

Access to Services by Persons with LEP

A. Introduction

On Aug. 11, 2000, President Clinton signed Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. The executive order was issued to ensure accessibility to programs and services to otherwise eligible individuals not proficient in the English language.

The executive order stated that individuals with a limited ability to read, write, speak and 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. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient.

The USDOT published “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency” in the Dec. 14, 2005, Federal Register. The guidance explicitly identifies state agencies such as VTrans as organizations required to follow Executive Order 13166.

The 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.

To meet Title VI and LEP requirements of the FTA, VTrans will evaluate, on a continuing basis, activities that would be appropriate for compliance with LEP requirements.

B. Elements of an Effective LEP Policy

This LEP program has four main components to aid in identifying LEP persons so that they are provided meaningful access to VTrans services and activities that may affect their quality of life. For the purposes of this plan, only those individuals who were identified in the 2000 U.S. Census as having their ability to speak English as “not well” or “not at all” are being considered as LEP. The four components are as follows:

- 1. Identifying LEP persons who need language assistance.** According to the 2000 U.S. Census, 3,201 citizens of the state of Vermont ages 5 or older spoke English not well or not at all. The largest language-group among these LEP persons was “Other Indo-European Language” (other than Spanish), reflecting French-Canadians who are represented in rural areas across the northern tier of Vermont, and an influx of refugee populations, particularly from Bosnia during the latter half of the 1990s. This total number represents just 0.56% of the population ages 5 or older as of the 2000 Census. The most recent available data on LEP come from the three-year summary of American Community Survey data representing the years 2008-2010. This data source shows a total of 4,210 LEP persons statewide, some 0.71% of the population. Virtually all of the increase in LEP persons appears to have occurred in Chittenden County—the most populous and diverse in the state—with an increase of more than 1,100 LEP persons between 2000 and 2010. Maps presented below in the Four Factor Analysis show the number and percentages of LEP persons by town for 2000, and a table provides updated (2009) figures for the 11 municipalities with the highest figures in 2000. Other efforts to identify LEP persons besides the use of Census data are described below.

2. **Identifying ways in which language assistance will be provided.** VTrans provides oral and written translation; written interpretation and translation; and sign language, as requested, or as a result of an LEP analysis on any given project or projected program. Over the next two years, VTrans will examine its services and survey its employees and subrecipients to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to access a program, service, or activity, on an annual basis, or as needed.
3. **Training staff and others.** All VTrans staff involved in public outreach and public involvement receive training on identifying LEP populations and providing LEP translation and interpretation. Sub-recipients and the CCMPO must provide LEP services to be in compliance with Title VI and Executive Order 12898. Sub-recipient reviews are conducted to ensure compliance with this executive order.
4. **Providing notice to LEP persons.** After LEP populations have been identified, strategies are developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English). Community groups serving LEP populations are contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

C. Four Factor Analysis

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

Factor 1 – Prevalence of LEP Persons

As mentioned above, Vermont has a very low percentage of people who don't speak English well. In the 2000 Census, the figure was 0.56% and in the 2008-2010 ACS estimate, the figure was still below one percent at 0.71%. The analysis below will look at these numbers in more detail, but the LEP Guidance from DOT recommends that “[r]ecipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed.”

Within the realm of public transportation, VTrans interacts with LEP persons in two primary ways.¹ In terms of direct experience, VTrans may come in contact with LEP individuals at public meetings or public hearings associated with planning efforts. VTrans has a number of periodic planning efforts wholly within or related to public transportation that entail public review and comment:

¹ Other sections of VTrans not related to public transportation, such as the Department of Motor Vehicles, have more significant interactions with LEP individuals, but that is not of concern in this LEP analysis for FTA.

- Long Range Transportation Business Plan
- Public Transit Policy Plan
- Short Range Transit Plans
- Human Service Transportation Coordination Plan

In addition to these, there are studies of specific issues that may also entail public outreach. One example is the study of high speed rail from Boston to Montreal.

At public meetings for any of these projects, it is incumbent upon VTrans to provide a means for LEP individuals to participate in a meaningful way. In advertising the meetings, VTrans indicates that translation services are available upon request. Given the very low prevalence of LEP individuals, this service has not been requested at a meeting in the past three years. For projects located in an area with a higher prevalence of LEP persons—which is mainly restricted to central Chittenden County—VTrans and the CCMPO (if applicable) also work with community organizations representing immigrant populations to encourage participation and facilitate communication (see section XIII for more information on CCMPO outreach).

