



**Southern Alleghenies Rural Planning
Organization (RPO)**

Limited English Proficiency (LEP) Plan

Prepared by
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SAP&DC

SOUTHERN ALLEGHENIES PLANNING
& DEVELOPMENT COMMISSION



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Southern Alleghenies Planning & Development Commission (SAP&DC) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: SAP&DC does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: SAP&DC will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in SAP&DC's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: SAP&DC will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in SAP&DC offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of SAP&DC, should contact the office of Jennifer Sklodowski at 814-949-6507, or jsklodowski@sapdc.org, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the SAP&DC to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of SAP&DC is not accessible to persons with disabilities should be directed to Jennifer Sklodowski at 814-949-6507, or jsklodowski@sapdc.org.

SAP&DC will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Overview

The Southern Alleghenies Rural Planning Organization (RPO) is responsible for transportation planning and programming in the four rural counties of Bedford, Fulton, Huntingdon, and Somerset. Southern Alleghenies Planning & Development Commission (SAP&DC) provides staff support for the Southern Alleghenies RPO. As a recipient of federal funding, SAP&DC must take reasonable steps to ensure meaningful access to the information and services it provides.

Background

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that 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 otherwise subjected to discrimination under any program or activity that received Federal financial assistance.

Executive Order 13166 “Improving Access to Service for Persons with Limited English Proficiency,” signed into law on August 11, 2000, further clarified Title VI of the Civil Rights Act of 1964. The purpose of the executive order was to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency.

The executive order required each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Each Federal agency is also required to work to ensure that recipients of Federal financial assistance also provide meaningful access to their services. The 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.

As a condition of receiving federal financial assistance, recipients are required to comply with Title VI and LEP guidelines of the federal agency from which funds are provided. The US Department of Transportation (DOT) published “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Person” in the December 14, 2005, Federal Register. This policy guidance indicates that organizations receiving DOT funds are required to follow this guidance as well:

The guidance applies to all DOT funding recipients, which include state departments of transportation; state motor vehicle administrations; airport operators; state highway safety programs; metropolitan planning organizations; regional transportation agencies; regional, state, and local transit operators; public safety agencies; hazardous materials transporters and other first responders; and state and local agencies with emergency transportation responsibilities... Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations.

Furthermore, the Pennsylvania Human Relations Act prohibits certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations Commission in the Governor's Office; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties.

Purpose

The purpose of this Limited English Proficiency (LEP) Plan is to develop procedures to ensure meaningful access for LEP individuals to information and services of the Southern Alleghenies RPO. The plan includes a needs assessment, identifies individuals who may need language assistance, identifies available resources, and outlines language assistance measures.

Limited English Proficient Individual Definition

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English are Limited English Proficient (LEP) and therefore, 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.

For the purposes of this plan, a Limited English Proficient (LEP) individual is defined as any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “less than very well.”

Limited English Proficiency Needs Assessment – The Four Factor Framework

Section V of the US DOT “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Person*” outlines a four-factor analysis for agencies to use to determine a cost-effective mix of language assistance measures and to target resources appropriately. The guidance allows local agencies the flexibility to perform their own assessment of the factors and to determine reasonable means to accommodate LEP individuals. The following is a LEP needs assessment for the Southern Alleghenies RPO in relation to the transportation planning process.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The first step of the needs assessment is to determine the number and proportion of LEP persons served or encountered in the Southern Alleghenies RPO service area. SAP&DC developed a profile of individuals that could participate in the transportation planning process and other related activities. The following is a profile of individuals in the RPO’s service area.

In order to understand the profile of individuals that could participate in the transportation planning process, demographic data for the region were reviewed. A common source of demographic information is the American Community Survey (ACS) Estimates. Although these data were historically gathered in the decennial censuses, beginning with the 2010 US Decennial Census, the census data collected focused only on population count and basic demographic characteristics. More detailed demographic data that were historically captured during the census with the long form, are now gathered as part of the ACS.

Those persons five years or older who speak a language other than English at home and who understand English less than “very well” were analyzed. **Table 1**, derived from 2014-2018 American Community Survey 5-Year Estimates, shows the number and percent of persons ages five and older, with regard to their English language skills. The overwhelming majority of the region’s population is proficient in English. Just over 1% of the population speaks English less than “very well” and would be identified as LEP individuals. Somerset County has the highest concentration of LEP persons (1.56%) and Fulton County has the lowest (0.25%).

**Table 1: Limited English Proficient Persons in the Region
2014-2018 Estimates**

County	Population 5 Years and Over	Number of LEP Persons	Percentage of LEP Persons
Bedford	46,187	384	0.83%
Fulton	13,783	34	0.25%
Huntingdon	43,388	511	1.18%
Somerset	71,515	1,112	1.56%
RPO Region	174,873	2,041	1.17%

Source: 2014-2018 American Community Survey – Table S1601: Language Spoken at Home

Table 2 summarizes the language spoken at home as a percentage of the population age five and older. It includes those who may speak a language at home other than English but who can understand English, and therefore is not reflective of the LEP population. The residents of the region are predominantly English speaking (97.0%). The most common Non-English languages spoken at home are Other Indo-European Languages (1.51%), such as Dutch, Italian, Portuguese, French, or German, and Spanish (1.04%).

