LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Prepared by:

Lehigh Valley Planning Commission

for the

Lehigh Valley Transportation Study

December 2016
The preparation of this report has been financed in part through grants from the U.S. Department of Transportation and the Pennsylvania Department of Transportation. The contents of this report reflect the views of the authors, who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official policies of either the U.S. Department of Transportation, Federal Highway Administration, Federal Transit Administration or the Commonwealth of Pennsylvania at the time of publication. This report does not constitute a standard, specification or regulation.

The Lehigh Valley Transportation Study (MPO) is committed to compliance with nondiscrimination requirements of civil rights statutes, executive orders, regulations and policies applicable to the programs and activities it administers. Accordingly, the MPO is dedicated to ensuring that program beneficiaries are not excluded from participation in or denied the benefits of its services based upon race, color, national origin, sex, age, disability or economic status.

Documents will be made available in alternative languages or formats if requested. Persons requiring additional accommodations or those with questions should call Michael Donchez, Senior Transportation Planner (610) 264-4544.
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EXECUTIVE SUMMARY

The Lehigh Valley Metropolitan Planning Organization (MPO) developed a Limited English Proficiency (LEP) Plan covering Lehigh and Northampton counties. The plan identifies Limited English Proficient populations by geographic location and by language spoken. A person is considered Limited English Proficient if they do not speak English as their primary language and have a limited ability to read, speak, write or understand English. Federal legislation on Title VI of the Civil Rights Act of 1964, Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” and the U.S. Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency Persons are addressed.

The Lehigh Valley Planning Commission prepares various transportation plans and programs utilizing funding that is, in part, from federal financial sources and thus is considered a designated recipient of federal funds to which Executive Order 13166 applies.

The plan outlines a four factor analysis that identifies:

1. the number or proportion of LEP persons served or encountered in the eligible service population;
2. the frequency with which LEP individuals come in contact with the program, activity or service;
3. the nature and importance of the program, activity or service provided by the program; and
4. the resources available to the recipient and costs.

An implementation section follows the four factor analysis and contains five major elements:

1. Identifying LEP individuals who need language assistance;
2. Providing language assistance measures;
3. Staff training on LEP policies and procedures;
4. Providing notice to LEP persons of the availability of language assistance services; and
5. Monitoring and updating the LEP Plan.

Implementation of the plan helps to ensure that LEP persons are provided meaningful access to the benefits, services, information and other important portions of programs and activities.
INTRODUCTION

A Limited English Proficient (LEP) person is an individual who does not speak English as their primary language and has a limited ability to read, speak, write or understand English.

For most people residing in the United States, English is the only language spoken in the home. However, many languages other than English are spoken in homes across the country, state and region. Data on speakers of languages other than English and on their English-speaking ability provide more than an interesting portrait of our region.

A major use of language data includes allocation of educational funds to states for helping schools teach students with lower levels of English proficiency. Agencies rely on these data to determine how and where to provide language assistance service. Many other institutions, organizations, local governments and private enterprises make use of these data in similar ways. On August 11, 2000, President Clinton signed an executive order requiring federal agencies to identify the need for services to those with Limited English Proficiency (LEP) and to implement a system to provide meaningful access to language assistance services.

Language use, English-speaking ability and linguistic isolation data are currently collected in the American Community Survey. In the past, various questions on language use were asked in the censuses from 1890 to 1970. The three questions below were asked in the census in 1980, 1990, and 2000 and are the same questions asked in the American Community Survey.

a. Does this person speak a language other than English at home?
   - Yes
   - No

b. What is this language? (For example: Korean, Italian, Spanish, Vietnamese)

c. How well does this person speak English?
   - Very well
   - Well
   - Not well
   - Not at all

These three questions, and subsequent responses, are the foundation from which this LEP plan is developed.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND EXECUTIVE ORDER 13166 LANGUAGE ACCESS PLAN**

The basis for the development of an LEP plan stems from two federal documents: Title VI of the Civil Rights Act of 1964 and Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency”.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color or national origin. Specifically it states that:

“No person in the United States shall, on the ground 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 financial assistance.”

Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” was signed by President William J. Clinton in August 2000. The order directs federal agencies to break down language barriers by implementing consistent standards of language assistance across agencies and among all recipients of federal financial assistance. Under this flexible standard, agencies and recipients must take reasonable steps to provide meaningful access to their programs and activities. Specifically:
“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.”

Since the passage of this legislation, federal agencies were directed to provide guidance and technical assistance to recipients of federal funds to ensure Limited English Proficient individuals are provided meaningful access to programs and activities.

**U.S. DEPARTMENT OF TRANSPORTATION GUIDANCE**

The U.S. Department of Transportation (U.S. DOT) on Wednesday, December 14, 2015 published in the Federal Register, Volume 70, No. 239, Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency Persons. The guidance specifically states:

“Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use the guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.”

In addition, the policy guidance documents that a four factor approach be utilized for determining a recipient’s obligation to provide LEP services. These four factors include:

1. **The number or proportion of LEP persons served or encountered in the eligible service population;**

2. **The frequency with which LEP individuals come in contact with the program, activity or services;**

3. **The nature and importance of the program, activity or service provided by the program; and**

4. **The resources available to the recipient and costs.**

**APPLICABILITY TO THE REGION**

The Lehigh Valley Transportation Study (LVTS) is the federally-designated Metropolitan Planning Organization (MPO) for Lehigh and Northampton counties. The Lehigh Valley Planning Commission staff serves as staff for the MPO, preparing various transportation plans and programs for MPO adoption to ensure the region remains eligible to receive federal funding for transportation infrastructure investments. Funding for the preparation of those plans and programs is provided, in part, from federal financial assistance. Thus, the MPO is considered a designated recipient of federal funds to which Executive Order 13166 applies.

