



Language Access Plan

December 2012

INTRODUCTION

On December 14, 2005, the United States Department of Transportation (U.S. DOT) published revised guidance for its funding recipients on the implementation of Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” U.S. DOT guidance defines limited English proficient (LEP) persons as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.”

The Massachusetts Department of Transportation (MassDOT) serves a broad and diverse community. Providing practical access to information for all citizens who use MassDOT’s programs and services is a high priority for the agency. MassDOT supports the goals of the U.S. DOT LEP guidance and is committed to taking reasonable steps to provide meaningful access for LEP individuals who use MassDOT’s services, facilities, and programs and for those who attend MassDOT’s meetings and events.

To ensure that MassDOT complies with the requirements of Title VI, Executive Order 13166, and the U.S. DOT’s LEP implementation guidance¹, this Language Access Plan incorporates the five language assistance program elements that the federal guidance identifies as necessary for providing language assistance to LEP persons. These elements include: Needs Assessment, Written Language Assistance Plan, Staff Training, Provision of Special Language Assistance, and Monitoring.

LEGAL BASIS FOR LANGUAGE ASSISTANCE REQUIREMENTS

The LEP requirements have their roots in the civil rights movement and the legislation it engendered.

1. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate

¹ DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries

effect on LEP persons because such conduct constitutes discrimination on the basis of national origin.

2. 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 to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies are instructed to publish guidance for their respective funding recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

U.S. DOT published revised LEP guidance for its recipients on December 15, 2005, that reflects Executive Order 13166, stating that Title VI and its implementing regulations require that its recipients take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The Federal Transit Administration published its LEP guidance in its Circular 4702.1A, “Title VI and Title VI Dependent Guidelines for FTA Recipients,” on April 13, 2007, which requires recipients to provide meaningful access to LEP persons and recommends development of a language access plan consistent with the provisions of Section VII of the U.S. DOT LEP guidance.

IDENTIFYING INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

As a recipient of federal funding from U.S. DOT, MassDOT must assess the language access needs of LEP populations in relation to all MassDOT programs, activities, and services. This needs assessment, as defined by U.S. DOT and incorporated into this MassDOT Language Access Plan, is based on an analysis of four factors. The first two of the four factors are used to identify individuals who need language assistance. The third and fourth factors are used to determine appropriate language assistance measures.

Factor 1: The Number and Proportion of Persons in the Service Population Who Are LEP

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely it is that language services are needed for those persons.

For its quantitative analysis, MassDOT is currently using data from the U.S. Census Bureau. The 2000 census, which was designed to measure the population and some demographic characteristics as of April 1, 2000, includes data on the number of persons who indicated that they spoke English “very well,” “well,” “less than well,” and “not at all.” The total number of LEP persons can be obtained by adding the numbers of persons who speak English “less than well” and “not at all.”

Subsequent decennial censuses, including the 2010 census, will report only on the number of persons per household and their gender, age, and race. Data on English proficiency and languages spoken at home are now collected through the American Community Survey (ACS),

which reports on the more detailed questions that were previously asked on the decennial census “long form.” The ACS combines sample data from five years to provide estimates of demographic characteristics like language status at geographic levels down to census tract. The total population and total LEP population of MassDOT’s service area can be estimated by adding those populations of that area’s census tracts. The ACS data for 2006–2010 is not yet available. As soon as it is released, MassDOT will recalculate all LEP estimates for the commonwealth using that data. ACS data will also be used in all subsequent LEP analyses.

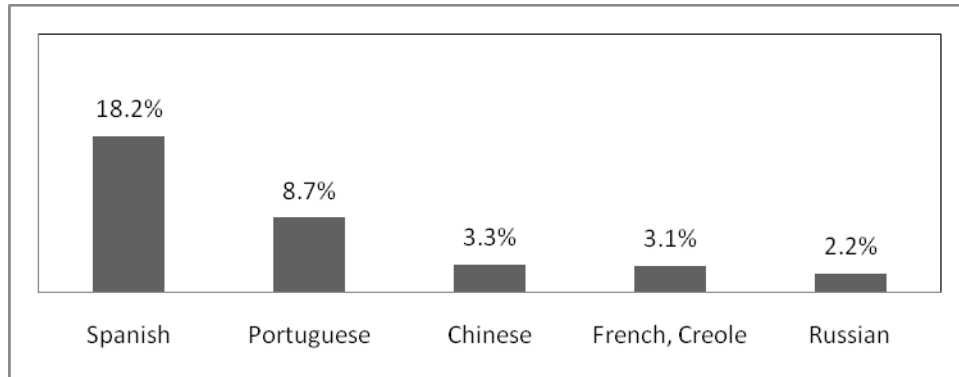
MassDOT has used data from the 2000 U.S. census to determine and analyze the numbers of LEP persons statewide in Massachusetts by language spoken.² The total, including all languages, is 456,983, which represents 7.2% of the total statewide population. The largest proportion of these LEP persons are Spanish-speaking (18.2%). The LEP populations meeting the U.S. DOT definition of LEP “safe harbor” thresholds statewide (5% or 1,000 individuals, whichever is less) are:

