

**OLD COLONY LIMITED ENGLISH  
PROFICIENCY (LEP) PLAN/  
LANGUAGE ASSISTANCE PLAN  
(LAP)**

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**OLD COLONY PLANNING COUCIL**  
70 School Street • Brockton MA 02301



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# **INTRODUCTION**

The Old Colony Metropolitan Planning Organization (MPO) is responsible for a continuing, cooperative and comprehensive transportation planning process in the Old Colony Region that encompasses the communities of Abington, Avon, Bridgewater, Brockton, Duxbury, East Bridgewater, Easton, Halifax, Hanover, Hanson, Kingston, Pembroke, Plymouth, Plympton, Stoughton, West Bridgewater and Whitman. This planning process guides the use of federal and state dollars spent on existing and future transportation projects or programs. The Limited English Proficiency (LEP) Plan/ Language Assistance Plan (LAP) plays an integral role in the MPO process. This document will detail the LEP Plan developed in conjunction with best practice standards for public involvement.

The intent of this Limited English Proficiency Plan is to ensure access to the planning process and information published by the MPO where it is determined that a substantial number of residents in the Old Colony Region that do not speak or read English proficiently. The production of multilingual publications and documents and/or interpretation at meetings or events will be provided to the degree that funding permits based on current laws and regulations.

## **LAW AND POLICIES GUIDING LIMITED ENGLISH PROFICIENCY PLANS**

As part of the Metropolitan Planning Organization certification by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the LEP/ LAP Plan will be assessed and evaluated. The following matrix illustrates these laws, policies, and considerations:

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal Law	Federal Policy
Enacted in 1964	Enacted in August 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provide protection on the basis of race, color, and national origin	Provides protection on the basis of origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using four factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA

## WHO IS AN LEP INDIVIDUAL?

According to the United States Department of Justice, Limited English Proficiency individual or LEP is a person who does not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. As a recipient of federal funding, the MPO must take reasonable steps to ensure meaningful access to the information and services it provides. As noticed in the Federal Register/Volume 70, Number 239/Wednesday 14, 2005/Notices, there are four factors to consider in determining “reasonable steps”.

- Factor 1: The number and proportion of LEP persons in the eligible service area
- Factor 2: The frequency with which LEP persons encounter MPO programs
- Factor 3: The importance of the service provided by MPO programs
- Factor 4: The resources available and overall cost of MPO

The USDOT Policy Guidance provides recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The following is an assessment of need in the Old Colony Region in relation to the four factors and the transportation planning process.

# LEP ASSESSMENT FOR THE OLD COLONY METROPOLITAN PLANNING ORGANIZATION

## Factor 1: The Number and Proportion of LEP Persons in the Eligible Service Area.

The first step towards understanding the profile of individuals that could participate in the transportation planning process is a review of U.S Census data. Tables 1 and 2 display language spoken and the number of individuals that are LEP. For our planning purposes, we are considering people that speak English “not well” or “not at all” and only, the top four language groups are included in the analysis.

Table 1, derived from the 2015 US Census American Community Survey, shows the number and percent of persons who are five (5) and older, with regard to their English language skills, for the communities within the MPO area. As indicated, over 6.29% of the MPO area population is not proficient in English. The City of Brockton has the greatest concentration of LEP persons at 18%. The second highest concentration is in the Town of Stoughton with 8.14%.

**Table 1: Limited English Proficient Person in the MPO Planning Area and Local Jurisdictions  
2015 ACS 5yr B16001 LEP Languages**

Community	Population 5 Years and Older	Number of LEP Persons	Percent of LEP Persons
Abington	15,333	405	2.64%
Avon	4,302	196	4.6%
Bridgewater	26,096	727	2.79%
Brockton	87,514	15,781	18.0%
Duxbury	14,542	26	0.18%
East Bridgewater	13,528	155	1.15%
Easton	22,428	473	2.11%
Halifax	7,423	81	1.09%
Hanover	13,235	183	1.38%
Hanson	9,825	78	0.79%
Kingston	12,412	174	1.40%
Pembroke	17,285	133	0.77%
Plymouth	55,194	1,167	2.11%
Plympton	2,717	8	0.29%
Stoughton	26,500	2,157	8.14%
West Bridgewater	6,665	26	0.39%
Whitman	13,751	166	1.21%
MPO Area	348,750	21,936	6.29%

