

City of Charlottesville
CHARLOTTESVILLE AREA TRANSIT
Limited English Proficiency [LEP] Plan (September 2010)

I. Introduction

This *Limited English Proficiency Plan* has been prepared to address the City of Charlottesville, Charlottesville Area Transit (CAT) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. 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 state 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*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all City of Charlottesville departments and divisions receiving federal grant funds. CAT receives federal assistance through the Federal Transit Administration [FTA].

A. Plan Summary

CAT 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 in 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 how to notify LEP persons that assistance is available. In order to prepare this plan, the Planning Department coordinated the U.S. DOT four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a CAT program, activity or service.
2. The frequency with which LEP persons come in contact with CAT programs, activities or services.
3. The nature and importance of programs, activities or services provided by CAT to the LEP population.
4. The resources available to CAT and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

II. 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 encounter a CAT program, activity or service.***

CAT staff reviewed the 2000 U.S. Census Report and determined that 4,314 persons in Charlottesville [10.7 % of the population] and 8,162 persons in Albemarle County [8.6 % of the population] speak a language other than English. No data is available for English proficiency among these groups. For the 2009-10 year, city schools served LEP students from 49 languages, the top ones being, from most to least populous: Spanish (153), MaiMai (27), Arabic (25), Karen (23), Burmese (21) and Swahili (20).

Information was gathered from local school districts, faith communities, service agencies, and major employers to determine current levels of need and levels of service available.

2. *The frequency with which LEP persons come in contact with CAT programs, activities or services.*

CAT reviewed the frequency with which staff and drivers have, or could have, contact with LEP persons. This includes documenting phone inquiries and surveying vehicle operators. To date, CAT has had minimal requests for interpreters or for translated program documents. Staff and vehicle operators have occasional contact with LEP persons.

3. *The nature and importance of programs, activities or services provided by CAT to the LEP population.*

There is no large geographic concentration of any type of LEP individuals in the CAT service area. The majority of the population speaks English fluently. As a result, there are few social, service, professional and leadership organizations within the CAT service area that focus on outreach to LEP individuals. CAT coordinates with social service agencies including the International Rescue Committee to address transit needs of LEP customers. Services provided by CAT that are most likely to encounter LEP individuals are the fixed route [city bus] system which serves the general public and the demand response [paratransit] system which serves primarily senior and disabled persons. CAT provides route information in Spanish.

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

CAT reviewed its available resources that could be used for providing LEP assistance, which of its documents would be the most valuable to be translated if the need should arise, and taking an inventory of available organizations that could be partnered with for outreach and translation efforts. CAT has one Customer Service employee that speaks Spanish and is available as interpreter as needed. Translators in the City police department and social services can be tapped for assistance when necessary. The University of Virginia has international student programs designed to accommodate the needs of the students whose first language is not English.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their 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 entitled to language assistance with respect to CAT programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. CAT will determine when interpretation and/or translation are needed and are reasonable. How the CAT staff may identify an LEP person who needs language assistance:

- Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events.
- When CAT sponsors an event, have a staff person greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
- Have Census Bureau *Language Identification Flashcards* available at the customer service desk and easily accessible to drivers as needed.

- Post notice of LEP Plan and the availability of *Language Identification Flashcards*.
- Vehicle operators and other front-line staff, like drivers, supervisors, and dispatchers and will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.

A. Language Assistance Measures - Although there is a very low percentage in Charlottesville and Albemarle county of LEP individuals, that is, persons who speak English “not well” or “not at all”, CAT will strive to offer the following measures:

1. City of Charlottesville’s Title VI Policy and CAT staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. There are several resources available to CAT to accommodate LEP persons.
 - i. A CAT employee can be utilized for interpretative services in Spanish language.
 - ii. The City of Charlottesville Police Department has limited interpretive assets that can be utilized for some other languages.
 - iii. The City of Charlottesville Social Services Department has limited interpretive assets that can be utilized for some other languages.
 - v. Foreign or international student program administrators at University of Virginia.
 - vi. Language assistance services available on websites.
3. If a client asks for language assistance and CAT determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, reasonable efforts will be made to provide free language assistance. If reasonably possible, CAT will provide the language assistance in the LEP client’s preferred language. CAT has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.
4. CAT will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of the clients.
5. When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and then access language assistance at one or more of the available resources identified under Section 3.A.2.

IV. Staff Training

The following training will be provided to CAT staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the *Language Identification Flashcards*.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

Information will be distributed to all CAT staff and posted on www.catchthecat.org.

V. TRANSLATION OF DOCUMENTS

CAT has one Spanish language brochure which will be updated in the FY10-11 Marketing Plan. Considering the cost and benefits of translating documents for potential LEP groups, the expense of translating the documents, the barriers to meaningful translation or interpretation of bus information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in a LEP group and other relevant factors make it an unjustified expense to have any other documents translated at this time.

A Spanish-language how-to-ride guide is posted at www.catchthecat.org.

Due to the small local LEP population, CAT does not have a formal outreach procedure in place, as of 2010. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, CAT will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas may be printed in an alternative language based on the known LEP population.
- Bus schedules, maps, and other transit publications will be made available in an alternative language when and if a specific and concentrated LEP population is identified and requests made.

VI. FORMAL INTERPRETERS

When necessary to provide meaningful access for LEP clients, CAT will provide qualified interpreters, including any bilingual staff of the City of Charlottesville, if available. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.

CAT may require a formal interpreter to certify to the following:

- a. The interpreter understood the matter communicated and rendered a competent interpretation.
- b. The interpreter will maintain private information. Non-public data will not be disclosed without written authorization from the client.
- c. Bilingual City employees, when available, can provide limited assistance to CAT staff and LEP clients as part of their regular job duties.

VII. INFORMAL INTERPRETERS

- Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. City staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency, or conflict of interest.
- An LEP person may use an informal interpreter of his or her own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the City. If possible, CAT/City should accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.
- If an LEP client prefers an informal interpreter, after CAT has offered free interpreter services, the informal interpreter may interpret. In these cases, the client and interpreter should sign a waiver of free interpreter services.
- If an LEP client wants to use his or her own informal interpreter, CAT reserves the right to also have a formal interpreter present.

VIII. OUTSIDE RESOURCES

- Outside resources may include community volunteers
- Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

X. MONITORING

Monitoring and Updating the LEP Plan- CAT will update the LEP as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when data from the 2010 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the CAT service area.

Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether transit system's financial resources are sufficient to fund language assistance resources needed.
- Determine whether CAT fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

XI. Dissemination of the CAT LEP Plan

- A link to the CAT LEP Plan and the Title VI Plan will be included on www.catchthecat.org
- Any person or agency with internet access will be able to access and download the plan from the CAT website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which CAT will provide, if feasible.
- Questions or comments regarding the LEP Plan may be submitted to Charlottesville Area Transit, 1545 Avon St Ext, Charlottesville VA 22902, phone (434) 970-3649.