**Table 2: Language Spoken at Home by Language Group
As a Percentage of the Population Age 5 and Over
2014-2018 Estimates**

County	English Only	Spanish Language	Other Indo-European Languages	Asian and Pacific Islander Languages	Other Languages
Bedford	97.4%	0.70%	1.58%	0.33%	0.01%
Fulton	98.7%	0.52%	0.59%	0.21%	0.02%
Huntingdon	96.3%	1.56%	1.37%	0.57%	0.21%
Somerset	95.7%	1.39%	2.50%	0.15%	0.26%
RPO Region	97.0%	1.04%	1.51%	0.32%	0.13%

Source: 2014-2018 American Community Survey – Table S1601: Language Spoken at Home

Table 3 shows the main language groups spoken at home by LEP individuals only. It does not include those individuals that understand English “very well”, but instead accounts for those that speak English “less than very well”. The data are displayed as a percentage of the overall population age five and older. The most common languages spoken by LEP individuals are Other Indo-European Languages. The second most common language spoken is Spanish. Asian and Pacific languages, such as Chinese, Vietnamese, Japanese, Korean, and Tagalog as well as Other Languages are also displayed in the table.

**Table 3: Language Spoken at Home by LEP Individuals by Language Group
as a Percentage of the Population Age 5 and Over
2014-2018 Estimates**

County	Spanish Language	Other Indo-European Languages	Asian and Pacific Islander Languages	Other Languages	All LEP Individuals
Bedford	0.17%	0.49%	0.18%	0.00%	0.84%
Fulton	0.07%	0.00%	0.15%	0.02%	0.24%
Huntingdon	0.51%	0.35%	0.27%	0.04%	1.17%
Somerset	0.42%	1.04%	0.04%	0.06%	1.56%
RPO Region % (#)	0.35% (611)	0.64% (1,117)	0.14% (251)	0.04% (62)	1.17% (2,041)

Source: 2014-2018 American Community Survey – Table S1601: Language Spoken at Home

Of the region’s population age five and older, the predominant languages of those who speak a language other than English at home and understand English less than “very well” include German or Germanic and Spanish. German or Germanic Languages are primarily spoken by Amish and Mennonite communities located throughout the region. **Table 4** shows the top five languages spoken at home by language group. The data are displayed as a percentage of the overall population age five and older and includes a percentage of the group that is LEP, as well as a total number of LEP individuals per language group.

**Table 4: Top Five Languages Spoken at Home by Language Group
as a Percentage of the Population Age 5 and Over, Accompanied by Percent of Group with LEP (%)
2009-2013 Estimates**

Language	Bedford	Fulton	Huntingdon	Somerset	Number of LEP Persons
Spanish	0.68% (24.29%)	0.52% (13.88%)	1.56% (32.89%)	1.38% (30.31%)	624
German or Germanic	1.26% (33.95%)	0.09% (0.00%)	0.67% (25.42%)	2.03% (37.31%)	829
Other Indo European	0.18% (29.76%)	0.28% (0.00%)	0.19% (18.29%)	0.28% (69.65%)	219
Russian, Polish, or Slavic	-	-	-	0.13% (43.96%)	40
French, Haitian, or Cajun	-	0.21% (0.00%)	0.35% (0.00%)	-	181
Chinese, Mandarin, or Cantonese	0.14% (38.49%)	0.13% (24.79%)	0.41% (45.30%)	-	113
Arabic	-	-	-	0.16% (30.00%)	36
Asian or Pacific Island	0.11% (17.31%)	-	-	-	9

The Pennsylvania Department of Health – Pennsylvania Languages Map

Note: A hyphen indicates that the data was not available.

Factor 2: The Frequency with Which LEP Individuals Come into Contact with RPO Programs, Activities, and Services

SAP&DC has been a recipient of federal dollars for transportation planning and programming for over ten years. To date, no requests have been made to SAP&DC by individuals or groups seeking other language interpreters or publications. Given the limited concentration of LEP individuals in the region, it is anticipated that they would encounter RPO programs, activities, and services infrequently.

However, SAP&DC will take proactive steps to ensure LEP individuals within the region are engaged throughout the various programs and activities by:

- Conducting surveys and outreach to communities, local LEP advocates, and social service providers,
- Generating surveys at public meetings asking LEP-related questions, and
- Logging LEP encounters maintained by the RPO and Planning Partners, as well as acquiring logs from transit providers and the counties.

Factor 3: The Importance of Programs, Activities, and Services Provided by the RPO

SAP&DC receives federal funding to provide transportation planning to the Southern Alleghenies RPO. The funds SAP&DC receives are part of the various vital documents and written communications such as the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP), the Long Range Transportation Plan (LRTP), and web content, meeting notices, and complaint forms found on SAP&DC's website.