**FOUR FACTOR ANALYSIS**

The Lehigh Valley Transportation Study utilized the four factor analysis approach to determine the extent of its obligation to provide LEP services. This approach represents a starting point that balances the four factors considered in this analysis. U.S. DOT policy guidance on recipient responsibilities to LEP persons was followed. This approach will ensure that reasonable steps are taken to provide meaningful access to MPO programs and activities by LEP persons. The four factors are:

1. **The number or proportion of LEP persons served or encountered in the eligible service population.**

   A comprehensive understanding of the region’s language demographics is necessary for developing an LEP implementation plan. The greater the number or proportion of LEP persons from a particular language group within the Lehigh Valley, the more likely language translation services are needed. Language demographic data was obtained from the U.S. Census Bureau’s American Community Survey. The American Community Survey is conducted annually on a national representative sample.
Data from the survey is now compiled into one- and five-year estimates. A 2010-2014 five-year data set was utilized due to its largest sample size and highest reliability. This data set is most useful when analyzing small populations.

Table 1, Map 1 and Map 2 depict Limited English Proficiency data extrapolated from the 2010-2014 American Community Survey for individuals over five years of age. This data is depicted at the municipal level. The Lehigh Valley is comprised of 62 municipalities residing within either Lehigh or Northampton counties.

Within Lehigh County, the City of Allentown comprises the highest number of Limited English Proficient populations at 19,737. Whitehall Township, South Whitehall Township, Lower Macungie Township and the City of Bethlehem follow in decreasing order, each with over 1,000 LEP individuals. Lehigh County municipalities with the largest percentage of LEP individuals include, in decreasing order, the City of Allentown at 18.0%, Whitehall Township at 9.0%, South Whitehall Township at 7.4%, Fountain Hill Borough at 6.4%, City of Bethlehem at 5.8%, Salisbury Township at 5.6%, Catasauqua Borough and Macungie Borough both at 5.2%.

Within Northampton County, the City of Bethlehem comprises the highest number of Limited English Proficient populations at 4,937. The City of Easton is the only other municipality in Northampton County with over 1,000 LEP individuals at 2,044. Northampton County municipalities with the highest percentage of LEP individuals include, in decreasing order, Freemansburg Borough at 11.7%, City of Bethlehem at 9.4% and the City of Easton at 8.1%.

As depicted on Map 1, these municipalities are located in the central urban core of the region in older, established communities.