Other than these outreach efforts, there is little reason for the general public to contact VTrans directly about public transportation issues. Thus, the other primary form of interaction of LEP individuals with VTrans is through subrecipients. The nine public transit providers in Vermont have more direct contact with LEP persons than VTrans, though the degree of interaction varies across the state. It is the responsibility of the nine providers—which include one transit authority, one transit district, and seven private non-profit agencies—to deploy the resources necessary to ensure that LEP individuals have fair access to the available services. However, it is VTrans’ responsibility as the FTA grant recipient to monitor the efforts of the providers and ensure compliance with Executive Order 13166.

The forms of LEP interaction experienced by the transit providers include the following:

- Providing basic information on how to use public transit services in the area
- Purchasing fare media
- Making reservations on demand-response services such as ADA complementary paratransit, Elders and Persons with Disabilities transportation, and general public dial-a-ride
- Handling passenger complaints
- Gathering data such as on-board customer surveys.

In its ongoing communications with the transit providers and annual reviews, VTrans gauges the degree to which any of the providers have LEP interactions, and works to ensure that appropriate resources are deployed to comply with the regulations.

The maps presented below illustrate where LEP individuals reside in the state of Vermont. These are based on 2000 Census data. The first map shows the number of individuals by town who speak English “not well” or “not at all.” In 83 of the minor civil divisions, there are zero people who are “linguistically isolated” (i.e. speaking English not well or not at all). In another 119 towns, there are between 1 and 10 linguistically isolated individuals. The LEP guidance from DOT indicates lower requirements for recipients that serve “very few” LEP individuals, though this threshold is not defined. It is certainly reasonable to assume, however, that towns that have 10 or fewer LEP individuals will not generate a significant amount of needs for translation

services. In 2000, there were only six municipalities with more than 100 LEP individuals; four of these were in Chittenden County, and the other two were Rutland and Barre.

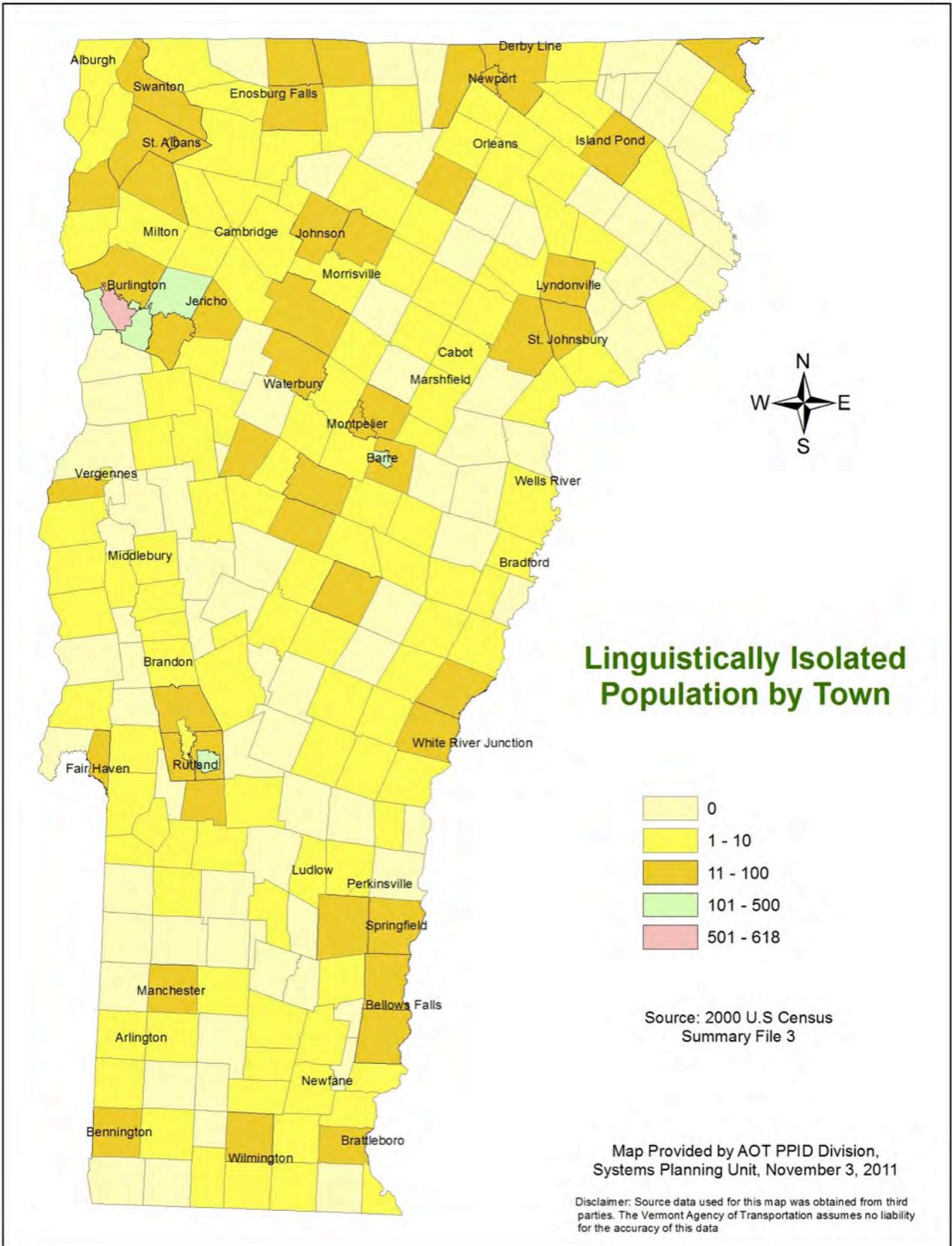
In an effort to update the information from the Census, VTrans obtained data from the 2006-2010 American Community Survey (ACS) on all of the cities and towns that had at least 50 LEP individuals in the 2000 Census or in the ACS. The table below shows how the numbers of LEP persons changed from the beginning to the end of the decade. Towns in blue ink jumped above the threshold of 50 during the decade, and towns in red ink fell below that threshold.