- Spanish (82,954)
- Portuguese (39,548)
- Chinese (14,948)
- French or Creole (14,041)
- Russian (9,924)
- Vietnamese (9,698)
- Italian (6,842)
- Cambodian (5,469)
- Greek (3,438)
- Cantonese (3,163)
- Polish (2,601)
- Korean (2,464)
- Arabic (2,003)
- Albanian (1,989)
- Japanese (1,838)

Figure 1 presents the percentage of the commonwealth’s LEP persons that each of the top five language groups represents.

Figure 1
Top Five LEP Language Groups: Percentage of Total LEP Persons Statewide

² Census data is from the 2000 Census Public Use Microdata 5% Sample, a dataset that allows the language spoken at home to be cross-tabulated with LEP status.



MassDOT has also mapped data from the 2000 U.S. census³ to provide a geographic representation of where concentrations of LEP persons live and to show what languages are spoken at home in those areas. As a context for this, Figure 2 presents the distribution of population for all language speakers in Massachusetts—that is, the overall population density—and shows the greatest densities naturally occurring in the urban areas. Figure 3 presents the percentage of LEP persons by census tract, regardless of language spoken at home. The highest LEP percentages primarily occur in urban areas.

Figures 4 through 8 present the distributions of individuals for whom the primary language spoken at home is Spanish, Portuguese, French or Creole, Chinese, and Italian, respectively, overlaid on the LEP percentages presented in Figure 3. These are the five languages, after English, which are reported as being the most frequently spoken at home in Massachusetts.⁴ From the figures it is apparent that some languages are spoken primarily in and around Boston, while others are more broadly distributed. Spanish speakers, for example, have a large population in Boston but also in Lawrence and Springfield, while Chinese speakers are more concentrated in and around Boston. Finally, Figure 9 presents the combined distribution of individuals speaking languages at home other than English or the top five other languages, identified in Figures 4 through 8. The number of these individuals is also identified in each city or town by language spoken.

MassDOT has also obtained data for 2011 from the Massachusetts Department of Education indicating the number of LEP students enrolled in the public schools, by language, for each municipality in the commonwealth. Although the school population does not have a one-to-one correlation with the overall population of a municipality, the languages that students speak can give additional insight into language composition and proficiency and the areas where assistance is likely to be needed. Tables 1 and 2 show the numbers of LEP students by language and the percentages they make up of the total school population for the neighborhoods of Boston (Table 1) and for all other Massachusetts municipalities (Table 2). The tables include all languages that meet the safe harbor threshold of 1,000 individuals or 5% (based on total enrollment in the

³ Data are from the 2000 census long form.

⁴ Note that the five languages (other than English) most often spoken at home are not the same as the five languages with the most LEP persons, presented in Figure 1. Figures 4 through 8 use the former rather than the latter because the 2000 census dataset does not permit the cross-tabulation of the language spoken at home with LEP status at the census-tract geographic level. Therefore, Figures 4 through 8 present the languages spoken at home overlaid on the percent of LEP persons by census tract.

neighborhood or municipality). This data supports the census data patterns shown in Figures 1 through 9 in terms of the general distribution of LEP populations and languages spoken.

In addition to conducting quantitative analyses using census data, MassDOT will undertake qualitative analyses. To do so, MassDOT will examine its past experiences with LEP individuals. This will involve reviewing the relevant services, activities, and information provided by MassDOT and evaluating the extent to which LEP persons have come into contact with these functions. Some potential channels through which LEP persons may come into contact with MassDOT include:

- Attendance at community meetings or public hearings hosted by MassDOT
- Visits to MassDOT's headquarters or branch offices

Table 1: Number and Percentage of LEP Students, by Language, by Boston Neighborhood

