



BALTIMORE REGIONAL  
TRANSPORTATION BOARD

2007 Draft  
***Limited English  
Proficiency Plan***  
for the Baltimore Region

August 2007

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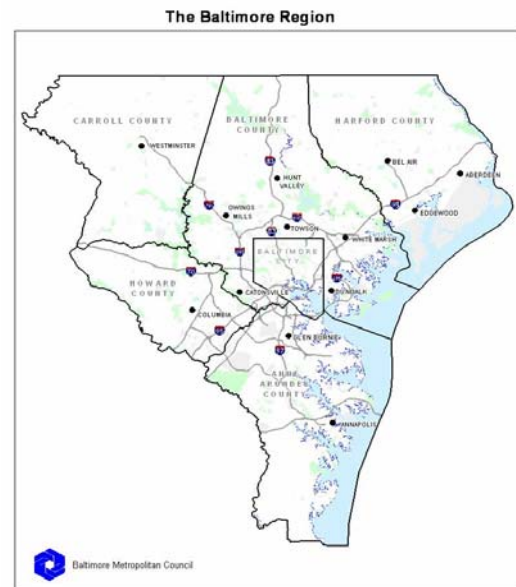
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## ABOUT THE BALTIMORE REGIONAL TRANSPORTATION BOARD

The Baltimore Regional Transportation Board is the Metropolitan Planning Organization for the Baltimore region. As an MPO, the BRTB is directly responsible for making sure that any money spent on existing and future transportation projects and programs is based on a continuing, cooperative and comprehensive (3-C) planning process. All transportation projects and programs that receive federal funding in our region go through this planning process.

The mission of the BRTB is to provide regional transportation planning and policy making for the Baltimore region.

Specifically, the BRTB provides overall program management of an annual work program - the Unified Planning Work Program. In addition, the BRTB provides policy direction and oversight in the development of a federally mandated Long Range Transportation Plan, the Transportation Improvement Program and the transportation element of the State Air Quality Implementation Plan. The work program, the long range transportation plan and the transportation improvement program all require approval at a BRTB meeting.



The BRTB is a 10 member board representing the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford and Howard and the Maryland Department of Transportation, the Maryland Department of the Environment and the Maryland Department of Planning.

The BRTB generally meets the 4th Tuesday of the month. There is an opportunity for public comment at each meeting. Eleven months of the year the BRTB meets at 9 a.m. and once per year the BRTB meets in the evening. Check the calendar on the BMC web site for upcoming dates, times and agendas. Recent minutes are also available online.

## BACKGROUND

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language.

**Federal law:** Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency, and (Presidential) Executive Order 13166 - requires Federal departments and agencies to develop and make available guidance on how recipients of Federal funds should *assess* and *address* the needs of LEP individuals seeking assistance.

The US Department of Transportation (DOT) developed guidance titled *A Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*. This guidance was issued to ensure that persons in the United States are not



### Who is a LEP Individual?



Individuals who do not speak English as their primary language AND who have a limited ability to read, speak, write or understand English.

excluded from participation in DOT-assisted programs and activities simply because they face challenges communicating in English.

The intent of this plan is to ensure that where substantial numbers of residents of the Baltimore region exist, who do not speak or read English proficiently, these LEP individuals have access to the planning process and published information, and that public notification is provided in other languages. The production of multilingual publications and documents and/or interpretation at meetings/events will be provided to the degree that funding permits based on current laws and regulations.



**DETERMINING THE NEED**

As a recipient of federal funding, the Baltimore Regional Transportation Board must take reasonable steps to ensure meaningful access to the information and services it provides.

In determining “reasonable steps” there are four factors<sup>1</sup> to be considered:

1. The number and proportion of LEP persons in the eligible service area;
2. The frequency with which LEP persons come in contact with the program;
3. The importance of the service provided by the program; and
4. The resources available to the recipient.

The US DOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above.