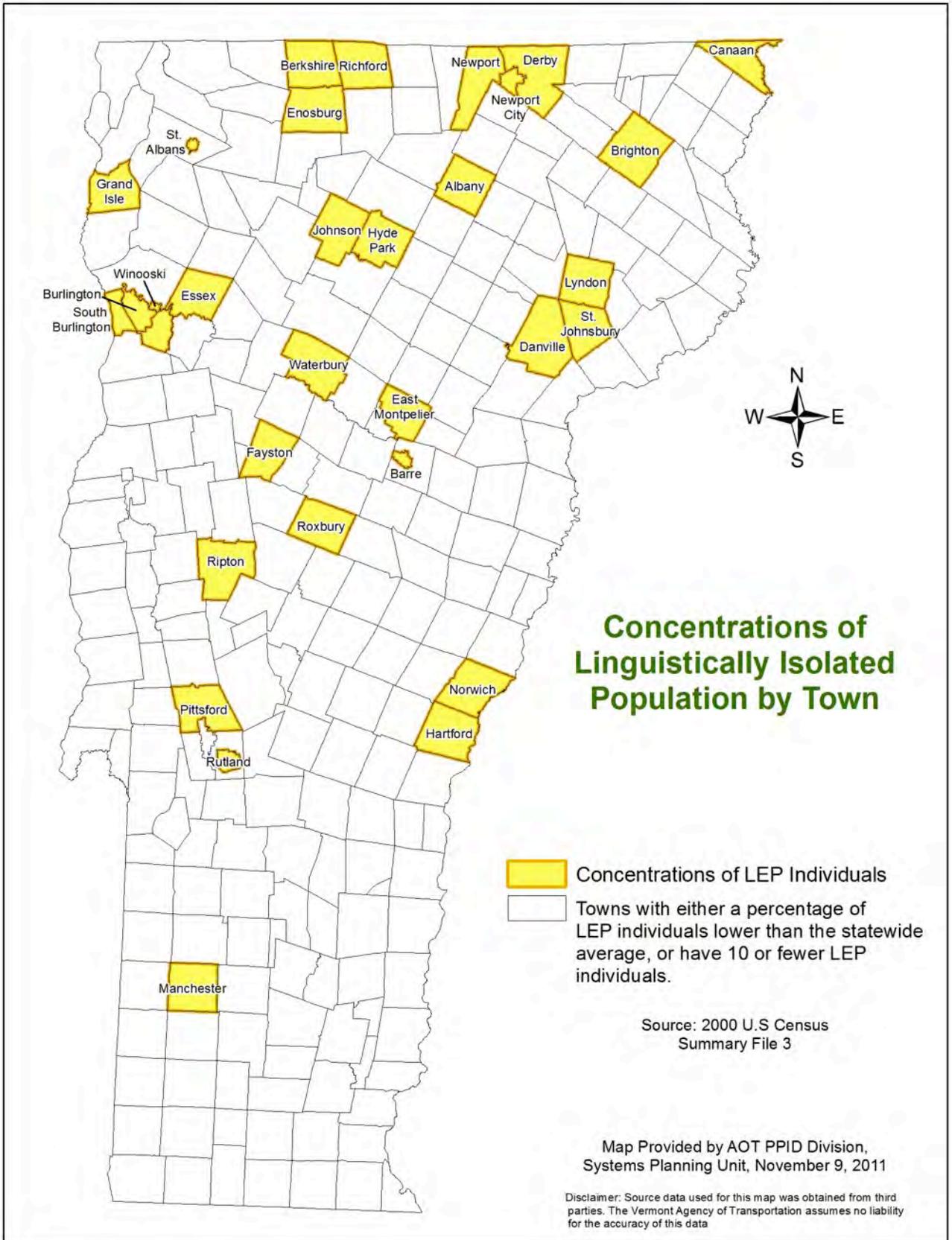
City or Town	2000 Census	2006-2010 ACS	Change
Barre city, Washington County, Vermont	222	73	-149
Bennington town, Bennington County, Vermont	68	96	28
Berkshire town, Franklin County, Vermont	11	74	63
Brattleboro town, Windham County, Vermont	48	131	83
Burlington city, Chittenden County, Vermont	618	878	260
Charlotte town, Chittenden County, Vermont	0	87	87
Colchester town, Chittenden County, Vermont	78	139	61
Essex town, Chittenden County, Vermont	112	189	77
Hartford town, Windsor County, Vermont	74	100	26
Newport City, Orleans County	75	0	-75
Rutland city, Rutland County, Vermont	107	52	-55
South Burlington city, Chittenden County, Vermont	204	181	-23
Springfield town, Windsor County, Vermont	34	112	78
St. Albans city, Franklin County, Vermont	49	95	46
St. Johnsbury Town, Caledonia County	53	9	-44
Waterbury town, Washington County, Vermont	28	73	45
Whiting town, Addison County, Vermont	0	69	69
Winooski city, Chittenden County, Vermont	151	237	86