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<table>
<thead>
<tr>
<th>Municipality</th>
<th>Total Population Age 5+ Years</th>
<th>Population Identified As Speaking English Less Than Very Well</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allentown</td>
<td>109,652</td>
<td>19,737</td>
<td>18.0%</td>
</tr>
<tr>
<td>Whitehall Twp.</td>
<td>25,786</td>
<td>2,321</td>
<td>9.0%</td>
</tr>
<tr>
<td>South Whitehall Twp.</td>
<td>18,359</td>
<td>1,359</td>
<td>7.4%</td>
</tr>
<tr>
<td>Lower Macungie Twp.</td>
<td>29,378</td>
<td>1,087</td>
<td>3.7%</td>
</tr>
<tr>
<td>Bethlehem (part)</td>
<td>18,516</td>
<td>1,074</td>
<td>5.8%</td>
</tr>
<tr>
<td>Upper Macungie Twp.</td>
<td>20,363</td>
<td>876</td>
<td>4.3%</td>
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<tr>
<td>Salisbury Twp.</td>
<td>12,762</td>
<td>716</td>
<td>5.6%</td>
</tr>
<tr>
<td>Upper Saucon Twp.</td>
<td>14,677</td>
<td>382</td>
<td>2.6%</td>
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<tr>
<td>North Whitehall Twp.</td>
<td>15,323</td>
<td>322</td>
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<tr>
<td>Catasauqua</td>
<td>6,137</td>
<td>319</td>
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<tr>
<td>Emmaus</td>
<td>10,598</td>
<td>276</td>
<td>2.6%</td>
</tr>
<tr>
<td>Fountain Hill</td>
<td>4,305</td>
<td>276</td>
<td>6.4%</td>
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<tr>
<td>Washington Twp.</td>
<td>6,508</td>
<td>182</td>
<td>2.8%</td>
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<tr>
<td>Macungie</td>
<td>2,986</td>
<td>155</td>
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<tr>
<td>Coplay</td>
<td>3,078</td>
<td>89</td>
<td>2.9%</td>
</tr>
<tr>
<td>Slatington</td>
<td>3,990</td>
<td>84</td>
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<tr>
<td>Hanover Twp.</td>
<td>1,578</td>
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<tr>
<td>Upper Milford Twp.</td>
<td>7,079</td>
<td>57</td>
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<tr>
<td>Lynn Twp.</td>
<td>4,025</td>
<td>52</td>
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<tr>
<td>Coopersburg</td>
<td>2,124</td>
<td>40</td>
<td>1.9%</td>
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<tr>
<td>Lower Milford Twp.</td>
<td>3,646</td>
<td>40</td>
<td>1.1%</td>
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<tr>
<td>Weisenberg Twp.</td>
<td>4,805</td>
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<tr>
<td>Lowhill Twp.</td>
<td>2,111</td>
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<tr>
<td>Heidelberg Twp.</td>
<td>3,248</td>
<td>10</td>
<td>0.3%</td>
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<tr>
<td>Alburtis</td>
<td>2,220</td>
<td>4</td>
<td>0.2%</td>
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<tr>
<td><strong>LEHIGH COUNTY</strong></td>
<td><strong>333,274</strong></td>
<td><strong>29,561</strong></td>
<td><strong>8.9%</strong></td>
</tr>
<tr>
<td>Municipality</td>
<td>Total Population Age 5+ Years</td>
<td>Population Identified As Speaking English Less Than Very Well</td>
<td>Percentage</td>
</tr>
<tr>
<td>---------------------------</td>
<td>------------------------------</td>
<td>-------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Bethlehem (part)</td>
<td>52,520</td>
<td>4,937</td>
<td>9.4%</td>
</tr>
<tr>
<td>Easton</td>
<td>25,231</td>
<td>2,044</td>
<td>8.1%</td>
</tr>
<tr>
<td>Bethlehem Twp.</td>
<td>23,026</td>
<td>990</td>
<td>4.3%</td>
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<tr>
<td>Palmer Twp.</td>
<td>19,629</td>
<td>707</td>
<td>3.6%</td>
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<tr>
<td>Forks Twp.</td>
<td>14,109</td>
<td>607</td>
<td>4.3%</td>
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<tr>
<td>Hanover Twp.</td>
<td>10,532</td>
<td>453</td>
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<tr>
<td>Northampton</td>
<td>9,415</td>
<td>330</td>
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<tr>
<td>Freemansburg</td>
<td>2,429</td>
<td>284</td>
<td>11.7%</td>
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<tr>
<td>Wilson</td>
<td>7,484</td>
<td>180</td>
<td>2.4%</td>
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<tr>
<td>Upper Mt. Bethel Twp.</td>
<td>6,359</td>
<td>165</td>
<td>2.6%</td>
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<tr>
<td>Williams Twp.</td>
<td>5,776</td>
<td>162</td>
<td>2.8%</td>
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<tr>
<td>Moore Twp.</td>
<td>8,796</td>
<td>132</td>
<td>1.5%</td>
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<tr>
<td>Lower Saucon Twp.</td>
<td>10,260</td>
<td>113</td>
<td>1.1%</td>
</tr>
<tr>
<td>Lehigh Twp.</td>
<td>10,025</td>
<td>110</td>
<td>1.1%</td>
</tr>
<tr>
<td>Lower Nazareth Twp.</td>
<td>5,533</td>
<td>100</td>
<td>1.8%</td>
</tr>
<tr>
<td>Nazareth</td>
<td>5,367</td>
<td>97</td>
<td>1.8%</td>
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<tr>
<td>Allen Twp.</td>
<td>4,149</td>
<td>83</td>
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<tr>
<td>Wind Gap</td>
<td>2,564</td>
<td>72</td>
<td>2.8%</td>
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<tr>
<td>Washington Twp.</td>
<td>4,860</td>
<td>63</td>
<td>1.3%</td>
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<tr>
<td>Upper Nazareth Twp.</td>
<td>6,075</td>
<td>55</td>
<td>0.9%</td>
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<tr>
<td>Plainfield Twp.</td>
<td>5,890</td>
<td>53</td>
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<tr>
<td>Roseto</td>
<td>1,670</td>
<td>47</td>
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<tr>
<td>West Easton</td>
<td>1,283</td>
<td>44</td>
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<tr>
<td>East Allen Twp.</td>
<td>4,759</td>
<td>43</td>
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<tr>
<td>Bushkill Twp.</td>
<td>7,965</td>
<td>40</td>
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<tr>
<td>Lower Mt. Bethel Twp.</td>
<td>3,040</td>
<td>30</td>
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<tr>
<td>East Bangor</td>
<td>1,145</td>
<td>29</td>
<td>2.5%</td>
</tr>
<tr>
<td>Pen Argyl</td>
<td>3,409</td>
<td>24</td>
<td>0.7%</td>
</tr>
<tr>
<td>Tatamy</td>
<td>909</td>
<td>23</td>
<td>2.5%</td>
</tr>
<tr>
<td>Hellertown</td>
<td>5,601</td>
<td>22</td>
<td>0.4%</td>
</tr>
<tr>
<td>North Catasauqua</td>
<td>2,653</td>
<td>21</td>
<td>0.8%</td>
</tr>
<tr>
<td>Walnutport</td>
<td>1,949</td>
<td>16</td>
<td>0.8%</td>
</tr>
<tr>
<td>Bath</td>
<td>2,481</td>
<td>12</td>
<td>0.5%</td>
</tr>
<tr>
<td>Glendon</td>
<td>335</td>
<td>6</td>
<td>1.8%</td>
</tr>
<tr>
<td>Stockertown</td>
<td>961</td>
<td>4</td>
<td>0.4%</td>
</tr>
<tr>
<td>Bangor</td>
<td>4,878</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Chapman</td>
<td>159</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Portland</td>
<td>485</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Bethlehem (Total L &amp; N)</td>
<td>37,988</td>
<td>2,065</td>
<td>5.4%</td>
</tr>
<tr>
<td>NORTHAMPTON COUNTY</td>
<td>283,711</td>
<td>12,094</td>
<td>4.3%</td>
</tr>
<tr>
<td>LEHIGH VALLEY</td>
<td>616,985</td>
<td>41,656</td>
<td>6.8%</td>
</tr>
</tbody>
</table>

