

GAINESVILLE-HALL METROPOLITAN PLANNING ORGANIZATION (GHMPO) LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Introduction

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be 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.

Title VI and Executive Order 13166

In certain circumstances, a failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation's (DOT) Title VI regulations at 49 CFR Part 21.

To clarify existing requirements for LEP persons under Title VI, on August 11, 2000, President Clinton issued Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency is also directed to work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. To this end, each agency must prepare a plan to improve access to its federally conducted programs and activities (i.e., the services it provides directly to the public) by eligible LEP persons.

USDOT Guidance on Establishing an LEP Plan

As a federal funding recipient, the GHMPO will comply with Executive Order 13166 by establishing an LEP using the framework provided by the U.S. Department of Transportation (USDOT) and the Federal Transit Administration's (FTA) publication, *Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons* (April 13, 2007). The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the MPO, activity, or service of the recipient or grantee.

2. The frequency with which LEP individuals come in contact with the MPO.
3. The nature and importance of the MPO, activity, or service provided by the MPO to the LEP community.
4. The resources available to the MPO and costs.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT’s guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

LEP Assessment for the GHMPO planning area

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the MPO, activity, or service of the recipient or grantee.

The planning area of the GHMPO consists of the incorporated cities of Gainesville, Oakwood, Flowery Branch, Clermont, Lula, Gillsville and unincorporated areas within the confines of Hall County. According to the U.S. Census Bureau, the primary language for Hall County is English and the second most common language spoken is Spanish at 23%. Census data for primary language spoken at home in individual cities of Hall County is unavailable with the exception of the City of Gainesville where 34.6% of the residents over the age of five speak Spanish at home.

Table 1- Language Spoken at Home for the Population 5 Years and Over Hall County, Georgia

	Estimate	Percent
Total:	162,313	
Speak only English	120,497	74.24%
Spanish or Spanish Creole	38,132	23.49%
French (including Patois, Creole, Cajun)	387	0.24%
German or other West Germanic languages	359	0.22%
Slavic languages	84	0.05%
Other Indo-European languages	646	0.40%
Korean	282	0.17%
Chinese	123	0.08%
Vietnamese	1,036	0.64%
Tagalog	33	0.02%
Other Asian or Pacific Island languages	517	0.32%
Other and unspecified languages	217	0.13%

Source: U.S. Census Bureau, 2006-2008 American Community Survey

LEP persons are usually defined as those who self-identify as speaking English less than “very well” on the U.S. census. Table 2 indicates 17% of the population of Hall County is not proficient in English. The bulk of those who cannot speak English very well (16%) primarily speak Spanish as their first language.

Table 2- Language Spoken at Home for the Population 5 Years and Over Hall County, Georgia

	Estimate	Percent
Total	162,313	
English only	120,497	74.20%
Language other than English	41,816	25.80%
Speak English less than "very well"	27,523	17.00%
Spanish	38,132	23.50%
Speak English less than "very well"	25,982	16.00%
Other Indo-European languages	1,476	0.90%
Speak English less than "very well"	566	0.30%
Asian and Pacific Islander languages	1,991	1.20%
Speak English less than "very well"	963	0.60%
Other languages	217	0.10%
Speak English less than "very well"	12	0.00%

Selected Social Characteristics in the United States: 2006-2008

Data Set: 2006-2008 American Community Survey 3-Year Estimates

Factor 2: The frequency with which LEP individuals come in contact with the MPO.

The GHMPO has not received any formal requests by LEP individuals for language translation of any document nor for an interpreter at any public meeting since first being designated as an MPO in 2003. The GHMPO has unilaterally provided Spanish speakers and funds for interpreters and provided public notices in both English and Spanish at all public meetings such as the development of the 2030 Long Range Transportation Plan (LRTP), 2008-2013 Transportation Improvement Program (TIP) and assisted Hall Area Transit’s (HAT) Transit Development Plan (TDP) and Human Services Transportation Plan (HSTP).

Factor 3: The nature and importance of the MPO, activity, or service provided by the MPO to the LEP community.

The MPO uses Federal funds to plan for transportation projects and therefore does not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). The MPO does not conduct activities which require residents to fill out applications or submit to interviews prior to attending public functions.