Boston Neighborhood	Language	Number of LEP Students	LEP % of Total Neighborhood Enrollment
Allston	Spanish	214	17.54%
Boston*	Chinese	465	6.81%
Boston*	Spanish	582	8.52%
Brighton	Spanish	465	14.25%
Charlestown	Chinese	326	13.59%
Charlestown	Spanish	240	10.01%
Dorchester	Spanish	1,232	9.70%
East Boston	Spanish	1,897	46.34%
Hyde Park	Haitian Creole	261	8.63%
Hyde Park	Spanish	171	5.66%
Jamaica Plain	Spanish	1,140	31.68%
Mattapan	Haitian Creole	353	12.88%
Mattapan	Spanish	168	6.13%
Roslindale	Spanish	323	15.24%
Roxbury	Cape Verdean	392	5.42%
Roxbury	Spanish	1,276	17.65%
South Boston	Spanish	168	5.45%
South Boston	Vietnamese	170	5.51%
West Roxbury	Spanish	272	8.61%

*Includes schools in Boston Proper and the Fenway and Longwood areas

Table 2: Number and Percentage of LEP Students, by Language, by Municipality (Outside of Boston)

Municipality	Language	Number of LEP Students	LEP % of Total Municipal Enrollment
Amherst	Spanish	65	5.20%
Brockton	Cape Verdean	1,607	10.10%
Chelsea	Spanish	837	15.00%
Fitchburg	Spanish	500	10.30%
Framingham	Spanish	608	7.40%
Framingham	Portuguese	593	7.20%

Holyoke	Spanish	1,513	27.00%
Lawrence	Spanish	2,961	23.30%
Lowell	Khmer	1,713	12.80%
Lowell	Spanish	1,626	12.10%
Lynn	Spanish	2,272	16.20%
Marlborough	Spanish	260	5.70%
Marlborough	Portuguese	229	5.00%
Salem	Spanish	449	9.90%
Somerville	Spanish	424	8.80%
Springfield	Spanish	3,179	12.50%
Waltham	Spanish	342	7.30%
Worcester	Spanish	4,519	18.60%

- Phone calls to MassDOT
- Access to MassDOT’s website
- Customer surveys
- Informational materials and notifications

MassDOT will work with community-based organizations (CBOs), as well as state legislators and other government entities or interested parties, to identify LEP populations that may need translation services for specific programs or activities. MassDOT will conduct outreach to community-based CBOs that work with LEP populations, such as neighborhood community service centers, community development corporations, and ethnic/cultural organizations. These organizations may be able to provide information that is not included in the census or state and local resources, such as information on specific languages spoken by the LEP population, population trends, and what services are most frequently sought by the LEP population. This outreach may be conducted through surveys, focus groups, or individual interviews.

MassDOT will first identify CBOs that serve LEP populations, either by referring to previous outreach, reviewing information in the local phone directory, on-line searches, or obtaining referrals from local government agencies. MassDOT will then contact the relevant CBOs to explain MassDOT’s objectives and request information about the population served by the organization. This information will include feedback from the organization on the size of the population it serves; the needs of the population with respect to MassDOT’s mission; which programs, activities, and services are most beneficial; whether they are aware of the types of language assistance MassDOT provides; what, if any, additional language assistance measures would be most beneficial; any demographic trends within the population; and how to obtain input from the population itself. A preliminary list of CBOs can be found in Attachment A.

Factor 2: The Frequency of Contact

The greater the frequency with which LEP individuals from different language groups come into contact with MassDOT programs, activities, or services, the more likely enhanced language services will be needed.

MassDOT has conducted a survey of its staff to identify the employees (by job function) who regularly come into contact with LEP individuals, the frequency with which contact occurs, the languages encountered (if identifiable), and suggested steps that MassDOT could take to

facilitate communication with LEP persons. Attachments B and C are the surveys developed for functional area heads and front-line employees, respectively. The LEP and language maps and data, along with data collected from the surveys, have been used to estimate how often LEP individuals are likely to come into contact with programs, activities, or services provided by MassDOT.

As part of this effort, MassDOT has incorporated Google Translate onto its website, along with similar translation tools, which may be used to translate documents into multiple languages, including most of those identified as meeting the safe harbor threshold. While this is not a perfect translation tool, it provides a state of the art resource which provides a level of accuracy in translating documents for the public. This service will provide additional data for evaluating frequency of contact in the future. The Title VI Specialist will also collect data from the Office of Transportation Planning regarding the frequency with which foreign language interpreters are requested at public outreach meetings.

Factor 3: The Importance to LEP Persons of MassDOT Programs, Activities, and Services

The more important the activity, information, service, or program, or the greater the possible consequences of the contact with the LEP individuals, the more likely language services are needed. Importance is based on whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

MassDOT is using the results of the survey for functional area heads as a first step toward identifying documents that may need to be translated. The Title VI Specialist and the Working Group are using this list to identify which documents are vital and to prioritize vital (and any identified non-vital) documents for translation. Because the number of documents is large and resources are limited, MassDOT will develop a phased schedule for implementing translations that first focuses on the most vital documents. As part of this effort, MassDOT has incorporated Google Translate onto its website, along with similar translation tools, which may be used to translate documents into multiple languages, including most of those identified as meeting the safe harbor threshold. While this is not a perfect translation tool, it provides a state of the art resource which provides a level of accuracy in translating documents for the public

The MassDOT Title VI Specialist, in collaboration with the Title VI Working Group and the Title VI Liaisons, will continue to identify vital documents and evaluate the importance of each MassDOT program, activity, and service in terms of whether or not language assistance is necessary.