It can be seen in the table that the data indicate significant shifts in the numbers of LEP persons at the town level. While it is possible that there were, in fact, such shifts in LEP populations in these towns—as LEP persons in 2000 learned English or moved to other locations and as new immigrants arrived in different places—it is also possible that some of the apparent changes are due to sampling error in the ACS data, which is based on a much smaller sample than the old decennial census and accumulated over five years. The large decrease in Barre City reflects an actual shift in population, as Barre had been an initial landing spot for many refugees brought here by the Vermont Refugee Resettlement Program (VRRP), based in Colchester, but most of them moved to the Burlington area during the decade.

In either case, it is clear from the data, as well as from the experience of the transit providers, that LEP is not a widespread issue in Vermont. There are only eight towns where there may be 100 or more people who don't speak English well, and almost all of these are in the core of Chittenden County. Outside of the Burlington area, there are a few pockets of LEP, such as in Brattleboro or Springfield, where there is a need to accommodate LEP persons.

The VRRP tracks the influx of refugees and immigrants on an ongoing basis and reports this information to the State Refugee Coordinator. A tally of refugees by country of origin for the period 1989 through 2010 is shown at the end of this section.





The next step in the analysis was to consider specific language groups and where there are concentrations of individuals who do not speak English well. In the maps above, it can be seen that at the town level, the numbers of people who do not speak English well are small. When these groups are broken down further into specific languages, the numbers become even smaller. Therefore, this phase of analysis was undertaken at the county level.