Table 2, shows the number and percent of LEP persons by language spoken at the individual’s home constituting 5% of the Old Colony MPOs regions area’s population or 1,000 person or more in said area. Of the LEP persons within the Old Colony MPO’s area meeting this measure, 2.68% speak Portuguese (Cape Verdean Creole) at home, making this the most significant percentage of the area’s LEP population. The second most common language of the area’s LEP population is Haitian French Creole at 1.52%. Spanish speakers make up 1.08% of the service area’s LEP population.

**Table 2: Language Spoken at Home by LEP Persons – Old Colony MPO Area  
2015 US Census Bureau American Community Survey**

LEP Person	Portuguese Language	Haitian French Creole Language	Spanish Language
5 years older Total	9,341	5,306	3,767
Percent of all LEP Persons	2.68%	1.52%	1.08%

**Factor 2: The Frequency in which LEP Encounter MPO Programs**

Since the Old Colony MPO 2014 LEP Plan update, which used 2000 U.S. Census figures, the MPO region has seen a drop in the number of LEP individuals according to the most recent U.S. Census American Community Survey. The number of LEP individuals has fallen from 40,853 to 21,936, a 46.3% decrease. To date, no requests have been made by individuals or groups directly to the MPO for Spanish, Portuguese (Cape Verdean Creole), Haitian French Creole or other language interpreters or publications. The MPO staff continue to utilize the 2010 U.S. Census Language Identification Flashcards along with the language capabilities of staff members.

An underlying principle of the Old Colony Metropolitan Planning Process is public participation, coordination and consultation with appropriate agencies and groups. The MPO staff engages the public to the maximum extent possible. Various strategies are deployed, documented and evaluated. These strategies consist of activities designed to build better relationships with citizens that are engaged with their communities and businesses, along with individuals of “traditionally underserved” communities and Limited English Proficiency, local officials, non-profit organizations and transportation agencies. The main purpose of the public participation process is to educate and inform stakeholders on new initiatives such as, but not limited to: livability, sustainability and climate change. The process is designed to fulfill federal aid requirements and to document people’s transportation and land use needs in their communities.

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A strategy the Old Colony MPO staff continues to use to reach out to the Limited English Proficiency population in the region is with surveys. Surveys are a great tool to reach individuals that feel too timid to participate with the public and for individuals that cannot attend meetings and outreach activities. Surveys are available in multiple languages: English, Spanish, Portuguese (Cape Verdean Creole), and Haitian French Creole. Consultation with the Associacao Caboverdiana de Brockton, Inc., Brockton Area Multi - Services, Inc., Latin American Health Institute, South Shore Haitians United for Progress (SSHUP) and the Brockton Interfaith Community also supports the efforts of reaching out to the LEP population.

**Factor 3: The Importance of the Service Provided by the MPO Program**

MPO programs use federal funds to plan for future transportation projects, and therefore do not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food and shelter). Further, the MPO does not conduct required activities such as applications, interviews or other activities prior to participation in its programs or events. Involvement by any citizen with the MPO or its committees is voluntary. However, the MPO must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the Federal Environmental Justice program and policy. The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three (3) major areas for the MPO:

- The Unified Planning Work Program
- The Transportation Improvement Program
- The Long Range Transportation Plan (covering 20 + years)
- Public Participation Plan

Inclusive public transportation is a priority consideration in Old Colony MPO plans, studies and programs. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The MPO is concerned with input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible. As a result of the long range transportation planning process, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies to ensure LEP

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individuals can participate in the process that shapes where, how and when a specific transportation project is implemented.