For all public participation efforts, MassDOT will look at the results of factors 1 and 2 above to help determine the areas where public outreach should be targeted and the languages into which flyers and other announcements should be translated, as well as the meetings at which language interpreters may need to be provided and for what languages.

Factor 4: The Resources Available to MassDOT and Costs

The level of resources and the costs imposed by providing language assistance may have an impact on the extent to which meaningful access can be provided for LEP persons. The Title VI Specialist will identify existing translation resources that are available to MassDOT, both internally, and externally through collaboration with other agencies or community organizations. MassDOT will also identify professional translation services and determine the costs and benefits of each of the translation strategies it identifies.

In some instances, MassDOT may determine that “reasonable steps” are not reasonable if the costs imposed substantially exceed the benefits. MassDOT will take steps to reduce costs associated with providing language assistance by adopting technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and federal agencies. Depending on the nature of the assistance needed, MassDOT may use some or all of the following practices to reduce costs:

- Training bilingual staff to act as interpreters and translators
- Sharing information through industry groups
- Utilizing telephonic and video conferencing interpretation services
- Translating vital documents posted on websites
- Pooling resources and standardizing documents to reduce translation needs
- Using qualified translators and interpreters to ensure that documents need not be “fixed” later and that inaccurate interpretations do not cause delay or additional costs
- Centralizing interpreter and translator services to achieve economies of scale
- Employing formalized use of qualified community volunteers
- Using translation software/web-based translation technologies

MassDOT will not use resource limitations as a reason for not providing a type of LEP assistance unless these limitations can be well and justifiably substantiated. MassDOT has identified the documents that we plan to translate, and are conducting outreach into the public to determine whether there are other documents beyond these that the public would like to see translated. With this data, MassDOT’s Budget and the Secretary’s office will be able to identify such resources as exist for the purpose of funding translations and other language services.

Four-Factor Analysis: Implementation Worksheet

MassDOT has developed a worksheet template for use by the functional areas to complete the four-factor analysis for each relevant program, activity, or service. The template is provided below, followed by a completed four-factor analysis worksheet for MassDOT’s Notice of Civil Rights, to serve as an example. MassDOT will continue to conduct four-factor analyses, using the worksheet, for other programs, activities, and services.

LANGUAGE ASSISTANCE MEASURES

Types of Language Service

Based on the four-factor analysis, MassDOT is identifying the categories of language service that are called for and appropriate. Each category consists of a type of communication (e.g., a vital document) and an appropriate language-assistance method (e.g., written translation). The categories include, but are not limited to:

1. Written translation of vital documents

As indicated above, MassDOT is in the process of identifying currently existing vital documents. Whether a document is deemed to be “vital” depends on the importance of the program, information, encounter, or service involved and the consequences for the LEP person if the information is not accurately communicated or is not timely. Because whether or not a document is vital is not always clear, particularly in the context of public outreach, MassDOT will regularly assess whether certain critical outreach materials should be translated. CBOs may be helpful in determining which outreach materials may be most helpful to translate, and some such translations may be made more effective when done in tandem with outreach methods, including using ethnic media, schools, religious organizations, and CBOs to spread a message.

Although written translation of a vital document generally means the replacement of a written text in one language by an equivalent written text in another language, in some instances MassDOT may decide to replace written text with pictograms/universal icons as the most effective method of providing meaningful access to vital information.

2. Written translation of non-vital yet important outreach documents

Although not required to, MassDOT may choose to translate some non-vital documents, such as project fact sheets, open house notices and materials, and other MassDOT documents that are available to the general public.

FOUR-FACTOR ANALYSIS WORKSHEET Template

LANGUAGE SERVICE CATEGORY

Choose the appropriate category: Written Translation, Interpretation, Training Staff, Notification, or Monitoring.

LANGUAGE SERVICE PLAN

Provide the name of the program, activity, or service for which language service is needed.

PURPOSE

Provide a description of the purpose of this language service.

RESPONSIBILITY

Specify the division/department responsible for providing this language service.

PROCEDURE

List the steps necessary to provide the language service.

FOUR-FACTOR ANALYSIS

1) The Number and Proportion of Eligible LEP Persons Served

Define a service area; present quantitative data; present qualitative data; present conclusions.

