



APPENDIX D

BOSTON REGION MPO 2017 LANGUAGE ASSISTANCE PLAN



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1 INTRODUCTION

It is the policy of the Boston Region MPO that LEP persons are neither discriminated against nor denied meaningful access to and participation in the programs, activities, and services provided by the MPO. The MPO has developed this Language Assistance Plan (LAP) to ensure that staff employs appropriate strategies to assess needs for language services, to implement language services that provide meaningful access to the MPO's transportation-planning process, and to publish information regarding these services without placing undue burdens on the MPO's resources.

Title VI of the Civil Rights Act of 1964 prohibits discrimination by federal agencies and recipients and subrecipients of their financial assistance on the basis of national origin, which is signified by LEP. Further, EO 13166, "Improving Access to Services for Persons with Limited English Proficiency," was signed on August 11, 2000, directing federal agencies, as well as recipients of federal financial assistance (such as MPOs), to provide meaningful language access for LEP persons to agency services. In response to these regulations, the United States Department of Transportation (USDOT) published policy guidance in 2005 for its recipients of financial assistance, describing recipients' responsibilities to provide meaningful access to LEP persons by identifying the factors they must consider when doing so.

To fulfill these responsibilities, the MPO has developed a LAP based on USDOT and FTA guidance, which it updates every three years. As specified in FTA Circular 4702.1B, the LAP considers the following four factors when determining language needs of LEP persons served by the MPO:

- Factor 1: The number and proportion of LEP persons eligible to be served by or likely to encounter a program, activity, or service of the recipient
- Factor 2: The frequency with which LEP individuals come in contact with the program, activity, or service
- Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people's lives
- Factor 4: The resources available to the recipient, and their costs

2 DETERMINING LANGUAGE NEEDS

The following discusses each of the four factors listed above and describes the results of the analysis completed for each factor in the MPO region.

2.1 Factor 1: Number and Proportion of LEP People in the Boston Region MPO

Persons with limited English proficiency are those who, according to self-reported responses in the American Community Survey (ACS), speak English “well,” “not well,” or “not at all.” (Non-LEP individuals are those who report speaking English “very well.”) The MPO uses data from the 2010–2014 ACS¹⁰ to determine the number of LEP persons five years of age and older living within the MPO region. According to these data, 10.4% (311,134 people) of the MPO population of 2,985,274 who are five years of age and older are considered to have limited English proficiency. The largest proportion of LEP persons speak Spanish (33.9%), followed by Chinese (16.0%), and Portuguese (11.2%). Altogether, LEP speakers of these three languages represent almost two-thirds (61.1%) of the MPO’s LEP persons.¹¹

USDOT guidance also specifies circumstances that signify strong evidence of a recipient’s compliance with their written translation obligations. 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 legible 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. In the MPO’s region, Safe harbor languages include speakers of the languages in Table 1. Figures 1 through 7 at the end of the LAP show the distribution of LEP persons by transportation analysis zone (TAZ), the distribution of LEP speakers of the six most commonly spoken safe harbor languages, and the distribution of LEP speakers of all 19 safe harbor languages. Because the cost of providing translations for all 19 safe harbor languages is prohibitive, and as the top-four languages make up almost 70 percent of all LEP persons in the region, the MPO is focusing its resources on those languages: Spanish, Chinese (both simplified and traditional), Portuguese, and French/Haitian Creole.

10 Because ACS data must be adjusted to the 2010 census population and household totals, the MPO will continue to use 2010–2014 ACS data until 2020 census data is released as it is the last ACS release that contains 2010 survey data.

11 Data suppression inherent to language tables in the ACS causes LEP totals from these data to differ from those in the ACS tables from which overall English language proficiency are derived. The total LEP population from the language tables is 310,999, while the LEP estimate is 311,134 from the English language proficiency tables. To address this issue, the MPO uses overall English language proficiency totals when calculating the LEP population for the region, and uses the language LEP population when identifying safe harbor languages.

