

APPENDIX C

**Limited English
Proficiency (LEP)
Language Assistance Plan**

INTRODUCTION

MISSION

The Michiana Area Council of Governments (MACOG) is a voluntary organization of local governments that studies and attempts to resolve for the benefit of each member and the region, areas of interlocal issues, which includes but not limited to transportation, transit, economic development, environment, and other issues that impact the region.

PURPOSE OF THIS PLAN

MACOG is committed to making all reasonable efforts to provide Limited English Proficiency (LEP) individuals meaningful access to all of our programs and activities. In order to ensure that LEP individuals can effectively participate in or benefit from federally assisted programs and activities performed by MACOG, we will comply with the following policies:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)
- The U.S. Department of Transportation’s Title VI Regulations (49 CFR Part 21)
- Executive Order 13166 - “Improving Access to Services for Persons with Limited English Proficiency”

The LEP plan includes the following elements:

1. An LEP assessment that includes the results of the Four Factor Analysis, including a description of the LEP populations.
2. Description of language assistance services provided.
3. Description of how employees are trained to provide language assistance.
4. Description of how the public will be notified of the availability of language assistance services.
5. Description of how the LEP plan is monitored and updated.

LIMITED ENGLISH PROFICIENCY DEFINED

The U.S. Department of Justice’s LEP Guidance document, which was released along with the signing of Executive Order 13166, states:

“Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. . . . If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or “LEP” . . .”

“Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by Federally funded programs and activities. . . . The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English.”

Based on this statement, LEP can be defined as individuals having a limited ability to read, write, speak, or understand English. The U.S. Census Bureau includes language spoken at home in their American Community Survey. The data includes multiple languages, as well as the number of people who also speak English “very well” and those that speak English “less than very well”. Using this data, the number of LEP individuals is considered those people who speak English “less than very well”.

LEP ASSESSMENT

As a recipient of federal funding, MACOG must take responsible steps to ensure meaningful access to the information and services it provides. According to the guiding policy, there are four factors to consider in determining “reasonable steps:”

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP persons come in contact with a MACOG program, activity, or service
3. The nature and importance of the program, activity, or service provided by MACOG
4. The resources available to MACOG and the cost of providing meaningful access to LEP persons

This policy gives recipients of federal funds flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above.

FACTOR 1: THE NUMBER OR PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION

Over 70,000 people in the MACOG region speak a language other than English with the majority of those also being able to speak English “very well,” according to the 2013-2017 American Community Survey (ACS). Nearly 27,000 people, or 4.8% of the population, speak English “less than very well.”

Table 1: Language Spoken at Home for the MACOG Region

	Language Spoken at Home		Speak English "Less than Very Well"	
	Population	Percent	Population	Percent
Total	556,181	-	26,919	4.8%
English	485,642	87.3%	-	-
Spanish	43,676	7.9%	18,948	3.4%
German or Other Western Germanic*	13,586	2.4%	3,410	0.6%
Chinese (incl. Madnarin, Cantonese)	2,154	0.4%	1,085	0.2%
All Others	11,123	2.0%	3,476	0.6%

*Includes Pennsylvania Dutch

Source: 2013-2017 American Community Survey (ACS) – C16001 Language Spoken at Home for the Population 5 years and over

The most common non-English language spoken at home is Spanish, approximately 43,600 (7.9%) people in the region. Almost half of those who speak Spanish at home speak English “less than very well.” The next most common language spoken at home is German or Other West Germanic Languages, which includes specifically Pennsylvania Dutch, which is commonly spoken in portions of the region with a higher proportion of Amish. Approximately 13,500 (2.4%) people in the region speak German or Pennsylvania Dutch with over 3,000 who speak English “less than very well.”

U.S. DOT has adopted the Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision applies to eligible LEP language groups that constitute five percent (5%) or 1,000 people; whichever is less of the total populations of persons eligible to be served or likely to be affected or encountered. In the area served by MACOG, Spanish, German or Pennsylvania Dutch, and Chinese are the only languages that meets the requirements for translating vital information.

FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME IN CONTACT WITH A MACOG PROGRAM, ACTIVITY, OR SERVICE

The MACOG staff frequently attend meetings both in the MACOG office and outside the office in various locations around the region. Additionally, MACOG hosts open houses, public meetings, and committee meetings regarding a wide-range of topics and projects. People with limited English proficiency may attend some of these meetings. To date, no documented requests have been made by either individuals or groups directly to MACOG for language interpreters or publications. Public notices, when appropriate, are distributed with Spanish translation provided by local translators and sent to Spanish-language media outlets.

The LEP population in the region is always changing, which can increase the probability of future contact. MACOG will continue to monitor request and opportunities to increase the frequency of contact with the LEP populations in the region.

FACTOR 3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY MACOG

As a Council of Governments, MACOG provides numerous programs, activities, and services to the region. As a Metropolitan Planning Organization (MPO), programs use federal funds to plan for future transportation projects. Additionally, MACOG administers the Interurban Trolley fixed-route bus service serving Elkhart and Goshen with connections to Mishawaka. This program provides transportation for individuals to get to and from work, educational opportunities, medical visits, and other important needs. Considering the importance of this program, MACOG develops a separate LEP plan to address the specific needs of this service.

Public participation is a priority in MACOG's plans, activities, and programs. The impact of transportation improvements resulting from these planning activities reaches all residents. Understanding and continued involvement are encouraged throughout the process. MACOG is concerned with input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible as prescribed in the MACOG Public Engagement Plan (PEP).