2) The Frequency of Contact

Describe where contact typically occurs; describe how frequency of contact is determined; describe frequency of contact at each point of contact; present conclusions.

3) The Importance to LEP Persons

Describe how importance is determined; present conclusions.

4) The Resources Available and Costs

Present the breakdown of the costs of providing the service; present the ratio of total service cost to frequency of contact; present conclusions.

FOUR-FACTOR ANALYSIS WORKSHEET As Completed for Notice of Civil Rights

LANGUAGE SERVICE CATEGORY

Written Translation

LANGUAGE SERVICE PLAN

Notice of Civil Rights

PURPOSE

This document informs members of the public of their right to protection against discrimination provided by Title VI of the Civil Rights Act of 1964. It also provides information on how to file a complaint if they believe that they have encountered discrimination as a result of any MassDOT activity, service, or program.

RESPONSIBILITY

MassDOT Office of Civil Rights

PROCEDURE

Contact translation service and contract for translation of the Notice of Civil Rights into the languages indicated in the four-factor analysis.

FOUR-FACTOR ANALYSIS

1) The Number and Proportion of Eligible LEP Persons Served

Using the data and maps presented in Figures 1-9, MassDOT has determined that, initially, it will translate the Notice of Civil Rights into Spanish, Portuguese, and Chinese. Over the next year, MassDOT will collect data on the number of times the foreign language translation services on the MassDOT website are used and the languages that are accessed. MassDOT will also collect data on the number of requests for translations of other materials and the languages requested. These data sources will provide additional information that MassDOT will use to determine whether the Notice of Civil Rights should be translated into additional languages in the future.

2) The Frequency of Contact

Contact will occur primarily via the MassDOT website. However, MassDOT will also post the notice at all MassDOT facilities throughout the state, based on the language concentrations in the areas where offices are located. In its oversight capacity, MassDOT will ensure that, in their Notices of Civil Rights, the RTAs and RPAs include reference to MassDOT's role in receiving complaints and appeals.

3) The Importance to LEP Persons

This is considered a vital document, as it is required under 49 CFR Section 21.9(d), which states that recipients shall apprise the public of the protections against discrimination assured them by Title VI.

4) The Resources Available and Costs

The cost of translating the Notice of Civil Rights into commonly occurring languages is estimated to be \$100 per language. Therefore, translating the Notice of Civil Rights into Spanish, Portuguese, and Chinese will cost approximately \$300.

3. *In-person interpreter services at public meetings, upon request*

Public meetings are an opportunity for the public to learn about and, at designated times, participate in MassDOT's decision-making process. Subject to application of the four-factor analysis, MassDOT will take reasonable steps to provide LEP community members with the opportunity to learn about and participate in MassDOT decisions in accordance with established MassDOT procedures. These steps include providing notification that interpretive services at meetings may be requested in specific languages (identified via the four-factor analysis) and providing such services when requested at least two weeks in advance of the meeting.

In some instances, MassDOT may decide, based on the four-factor analysis, that it will provide oral interpreter services in a certain language or languages without a specific request. In these instances, this information will be provided in the materials informing the public of the meetings.

4. *Sign-in sheets in multiple languages informing LEP clients about available language services*

5. *Telephone interpretation for basic questions and assistance in virtually any language*

Ensuring Competence of Interpreters and Translation Services

Interpretation and translations arranged by MassDOT will be performed by approved vendors and/or individuals whose competency has been established. This task will be accomplished using a combination of methods to provide reliability, flexibility, and cost efficiency. MassDOT will work with professional organizations offering services in the fields of interpreting and translation, make use of bilingual MassDOT staff members where qualified, and evaluate and apply key elements from successful programs of state and local governments. Using this approach, MassDOT will ensure that all interpreters and translators working for MassDOT meet the following standards:

- Communicate fluently—orally and in writing—in both English and the primary language of the LEP individual
- Demonstrate cultural understanding of the LEP customer served
- Accurately and impartially interpret and/or translate to and from such languages and English
- Demonstrate an understanding of the role and the ethics associated with being an interpreter or translator

MassDOT will also do the following:

- When appropriate, train interpreters and/or translators in specialized terms and concepts associated with MassDOT programs, services, and activities

- Instruct the interpreters and translators that they should not deviate into the role of a counselor, legal advisor, or any other role aside from interpreting or translating
- Ask interpreters and translators to attest that they do not have a conflict of interest
- Incorporate language into contracts requiring vendors to certify their proficiency in target languages

In addition, MassDOT will survey its staff to determine existing bilingual resources and develop a plan for defining conditions under which MassDOT staff might be asked to help with interpretation or translation between MassDOT and LEP customers.