SAP&DC must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to participate in the transportation planning process and related activities. In

performing all transportation-related studies, programs, and activities, SAP&DC includes a public involvement component. The improvements that are implemented as a result of the transportation-related studies and programs impact all residents of the region. SAP&DC makes every effort to involve all stakeholders and other interested parties in the transportation planning process. This is reinforced in the Southern Alleghenies RPO Public Participation Plan.

Factor 4: Available Resources and Overall Costs to the RPO

The RPO region has a small, rural population with a limited number of LEP individuals (slightly above 1%). Resources and staff available for transportation related activities are limited. For any activities coordinated with PennDOT District 9-0, District staff may utilize over-the-phone interpretation on behalf of the RPO. For any activities not coordinated with PennDOT District 9-0, the RPO will utilize its own resources.

SAP&DC will monitor resident population profiles and trends for increases in the LEP population and will reevaluate resources as needed.

Language Assistance Measures

Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). As a recipient of federal funds, SAP&DC must make reasonable efforts to provide interpretation services for LEP individuals. When providing interpretation services, recipients shall ensure competency of the language service provider to maintain quality and accuracy of those services provided. The US DOT Policy Guidance on LEP persons outlines a series of acceptable oral language assistance services that recipients can employ to serve LEP individuals.

As mentioned above, for any activities coordinated with the RPO's planning partner, PennDOT District 9-0, District staff may utilize over-the-phone interpretation on behalf of the RPO. For any activities not coordinated with PennDOT District 9-0, the RPO will utilize its own resources. The telephone interpreter service line offers prompt interpreting assistance in many different languages and can be used in many different situations.

Written Language Services

Through its transportation planning activities, SAP&DC is responsible for developing a number of transportation-related plans to help guide transportation decision making in the region. SAP&DC has identified the following transportation plans and documents as vital written materials:

- Transportation Improvement Program (TIP);
- Twelve Year Plan (TYP);
- Long Range Transportation Plan (LRTP); and
- Meeting notices, complaint forms, and other content found on SAP&DC's website.

SAP&DC will adhere to the following safe harbor provisions in regards to these vital written materials. Currently, the region's LEP population is under the determined threshold to warrant written translation of vital materials. If any LEP requests are made for interpretation or translation, SAP&DC will utilize the available telephone interpreter service identified above or undergo an Interactive Process, as required by LEP reasonable accommodation law. SAP&DC will regularly monitor the concentration of LEP individuals. When the population of any LEP language group exceeds the identified safe harbor provisions, SAP&DC will outline a plan to provide translation of its vital written documents.

Safe Harbor

The US DOT Policy Guidance on responsibilities to LEP individuals includes measures for a safe harbor for organizations. SAP&DC seeks to ensure with great certainty that it complies with the obligations to provide written translations. A "safe harbor" means that if a recipient has identified a plan to provide written translations under a set of circumstances, such action will be considered strong evidence of compliance with the written translation obligations under Title VI.

Under safe harbor, the following activities will be considered strong evidence of compliance with SAP&DC's written translation obligations:

- SAP&DC will provide 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. In the case of longer documents, such as the Long Range Transportation Plan (LRTP), the RPO will initially offer written translation of the Executive Summary as a cost saving measure.
- If there are fewer than 50 persons in a language group that reaches the 5% trigger above, SAP&DC will not translate vital written materials but provides written notice in the primary language of the

LEP language group of the right to receive component oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to translation services for *written documents only*. They do not affect the requirement to provide meaningful access to LEP individuals through oral interpreters where oral language services are needed and are reasonable.

Training Staff

SAP&DC will make every reasonable effort to ensure that staff is adequately trained to assist LEP individuals in person or by telephone. All staff that assist with RPO activities and all RPO committee members will be provided a copy of the LEP Plan and will be informed of the interpretation and translation services and policies that are offered to LEP individuals.

Providing Notice to LEP Persons

SAP&DC shall provide notice to LEP persons of the available language services. SAP&DC advertises all public meetings in the public notice section of the local newspapers. All RPO-related meeting announcements will mention that special assistance is available upon request at least seven days prior to the meeting date. SAP&DC will also include information and related documents on its website (www.sapdc.org) regarding available assistance for LEP individuals. Those documents will include a copy of this plan.

Monitoring and Updating the LEP Plan

SAP&DC will monitor language data for the region on an annual basis and analyze any major changes in LEP individuals. SAP&DC will also monitor the frequency of encounters with LEP Individuals. If significant changes are noted in the concentrations of LEP individuals or if there is a major increase in encounters of LEP individuals, an update to the LEP Plan will be conducted. If no significant changes in encounters or concentrations of LEP individuals are noted, the Southern Alleghenies RPO LEP Plan will be updated in conjunction with the next major update of the Southern Alleghenies RPO Public Participation Plan.