FACTOR 4: THE RESOURCES AVAILABLE TO MACOG AND THE COST OF PROVIDING MEANINGFUL ACCESS TO LEP PERSONS

MACOG understands the importance of providing access to LEP individuals during the planning process and at public meetings, even if there is a cost involved. MACOG strives to provide opportunities to LEP individuals as much as possible through no or low cost resources. This includes utilizing

translation tools on the MACOG website so that individuals of many languages have the opportunity to read the information as well as translation software to translate public notices and smaller plans and documents into Spanish. Costs for these resources is limited to the time and additional printing costs. If additional resources are required, such as in-person translations or translation of larger documents, MACOG will reach out to local translation services for assistance to determine the most cost effective way to provide these resources.

IMPLEMENTATION

Based on the current limited interaction with MACOG and LEP persons, additional steps need to be in place to assure all reasonable actions have been taken to engage all populations groups. All language assistance activities detailed below will be coordinated by the Title VI and ADA Coordinator in collaboration with the MACOG staff.

IDENTIFYING LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

In order to ensure all individuals have equal access to participate in the MPO's planning process, it is important to be able to identify those that need language assistance. MACOG asks that individuals contact the office prior to a meeting if they need language assistance or other accommodations. If requested, MACOG will make every effort to provide a translator at the public meeting. If an individual does not make prior arrangements, MACOG will follow up with that individual following the meeting.

At all public meetings and open houses hosted by MACOG, a staff member will greet each individual who attends. If an individual does not speak English, MACOG will have the language identification flashcard developed by the U.S. Census Bureau available. The flashcard includes multiple languages with the phrase "Mark this box if you read or speak (specific language)" written in that particular language. This helps the staff identify the language of the individual. This flashcard is also available in the MACOG office.

LANGUAGE ASSISTANCE MEASURES

MACOG has identified several ways that services are or can be provided to LEP individuals in the MACOG region.

WRITTEN TRANSLATIONS

MACOG will make every effort to provide written translations for vital documents and executive summaries.

- Vital Documents will be made available in Spanish – German (Pennsylvania Dutch) and Chinese translations will be explored – as according to the Safe Harbor Provision.
 - Title VI Program
 - Complaint Forms
 - Public Notices
- Executive Summaries for the following key documents will be available in other languages as requested, and MACOG will explore making Executive Summaries always available in Spanish.
 - Metropolitan Transportation Plan
 - Transportation Improvement Program
 - Public Engagement Plan
- Outreach Materials to engage the public in a planning process will be made available in Spanish and other languages as needed.
- MACOG’s website has a translation button that can translate the website into Spanish, German, and Chinese languages (using Google Translate).

ORAL INTERPRETATION SERVICES

MACOG will provide oral interpretation services to Spanish-speaking LEP persons, if requested in advance. In order to provide these services, the Title VI Coordinator should do the following:

- Maintain a list of points of contact when a LEP person interacts with the organization. As interaction with LEP individuals increases, additional points of contact should be identified.
- Identify, by language spoken, employees who fluently speak and/or write a language other than English. Detail which of these employees (if any) are also able to act as interpreters.
- Create and maintain a list of outside sources that can provide oral and/or written translation services (including both paid and unpaid services). Outline the cost of these services. Identify budget and personnel limitations.
- Develop a list of common phrases to assist the main points of contact and others who regularly interact with the public to more easily interface with LEP individuals.

STAFF TRAINING

In order to establish meaningful access to information and services for LEP individuals, staff that regularly interacts with the public, and those who will serve as main points of contacts, should be trained on MACOG's LEP policies and procedures. Training ensures that staff members are effectively able to work in person and/or by telephone with LEP individuals. Additionally, at least one staff member, typically the Title VI Coordinator, attends Title VI and ADA training annually. INDOT provides this training every year, covering all aspects of Title VI, including LEP planning. MACOG may consider attending other training opportunities to further assist in implementing the Title VI and LEP plans.

OUTREACH AND PROVIDING NOTICES TO LEP PERSONS

MACOG will make efforts to reach, educate, and provide notices to as many LEP persons as possible. These techniques include:

- MACOG will post information at the front-desk reception area and on the MACOG website to notify LEP persons of any available services to translate (oral or written) materials and how to obtain these services.
- Key outreach documents and public notices will include information about what language assistance services are available.
- MACOG will work with local community-based organizations and other stakeholders as needed to engage LEP persons and inform them of the availability of language assistance services.
- MACOG will create and maintain a list of non-English local newspaper, radio, and television programming and MACOG will send public notices to assist with outreach efforts and meeting notifications.

MONITORING AND UPDATING THE LEP PLAN

MACOG monitors changing population levels and the language needs of LEP individuals in the region. MACOG will track requests and documented interactions with LEP persons when they occur. The LEP plan will be updated as needed based on the changes in population, frequency of encounters with LEP groups, availability of resources and technologies, or other related factors.

CONTACT

MACOG will make every effort to assist individuals with Limited English Proficiency. If an individual has any comments, questions, or concerns, they may contact MACOG by mail (English or Spanish), email (Any Language), or phone (English only). MACOG will either provide answers directly if possible or request language assistance from a translator to respond to each request.

Comments, questions, or concerns can be sent to MACOG by:

Mail or Hand-Delivered:

Michiana Area Council of Governments
Attn: Zach Dripps, Title VI Coordinator
227 W. Jefferson Blvd.
11th Floor County-City Building
South Bend, IN 46601

Email:
zdripps@macog.com

Phone (English Only):
574-287-1829