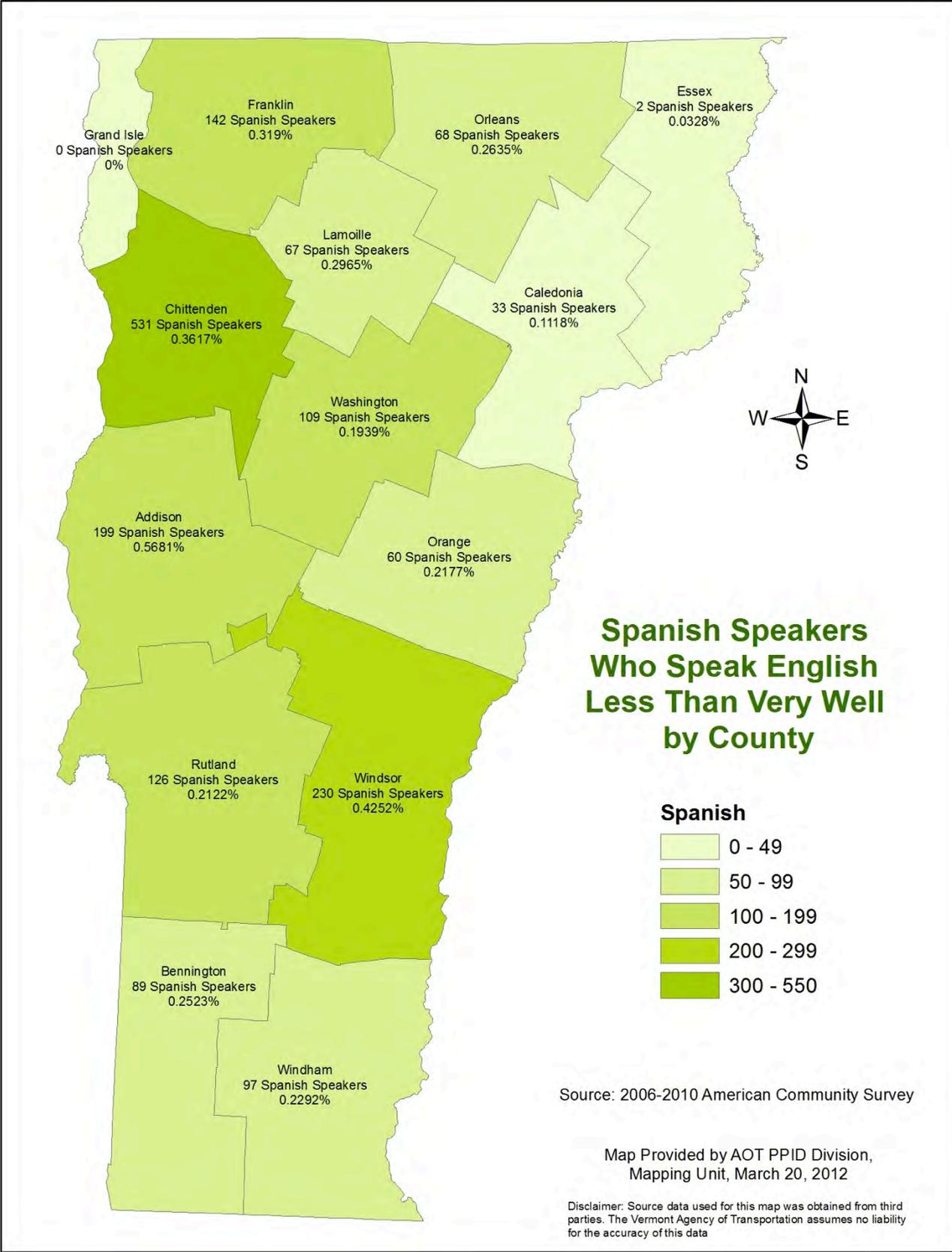
The fourteen counties in Vermont correlate roughly to the nine transit providers; for the most part, the providers' service area boundaries coincide with county boundaries. In the northern part of the state, Rural Community Transportation covers three counties, and the recently-merged Chittenden County Transportation Authority and Green Mountain Transit Agency together cover five counties. The other providers mostly cover a single county, with Windsor County being divided between Stagecoach Transportation Services and Connecticut River Transit.