Source: 2010–2014 American Community Survey 5-Year Estimates
Table 2 depicts the total population five years of age and older who indicated that they speak English “less than very well” for the ten most predominant languages. In Lehigh County, the most prevalent language spoken by LEP individuals is Spanish, followed by Arabic, Chinese, Vietnamese, Polish, German, Gujarati, African, French and Portuguese. In Northampton County, the most prevalent language spoken by LEP individuals is Spanish, followed by other Indic languages, Chinese, Italian, German, Portuguese, Arabic, Vietnamese, French and African. This pool represents the LEP persons likely to be encountered by a recipient’s program or activity. Data depicted in red indicates high concentrations of LEP populations by absolute number or percentage for a particular municipality and language group. This information is portrayed in Map 3.

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</tr>
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<td>19,737</td>
<td>16,857</td>
<td>47</td>
<td>15</td>
<td>29</td>
<td>12</td>
<td>91</td>
<td>193</td>
<td>520</td>
<td>1,284</td>
<td>138</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bethlehem (part)</td>
<td>18,516</td>
<td>1,074</td>
<td>223</td>
<td>30</td>
<td>16</td>
<td>20</td>
<td>0</td>
<td>19</td>
<td>7</td>
<td>58</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Catasauqua</td>
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<td>0</td>
<td>69</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Coopersburg</td>
<td>2,124</td>
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<td>0</td>
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**Note:** Numbers in red indicate high concentrations of LEP populations by absolute number or percentage.
MAP 3
LIMITED ENGLISH PROFICIENCY MUNICIPALITIES WITH HIGH LEP POPULATION CONCENTRATIONS

Limited English Proficiency (LEP)
Language Breakdown
- Spanish and Arabic
- Spanish
2. **The frequency with which LEP individuals come in contact with the program, activity or service.**

A recipient of federal funding has greater responsibility to provide enhanced language services to LEP individuals accessing a program or service on a regular basis than if access was sporadic or infrequent. The development of long range transportation plans (LRTP), Transportation Improvement Programs (TIP) and Public Participation Plans has involved concerted efforts at engaging the LEP demographic by use of WFMZ-TV 69 Spanish News Television, the posting of public notices in alternative languages and outreach to inner-city, community-based organizations. These efforts are documented in the Lehigh Valley Transportation Study Public Participation Plan. Although the Lehigh Valley LEP population is diverse with numerous languages spoken, no comments, questions or requests for information have been received from LEP population groups.

3. **The nature and importance of the program, activity or service provided by the program.**

LVTS develops and maintains a host of plans and programs including but not limited to:

- Transportation Improvement Program,
- Long Range Transportation Plan,
- Public Participation Plan,
- Comprehensive Plan for the Lehigh Valley,
- Lehigh Valley Regional Freight Plan,
- Congestion Management Process,
- Access Management Plan,
- Unified Planning Work Program,
- Coordinated Public Transit-Human Services Transportation Plan (CPTHSTP), and
- Traffic Safety Reports.

Both the TIP and LRTP represent the region’s multimodal infrastructure investment plans and are a core component of the region’s planning efforts. Transportation infrastructure impacts everyone regardless of income, poverty status or language barriers, even those who do not own an automobile and consequently utilize public transportation or pedestrian infrastructure. The CPTHSTP identifies gaps in public transit services and strives to address and minimize those gaps. These plans and programs work in unison with each other to seamlessly address critical infrastructure and service needs through a combination of federal, state and local funding. These plans and programs are of high importance to not only the LEP population, but all regional populations. The LVTS is committed to ensuring access of its various plans and programs to not only LEP individuals, but all groups both within and beyond its jurisdictional boundaries.

4. **The resources available to the recipient and costs.**

A recipient’s level of resources and costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. LVTS has the following resources available at its disposal to provide meaningful access:

**Local Media**

The Lehigh Valley region offers several no-cost and low-cost resources. Regional newspapers such as the Morning Call and Express Times and smaller community newspapers (such as El Torrero and El Hispano), offer low-cost advertising/public notice placement. Spanish Radio (HOLA), local TV News (WFMZ-TV 69 Spanish News), and social media (Facebook, Twitter) provide no-cost options for public service announcements. These outlets either offer free or low-cost options for resource outreach.
Language Translation Services

The Pennsylvania Department of Transportation (PennDOT) maintains a contract with Propio Language Services to provide both spoken over-the-phone and written translations into non-English languages. This no-cost service may be used as warranted. Additionally, on-site interpreters may be permitted that are family members, friends, or other informal interpreters of LEP persons or groups to provide meaningful access to important plans and programs at their own expense, either in place of or to supplement the free language services provided by the recipient.

Bilingual staff, as available, may also be used to provide translation services. This option provides the benefit of having knowledge in both languages of any specialized terms unique to the recipient’s plans and programs.

I-Speak Identification Cards will be used to easily and quickly identify spoken and written languages.