<sup>1</sup> Federal Register / Volume 70, Number 239 / Wednesday, December 14, 2005 / Notices

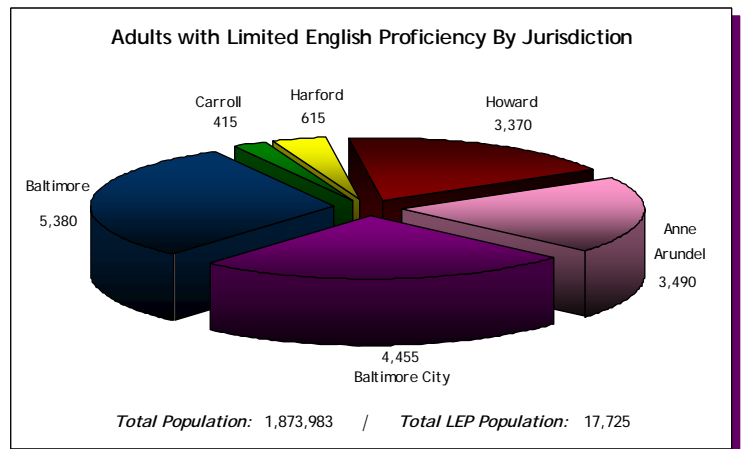
The following is an assessment of need in the Baltimore region in relation to the transportation planning process.

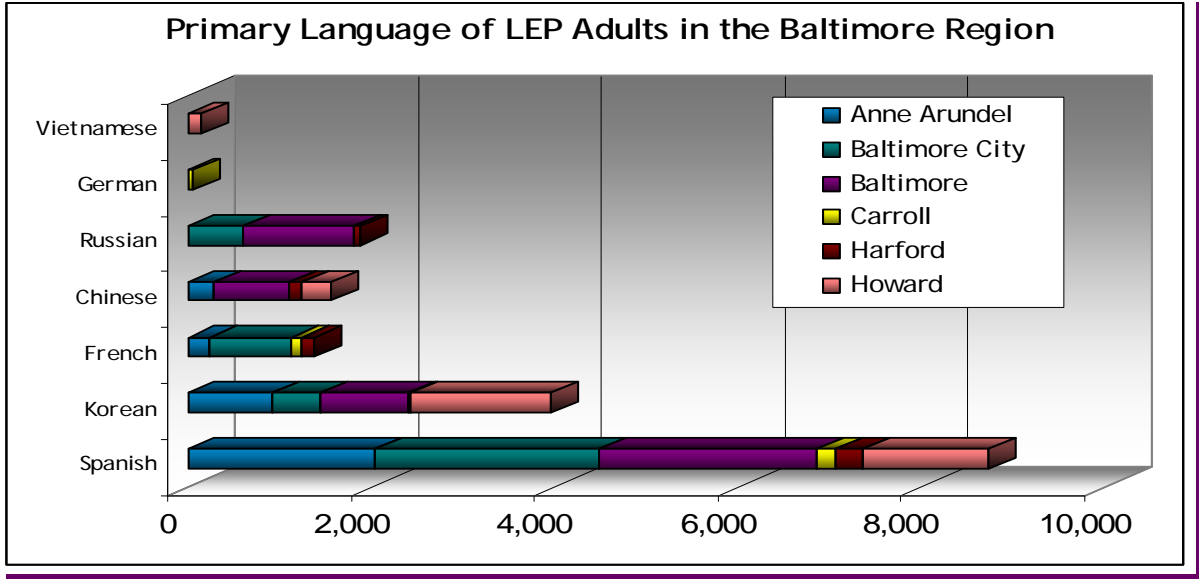
**1. The number and proportion of LEP persons in the eligible service area**

For the BRTB the first step towards understanding the profile of individuals that could participate in the regional transportation planning process is a review of Census data.

The two charts below display the primary language and number of individuals 18 and over that speak English “not well” or “not very well” at home. Only the top four language groups for each jurisdiction are displayed.

At this time, no group represents a significant percentage of the region’s population.