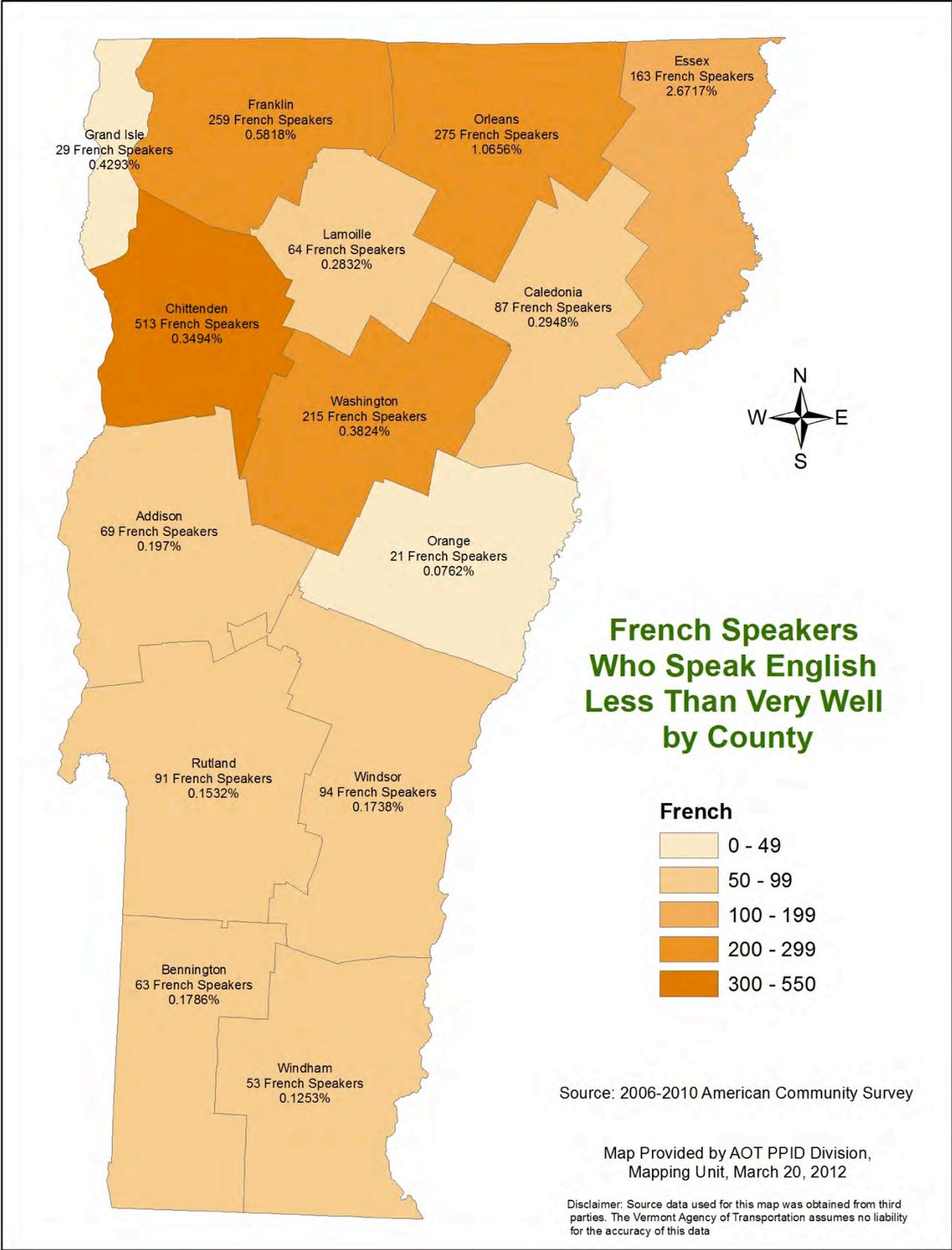
As mentioned above, most interactions between LEP individuals and the public transportation system in Vermont are likely to happen at the level of the transit provider, rather than with VTrans staff. Thus, it makes sense to consider concentrations of LEP persons by language group at the county level rather than at the town or state level.

The maps on the next two pages display the number of persons who speak English "less than very well" and whose primary language is Spanish or French. Statewide, these are the only two languages that have more than one thousand individuals who speak English less than very well. On the Spanish map, it can be seen that only two counties, Windsor and Chittenden, have over 200 Spanish-speaking individuals that speak English less than very well. In only one county, Addison, is the percentage of people in this group more than one half of one percent of the population.

On the French map, a clear bias toward the northern tier of counties is visible, due to its proximity to Quebec and historical migration patterns and interactions with the Canadian province. Four northern counties have more than 200 French-speaking individuals who speak English less than very well, and the percentage rises to 2.67% in sparsely-populated Essex County. Rural Community Transportation, which covers Essex, Orleans, and Caledonia Counties, publishes its schedule and map booklet and other documents in French and English to accommodate these individuals.

Information about all other languages spoken in Vermont is shown on the table following the maps. This information, as well as the data for the maps, is drawn from the 2006-2010 American Community Survey from the US Census. It can be seen that no language group surpasses 1,000 individuals or 5% of the population in any county in Vermont. Thus, according to the safe harbor provision in the federal guidance for LEP, oral translation services provided by VTrans, as well as access to written translations when requested, are sufficient to meet the requirements for accommodations for LEP individuals. As noted above, transit providers overseen by VTrans are addressing the needs of LEP individuals where there are sufficient numbers and concentrations to do so. As noted in section V, VTrans will continue and expand its outreach efforts to the LEP community to ensure that the needs of these individuals are met by VTrans and the transit providers.