TABLE 1
Safe Harbor Languages Spoken in the Boston Region MPO

Language	LEP Population ^a	Pct. of LEP Population ^b	Pct. of MPO Population
Spanish	105,380	33.9%	3.5%
Chinese	49,909	16.0%	1.7%
Portuguese	34,795	11.2%	1.2%
French Creole	21,566	6.9%	0.7%
Vietnamese	15,086	4.9%	0.5%
Russian	11,761	3.8%	0.4%
Arabic	9,747	3.1%	0.3%
Italian	7,792	2.5%	0.3%
French	5,796	1.9%	0.2%
Korean	5,330	1.7%	0.2%
Greek	3,701	1.2%	0.1%
Mon-Khmer, Cambodian	3,145	1.0%	0.1%
Japanese	2,749	0.9%	0.1%
Hindi	2,063	0.7%	0.1%
Polish	1,747	0.6%	0.1%
Armenian	1,627	0.5%	0.1%
Gujarati	1,562	0.5%	0.1%
Tagalog	1,376	0.4%	0.0%
Persian	1,247	0.4%	0.0%
Total LEP Safe Harbor Language Speakers	286,379	92.1%^c	9.6%
Total LEP Population	310,999	100.0%	10.4%
Total Population ≥ Five-Years-Old	2,985,333	N/A	100.0%

^a Out of the population that is five years of age and older. LEP includes those who self-identify as speaking English “well,” “not well,” and “not at all.” Non-LEP individuals are those who report speaking English “very well.”

^b The total LEP population used in this column is 310,999. Note that this differs from the LEP estimate given on the previous page, 311,134. See Footnote 2 for an explanation.

^c 7.9% of LEP persons do not speak a safe harbor language.

LEP = Limited English Proficiency. N/A = Not applicable or available.

Source: American Community Survey, 2010–2014.

2.2 Factor 2: Frequency of Contact

The MPO has infrequent and unpredictable contact with LEP individuals, largely because of the nature of MPO programs and activities. The most frequent avenues for contact are the MPO website, *TRANSREPORT* blog, and announcements that are emailed and/or tweeted to individuals and organizations that are in the MPO's Transportation Equity contacts database.

Other probable occasions for contact with LEP persons are events such as the MPO's public workshops, open houses, and other MPO events, many of which are held in concert with developing the MPO's certification documents. The MPO makes an effort to identify and reach out to minority and LEP populations during this development process. Demographic maps are used to identify whether a public meeting is near LEP populations and determine the languages into which outreach materials might need to be translated.

2.3 Factor 3: Nature and Importance of the MPO's Programs, Services, and Activities

The MPO plans and programs funds for future transportation projects within the Boston region. While the MPO does not provide transportation service or implement improvements directly, and although denial or delay of access to the MPO's programs and activities would not have immediate or life-threatening implications for LEP persons, transportation improvements resulting from the MPO's planning and programming decisions have an impact on all residents' mobility and quality of life.

Input from all stakeholders is critical to the transportation-planning process, so the MPO invests considerable effort to conduct inclusive public engagement. The MPO encourages and helps the public to understand the transportation-planning process and provides many opportunities for the public to participate and comment through a variety of activities, which are described fully in the MPO's Public Participation Plan.

The MPO conducts public engagement for its three certification documents and their related planning initiatives—the one-year Unified Planning Work Program (UPWP), the five-year Transportation Improvement Program (TIP), and the 20-year-plus Long-Range Transportation Plan (LRTP). As such, development of these documents offers opportunities for the public to comment on the use of federal funds for planning studies and capital projects, and for the MPO to reach out to LEP persons and organizations that serve them to ensure that they have the opportunity to provide input.

As a result of these planning processes, selected projects receive approval for federal funding and progress through the project stages of planning, design, and construction under the responsibility of local jurisdictions (including municipalities), state transportation agencies, and regional transit authorities. These implementing agencies have their own policies in place to ensure opportunities for LEP persons to participate in the process that shapes where, how, and when a specific project is implemented. In addition, MPO staff is looking for opportunities to inform local project proponents of their LEP and other Title VI responsibilities during their project-selection and planning processes.

Some of the MPO's documents and outreach materials are considered vital to the public for understanding and participating in the transportation-planning process, such as

- MPO Notice to Title VI Beneficiaries
- MPO complaint procedures
- Complaint form
- Consent/release forms for complaints
- Documents that describe the MPO transportation-planning process
- Executive summaries of the three certification documents: the LRTP, TIP, and UPWP
- Meeting notices: generally prepared for out-of-Boston MPO meetings, and all MPO-sponsored meetings, workshops, forums, and other public engagement events. These may include physical notices (flyers), as well as electronic notices such as Twitter and email messages and website "banners"

2.4 Factor 4: Resources Available to the Recipient

Based on the number and type of meetings for which written materials need to be translated, the MPO has budgeted sufficient funds to translate vital documents into the three languages most widely spoken by LEP individuals, as described above. The budget also includes sufficient funds to translate documents into other languages, as needed, for public outreach or to accommodate requests. To date, only a few individuals have made such requests.