Lehigh and Northampton Transportation Authority (LANta)

LANta’s buses provide an opportunity for information dissemination. LANta buses have been and will continue to be used for the posting of notices in alternative languages. Notices have been placed on both LANta’s buses as well as their website in alternative languages. The distribution of notices will be expanded to include placement at transit transfer centers. LANta’s marketing department has been utilized for the translation of notices into non-English speaking languages.

Targeted Outreach

A targeted, proactive, public outreach program was developed and consists of meeting with representatives of social service agencies that provide services to those groups traditionally underrepresented in the transportation planning process. These agencies have typically been located in the urban core of the region where limited English proficiency is high. These meetings have been arranged and scheduled to directly seek input on transportation issues pertinent to respective LEP groups.

See the LVPC Public Participation Plan for detailed information on both general and targeted outreach efforts.

LVPC Website

The LVPC website will be used to disseminate information not only for the various plans and programs it develops and maintains, but also to post the Title VI Policy Statement and Title VI Complaint process. In addition, a statement as to the availability of language assistance upon request will be posted to the site in both English and non-English languages. The LVPC’s website will utilize a translation tool (Google Translate, Babelfish, etc.) to ensure that all languages have access to materials. This translation tool will not replace requests for vital document translation due to inherent software obstacles that prohibit seamless web-based material translations. However, utilizing a web-based translation application does offer a cost effective and widely accessible tool for providing basic translation services.

LVTS is committed to nondiscrimination in the conduct of its activities. Any person believing they were subject to discrimination under Title VI on the basis of race, color, national origin, age, gender or disability may file a Title VI Complaint with LVTS. A copy of the Title VI Complaint process and form is provided in Appendix II.

POPULATION THRESHOLDS FOR WRITTEN TRANSLATION

LVTS is required by the federal law provisions to undertake reasonable efforts to provide translation of vital written documents. The provision may be used by recipients who would like to ensure with greater certainty beyond the four factor analysis that they comply with their obligations to provide written translations in languages other than English. If written translations are provided by the recipient, that action will be considered as strong evidence of compliance with the recipient’s written translation obligations under Title VI. The following actions, under the following conditions, will be considered strong evidence of compliance with the recipient’s written translation obligations:
a. 1,000 persons or 5%, whichever is less, of the population eligible to be served or likely to be encountered.

b. Provide written notice in the primary language of the LEP language group of the right to receive competent and free oral translation of vital written documents if there are fewer than 50 persons in a language group that reaches the 5% threshold.

Failure to provide written translations under the above conditions does not constitute noncompliance. Instead, the provisions are a guide to enhance compliance and apply only to the translation of written documents.

Data on LEP populations and data on non-English languages spoken at home were compiled at the municipal level. The Lehigh Valley is comprised of 62 distinct municipalities. By comparison, 144 census tracts make up the region. Although a municipal-level analysis results in a more coarse-grained result, this level of analysis was chosen since it is more likely to result in meeting the threshold of 1,000 persons. The smaller geographic census tract areas would be less likely to meet this minimum threshold.

LVTS considered thresholds from both a county-wide and municipal level as depicted in the preceding tables and maps. LVTS will initially translate executive summaries of documents deemed vital into Spanish, Arabic, Vietnamese and Chinese since these LEP populations met the threshold of either 1,000 persons or 5% of the eligible population at either the county-level analysis or municipal-level analysis. Requests for full document translation will be honored as received.

**IMPLEMENTATION PLAN**

The implementation plan follows the four factor analysis to address the identified needs of the LEP populations served. The implementation plan contains five major elements:

1. Identifying LEP individuals who need language assistance;
2. Providing language assistance measures;
3. Staff training on LEP policies and procedures;
4. Providing notice to LEP persons of the availability of language assistance services; and
5. Monitoring and Updating the LEP Plan.

1. **Identifying LEP Individuals who Need Language Assistance**

In addition to the initial identification of LEP individuals eligible to be served in factor one of the four factor analysis previously noted, LVTS will continue to assess every four years the demographic language composition of the region through continued analysis of U.S. Census American Community Survey data. The frequency with which LEP persons come into contact with the program, activity or service will be documented. Requests for translation services made in any manner (phone, email, in person, fax, text, Twitter, Facebook, LinkedIn, etc.) will be logged and evaluated to determine whether language assistance might be needed at future meetings or activities. The U.S. Census Bureau’s I-Speak Identification Card will be utilized at future meetings and events to assist in identifying language assistance needs. The I-Speak Identification Cards will also be posted within the MPO offices to encourage LEP individuals to self-identify.

2. **Providing Language Assistance Measures**

LVTS will provide multiple and varied language assistance measures for both oral and written language services. Written services may include translation of notices and vital documents through Propio Language Services, the use of LANta’s marketing consultant or bilingual staff as appropriate. Written translated versions of TIP and LRTP summaries will be available upon request. Upon request, LVTS will also make available translated versions of vital documents, within a reasonable timeframe that avoids the effective denial of service, resources permitting.

Oral interpretation services may include the use of Propio Language Services for telephone translation, the use of bilingual staff as available, competent bilingual interpreters, community volunteers or
LEP family members or friends where the LEP individual so desires. As applicable, LVTS will make an attempt to procure professional oral language interpretation services as necessary.

Information on the ways language assistance will be provided will be shared with the LEP population. MPO meeting agendas and public notices will contain a section on the services available and how they might be obtained.