**2. The frequency with which LEP persons come in contact with the program**

The small, but growing, size of the LEP population in this region increases the probability of its contact with the BRTB.

Due to the small size of the LEP population and the nature of services provided by the BRTB, LEP involvement is currently infrequent and unpredictable. No requests have been made for information by either individuals or groups and targeted outreach has been unsuccessful.



**3. The importance of the service provided by the program**

BRTB programs use Federal funds to plan for future transportation projects, and therefore do not include any service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs (food, housing, education, etc). Further, the BRTB does not conduct compulsory activities (applications, interviews, or other activities prior to participation in our programs and/or events).

Involvement with the BRTB or its committees is entirely on a voluntary basis.



The BRTB does provide opportunities for the public to comment on the use of Federal funds in three major areas: an annual Unified Planning Work Program, a five-year Transportation Improvement Program, and a 20-plus year Long-Range Transportation Plan.

The impacts of transportation improvements resulting from these actions do have an impact on all residents and efforts are made to encourage an understanding of the process and opportunities to comment. As a result, the BRTB is concerned with input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

As a result of the regional transportation planning process, selected projects receive approval for Federal funding and progress toward project planning and construction under the responsibility of local jurisdictions or state transportation

agencies. These state and local organizations have their own policies in place to ensure opportunities for LEP individuals to participate in the process that shapes where, how and when a specific project is implemented.

#### **4. The resources available to the recipient**

Because the LEP population in the region is not of a significant proportion at this time and the cost of translating large transportation plans is high, the BRTB has determined that full translation of regional transportation plans is not appropriate at this time.

However, the region is dynamic and continues to attract diverse ethnic and cultural populations. Therefore, the BRTB intends to initiate a program to begin to make the Executive Summaries for two key documents (long-range transportation plan and short-range transportation improvement program) available in Spanish.

The BRTB will also make efforts to partner with state and local agencies to provide language translation and interpretation services within the scope of the funding available.

In addition, the BRTB will continue to make the free online translation service,



*Babel Fish*, available on every page of the Baltimore Metropolitan Council web site. This site contains considerable information on the regional transportation planning process and the *Babel Fish* program will allow visitors to translate any page of text into twelve additional languages (two Chinese, Dutch, French, German, Greek, Italian, Korean, Japanese, Portuguese, Russian and Spanish).



## MEETING THE REQUIREMENTS: THE BRTB LIMITED ENGLISH PROFICIENCY PLAN

Based on the current low levels of residents with Limited English Proficiency in the Baltimore region

and the limited interaction with the BRTB a full LEP plan is not necessary at this time. However, engaging the diverse population within the region is important and therefore the BRTB has completed the following assessment and plan for providing limited services to the LEP population in the Baltimore region.

All language access activities detailed below will be coordinated by the Public Involvement Coordinator in collaboration with BMC staff and BRTB members.

### Identifying LEP Individuals Who Need Language Assistance

Key staff at the Baltimore Metropolitan Council offices will utilize language identification cards when first encountering an LEP individual. These cards, developed by the U.S. Census Bureau, have the phrase "Mark this box if you read or speak (name of language)" translated into 38 different languages. It was developed by the Census Bureau and is used by government and non-government agencies to identify the primary language of Limited English Proficient individuals during face to face contacts. The Census Bureau's Language Identification Flashcard

can be downloaded for free at [www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf](http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf).

The Language Identification flashcards will be made available at the front desk of the BMC offices.

**Language Assistance Measures**

Language assistance will be provided for some LEP individuals through the translation of some key materials, as well as through oral language interpretation when necessary and possible.

***Translation of written materials***

Translation of all BRTB plans and materials is not possible due to cost restrictions and current population levels do not warrant such translations. However, the BRTB will provide the following translated materials:

1. *BMC Web Site* - The free service, powered by AltaVista's *Babel Fish* program, allows users to choose from Spanish, Russian, Portuguese, Korean, Japanese, Italian, Greek, German, French, Dutch, and two Chinese translations. The translation service is available by clicking the link at the bottom left of each page of the BMC web site.