The MPO's policy is to provide translation services when they are requested. Although the MPO has advertised the availability of interpreters, none have been requested to date. While the MPO has been able to provide language translation services with existing resources thus far, the region is dynamic and continues to attract diverse ethnic and cultural populations. Therefore, the MPO will continue to monitor the need

for translation and interpretation services based on factors one through three of the Four-Factor Analysis and the number of requests received, and will determine whether the current policy needs to be adjusted because of resource constraints.

3 PROVIDING LANGUAGE ASSISTANCE

3.1 Oral Language Assistance

Notices for all MPO meetings state that translation services (including American Sign Language) are available at public meetings upon request, with advance notice. The number of LEP residents in the Boston region, along with their infrequent interaction with the MPO, has meant that the MPO is rarely asked to provide oral language services. This, however, does not necessarily mean that there is no need for translation among the region's population or that this need will not be made known in the future. Therefore, MPO staff is continuing to explore ways to ensure that future language needs will be met and to encourage LEP persons to engage with the MPO's transportation-planning process.

3.2 Written Language Assistance

The MPO uses "safe harbor" thresholds to identify languages for which written translations may be needed. Recipients are not required to provide written translations of vital documents for all safe harbor languages; however, if they do so, the FTA will consider it to be strong evidence of compliance with the recipient's written translation obligations.

To accommodate LEP individuals, the MPO translates vital documents into, at minimum, the three languages most widely spoken by LEP individuals: Spanish, Chinese (simplified), and Portuguese. As resources allow, the MPO will translate additional vital documents into: Chinese (traditional) and French Creole. The MPO does not currently translate vital documents into all of the safe harbor languages for several reasons: 1) the MPO does not come into contact with LEP persons on a frequent or regular basis; 2) translation is a resource-intensive effort; and 3) within the MPO region, the top-four safe harbor languages make up 68 percent of the LEP population. Further, the Notice to LEP Beneficiaries was developed for use by all Massachusetts MPOs by the Massachusetts Department of Transportation (MassDOT). MassDOT also provided translations of the notice in six languages: Spanish, Chinese (traditional and simplified), Portuguese, Haitian Creole, Russian, and Vietnamese. The MPO's complaint form is currently translated into ten languages in addition to English; the MPO is waiting for MassDOT to provide a standard complaint procedure that also is translated into these languages.

This approach may not meet all language needs. Analyses of language data show that whereas many LEP speakers of the six most common safe harbor languages are concentrated in urban areas, especially in Boston, speakers of the other 15 languages tend to be more geographically dispersed. With that in mind, the MPO’s policy is to identify language needs for areas in which it conducts outreach—for example, public meetings for the LRTP, TIP, or UPWP—and provide written translations in other languages as necessary. To aid in this approach, staff are committed to identifying LEP persons and languages they speak in locations where staff are holding public events.

3.3 MPO Website

In order to accommodate website translation needs, the MPO website hosts Google Translate, a browser-based tool that translates website content into more than one hundred languages, including all safe harbor languages within the MPO region. In order to meet accessibility requirements for individuals with low or no vision, MPO documents are posted on the website as PDF files and in HTML, which allows them to be read aloud by a screen reader, and enables the use of Google Translate for all documents on the website.

4 MONITORING AND UPDATING THE PLAN

The MPO continues to monitor the changing language needs of the region and to update language-assistance services as appropriate. Staff tracks the number of requests for language assistance and actively 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. The MPO’s LAP will be revised as new LEP data become available, and as the needs of the MPO’s LEP communities change.

5 TRAINING STAFF

The MPO has developed a *CTPS¹² Non-discrimination Handbook* to ensure consistency among staff members when interacting with and providing services to populations protected under the Americans with Disabilities Act and Title VI. Information included in the handbook covers the following topics: producing accessible documents and web content, making meetings accessible, training, and communicating appropriately with persons with a disability and LEP persons.

¹² The Central Transportation Planning Staff (CTPS) is staff to the Boston Region MPO.