/tabling caddy at all times.

⁹ See the Transportation Council Public Participation Plan for more information.

¹⁰ USDOJ Final LEP Guidance. <https://www.justice.gov/crt/doj-final-lep-guidance-signed-6-12-02>. Accessed 12/14/23.

materials will be translated into eligible LEP languages. Transportation Council staff will utilize a professional service for these translations.

Notifying the Public

It is important to notify the public of this policy and of the availability of translation and interpretation services.

Core Documents

A statement similar to the following will be included in each core document:

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Meetings, Events, Transportation Council Website

Meeting and event notices, as well as the Transportation Council website will include a statement informing the public of available translation services and of the Transportation Council's interpretation policy, incorporating the following:

Requests from any LEP person for oral interpretation must be made at least 48 hours prior to the meeting.

IV. Plan and Procedural Maintenance

Monitoring and Updating the LEP Plan

The Transportation Council continuously monitors the Capital Region's changing demographics and the needs of persons with limited English proficiency. The Transportation Council reviews regional ACS 5-year estimate data every two years to ensure that all eligible LEP language groups are identified and appropriately supported in accordance with this Plan. County-level American Community Survey data show a need to monitor the future number of LEP people in the French language group (which includes Creole and Haitian), as it falls short of the Safe Harbor provision cut-off of 1,000 people by a relatively small number.

Staff Procedures and Training

Once this plan is adopted, procedural documents that outline how staff can obtain written translation and oral interpretation services and how to respond to LEP phone call and email inquiries will be reviewed and updated, if needed. Transportation Council staff will be briefed on this LEP Plan and how to assist LEP individuals as part of ongoing Title VI training (see the Transportation Council's Title VI Assurances and other Civil Rights Regulations document).