**Factor 4: The Resources Available and Overall MPO Cost**

Given the size of the LEP population in the MPO area and current financial constraints, full Multilanguage translations of large transportation plan documents and maps is not considered warranted at this time. However, the continued presence of large populations of Spanish, Haitian French Creole, and Portuguese (Cape Verdean Creole) speaking populations in the MPO service area makes offering translation in these languages a sound community investment.

The MPO intends to make the Executive Summaries for the Regional Transportation Plan, the Transportation Improvement Program, the Public Participation Plan and other key documents available in multiple languages by request. To accommodate the cost, these summaries may be presented in alternative formats, such as brochures or newsletters, which are designed to capture all of the significant points of the full document. The MPO will continue efforts to collaborate with state and local agencies to provide language translation and interpretation services when practical and in consideration of the funding available. The translation of these documents will be offered after the final English version has been completed and a request made to the Title VI Coordinator. Spanish, Haitian French Creole and Portuguese (Cape Verdean Creole) outreach materials from organizations such as federal, state, and local transportation agencies will be used when possible.

## **MEETING THE REQUIREMENTS**

Engaging the diverse population within the MPO area is important. The MPO is committed to providing quality services to all citizens, including those with limited English proficiency. Portuguese (Cape Verdean Creole) is the most dominant language spoken by LEP individuals in the Old Colony MPO Area, followed by Haitian French Creole.

### **Safe Harbor Stipulation and LEP Thresholds**

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that as long as a recipient (the MPO) has created a plan for the provision of written translations under a

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specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI. However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis. 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 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

The "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 to provide.

## Providing Notice to LEP Persons

US DOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Where appropriate and feasible, the staff will include the following language in English, Spanish, Portuguese (Cape Verdean Creole) and Haitian Creole on meeting notifications and other informational materials: Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services for a meeting (free of charge) should contact Pat Ciaramella at 508 - 583 - 1833 or [pciaramella@ocpcrpa.org](mailto:pciaramella@ocpcrpa.org) at least seven days in advance. Se solicita la participación del público, sin importar la raza, color, nacionalidad, edad, sexo, religión, incapacidad o estado familiar. Personas que requieran facilidades especiales bajo el Acta de Americanos con Discapacidad (Americans with Disabilities Act) o personas que requieren servicios de traducción (sin cargo alguno) deben contactar a Malissa Booth al teléfono 508 - 583 - 1833 o [pciaramella@ocpcrpa.org](mailto:pciaramella@ocpcrpa.org) por lo menos siete días antes de la reunión. As pessoas que requerem acomodações especiais sob a Lei dos Americanos Portadores de Deficiência ou pessoas que necessitam de serviços de tradução para uma reunião (grátis) devem contatar Pat Ciaramella pelo telefone 508-583 - 1833 ou [pciaramella@ocpcrpa.org](mailto:pciaramella@ocpcrpa.org) com pelo menos sete dias de antecedência. Moun ki mande pou akomodasyon espesyal anba Lwa Ameriken ak Enfimite yo oswa

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moun ki bezwen sèvis tradiksyon pou yon reyinyon (gratis) yo ta dwe kontakte Pat Ciaramella nan 508-583-1833 oswa pciaramella@ocpcrpa.org omwen sèt jou an davans.

The Old Colony MPO will use the following methods for notification:

- Signage indicating that free language assistance is available with advance notice;
- Stating in outreach documents that language services are available;
- Working with community - based organizations and other stakeholders to inform LEP individuals of MPO services and the availability of language assistance;
- Using automated telephone voicemail or menu to provide information about available language assistance services;
- Including notices in local newspapers in languages other than English;
- Providing notices on non - English - language radio and television stations about MPO services and the availability of language assistance; and
- Providing presentations and/or notices at schools and community based organizations (CBO).
- Website Translation Tools
- The MPO will publicize the availability of interpreter services, free of charge, at least seven (7) days prior to MPO Board and Committee meetings, workshops, forums or events which will be noticed on the MPO website, in meeting notices (packets), and using the following additional tools as appropriate:
  - Signage
  - Public outreach material
  - Community - based organizations
  - Local newspapers
  - Old Colony Library System

The MPO defines an interpreter as a person who translates spoken languages orally, as opposed to a translator, who translates written languages and transfers the meaning of written text from one language into another. The MPO will request language interpreter services from Old Colony MPO staff or through contracted interpreter service agencies. The MPO can post meeting notices in the Cape Verdean media that serves the Cape Verdean community throughout the greater Brockton area. As covered under Title VI, material will be provided in an alternative language when applicable.