2. *Key Documents* - An Executive Summary for the following key documents will be made available in Spanish:
  - (a) Long-range transportation plan (Draft plan and final)
  - (b) Short range transportation program (final)



3. *Outreach Materials* - Spanish-language outreach materials from organizations such as federal, state, and local transportation agencies will be utilized when possible. The Language Access Coordinator will keep a list of such materials. Current BRTB outreach materials will not be translated at this time,

however the BRTB will consider requests to provide key outreach materials in Spanish as new materials are developed.



### ***Oral Language Services***

The BRTB will provide limited oral language services to Spanish-speaking LEP individuals. In order to provide these services, the Language Access Coordinator will do the following:

- *Maintain a list of the points of contact where a LEP person interacts with the organization -* At this time it is anticipated that the key points of contact for LEP individuals are the front-desk receptionist and the Public Involvement Coordinator. As interaction with LEP individuals increases, additional points of contact will be identified.
- *Identify, by language spoken, employees who fluently speak and/or write a language other than English.* Detail which of these employees are also able to act as interpreters – An inventory of staff language capabilities has been established and is

maintained by the Language Access Coordinator.

- *Create a list of outside sources that can provide oral language services (include both paid and unpaid services). Outline the cost of these services. Identify budget and personnel limitations –* A list of paid and unpaid oral language services, as well as associated costs, is currently being developed and will be updated and expanded on an annual basis.
- *Create a list of outside sources that can provide competent translation of key documents. Outline the cost of these services. Identify budget and personnel limitations -* A list of paid and unpaid oral language services, as well as associated costs, is currently being developed and will be updated and expanded on an annual basis.





### **Staff training**

In order to establish meaningful access to information and services for LEP individuals, employees in public contact positions and those who will serve as translators or interpreters will be properly trained. Such training will be developed to ensure that staff are fully aware of LEP policies and procedures and are effectively able to work in person and/or by telephone with LEP individuals. BRTB members and BMC management staff will be included in this training, even if they do not interact regularly with LEP persons, to ensure that they are fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

### **Providing Notice of Available Language Service to LEP Persons**

The BRTB has established the following methods to inform Spanish-speaking LEP individuals, supporting organizations, as well as the general

public, of available no-fee LEP services.

- Posting signs – A sign, in Spanish and English, is posted at the front-desk reception area to notify LEP individuals of any available services and how to obtain these services.
- Outreach documents – Key BRTB outreach documents will include a notice that some language assistance services are available. This notice will be listed in both Spanish and English.
- Community Organizations – The BRTB will notify area community-based organizations and other stakeholders of available language assistance services.
- Public Notices – The BRTB will periodically issue notices, in Spanish and English, about available LEP services to local Spanish-language newspapers in the region.





Current budget and staff limitations preclude the BRTB from implementing all available notification techniques. However, in the future, the BRTB will consider additional notification methods, including:

- Automated telephone voice mail attendant or menu system – To provide information about available language assistance services and how LEP individuals can access them.
- Radio announcements – Provide notices on area Spanish-language radio stations about available language assistance services and how to access them.
- Community presentations – Provide presentations and/or notices in Spanish at schools and religious organizations.

## Monitoring and Updating the LEP Plan

The BRTB will monitor changing population levels and the language needs of LEP individuals in the region.

An annual review of this LEP plan will coincide with the annual public review of the Public Participation Plan. The Citizens Advisory Committee (CAC) and other BRTB committees will be asked to assist in this annual evaluation. The Language Access Coordinator will also keep a record of any LEP services provided and will make this information available during the annual review process.

In the future, the BRTB will consider conducting further assessment such as:

- Conducting surveys or focus groups
- Developing an evaluation tool to assess LEP service provision
- Establishing a tracking system to collect primary language data for individuals that participate in programs and activities.

### LEP complaint processing

The BRTB has established the following complaint procedure and process that meets Title VI requirements.

