



U.S. Department
of Transportation
**Federal Transit
Administration**

Implementing the Department of
Transportation's Policy Guidance
Concerning Recipients' Responsibilities to
Limited English Proficient (LEP) Persons

A Handbook for Public Transportation
Providers

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SECTION III
DEVELOPING AN IMPLEMENTATION PLAN ON LANGUAGE ASSISTANCE

Overview

The DOT LEP Guidance recommends that recipients develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance notes that effective implementation plans typically include the following five elements: 1) identifying LEP individuals who need language assistance; 2) providing language assistance measures; 3) training staff; 4) providing notice to LEP persons; and 5) monitoring and updating the plan (See Section VII, “Elements of an Effective Implementation Plan on Language Assistance for LEP Persons”).

This section summarizes the DOT LEP Guidance on language implementation plans and describes how transit agencies can put this guidance into practice.

Task 1: Identifying LEP Individuals Who Need Language Assistance

What the Guidance Says

“There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

One way to determine the language of communication is to use language identification cards (or “I speak cards”), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, “I speak Spanish” in both Spanish and English, or “I speak Vietnamese” in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau’s “I speak card” can be found and downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>.

When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.” (DOT LEP Guidance Section VII(1)).

Suggestions on Implementing this Guidance

This guidance overlaps to a great extent with the recommendations provided in Section V of the DOT LEP Guidance concerning the four-factor analysis. In this part of a language implementation plan, agencies should identify the number and proportion of LEP individuals eligible to be served and the frequency of encounters, pursuant to the first two factors of the four-factor analysis. Agencies should consider including the following information in their implementation plan:

1. Data collected from the U.S. Census as well as state and local demographic data;
2. Information gathered from community organizations that serve LEP persons;
3. Information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons;
4. Information gathered from interviews with agency staff who typically come in contact with LEP persons;
5. Information kept by the agency on past interactions with members of the public who are LEP.

In its assessment of the number and proportion of LEP persons eligible to be served, the plan should distinguish the native language spoken by these populations and geographic areas (if any) where LEP persons are concentrated. Where there are concentrations of LEP persons who speak different native languages (such as Spanish, Vietnamese, or Korean) the plan should identify where each group is concentrated. It should also describe, as accurately as possible, the frequency with which LEP individuals come into contact with the agency's particular services.

Task 2: Language Assistance Measures

What the Guidance Says

“An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- *Types of language services available.*
- *How recipient staff can obtain those services.*
- *How to respond to LEP callers.*
- *How to respond to written communications from LEP persons.*
- *How to respond to LEP individuals who have in-person contact with recipient staff.*
- *How to ensure competency of interpreters and translation services.”(DOT LEP Guidance Section VII (2)).*

Suggestions on Implementing this Guidance

Pursuant to this guidance, transit agencies should consider including the following information in their implementation plan:

1. A list of what written and oral language assistance products and methods the agency has implemented and how agency staff can obtain those services;
2. Instructions to customer service staff and other agency staff who regularly take phone calls from the general public on how to respond to an LEP caller. (Ideally, the call taker will be able to forward the caller to a language line or to an in-house interpreter who can provide assistance);

3. Instructions to customer service staff and others who regularly respond to written communication from the public on how to respond to written communication from an LEP person. (Ideally, the agency staff person will be able to forward the correspondence to a translator who can translate the document into English and translate the agency's response into the native language);
4. Instructions to vehicle operators, station managers, and others who regularly interact with the public on how to respond to an LEP customer;
5. Policies on how the agency will ensure the competency of interpreters and translation services. Such policies could include the following provisions:
 - The agency will ask the interpreter or translator to demonstrate that he or she can communicate or translate information accurately in both English and the other language;
 - The agency will train the interpreter or translator in specialized terms and concepts associated with the agency's policies and activities;
 - The agency will instruct the interpreter or translator that he or she should not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator;
 - The agency will ask the interpreter or translator to attest that he or she does not have a conflict of interest on the issues that they would be providing interpretation services.

It may be difficult for a non-bilingual bus or rail operator to provide assistance to an LEP person who boards the vehicle and requests information. In such circumstances, the operator could ask if another passenger on the vehicle could serve as a translator or the driver could provide the phone number to the agency's customer service office, which would provide translation services. The driver could also direct the LEP person to any translated schedule and route information that has been placed aboard the vehicle. Drivers in some agencies have volunteered to learn Spanish in order to assist LEP Spanish-speaking customers and the Colorado Department of Transportation has published "Basic Spanish for Transit Employees," which provides transit personnel with relevant words and phrases that would be useful in encounters with customers (more information on this resource is included in Section IV of this handbook).

Transit station managers who encounter LEP persons requesting assistance may be able to provide the above resources and, in addition, may have telephone access to a language line in order to provide assistance.

Task 3: Training Staff

What the Guidance Says

“Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained. An effective LEP plan would likely include training to ensure that:

- *Staff knows about LEP policies and procedures.*
- *Staff having contact with the public (or those in a recipient’s custody) is trained to work effectively with in-person and telephone interpreters.*

Recipients may want to include this training as part of the orientation for new employees. Recipients have flexibility in deciding the manner in which the training is provided, and the more frequent the contact with LEP persons, the greater the need will be for in-depth training. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.” (DOT LEP Guidance Section VII (3)).

Suggestions on Implementing this Guidance

In this part of the language assistance plan, agencies should describe the training that is conducted to ensure that appropriate staff members know about LEP policies and procedures and are ready to provide assistance.

Task 3, Step 1: Identify agency staff that are likely to come into contact with LEP persons as well as management staff.

This handbook recommends that agencies identify those members of their staff—or job positions—that have frequent contact with LEP persons in order to target training to the appropriate staff. Management staff, even if they do not interact regularly with LEP persons, should be included on the list to ensure they are fully aware of the language assistance plan.

Task 3, Step 2: Identify existing staff training opportunities

It may be cost-effective to integrate training on their responsibilities to persons with limited English proficiency into agency training that occurs on an ongoing basis. The DOT LEP Guidance suggests that recipients consider including this training as part of the orientation for new employees. Existing employees, especially managers and those who work with the public may periodically take part in re-training or new training sessions to keep up to date on their responsibilities to LEP persons.

Task 3, Step 3: Design and implement LEP training for agency staff

Agencies are encouraged to develop a standard presentation concerning recipients' responsibilities to persons with limited English proficiency that could be used at multiple agency trainings. While agencies have flexibility in designing language assistance training, FTA recommends that such training include the following information:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Transit agencies designing their staff training may want to take advantage of the following resources:

- "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 expose 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 Decisionmaking," 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 decisionmaking. These "best practices" were collected during telephone interviews with individuals in 30 States.
- "Basic Spanish for Transit Employees" this flip guide was produced by the Roaring Fork Transit Authority and the Colorado Mountain College. It includes

requests and commands that vehicle operators use every day in English and in Spanish and written phonetically in English. Copies of this guide can be obtained by calling 970-945-8691.

- “Guidelines for Developing Traffic Safety Educational Materials for Spanish-Speaking Audiences,” a manual developed by the Education in Traffic Safety project, Education Development Center, Inc., with funding from the National Highway Traffic Safety Administration. The manual is organized into three sections: research and planning, creating materials, and dissemination and evaluation. Available at <http://www.nhtsa.dot.gov/people/injury/airbags/TESM/index.htm>.

These and additional resources are listed in Section V of this manual.

Task 4: Providing Notice to LEP Persons

What the Guidance Says

“Once an agency has decided, based on the four factors, that it will provide language services, it is important that the recipient notify LEP persons of services available free of charge (emphasis added). Recipients should provide this notice in languages LEP persons would understand. Examples of notification that recipients should consider include:

- *Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients*

For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at <http://www.ssa.gov/multilanguage/langlist1.htm>. DOT recipients could, for example, modify these signs for use in programs, activities, and services.

- *Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be “tagged” onto the front of common documents.*
- *Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.*

- *Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.*
- *Including notices in local newspapers in languages other than English.*
- *Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.*
- *Providing presentations and/or notices at schools and religious organizations.” (DOT LEP Guidance Section VII (4)).*

Suggestions on Implementing this Guidance

This part of the plan should identify how the agency will advertise its language services to the LEP community.

Task 4, Step 1: Inventory the existing public service announcements and community outreach the agency currently performs.

Transit agencies typically communicate to the public through one or more of the following methods:

- Signs and handouts available in vehicles and at stations
- Announcements in vehicles and at stations
- Agency websites
- Customer service lines
- Press releases
- Newspaper, radio, and television advertisements
- Announcements and community meetings.
- Information tables at local events.

Some of these communications tools are geared towards riders who are using the system, while other methods are intended to reach members of the public at large, who may or may not use the transit system. Both methods can be used to inform people of the availability of language assistance.

Task 4, Step 2: Incorporate notice of the availability of language assistance into existing outreach methods

Agencies should consider developing non-English outreach documents that notify people of the availability of language assistance and incorporating this outreach into the public relations materials routinely disseminated by the agency. Agencies should provide notice of the availability of language assistance on a regular basis, in order to reach the greatest number of potential riders.

Agencies might, for example, decide to specify in their plan that where documents are available in languages other than English, the English version will include a notice of such availability translated into other languages in which the document is available.

Task 4, Step 3: Conduct targeted community outreach to LEP populations.

Targeted community outreach can consist of meeting with agencies that serve LEP populations and attending community meetings and events to inform people of the agency's service in general and that language assistance is available. Your agency may wish to partner with its existing community contacts and other agencies that are seen by your audience as credible and trusted to notify the LEP population of the availability of language services. Notification can also be distributed through programs used by LEP persons, such as English classes for speakers of other languages.

Task 5: Monitoring and Updating the LEP Plan

Evaluation can help you track your outreach efforts, discover dissemination problems early, make corrections, and find out whether your language services have impacted your ridership and/or relations with local immigrant communities. The results can help you improve future efforts. Regardless of your budget, some level of evaluation can be done.

What the Guidance Says

“Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.

In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community.

In their reviews, recipients may want to consider assessing changes in:

- *Current LEP populations in the service area or population affected or encountered.*
- *Frequency of encounters with LEP language groups.*
- *Nature and importance of activities to LEP persons.*
- *Availability of resources, including technological advances and sources of additional resources, and the costs imposed.*
- *Whether existing assistance is meeting the needs of LEP persons.*
- *Whether staff knows and understands the LEP plan and how to implement it.*
- *Whether identified sources for assistance are still available and viable.*

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.”(DOT LEP Guidance Section VII (5)).

Suggestions on Implementing this Guidance

Transit agencies can implement this portion of the DOT LEP Guidance by undertaking the following steps:

Task 5, Step 1: Establish a process to obtain feedback on your agency’s language assistance measures.

How frequently an agency should consult with community organizations representing LEP persons as well as the staff that is responsible for providing language assistance will depend on the size and complexity of the agency’s LEP program as well as the resources available to the transit provider. Agency staff can combine meetings to obtain feedback on its language assistance program with regularly scheduled community outreach events as well as regularly scheduled staff meetings.

Task 5, Step 2: Obtain feedback from community members and from agency staff.

Transit agencies should consider conducting follow-up meetings and focus groups or surveys with the community organizations and individuals they contacted in order to develop their needs assessment. This outreach would allow agency staff to determine if there have been any noticeable changes in the demographics of the LEP population in their service area, to receive input on whether their language assistance measures and efforts to inform the LEP community of the availability of language assistance are working, and to continue to inform the LEP community of new or updated language assistance.

Agencies should also meet with staff that are in contact with LEP persons to determine whether the written and oral assistance measures are effective. Agency staff may also be in a position to comment on whether the numbers of LEP persons they have encountered are increasing or decreasing and whether they are interacting more frequently with members of a particular language group.

Task 5, Step 3: Conduct internal monitoring

Agencies can conduct internal monitoring of their system to determine whether language assistance measures and staff training programs are working. Such monitoring might be best accomplished if the monitors pose as riders and observe how agency staff respond to their requests. Agencies can work with multilingual staff or community members to determine if employees are responding appropriately to requests made with limited English or in a language other than English. Section 4 of Section IV provides an internal monitoring template.

Task 5, Step 4: Make changes to the language assistance plan based on feedback received

Based on the feedback received from community members and agency employees, agencies will likely need to make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. Agencies may take into account the cost of proposed changes and the resources available to them. Depending on their evaluation, agencies may choose to disseminate more widely those language assistance measures that are particularly effective or modify or eliminate those measures that have not been effective.

Task 5, Step 5: Consider new language assistance needs when expanding service

Transit agencies that are expanding service into areas with high concentrations of LEP persons should consider modifying their implementation plan to provide language assistance measures to areas not previously served by the agency.