TRAINING STAFF

The purpose of the training program is to ensure that MassDOT staff members understand their obligation to provide meaningful access to information and services for LEP persons. MassDOT will develop and maintain an LEP training module that will be integrated into its larger Title VI/nondiscrimination training programs. MassDOT currently has plans to provide three types of internal Title VI/nondiscrimination training: one for all employees who interact with the public, one for high-level managers, and one for Title VI Liaisons. The LEP training module may be tailored for each of these different types of training, but all will focus on the following elements:

- MassDOT's responsibilities under the DOT LEP guidance
- LEP populations in the MassDOT service area
- Summary of the four-factor analysis
- Description of the language services available to LEP customers and staff
- Instructions on how staff and LEP customers can access the language services
- Training in how to work effectively with interpreters in person and over the telephone
- Cultural-competency training to instruct staff in how to communicate with LEP persons face to face, over the telephone, and in writing
- Instructions on how to respond to civil rights complaints

The MassDOT Title VI Specialist is currently working on coordinating training efforts with existing Department training programs.

In addition, MassDOT is currently developing an online mapping tool that can be used to identify the LEP populations at various levels of geography; this tool will be accessible to all MassDOT employees. Once the tool has been developed and put online, training and instructions on how to use this tool will be given to staff members who interface with the public the most. The intended users are the project managers, public affairs personnel and Civil Rights staff who communicate regularly with the public. There will be prospective efforts made to enable the public to use this tool as part of a broader effort to engage our stakeholders.

MassDOT may use the following resources in the development of its LEP training program:

- “Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice.” This video, which is available on DVD and as a streaming video link on www.lep.gov, explains the language access requirements of Title VI and Executive Order

13166 through vignettes that demonstrate the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.

- “Providing Language Access for Persons with Limited English Proficiency,” a PowerPoint presentation produced by the FTA Office of Civil Rights and available at http://www.fta.dot.gov/civilrights/title6/civil_rights_5102.html.
- “How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision Making,” available at <http://www.fhwa.dot.gov/hep/lowlim>. This report documents “best practices” in identifying and engaging low-literacy and LEP populations in transportation decision making. These “best practices” were collected during telephone interviews with individuals in 30 states.

PROVIDING ASSISTANCE TO SUBRECIPIENTS

MassDOT will provide LEP training and technical assistance to subrecipients as part of its larger Title VI/Nondiscrimination training program. As part of an initial assessment, the Title VI Specialist attended monthly MPO Transportation Managers’ meetings to initiate the discussion of LEP requirements. Through these interactions, it has become clear that there is a need to educate MPOs and other subrecipients regarding Title VI and LEP requirements. The Title VI Specialist is working with these managers to plan a conference to educate the subrecipients about Title VI requirements, describe the procedures MassDOT developed to help them meet these requirements, and inform them about the resources that are available to them. The training materials to be used will include Webinars, PowerPoint guides, and/or guidance documents developed by FTA that will provide detailed information about the measures subrecipients must take to comply with Title VI, including LEP requirements. A critical piece of the envisioned conference will be an effort to increase collaboration among MassDOT subrecipients to maximize the quality and extent of language services, while building efficiencies and cost savings through shared practices, investments and initiatives. This approach will likely be influenced where there are neighboring subrecipients who can pool resources to translate, hire consultants and purchaser media time, among other strategies.

MassDOT will organize, conduct, and lead additional training efforts in order to provide more direct guidance and answer questions that may be region-specific. At least two training efforts will be provided for subrecipients throughout the year, at which LEP issues may be addressed. The Specialist will hold three workshops in the first year in different geographic areas of the state to assist MPOs and colleges and universities in that area with their Title VI requirements, including LEP. In addition, the Specialist will hold three workshops in the first year in different geographic areas of the state to provide training to local government subrecipients in those areas regarding their Title VI responsibilities, including LEP.

In each of the subsequent years of LAP implementation, the Title VI Specialist and/or Program Manager will hold at least one workshop for MPOs and colleges and universities and one for local government subrecipients to provide ongoing assistance. The Specialist will always be available to answer individual subrecipient questions as they arise.

PROVIDING NOTICE TO LEP PERSONS

It is important that LEP persons be informed that translation services are available free of charge. LEP notification points will include venues likely to be patronized by a high volume of LEP customers looking for MassDOT information. The largest interface MassDOT has with the public is through its external website. Over the past year, MassDOT's Office of Information Technology has worked in conjunction with the Information Technology staff at the MBTA to incorporate a translation feature into all webpages on MassDOT's website. Although this tool has limitations, it reflects the state of the art and provides an avenue through which the public is advised that requests can be made to MassDOT to have documents translated. A translatable website is allowing MassDOT to raise awareness within non-English-speaking populations regarding the decision-making processes and how they can participate.