3. **Staff Training on LEP Policies and Procedures**

Staff shall participate in training opportunities offered by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) or PennDOT as they are made available. Previous training opportunities included classes on Title VI and Environmental Justice. Opportunities for additional training will be sought specifically addressing Limited English Proficiency. Staff will periodically coordinate with LANta to exchange pertinent practices in addressing LEP population issues. Staff shall be cross-trained on Title VI, Environmental Justice and LEP policy, procedures and practices to ensure efficient management and assistance to LEP individuals across all plans and programs.

4. **Providing Notice to LEP Persons of the Availability of Language Assistance Services**

Information on the ways language assistance will be provided will be shared with the LEP population as follows:

- MPO meeting agendas and public notices will contain a section on the translation/interpretation services available and how they might be obtained. Public notices are distributed to multiple outlets. Reference the LVTS Public Participation Plan for a complete list of outlets utilized.

- Notices regarding language assistance services will be posted in publicly accessible portions of the LVPC offices, such as entry points, waiting areas and conference rooms.

5. **Monitoring and Updating the LEP Plan**

LVTS will review the LEP Plan every four years to ensure that reasonable efforts are made to identify any additional LEP populations and address their needs.

Future updates to the LEP Plan will include:

- Analysis on updated LEP demographic data from the American Community Survey as made available.

- Documentation on the number of LEP individuals encountered and their spoken language.

- Documentation on how the needs of LEP persons were addressed.

- Assessment of any past, present and new documents as to their “vital” status for translation purposes.

- Analysis of the effectiveness of language assistance services provided.

- Evaluation of the Title VI Complaint process addressing any past complaints.

- Evaluation of the effectiveness of outreach strategies identified in the Public Participation Plan.
Title VI Policy Statement

The Lehigh Valley Transportation Study (LVTS) is committed to ensuring that no person is excluded from participation in or denied the benefits of its services based upon race, color, national origin, age, gender or disability, pursuant to Title VI of the Civil Rights Act of 1964, as amended.

It is LVTS’s objective to:

- Ensure that the level and quality of programs and activities is provided without regard to race, color, national origin, age, gender or disability;

- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of programs and activities on minority and low-income populations;

- Promote the full and fair participation of all affected populations in transportation decision making;

- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and

- Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

This policy statement expresses LVTS’s commitment to the nondiscrimination provisions of Title VI and its subsequent compliance.

____________________________   __________________________
Becky A. Bradley, AICP     Date
Secretary, LVTS

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APPENDIX II
LEHIGH VALLEY TRANSPORTATION STUDY
TITLE VI COMPLAINT PROCEDURES
Lehigh Valley Transportation Study

Title VI Complaint Procedures

Purpose:
The Title VI Complaint Procedures, adopted by the Lehigh Valley Transportation Study (LVTS), the Metropolitan Planning Organization (MPO) for the Lehigh Valley, are written to specify the process employed by LVTS to investigate complaints, while ensuring due process for Complainants and Respondents. The process does not preclude LVTS from attempting to informally resolve complaints.

This procedure applies to all external complaints relating to any program or activity administered by LVTS and/or its subrecipients, consultants and contractors, filed under Title VI of the Civil Rights Act of 1964 as amended, (including Disadvantaged Business Enterprise and Equal Employment Opportunity components), as well as other related laws that prohibit discrimination on the basis of race, color, disability, sex, age, low income, nationality or Limited English Proficiency. Additional statutes include, but are not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987 and the Americans with Disability Act of 1990.

These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant. Intimidation or retaliation of any kind is prohibited by law.

Process:
An individual, or his or her representative, who believes that he or she has been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has the right to file a complaint. Complaints need to be filed within 180 calendar days of alleged occurrence, when the alleged discrimination became known to the Complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or latest instance of the conduct.

Complaints may be mailed to:

Chair
Lehigh Valley Transportation Study
961 Marcon Blvd., Suite 310
Allentown, PA 18109

Title VI Coordinator
Bureau of Equal Opportunity
Pennsylvania Department of Transportation
PO Box 3251
Harrisburg, Pennsylvania 17105-1720

Equal Opportunity Specialist
U.S. Department of Transportation
Federal Highway Administration
228 Walnut Street; Room 508
Harrisburg, Pa. 17105-1720

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Office of the Assistant Attorney General, Main
Washington, D.C. 20530
Complaints shall be in writing and signed by the Complainant(s). If complaints are received by telephone or in person, the Title VI Compliance Manager or other authorized representative shall formally interview the person to provide the basis for the written complaint. If necessary, the authorized person will assist the Complainant in writing the complaint. The written complaint must include the following information:

- Name, address and telephone number of Complainant.
- Basis of the complaint (e.g., Race, Color, National Origin, Sex, Age, Disability or Retaliation).
- A detailed description of the circumstances of the incident that lead the Complainant to believe discrimination occurred.
- Names, addresses and phone numbers of people who may have knowledge of the alleged incident or are perceived as parties in the complained-of incident.
- Date or dates on which the alleged discrimination occurred.
- Other agencies where the complaint was filed.
- As an investigation moves forward, additional information may be required.

If LVTS receives a complaint, the MPO will acknowledge receipt of the complaint by notifying the Complainant within 15 days after receipt and immediately transmitting the complaint to the proper state and federal agency (e.g., Federal Highway Administration, Federal Transit Administration and PennDOT) for investigation and disposition pursuant to that agency’s Title VI complaint procedures. Results of that investigation and disposition will be made to the Complainant within 60 days of receipt of complaint.

