

LIMITED ENGLISH PROFICIENCY PLAN



Chatham Area Transit Authority

Updated: March 2016

The Limited English Proficiency Plan (LEP) is established pursuant to and in accordance with Title VI of the Civil Rights Act and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency.

Table of Contents

The Role of Chatham Area Transit Authority

Background of Limited English Proficiency (LEP) Plan

Elements of an Effective LEP Policy

The Four-Factor Analysis

Safe Harbor Stipulation

CAT's LEP Development

Determining Need

Language Assistance

Staff Training

LEP Notifications

Monitoring and Updating the LEP Plan

LEP Complain Process

The Role of Chatham Area Transit Authority

Chatham Area Transit Authority (CAT) is an essential part of Chatham County, and making our transportation system accessible to **all** of the residents and visitors is a key part of our responsibility and commitment.

CAT is committed to ensuring that all of its programs and services are accessible to its LEP customers in compliance with Title VI. This includes, but is not limited to, providing internal and external resources for persons with limited English proficiency access to bilingual staff, interpreters, and translated materials and/or interpretation at meetings/events to ensure that information and services are made available in the languages readily understood by all CAT customers.

Background of Limited English Proficiency (LEP) Plan

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. This executive order stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter. These individuals are referred to as being Limited English proficient, or "LEP".

Each Federal agency shall prepare a plan to improve access to its federally conducted Programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.-Executive Order 13166

Not only do all federal agencies have to develop LEP Plans as a condition of receiving federal financial assistance, but recipients of federal funds must comply with Title VI and LEP guidelines the federal agency from which funds are provided. Federal financial assistance include grants, training, use of equipment, donations of surplus property and other forms of financial contributions from federal sources. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations.

Title VI covers a recipient's entire program and activity, which means all parts of recipients operations are covered. This is true even if only one part of the recipients receive the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow Executive Order 13166. The U.S. Department of Transportation published *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons* in the Federal Register dated December 14, 2005. The guidance was issued to ensure that persons in the United States are not excluded from participation in DOT-assisted programs and activities simply because they face challenges communicating in English.

The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrator, airport operators, metropolitan planning organizations, and regional, state and local transit operators among many recipients' operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department, all of the operations of the entire state highway on the National Highway, all of the operations of the entire state department of transportation – not just the particular highway program or project – are covered by the DOT guidance. US DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of planning elements including:

1. Identifying LEP persons
2. Identifying ways in which language assistance will be provided.
3. Training staff;
4. Providing notice to LEP persons.

The Four-Factor Analysis

The DOT guidance outlines Four Factors that recipient should apply to the various kinds of contact they have with the public in order to assess language needs and what reasonable steps they should take to ensure meaningful access for LEP persons. These factors are:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity or service provided by the recipient to the LEP Community.
4. The resources available and overall cost.

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. The intent of the US DOT 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. Smaller recipients with limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" stipulation so that recipients can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translations (as under

circumstances outlined in paragraphs A and B of the publication (*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*) such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

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 of encounter. Translation of other documents, if needed, can be provided orally. The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four-factor analysis. For example, even if a Safe Harbor is not used, if written translation of certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways to providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances. 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 reasonable.

Determining Need

CAT utilizes the four-factor analysis identified by the USDOT in determining what constitutes reasonable steps to ensure meaningful access.

Factor One – the number and proportion of LEP persons in the eligible service area

- 2010, 2011 and 2012 Census Data

CAT serves the city of Savannah and portions of Chatham County. The Census' identified above has a range of four (4) classifications of how well people speak English. The classifications are 1) very well, 2) well, 3) not well, and 4) not at all. For transportation purposes, we consider people that speak English "not well" or "not at all" as Limited English Proficient (LEP) persons.

Factor Two – the frequency with which LEP persons come in contact with the program

CAT's key planning documents are the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP) and the Unified Planning Work Program (UPWP). The LEP population comprises of a large percentage of Chatham County's population who would use our services. A LEP survey conducted included 66 CAT employees who interacted with consumers on a regular

basis. The results of the survey indicate a growing number of LEP riders who utilize CAT services. The results of the survey are summarized below.

