

Limited English Proficiency (LEP) Plan

Signed by:



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INTRODUCTION

This *Limited English Proficiency Plan Template* has been prepared by NYS DOT to address responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) to publish guidance for its respective recipients (e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub recipients.

Plan Summary

NYS DOT has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at:

https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP_Plan.pdf.

In order to prepare this plan, TRA used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by TRA
2. The frequency with which LEP persons come in contact with TRA services
3. The nature and importance of services provided by TRA to the LEP population
4. The interpretation services available to TRA and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require TRA services

TRA staff reviewed the American Community Survey 5-Year Estimates for Westchester County, NY updated 2022 and determined that:

308,453 individuals in TRA’s service area comprising 33.7% of the population speak a language other than English. Of those, 117,706 (13%) individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.”

Of the 182,295 (20%) who speak Spanish, 80,734 (9%) speak less than “very well.”

Language other than English	308,453	33.7%
Speak English less than "very well"	117,706	12.9%
Spanish	182,295	19.9%
Speak English less than "very well"	80,734	8.8%
Other Indo-European languages	76,663	8.4%
Speak English less than "very well"	20,694	2.3%
Asian and Pacific Islander languages	33,268	3.6%
Speak English less than "very well"	12,888	1.4%
Other languages	16,227	1.8%
Speak English less than "very well"	3,390	0.4%

2. The frequency with which LEP persons come in contact with TRA services

TRA reviewed the frequency with which their staff or volunteers have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- a. In FYE 6/30/22, TRA has had 0 requests for interpreters and 0 requests for translated program documents
- b. TRA’s other staff have had very little contact with LEP persons, although post-Covid, resumption of outreach to Spanish speaking communities is a stated commitment

TRA’s Spanish language program stopped during Covid. A newly hired bi-lingual Spanish speaking volunteer coordinator will begin recruiting Spanish-speaking drivers when she begins July 11, 2022.

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

While two-thirds of the Westchester County population speaks English, there are 4 municipalities that are majority/minority. These are Port Chester, Sleepy Hollow, Peekskill, and Mount Kisco. Other large Spanish speaking populations are in Yonkers, White Plains, and New Rochelle.

4. The resources available to TRA and overall cost to provide LEP assistance

Summary. The Four Factor analysis shows that Low-English Proficiency speakers in Spanish communities remain a TRA priority for outreach in 2022.

A Spanish language option is available in the TRA RingCentral auto attendant line, option 2, which goes to a bi-lingual Spanish coordinator. Two call center coordinators have a working knowledge of Spanish.

Other low English-speakers can speak with staff bi-lingual in Arabic, French, and Italian.

TRA also can provide real time translation service by phone under a County contract with LanguageLine Phone Interpreting Services. The TRA phone number is widely distributed across the county in panel cards and flyers written both in English and Spanish.

TRA reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation. A native bi-lingual Spanish speaker on the TRA Board of Directors updated translations of TRA flyers and other documents in early 2022. Before TRA joined LanguageLine Phone, community volunteers provided translation support for Chinese (Mandarin), Korean and Japanese communications.

DOT GUIDANCE ON LANGUAGE ASSISTANCE

A person who does not speak English as her primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect to TRA services. As described in #4 above, TRA can provide language assistance to callers who request information or want to schedule a ride over the phone.

Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How TRA staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand
- Periodically survey TRA coordinators regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually)
- Greet participants at TRA sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events

Language Assistance Measures

Although only a third of individuals in TRA service area have low-English-proficiency, (i.e., persons who speak English less than “very well” or “not at all”), TRA staff take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

The following resources are available to accommodate LEP persons:

- Bi-lingual staff are available in the call center and in the volunteer program
- Language interpretation services for all other languages are accessible through a professional telephone interpretation service, Language Line Services, Inc.

STAFF TRAINING

The information below is disseminated to staff. Training opportunities on these topics is also provided:

- Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for TRA are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

TRA weighed the cost and benefits of translating documents for potential LEP groups. Key brochures, waivers of liability, and palm cards have been translated by native Spanish speakers (a Board member and bi-lingual staff).

In addition:

- When staff prepare documents or schedules public meeting whose audience is expected to include LEP individuals, TRA will provide meeting notices, flyers, and agendas in the appropriate non-English language(s)
- TRA will assess requests for the translation of documents based on the potential effect and known LEP population.

MONITORING

Monitoring and Updating the LEP Plan – TRA will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the TRA service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources)
- Determination as to whether the need for translation services has changed
- Determination of the effectiveness of language assistance efforts
- Determination of the adequacy of TRA financial resources to fund language assistance resources
- Determination of TRA full compliance with the goals of the LEP Plan
- Determination of TRA processing of LEP complaints

DISSEMINATION OF TRA LEP PLAN

To inform the public about the LEP Plan, TRA will:

- On TRA website, post the LEP Plan and procedure to access language services
- Prepare and post press releases in non-English languages, as necessary
- Distribute copies of press releases to advocacy groups and other organizations serving LEP populations