### Discrimination Policy

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses Environmental Justice in minority and low-income populations. Presidential Executive Order 13166 addresses providing equal access to services and benefits to those individuals with Limited English Proficiency (LEP). The rights of women, the elderly and the disabled are protected under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

*"No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance"*

Title VI prohibits the following actions for recipients of federal assistance. Recipients (hereinafter sometimes referred to as Recipient, Recipients, Subrecipients or Subrecipient) of federal assistance (either directly or through contractual means), on the grounds of race, color, or national origin shall not:

1. Deny a person the chance to participate as a member of a planning or advisory body that is an integral part of the program.
2. Provide a service or benefit to an individual that is inferior (either in quantity or quality) to that provided to others in the program.
3. Provide an individual with a service or benefit in a manner different from others under the program.
4. Address an individual in a manner that denotes inferiority because of race, color, or national origin.
5. Subject an individual to segregation in any manner related to the receipt of services or benefits under the program.

6. Subject an individual to separate treatment in any manner related to receiving services or benefits under the program.
7. Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program.
8. Require different standards or conditions as prerequisites for accepting an individual into a program.
9. Deny an individual any service or benefit provided under the program.
10. Use criteria or methods of administration which have the effect of subjecting individuals to discrimination or operate to defeat or substantially impair the accomplishment of the objectives of the program.
11. Permit discriminatory activity in a facility built in whole or in part with federal funds.
12. Fail to provide service or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English speaking ability.
13. Fail to advise the population eligible to be served or benefited by the program of the existence of the program.
14. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment.
15. Locate a facility in any way that would limit or impede access to a federally funded service or benefit.



### Complaint Procedure

As a recipient of federal financial assistance, the Baltimore Regional Transportation Board (BRTB) has in place the following Title VI complaint procedure.

1. **Submit complaint:** Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination

or retaliation, from the Baltimore Regional Transportation Board administration of federally funded programs, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. Such complaint must be filed within 30 calendar days after the date the person believes the discrimination occurred.

**Submit written complaints to:**

Harvey S. Bloom, Secretary  
Baltimore Regional Transportation Board  
2700 Lighthouse Point East  
Suite 310  
Baltimore, MD 21224

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination and shall include the following information:

- Name, address, and phone number of the Complainant.
- A written statement of the complaint, including the following details:
  - (a) Basis of complaint (i.e., race, color, national origin or language, disability, religion,



- familial status, or retaliation).
  - (b) The nature of the incident that led the complainant to feel discrimination was a factor.
  - (c) A detailed explanation of the alleged discriminatory act(s).
  - (d) The date or dates on which the alleged discriminatory event or events occurred.
  - (e) If applicable, name(s) of alleged discriminating official(s).
- Other agencies (state, local or Federal) where the complaint is also being filed (optional).
  - Complainant's signature and date.



- 2. Review and Response:** Upon receipt of the Complaint, the BRTB Secretary shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint.

Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the BRTB's processes relative to Title VI and environmental justice, as appropriate.

The staff review officer(s) shall forward their recommendations to the BRTB Secretary, for concurrence. If the BRTB concurs, the BRTB Secretary shall issue the BRTB's written response to the

Complainant. This response shall be issued no later than 30 calendar days after the date the BRTB Secretary received the Complaint. If more time is required, the BRTB Secretary shall notify the complainant of the estimated time-frame for completing the review.

- 3. Appeal:** The Complainant may appeal the BRTB Secretary's response to the Complaint by submitting a written appeal to the BRTB Chair no later than 15 calendar days after receipt of the BRTB Secretary's written response. A response to any appeals will be issued by the BRTB Chair within 15 days of receipt.
- 4. Submission of Complaint to the Maryland Department of Transportation:** If the Complainant is dissatisfied with the BRTB's resolution of the Complaint, he or she may also submit a complaint to the Maryland Department of Transportation for investigation. In accordance with Chapter VII, Title VI Discrimination Complaints, of Federal Transit Administration Circular 4702.1A, such a complaint must be submitted within 180 calendar days after the

date of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which outlines the complaint process to the Department of Transportation, may be obtained online at [www.fta.dot.gov](http://www.fta.dot.gov). Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

These procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

For more information, please contact Harvey S. Bloom at 410-732-9566.