Number of Individuals Who Speak English Less than Very Well by Language and County

Language	Vermont	Addison County	Bennington County	Caledonia County	Chittenden County	Essex County	Franklin County	Grand Isle County	Lamoille County	Orange County	Orleans County	Rutland County	Washington County	Windham County	Windsor County
Total Population	592,003	35,031	35,279	29,507	146,824	6,101	44,514	6,755	22,600	27,562	25,806	59,391	56,225	42,315	54,093
Spanish or Spanish Creole:	1,753	199	89	33	531	2	142	-	67	60	68	126	109	97	230
French (incl. Patois, Cajun):	1,996	69	63	87	513	163	259	29	64	21	275	91	215	53	94
Italian:	154	-	24	6	62	-	-	-	-	4	-	-	49	-	9
Portuguese or Portuguese Creole:	64	3	-	-	44	-	-	-	-	-	-	-	-	15	2
German:	377	8	26	2	166	-	-	3	11	14	4	6	57	31	49
Other West Germanic languages:	37	6	-	4	7	-	-	-	-	-	-	20	-	-	-
Scandinavian languages:	24	3	2	-	-	-	-	-	-	7	6	-	-	6	-
Greek:	28	-	-	-	28	-	-	-	-	-	-	-	-	-	-
Russian:	338	3	16	-	85	3	22	-	22	3	26	-	138	-	20
Polish:	188	-	42	-	103	2	-	-	-	-	-	32	-	3	6
Serbo-Croatian:	803	87	-	-	601	-	-	-	-	-	3	4	69	-	39
Other Slavic languages:	76	-	-	-	55	-	-	-	7	-	5	-	-	9	-
Armenian:	7	-	-	7	-	-	-	-	-	-	-	-	-	-	-
Gujarati:	104	-	95	-	-	-	-	-	-	-	-	-	-	-	9
Hindi:	26	-	4	-	22	-	-	-	-	-	-	-	-	-	-
Urdu:	71	-	-	-	63	-	8	-	-	-	-	-	-	-	-
Other Indic languages:	559	7	-	-	434	-	34	-	29	-	4	-	20	31	-
Other Indo-European languages:	101	-	-	-	78	-	-	-	-	-	-	10	-	-	13
Chinese:	737	6	-	-	564	-	86	-	4	-	8	41	19	8	1
Japanese:	101	5	14	4	67	2	-	-	-	-	-	5	4	-	-
Korean:	156	18	11	-	85	-	10	-	-	10	-	-	-	1	21
Mon-Khmer, Cambodian:	19	-	-	-	19	-	-	-	-	-	-	-	-	-	-
Thai:	100	2	-	-	-	-	-	-	-	1	-	7	40	50	-
Laotian:	16	-	-	-	16	-	-	-	-	-	-	-	-	-	-
Vietnamese:	623	-	6	13	506	-	-	-	-	20	-	-	8	16	54
Other Asian languages:	308	39	29	-	152	2	54	-	-	-	-	-	32	-	-
Tagalog:	67	-	-	-	53	-	-	-	-	-	-	-	9	-	5
Other Pacific Island languages:	13	-	-	-	13	-	-	-	-	-	-	-	-	-	-
Hungarian:	18	-	-	3	13	-	-	-	-	-	-	2	-	-	-
Arabic:	159	-	-	-	136	-	-	-	-	-	11	12	-	-	-
Hebrew:	46	-	-	-	42	-	-	-	-	-	-	-	-	4	-
African languages:	176	7	-	-	161	-	-	-	-	-	-	-	8	-	-
Other and unspecified languages:	17	-	-	-	-	-	-	-	-	-	-	-	17	-	-

Source: 2006-2010 American Community Survey

Percentage of Population that Speaks English Less than Very Well by Language and County