Notices will be translated into the most common languages encountered and will explain how to obtain the necessary language assistance. Both the Updated Notice to Beneficiaries and the Public Meeting Notice contain information on these services.

Examples of notice formats MassDOT might employ include:

- Signs and handouts available at MassDOT customer service offices
- Outreach documents
- MassDOT website
- Automated telephone voice mail attendant or menu system
- Postings at CBOs partnering with MassDOT
- Notices in non-English community newspapers
- Announcements on non-English radio stations
- Information tables at community events

In order to implement culturally competent outreach to increase awareness of and access to MassDOT's activities, services, and programs, MassDOT will determine the language needs of its LEP audience. This will include the following actions:

- Test LEP materials with key LEP constituencies
- Establish relationships and partner with key CBOs that represent the LEP audience
- Conduct interviews with key community leaders who represent the LEP audience; this can include one-on-one meetings, telephone calls, and email messages

MONITORING AND UPDATING THE LANGUAGE ACCESS PLAN

MassDOT's Title VI Specialist will continually assess the effectiveness of its LAP through internal and external research such as:

- Discussions and language-focused subcommittees within the Title VI Working Group and the Title VI Liaisons
- Internal meetings with MassDOT staff and managers to evaluate the effectiveness of LEP communication methods, materials, and messaging

- Collection of program statistics such as the number of LEP trainings (group and individual), the number of LEP persons attending community meetings, and the number of new community partnerships and/or contacts made.
- Surveys of front-line MassDOT staff to determine program awareness, the frequency of LEP contacts, and the communication methods used.
- Analysis of data regarding the number of foreign-language translation requests made via the MassDOT website.
- Analysis of all language assistance services to determine the cost of providing the services and the resources available to MassDOT for providing the services.
- Solicitation of input from CBOs regarding their awareness of the program and ideas for improvements.
- Surveys of LEP community members who use MassDOT's language assistance services.

Every three years, MassDOT will re-evaluate the effectiveness of its LAP. Included in this review will be an analysis of any changes in demographics, types of services, or other needs. The review will include:

- A new four-factor analysis using the most recently available data sources
- A roundtable discussion (in addition to the ongoing meetings) with members of LEP communities to track any changes and to determine how well MassDOT's LAP meets their needs.

At the culmination of each three-year review, MassDOT will determine whether demographics, services, and needs have substantially changed and the extent to which language assistance services need to be adjusted to address these changes.

LAP IMPLEMENTATION SCHEDULE

Activity/Task	Completion Date
<p>Frequency of contact</p> <ul style="list-style-type: none"> • Complete frequency-of-contact surveys of functional area heads • Compile list of job functions and front-line employees who are likely to come into contact with LEP populations • Complete frequency-of-contact surveys of front-line employees • Update four-factor analyses for all identified program area segments 	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>January 2013</p>
<p>Importance of MassDOT programs, activities, services, and documents to LEP individuals</p> <ul style="list-style-type: none"> • Evaluate the importance of MassDOT programs, activities, and services with regard to language translations • Identify vital documents and determine languages for translation • Determine the need to translate any “non-vital” documents 	<p>February 2013</p> <p>April 2013</p> <p>April 2013</p>
<p>Language assistance measures</p> <ul style="list-style-type: none"> • Select and implement translation service for MassDOT website • Determine existing in-house language expertise for informal communications and formal translations/interpretation • Select and implement services for formal written translation, oral interpretation, and on-call phone translation • Translate the Notice to Beneficiaries and the associated complaint procedures and forms into Spanish, Portuguese, Chinese, Vietnamese, and Haitian Creole • Develop a phased schedule for implementing translation services and identify the resources that will be used. 	<p>Complete</p> <p>June 2013</p> <p>Partially complete, January 2013</p> <p>Complete</p> <p>January 2013</p>
<ul style="list-style-type: none"> • Distribute “I speak” cards to employees who are likely to come into contact with LEP individuals 	<p>December 2012</p>
<p>Training staff and subrecipients</p> <ul style="list-style-type: none"> • Develop LEP training module as part of the three-tiered Title VI/Nondiscrimination training program described in section 3.3 of this report • Training staff 	<p>February 2013</p> <p>March 2013</p>