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## Identifying Persons Who May Need Language Assistance

When encountering a LEP person, staff will use Language Identification Flashcards to identify that person's primary language. Language Identification Flashcards, as developed by the U.S. Census Bureau (<https://www.lep.gov/ISpeakCards2004.pdf>), are translated into 51 different languages. The flashcards are used by the Census Bureau and other federal agencies to identify the primary language of LEP persons during face to face encounters. The staff will make the Language Identification Cards available to the public through its website, so that LEP persons contacting the Planning Council online can communicate their primary language to the staff. The staff then can then use that information to provide language assistance to the LEP person. The staff will make the Language Identification Flashcards available at all public meetings. Once a LEP person's primary language is identified using the flashcards, the staff will assess the feasibility of providing written translation service, and/ or oral interpretation assistance to the LEP person.

## Language Assistance

Information regarding MPO transportation planning processes is made available through multiple means, including translated public meeting notices and providing a bilingual staff whenever possible. The MPO's future programs and services to enhance accessibility of transit services to LEP persons likely include:

- Continued partnerships with Brockton Area Transit (BAT) and community organizations to develop a list of language translation volunteers who are available for public meetings. This option could be used where advanced notice is provided that translator services are needed. This option may also help increase the number of languages for which translation services are available.
- Continued development of written translation and oral interpreter service providers' database. This would improve the speed and convenience with which written documents can be translated for the public, and reduce the need to have public requests for them.
- Ensuring that MPO members are aware of the USDOT LEP guidance and support their LEP planning activities, as appropriate.

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- Regular updates to this LEP Plan, as needed by new events, such as the release of language related demographic data from future decennial census, American Community Survey updates and/or indications of increases in LEP population.
  - Continued identification of community based organizations that are not being contacted through existing outreach.

The MPO intends to initiate a program to make the Executive Summaries for key documents available in Portuguese (Cape Verdean Creole), Haitian Creole and Spanish. Key documents include the Regional Transportation Plan, the Transportation Improvement Program, the Public Participation Plan, and other identified key documents. A goal of the MPO's Public Participation Plan is to provide user - friendly material that will be appealing and easy to understand. The MPO may provide Executive Summaries in alternative formats, such as brochures or newsletters, depending on the work product.

The MPO encourages staffs to explore and utilize visualization techniques, methods and devices that do not use language alone. For example, use of pictograms, symbol signs, diagrams, color code warnings, illustrations, graphics and pictures can be considered information using few words in any language. Schematic maps can similarly communicate large amounts of information without words.

## MPO Staff Training

In order to establish meaningful access to information and services for LEP individuals, the MPO will continuously properly train its employees to assist in person, and/or by telephone, LEP individuals who request assistance. MPO Board members will receive a copy of the LEP Plan, and have access to training, assuring that they are fully aware of and understand the plan and its implementation.

## Monitoring and Updating the Language Assistance Plan

The LEP/ Language Assistance Plan as part of the Old Colony MPO's Title VI Plan, will be reviewed annually by OCPC Title VI coordinators on staff, and included in the Annual Title VI Update provided to MassDOT. This annual review will also include a review of whether existing assistance is meeting the needs of LEP persons, and whether new documents, programs, services, and activities need to be made accessible for LEP individuals. Such guidance will also be based on consideration of the frequency of

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encounters with LEP language groups and the availability of resources. Additionally, as new data is made available on the demographics of the region and the resulting transportation needs (e.g., 2020 U.S. Census Data), this Language Assistance Plan will be reviewed and updated to respond to the needs of the region's growing and changing population.