Language	Vermont	Addison County	Bennington County	Caledonia County	Chittenden County	Essex County	Franklin County	Grand Isle County	Lamoille County	Orange County	Orleans County	Rutland County	Washington County	Windham County	Windsor County
Spanish or Spanish Creole:	0.30%	0.6%	0.3%	0.1%	0.4%	0.0%	0.3%		0.3%	0.2%	0.3%	0.2%	0.2%	0.2%	0.4%
French (incl. Patois, Cajun):	0.34%	0.2%	0.2%	0.3%	0.3%	2.7%	0.6%	0.4%	0.3%	0.1%	1.1%	0.2%	0.4%	0.1%	0.2%
Italian:	0.03%		0.1%	0.0%	0.0%					0.0%			0.1%		0.0%
Portuguese or Portuguese Creole:	0.01%	0.0%			0.0%									0.0%	0.0%
German:	0.06%	0.0%	0.1%	0.0%	0.1%			0.0%	0.0%	0.1%	0.0%	0.0%	0.1%	0.1%	0.1%
Other West Germanic languages:	0.01%	0.0%		0.0%	0.0%							0.0%			
Scandinavian languages:	0.00%	0.0%	0.0%							0.0%	0.0%			0.0%	
Greek:	0.00%				0.0%										
Russian:	0.06%	0.0%	0.0%		0.1%	0.0%	0.0%		0.1%	0.0%	0.1%		0.2%		0.0%
Polish:	0.03%		0.1%		0.1%	0.0%						0.1%		0.0%	0.0%
Serbo-Croatian:	0.14%	0.2%			0.4%						0.0%	0.0%	0.1%		0.1%
Other Slavic languages:	0.01%				0.0%				0.0%		0.0%			0.0%	
Armenian:	0.00%			0.0%											
Gujarati:	0.02%		0.3%												0.0%
Hindi:	0.00%		0.0%		0.0%										
Urdu:	0.01%				0.0%		0.0%								
Other Indic languages:	0.09%	0.0%			0.3%		0.1%		0.1%		0.0%		0.0%	0.1%	
Other Indo-European languages:	0.02%				0.1%							0.0%			0.0%
Chinese:	0.12%	0.0%			0.4%		0.2%		0.0%		0.0%	0.1%	0.0%	0.0%	0.0%
Japanese:	0.02%	0.0%	0.0%	0.0%	0.0%	0.0%						0.0%	0.0%	0.0%	0.0%
Korean:	0.03%	0.1%	0.0%		0.1%		0.0%			0.0%				0.0%	0.0%
Mon-Khmer, Cambodian:	0.00%				0.0%										
Thai:	0.02%	0.0%								0.0%		0.0%	0.1%	0.1%	
Laotian:	0.00%				0.0%										
Vietnamese:	0.11%		0.0%	0.0%	0.3%					0.1%			0.0%	0.0%	0.1%
Other Asian languages:	0.05%	0.1%	0.1%		0.1%	0.0%	0.1%						0.1%		
Tagalog:	0.01%				0.0%								0.0%		0.0%
Other Pacific Island languages:	0.00%				0.0%										
Hungarian:	0.00%			0.0%	0.0%							0.0%			
Arabic:	0.03%				0.1%						0.0%	0.0%			
Hebrew:	0.01%				0.0%									0.0%	
African languages:	0.03%	0.0%			0.1%								0.0%		
Other and unspecified languages:	0.00%												0.0%		

Source: 2006-2010 American Community Survey

Factor 2 – Frequency of Contact with LEP Persons

As indicated in discussion of Factor 1, VTrans is most likely to have direct contact with LEP individuals at public meetings associated with public transportation planning efforts. VTrans operates no transit service. VTrans staff does handle phone calls and e-mails from the public for its vanpool/rideshare program, Go Vermont. Though in four and a half years there have been no LEP persons calling in to use this service, on call translation via telephone is available if anyone should do so (see table at the end of this section).

The following is a list of all public meetings held by VTrans over the past three years that were related to FTA-funded activities.

Public Meeting	Date	Location	Agency
Short Range Public Transportation Plans public meeting	7/14/2008	Montpelier City Hall	GMTA
Short Range Public Transportation Plans public meeting	7/15/2008	Contois Auditorium, Burlington City Hall	CCTA
Short Range Public Transportation Plans public meeting	7/15/2008	NVDA Office, St. Johnsbury	RCT
Short Range Public Transportation Plans public meeting	7/16/2008	State Building, 1st Fl. Conf. Room, St. Albans	NVPTN
Short Range Public Transportation Plans public meeting	7/21/2008	Ilisley Library, Middlebury	ACTR
Short Range Public Transportation Plans public meeting	7/21/2008	Hotel Coolidge, White River Junction	AT
Short Range Public Transportation Plans public meeting	7/22/2008	Memorial Hall, Weathersfield	CRT
Short Range Public Transportation Plans public meeting	7/23/2008	Rutland Regional Medical Center	MVRTD
Short Range Public Transportation Plans public meeting	7/24/2008	Brattleboro City Hall	CRT and Beeline
Public Transit Advisory Council Meetings, open to the public	5/5/2010	VTrans headquarters, Montpelier	3 VPTA reps, elders, center for independent living, gov. officials, citizens.
Public Transit Advisory Council Meetings, open to the public	10/6/2010	VTrans headquarters, Montpelier	3 VPTA reps, elders, center for independent living, gov. officials, citizens.
Public Transit Policy Plan, advertised interpreters and translators and accessible locations with transportation.	2/7/2011	Vermont Interactive Television statewide broadcast	All Vermont
Public Transit Advisory Council Meetings, open to the public	2/8/2011	Central VT Regional Planning Comm.	All Vermont
Public Transit Advisory Council Meetings, open to the public	2/9/2011	Connecticut River Transit	All Vermont