The LVTS Title VI Compliance Manager will maintain a log of all complaints received by the MPO.
Please Print All Information Below

Complainant Name: ____________________________

Name of Individual assisting Complainant: ____________________________

Complainant Address: ____________________________

Assisting Individual Address

Complainant Phone #: ____________________________

Assisting Individual Phone #: ____________________________

Basis of Complaint: (e.g., Race, Color, National Origin, Sex, Age, Disability, Retaliation)

________________________________________

Date(s) of alleged discrimination:

________________________________________

________________________________________

________________________________________

Please provide a detailed description of the circumstances of the incident(s), including any additional information supporting your complaint (please use additional pages as necessary):

________________________________________

________________________________________

________________________________________

Please provide the name(s), title and address of the person who discriminated against the Complainant:

________________________________________

________________________________________

________________________________________

Please provide, if applicable, names and contact information of people who may have knowledge of the alleged incident(s) or are perceived as parties in the complained-of incident(s):

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Please list any other agency where complaint has been filed:

________________________________________

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________________________________________
Complainant Signature:  Date:

                                    

                                    

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APPENDIX III

EXECUTIVE ORDER 13166, AUGUST 11, 2000
Wednesday,
August 16, 2000

Part V

The President
Executive Order 13166—Improving Access to Services for Persons With Limited English Proficiency

Department of Justice
Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Notice
Executive Order 13166 of August 11, 2000

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and 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 (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

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. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies’ plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency’s recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,
each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

THE WHITE HOUSE,
August 11, 2000.

William Jefferson Clinton
DEPARTMENT OF STATE

[Culturally Significant Objects Imported for Exhibition Determinations: “Rubens and His Age: Masterpieces From the Hermitage”]

AGENCY: Department of State

ACTION: Notice

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 965; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, et seq.; 22 U.S.C. 6501 note, et seq.), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 18785], I hereby determine that the objects to be included in the exhibition “Rubens and His Age: Masterpieces from the Hermitage”, imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Guggenheim-Hermitage Museum, Las Vegas, Nevada, from on or about January 30, 2006, until on or about August 30, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Instructions: You must include the agency name and docket number [OST–2001–8696] or the Regulatory Identification Number (RIN) for this notice at the beginning of your comment. Note that all comments received will be posted without change to http://dms.dot.gov, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit http://dms.dot.gov.

Docket: You may view the public docket through the Internet at http://dms.dot.gov or in person at the Docket Management System office at the above address.

FOR FURTHER INFORMATION CONTACT: Joseph Austin, Chief, External Policy and Program Development Division, Departmental Office of Civil Rights, Telephone: [202] 366–5992, TTY: [202] 366–9696. E-mail: joseph.austin@dot.gov; or Bonnie Angermann, Attorney-Advisor, Office of General Law, Office of the General Counsel, Telephone: [202] 366–9166. E-mail: bonnie.angermann@dot.gov. Arrangements to receive the policy guidance in an alternative format may be made by contacting the named individuals.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of Federal financial assistance from the U.S. Department of Transportation (DOT) (“recipients”), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations.

Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation.
Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency.” See 65 FR 50123 (August 16, 2000) (DOJ’s General LEP Guidance). DOT published its initial guidance regarding its recipients’ obligations to take reasonable steps to ensure access by LEP persons on January 22, 2001, and requested public comment on the guidance. See 66 FR 6733. DOT received 21 comments in response to its January 22, 2001, policy guidance. The comments reflected the views of individuals, organizations serving LEP populations, organizations favoring the use of the English language, and recipient agencies. While many comments identified areas for improvement and revision, the majority of the comments on the DOT LEP Guidance expressed agreement with its overall goal of ensuring access of LEP individuals to recipients’ services. DOT worked closely with DOJ to ensure that recipients’ comments were addressed in a consistent fashion. In the order most often raised, the common areas of comment regarded: cost considerations, especially for smaller recipients serving few LEP persons; increased litigation risk and liability for recipients as a result of the guidance; and use of interpreters and the definition of “qualified interpreter.”

A large number of comments focused on cost considerations and suggested that the Department address them as part of its evaluation of the language assistance needs of LEP persons. Particularly, this concern was expressed by state agencies that at the time received Coast Guard grants to administer safe boating courses. But this policy guidance does not require DOT recipients to translate all courses or materials in every circumstance or to take unreasonable or burdensome steps in providing LEP persons access. We have clarified the guidance to better convey its flexibility, based on the four-factor analysis set forth in DOJ’s General LEP Guidance.

Several recipients commented that they serve few if any LEP persons and that the cost of interpreting all of their courses and materials would be excessive and unnecessary. While none urged that costs be excluded from consideration altogether, at least one comment expressed concern that a recipient could use cost as a basis for avoiding otherwise reasonable and necessary language assistance to LEP persons. In contrast, a few comments suggested that the flexible fact-dependent compliance standard set forth in the guidance, when combined with the desire of most recipients to avoid the risk of noncompliance, could load some large recipients to incur unnecessary or inappropriate fiscal burdens in the face of already strained program budgets. The Department is mindful that cost considerations could be inappropriately used to avoid providing otherwise reasonable and necessary language assistance.