- On average, contact with LEP persons utilizing CAT is significant. Approximately 60% of surveyed CAT employees reported contact with LEP persons.
- More than half (60.6%) of those surveyed reported at least one LEP person using CAT to commute daily.
- On an average day, CAT employees encounter approximately 258 LEP persons utilizing CAT's services. This accounts for approximately 2% of the total ridership on a daily basis based on 10,979 passengers per day.
- Spanish is the dominate LEP language group, representing 71% of the LEP persons encountered.
- Twenty of the 66 surveyed employees reported a request for translation assistance.

Factor Three – the nature and importance of the service provided by the program

The census shows that the largest population gains for Chatham County, comes from the Hispanic and Asian communities. Transportation services and planning affects LEP populations throughout all of our processes and in particular during special transportation studies and regular updates of the LRTP and TIP. The transportation planning of services and the financial decisions carried out by CAT, definitely impact the mobility and access of LEP populations. CAT's transportation planning process participation offers opportunities for LEP persons in the form of public comment on the revisions made to schedules (newly created, modified or eliminated services) and how funds are appropriated to service Chatham County. CAT strives to meet the needs of its client base to make sure that all segments of the population, including LEP persons, have the opportunity to be provided public transit. CAT understands the importance of public transportation to it citizens and companies needing to fulfill their employee needs.

Factor Four –resources available and overall cost

- Funding for developing and carrying out the LEP requirements come from the PL, Section 5303, Section 5316 and Section 5317 programs.
- CAT's website provides information regarding all services and compliance with Title VI. Individuals may select from a choice of 67 different languages to view
- CAT also works intricately with the CORE Metropolitan Planning Organization (MPO) to pool all available staff resources together to better serve the LEP persons in the Savannah area. The existing resources include:

- Bi-lingual Latino staff members assists with translating functional areas from English to the appropriate language as needed, to facilitate understanding the services and programs available to them.
- Should the services of a Chinese individual need language assistance, we have a viable relationship with the MPO who has staff that are willing to translate on our behalf.
- CAT has recently hired a bilingual Transit Ambassador in the Call Center and will continue to pursue hiring bilingual staff.
- Additionally, two (2) English speaking Transit Ambassadors were provided Business Spanish to customer queries in Spanish.
- Transportation information can be provided in various formats written and electronically and where appropriate, audiotape and large font formats are available upon request.
- CAT staff have identified and initiated dialogue with some community organizations (Hispanic and Latino organizations, Hispanic, Latino and Chinese churches, etc.) where LEP persons congregate in order to facilitate their attendance at public meetings. They also assist in publicizing meeting notices, flyers and other distributed materials.
- The MPO's SAGIS Department and the Graphics Department helps to provide GIS analysis related to LEP and to make easier to understand ride guides, graphics, maps and charts.
- The Advisory Committee on Accessible Transportation (ACAT) provides input into transportation planning and transit services.
- CAT also has an advisory council who offers suggestions and/or observations about transit service. It is comprised of a former member of the CAT board, two frequent users of public transportation, a member of Living Independence for Everyone (LIFE) representing the disabled community and a representative of the Latin American Services Organization (LASO) representing the Latino community.
- Title VI Notice is posted on all buses in English and Spanish.
- CAT has published advertisements promoting transit in the leading Spanish-speaking newspaper, La Voz.
- Spanish-speaking customers can call CAT's phone number to get transit information in Spanish.

Limited English Proficiency (LEP)

Chatham Area Transit Authority (CAT) is responsible for ensuring that all persons, including LEP persons are provided equal access to its available services and information. CAT is committed to ensuring that all of its programs and services are accessible to its LEP customers in compliance with Title VI. This includes, but is not limited to, providing resources, including bilingual staff, interpreters, and translated materials to ensure that information and services will be made available in the languages readily understood by all CAT customers.

Contact: Valerie Ragland
Limited English Proficiency Specialist
Chatham Area Transit Authority
900 E. Gwinnett Street
Savannah, GA 31401
Telephone: (912) 629-3924 or (912) 236-2111
Fax: (912) 944-6058