Activity/Task	Completion Date
<ul style="list-style-type: none"> ○ Train high-level managers ○ Train Title VI Liaisons and Highway Division representatives ○ Train front-line employees who interface with LEP populations ● Training subrecipients <ul style="list-style-type: none"> ○ Provide training to all MPO, college, and university subrecipients ○ Provide training to local public agency subrecipients 	<p>TBD, based on Rail and Transit grant award schedule and schedule for other FHWA grantees June 2013</p>
<p>Outreach to CBOs</p> <ul style="list-style-type: none"> ● Compile statewide list of CBOs ● Meet with CBO representatives from top three LEP languages in the city of Boston (in Highway District 6) and Highway District 5 ● Meet with CBO representatives from top three LEP languages in District 6 outside of Boston and in Highway District 4 ● Meet with CBO representatives from top three LEP languages in Highway Districts 1, 2, and 3 	<p>Completed May 2013</p> <p>June 2013</p> <p>September 2013</p>

Attachment B

Communication with Limited English Proficient (LEP) Individuals: Survey for MassDOT Functional Area Heads

MassDOT, as a recipient of federal financial assistance, is required to provide written and oral translations of several types of communications for individuals with limited English proficiency (LEP)—that is, people who do not speak English well or at all. The determination of which written or spoken communications must be translated and the languages into which they must be translated is based on a four-factor analysis that considers the:

- Number or proportion of the persons eligible to be served or likely to encounter a program, activity, or service who are LEP
- Frequency with which LEP individuals come into contact with the program, activity, or service
- Nature and importance of the program, activity, or service in people's lives
- Resources available and costs of providing translations

To assist in the completion of this four-factor analysis, the MassDOT Office of Civil Rights (OCR) is requesting that you answer the following questions:

1. Approximately how many employees who work under you have direct contact with the public in some capacity?
2. What are the job titles and/or functions of those employees?
3. What vital documents does your area have that may need to be translated into other languages? When making an inventory of vital documents, please consider the following:

USDOT guidance states that a document should be considered vital if it contains information that is critical for obtaining services and/or benefits, or if it is required by law. Vital documents include (but are not limited to), for example: notices of rights; notices advising LEP persons of the availability of free language assistance; letters or notices that require a response from the beneficiary or client; and consent and complaint forms. For instance, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be vital. Non-vital information includes documents that are not critical to access such benefits and services.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach documents or other documents designed to raise awareness of rights or services. It should be noted, however, that in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access: for example, lack of awareness of the availability of language interpretation services at public meetings. In such cases, the outreach materials would be considered vital.

Please return your completed survey to Elizabeth Moore (emoore@ctps.org) at the Central Transportation Planning Staff. CTPS will compile and analyze the results from all of the returned surveys. If you have any questions regarding the survey, please contact Elizabeth at 617-973-8495. **THANK YOU.**

Attachment C

Communication with Limited English Proficient (LEP) Individuals: Survey for Front-Line Employees of MassDOT

MassDOT, as a recipient of federal financial assistance, is required to provide written and oral translations for individuals with limited English proficiency (LEP)—that is, people who do not speak English well or at all. The determination of which written or spoken communications must be translated and the languages into which they must be translated is based on a four-factor analysis that considers the:

- Number or proportion of the persons eligible to be served by or likely to encounter a program, activity, or service who are LEP
- Frequency with which LEP individuals come into contact with the program, activity, or service
- Nature and importance of the program, activity, or service in people’s lives
- Resources available and costs of providing translations

Because you have been identified as an individual who has direct contact with the public in some capacity, your answers to the following questions will help the MassDOT Office of Civil Rights (OCR) to complete the required four-factor analysis. The information you provide is valuable and will be much appreciated.

1. What is your job title? _____
2. What is your job function? _____

3. Please “x” the appropriate boxes in the table below to indicate how frequently you need to communicate with members of the public who do not speak English well or at all. Please answer individually for each language. Some of the most commonly spoken languages are listed in the table. If you have come into contact with individuals who speak other languages: (a) For languages you can identify—please enter them in the “Other” rows. (b) For languages you cannot identify—please mark your answer for all of them combined in the “All other languages” row.

Frequency of Contact

Language	Most Days	At Least Once/ Week	At Least Once/ Month	At Least Once/ Year	Never
Spanish					
Portuguese					
Chinese					
Haitian Creole					
Other: _____					
Other: _____					
All other languages					

4. How do you communicate when you come into contact with members of the public who do not speak English well or at all?
5. Can you recommend ways in which MassDOT could improve your ability to communicate with members of the public who do not speak English well or at all?

When you have answered the questions, please return your completed survey to Elizabeth Moore (emoore@ctps.org) at the Central Transportation Planning Staff. CTPS will compile and analyze the results from all of the returned surveys. If you have any questions regarding the survey, please contact Elizabeth at 617-973-8495. **THANK YOU!**