Similarly, cost considerations could be ignored or minimized to justify the provision of a particular level or type of language service even though effective alternatives exist at a minimal cost. The Department also is aware of the possibility that satisfying the need for language services might be quite costly for certain types of recipients, particularly if they have not updated their programs and activities to the changing needs of the populations they serve.

The potential for some recipients to assert adverse cost impacts in order to avoid Title VI obligations does not, in the Department’s view, justify eliminating cost as a factor in all cases when determining the necessary scope of reasonable language assistance services under DOT’s guidance. The Department continues to believe that costs are a legitimate consideration in identifying the reasonableness of particular language assistance measures, and the DOJ Recipient LEP Guidance identifies the appropriate framework through which costs are to be considered. See Department of Justice Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455 (June 18, 2002).

The second most common category of comments DOT received expressed concern over increased litigation risk and liability for recipients as a result of the LEP Guidance. As is addressed below in the Introduction, Alexander v. Sandoval, 532 U.S. 275 (2001), holds principally that there is no private right of action to enforce Title VI disparate impact regulations. The LEP Guidance is based on Title VI and DOT’s Title VI regulations at 49 CFR part 21 and does not provide any private right of action beyond that which exists in those laws. Thus, the LEP Guidance does not increase the risk of recipients’ legal liability to private plaintiffs. However, the Department does not dismiss the possibility that individuals may continue to initiate such legal actions.

The third most numerous category of comments DOT received regarded the definition of “qualified interpreter” and expressed commentators’ concern with recipients’ responsibility to make interpreters available, especially for recipients who serve populations with extremely diverse language needs. Set forth below in section VI are practices to help recipients ascertain that their interpreters are both competent and effective. This section should enable recipients to assess the qualifications of the interpreters they use and identify any improvements that need to be addressed.

Three of the comments urged withdrawal of the guidance, arguing it is unsupported by law. In response, the Department notes that its commitment to implementing Title VI and its regulations to address language barriers is longstanding and is unaffected by recent judicial action precluding individuals from successfully maintaining suits to enforce agencies’ Title VI disparate impact regulations. This guidance clarifies existing statutory and regulatory provisions by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons.

The remaining 18 comments were generally supportive of the guidance and DOT’s leadership in this area. One recipient commented that constraining LEP persons’ access to services may actually hinder their ability to become more proficient in the English language, therefore justifying increased programs for LEP persons. Several comments received addressed areas unique to the provision of transportation services to LEP persons. One recipient discussed the inconsistency between the Federal Motor Carrier Safety Administration’s (FMCSA’s) regulations requiring all drivers to speak and understand a certain amount of English, and the guidance’s requirement that the FMCSA division offices provide information and services in other languages to accommodate LEP persons. Pursuant to 49 CFR 391.11(b)(2), a person is qualified to drive a motor vehicle if he or she “[c]an read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.” In 1997, following an
American Civil Liberties Union (ACLU) legal challenge to this requirement, DOT issued an advance notice of proposed rulemaking (ANPRM) to address this issue. On July 24, 2003, FMCSA withdrew this ANPRM, concluding that the information introduced in response to the notice “does not establish that the current regulation requires an unnecessarily high level of English fluency that has resulted in a discriminatory impact or effect based upon national origin, color, or ethnicity.” FMCSA determined the regulation “as written and properly enforced effectively balances issues of civil rights and highway safety.” 68 FR 43890.

Another recipient, who works with community-based organizations concerned with transportation practices and policies, suggested mandatory LEP Access Assessments be attached to the standard financial assistance Assurance Form that recipients must execute, to serve as a basis for disqualifying recipients submitting inaccurate or substantially incomplete assessments from Federal grant funding. While providing LEP persons with meaningful access is the law and should be given high priority, DOT advocates a flexible approach in ensuring such access, as outlined below in section V, in order to suit the varying needs of its recipients, and therefore has not adopted this suggestion. As discussed in section VIII, DOT seeks to promote voluntary compliance to meet Title VI’s goal of ensuring that Federal funds are not used in a manner that discriminates on the basis of race, color, or national origin. DOT will work with recipients to meet this goal, and will resort to more intrusive administrative remedies only if voluntary compliance cannot be secured and stronger measures become necessary to ensure LEP persons have meaningful access to services from recipients of DOT financial assistance. This document has been modified based on careful consideration of public comments received by DOT, and the approach DOJ adopted after analyzing the public comments it received following its initial guidance published at 66 FR 3834 (January 16, 2001). This guidance is consistent with: Title VI, implementing regulations, Executive Order 13166, the DOJ General LEP Guidance, and the model DOJ Recipient Guidance issued on June 18, 2002.

With particular emphasis on the concerns mentioned above, the Department proposes this “Limited English Proficiency Guidance for Department of Transportation Recipients.” The text of this guidance document appears below.

Because this guidance must adhere to the Federal-wide compliance standards and framework detailed in the model DOJ Recipient Guidance issued on June 18, 2002, DOT specifically solicits comments on the nature, scope, and appropriateness of the DOT-specific examples set out in this guidance explaining and/or highlighting how those consistent Federal-wide compliance standards are applicable to recipients of Federal financial assistance from DOT. This guidance supplants the existing guidance on the same subject published at 66 FR 6733 (January 22, 2001). This guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553.

Dated: December 7, 2005.

J. Michael Trujillo,
Director, Departmental Office of Civil Rights.


I. