

Table of Contents

Resolution.....	1
Introduction.....	2
Elements of an Effective LEP Policy	3
Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy	3
The Four-Factor Analysis.....	4
Factor 1: The Proportion, Numbers and Distributions of LEP Persons	4
Factor 2: Frequency of Contact with LEP Individuals	6
Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP Community	6
Factor 4: The Resources Available to the CCRC and Overall Cost	6
Safe Harbor Stipulation.....	7
Providing Notice to LEP Persons.....	7
Options and Proposed Actions	8
Options	8
What the CCRC will Do	8
CCRC Staff Training	9
LEP Plan Access	9
Appendix A	10

A RESOLUTION OF THE
CRAWFORD COUNTY ROAD COMMISSION
ADOPTING THE
LIMITED ENGLISH PROFICIENCY (LEP) PLAN

WHEREAS, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how CCRC will accommodate persons with limited English Proficiency; and

WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter; and

NOW, THEREFORE, BE IT RESOLVED that the Board of CRAWFORD County Road Commissioners approve and adopt the Limited English Proficiency Plan for the CRAWFORD County Road Commission.

Adopted this 10th day of November , 2011.

John Hartman, Chairman

James Burtch, Vice Chairman

Scott McClain, Commissioner

Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency¹, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter². These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, **recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.**

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. **Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.**

The CRAWFORD County Road Commission receives funds from the US Department of Transportation via the Federal Highway Administration.

¹ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

² Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

The US Department of Transportation published *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.³

The Guidance implies Road Commissions as organizations that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation-not just the particular highway program or project-are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines **four factors** recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.

³ The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>

3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the CCRC and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to CCRC services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range of four classifications of how well people speak English. The classifications are 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English 'less than very well' as Limited English Proficient persons.

Table 1 shows the Number of People 5 Years and Over Who Speak English Less than "Very Well" for all Townships in our jurisdiction.

As seen in Table 1, less than one percent (598 people) of the jurisdiction of the CRAWFORD County Road Commission speaks English "less than very well". Chart 1 shows the distribution of non-English speaking people. Of the LEP persons within our area, fifty-three percent speak Spanish. Thirty-two percent of LEP persons speak Indo-European languages (such as Urdu, Hindi, Portuguese, Bengali, Russian, Persian and German) at home. About ten percent speak Asian-and Pacific languages (such as Chinese, Korean, Japanese, and others) at home and about five percent speak other languages at home.

Table 1

2005-2009	Total Population	English Less Than Very Well			
		Spanish	Other Indo-European	Asian and Pacific Islander	Other
Almont	6,672	85	22	17	-
Arcadia	3,157	-	11	-	-
Attica	4,365	47	27	-	-
Burlington	1,530	-	4	-	4
Burnside	1,890	5	6	-	-
Deerfield	5,130	40	15	-	-
Dryden	4,444	-	-	-	2
Elba	5,164	-	19	-	-
Goodland	1,796	13	4	-	-
Hadley	4,512	-	-	-	-
Imlay	3,163	26	17	-	-
Lapeer	4,707	38	11	-	-
Marathon	4,767	18	-	-	-
Mayfield	7,449	9	10	-	10
Metamora	4,312	-	45	24	-
North Branch	3,530	11	-	-	-
Oregon	6,348	21	-	14	12
Rich	1,363	6	-	5	-
Totals	74,299	319	191	60	28

Factor 2: Frequency of Contact with LEP Individuals

The majority of the work we do once we leave the garage, is performed on the roadway with the use of large trucks and heavy equipment. Very infrequently do the operators have direct contact with the public. Most of the contact would be done with hand signals regarding traffic movement. The office staff handles service requests regarding road issues and processes permits for work in the right of way. Regular Board meetings are held bi-weekly and public hearings are held when needed, which would bring interested residents to the Boardroom.

Factor 3: The nature and Importance of the Program, Activity, or Service to LEP

The Road Commission's main function is to maintain the road network throughout CRAWFORD County. This network is incredibly sound and new roadways will not be added, thus requiring acquisition of land is not an issue. Our services are straight forward and garnered by the weather and wear and tear on the roads by motorists and out of the way of face to face contact. Occasionally, the road surface of a roadway is changed, trees are cut or ditches are dug to improve the conditions for the motoring public and Public Hearings are held.

Denial or delay of access to services or information provided by the CRAWFORD County Road Commission would not have life-threatening implications on a LEP individual. It is believed that denial or delay of access to services or information provided by the CRAWFORD County Road Commission would not have serious implications on a LEP individual, especially compared to the services, such as health, emergency transportation, water, sewer, fire protection, police protection and other emergency services.

Factor 4: The Resources Available to the CRAWFORD County Road Commission and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.

While the Crawford County Road Commission does serve very few LEP persons and has very limited resources, it has decided to include a LEP section in its Title VI Plan.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” stipulation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “safe harbor” means that if a recipient provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong 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, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This 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 are reasonable.

No LEP language groups in the CCRC jurisdictional area constitute the 5% or 1,000 persons of population threshold for which written translations of vital documents can be provided meet the safe harbor standard. However, given the small number of LEP language group members, the CCRC budget and the number of staff, it is deemed that written translations of core documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for CCRC to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.

3. Working with community-based organizations and other stakeholders to inform LEP individual of the recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.
6. Providing notices on non-English-language radio and television states about the available language assistance services and how to get them.
7. Providing presentations and/or notices at schools and religious organizations.

The CCRC will provide statements in public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the CCRC.

Options and Proposed Actions

Options:

Federal fund recipients have two main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.⁴

CCRC is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.⁵

Considering the relatively small scale of the CCRC in CRAWFORD County, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

What the CCRC will do. What Actions will the CCRC take?

With advance notice of seven calendar days, the CCRC will provide interpreter services at the public meetings. Interpreter to include foreign language, and hearing impaired.

The CCRC will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.

Placement of statements in notices and publication that interpreter services are available for these meetings, with seven days advance notice.

Publication of the federal complaint form on the website and available at public meetings.

⁴<http://www.dotcr.ost.dot.gov/asp/lep.asp>

⁵ Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

CCRC Staff Training

CCRC staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

LEP Plan Access

The CCRC will post the LEP Plan on its website at www.crawford-crc.com

Any person or agency may also request a copy.