The MPO is mandated by the Federal government to create and maintain three key documents: a biennial Unified Planning Work Program (UPWP) outlining MPO activities, a short-term five year Transportation Improvement Program (TIP) and a Long

Range Transportation Plan (LRTP) which covers 20 plus years. GHMPO has a Public Involvement Plan (PIP) which seeks to garner the input of all residents who can shape the planning process or wish to know more about the direction of transportation planning and how it will affect them.

Although the GHMPO does not directly provide transportation services, it has aided HAT in transit planning. HAT has some Spanish speaking staff members and prints a brochure detailing services, route maps and bus schedules in both English and Spanish.

Factor 4: The resources available to the MPO and overall costs

The final factor weighs the previous factors to assess the needs of LEP individuals against the resources available to the MPO providing assistance in a language other than English. The GHMPO does have a significant number of LEP residents within Hall County but historically the frequency of contact with the MPO has been low. Full translation of major MPO documents would be prohibitively expensive. For example, another MPO reported that a professional translation of their regional transportation plan would cost around \$24,000. The GHMPO has been committed to the principle of inclusivity and used more cost-effective means of outreach, particularly with the Spanish speaking segment of the community, at important junctures of the planning process.

LEP Implementation Plan

Safe Harbor Stipulation and the GHMPO

Federal law provides a "safe harbor" which means that if an MPO provides written translations under certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI. The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for MPOs that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances. Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The GHMPO does not use vital documents for LEP purposes as defined by USDOT. "A document will be considered vital if it contains information that is critical for obtaining

federal services and/or benefits, or is required by law.” Federal Register: January 22, 2001 (Volume 66, Number 14). It recognized; however, that outreach efforts may require the MPO to survey/assess the needs of the LEP population to determine whether certain critical outreach materials should be translated into other languages.

Identifying persons who may need language assistance

- When the MPO sponsors a public function with a sign-in sheet table, a staff member or designate will greet and briefly speak to each attendee. To informally gauge the attendee’s ability to speak and understand English, he or she will ask a question that requires a full sentence reply.
- The MPO can use Census Bureau’s “I Speak Cards” at the sign-in table for those who speak a language other than English. While staff may not be able to provide translation assistance at this meeting, the cards can be an excellent tool to identify language needs for future meetings.

Language Assistance Measures

In the event that the MPO should receive a request for assistance in a foreign language, staff members will take the name and contact information of the person. We can contact an individual who speaks Spanish but for other languages we will use a free online written translator website or we could to contact a local community volunteer if available. If the required language is not available or if a formal interpretation is required, staff shall use the telephone interpreter service, Language Line, at 1-800-752-6096.

MPO Staff Training

Incoming staff members will be briefed on the GHMPO’s LEP Plan and how to assist LEP residents. They will be told to keep a record of language assistance requests to assess future LEP population needs.

Providing Notice to LEP persons

The GHMPO has provided notice in both English and Spanish for all public meetings in accordance with its Public Participation Plan:

Non-English Speaking Communities

For major GHMPO planning efforts such as the Long Range Transportation Plan, the Transportation Improvement Program staff will coordinate with local media resources to gain access to these communities and garner their input. As appropriate, outreach meetings will be conducted to reach these communities. Translators will be made available to serve the non-English speaking communities at public information meetings. GHMPO will utilize the following media resources and techniques to reach the non-English speaking communities:

- o Mexico Lindo, local Spanish newspaper

- o La Guia, local Spanish magazine
- o La Favorita, local Spanish radio station
- o La Que Buena, Latino radio station
- o Outreach meetings with the Spanish speaking community

The MPO also mails notices of important upcoming public meetings in both English and Spanish to those in the GHMPO database of organizations and individuals who have expressed an interest in following MPO activities.

Monitoring and Updating the LEP Plan

MPOs are required to update key planning documents (see Factor 3) and monitoring the success of the LEP Plan will be an ongoing process. USDOT guidance recommends updates should consider the following elements:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in Hall County?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified MPO programs? Are there other programs that should be included?
- Have the MPO's available resources, such as technology, staff, and financial costs changed?
- Has the MPO fulfilled the goals of the LEP Plan?
- Were any complaints received?

Dissemination of the MPO Limited English Proficiency Plan

The MPO will post the LEP Plan on its website at: www.ghmpo.org. Copies of the LEP Plan will be provided to the Georgia Department of Transportation (GDOT), Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and any person or agency requesting a copy. Each MPO subrecipient will be provided a copy and will be educated on the importance of providing language assistance.

Any questions or comments regarding this plan should be directed to:

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