**DISCRIMINATION COMPLAINT AGAINST THE BRTB  
TITLE VI AND RELATED STATUTES**

**Contact Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Discrimination Complaint**

Name of Staff Person that You Believe Discriminated Against You: \_\_\_\_\_

Date of Alleged Incident: \_\_\_\_\_

- You were discriminated because of:
- |  |  |
|--|--|
| <input type="checkbox"/> Race            | <input type="checkbox"/> Color                             |
| <input type="checkbox"/> Retaliation     | <input type="checkbox"/> <b>National Origin (Language)</b> |
| <input type="checkbox"/> Sex             | <input type="checkbox"/> Age                               |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Disability                        |
| <input type="checkbox"/> Religion        | <input type="checkbox"/> Other                             |

**Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case:**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Baltimore Regional Transportation Board  
2700 Lighthouse Point East, Suite 310, Baltimore, MD 21224  
Phone: 410-732-0500 | Fax: 410-732-8248 | www.baltometro.org

## APPENDIX 1 Laws and Policies Guiding Limited English Proficiency Plans

The following matrix illustrates these laws/policy and the considerations. Under Federal Certification of metropolitan planning organizations, by the Federal Highway Administration and the Federal Transit Administration, the LEP plan will be assessed and evaluated.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>	<b>MD Senate Bill 265 - Equal Access to Public Services for Individuals with Limited English Proficiency</b>
<ul style="list-style-type: none"> <li>• Federal law</li> </ul>	<ul style="list-style-type: none"> <li>• Federal policy</li> </ul>	<ul style="list-style-type: none"> <li>• State law</li> </ul>
<ul style="list-style-type: none"> <li>• Enacted in 1964</li> </ul>	<ul style="list-style-type: none"> <li>• Signed August 2000</li> </ul>	<ul style="list-style-type: none"> <li>• Effective July 2002</li> </ul>
<ul style="list-style-type: none"> <li>• Considers all persons</li> </ul>	<ul style="list-style-type: none"> <li>• Considers eligible population</li> </ul>	<ul style="list-style-type: none"> <li>• Considers eligible population</li> </ul>
<ul style="list-style-type: none"> <li>• Contains monitoring and oversight compliance review requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Contains monitoring and oversight requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Contains monitoring requirements and a timeline for implementation. <i>(MDOT = July 2004; MTA = July 2005)</i></li> </ul>
<ul style="list-style-type: none"> <li>• Factor criteria is required, no numerical or percentage thresholds</li> </ul>	<ul style="list-style-type: none"> <li>• Factor criteria is required, no numerical or percentage thresholds</li> </ul>	<ul style="list-style-type: none"> <li>• All Maryland state agencies, departments, and programs provide equal access to public services for individuals with limited English proficiency;</li> <li>• Requires vital documents, such as applications and hearing notices, to be translated into any language spoken by any limited English proficient population that constitutes 3% of the overall population within a specified geographic area under specified circumstances.</li> </ul>
<ul style="list-style-type: none"> <li>• Provides protection on the basis of race, color, and national origin</li> </ul>	<ul style="list-style-type: none"> <li>• Provides protection on the basis of national origin</li> </ul>	
<ul style="list-style-type: none"> <li>• Focuses on eliminating discrimination in federally funded programs</li> </ul>	<ul style="list-style-type: none"> <li>• Focuses on providing LEP persons with meaningful access to services using factor criteria</li> </ul>	
<ul style="list-style-type: none"> <li>• Annual Accomplishment and Upcoming Goals Report to FHWA</li> </ul>	<ul style="list-style-type: none"> <li>• Annual Accomplishment and Upcoming Goals Report to FHWA</li> </ul>	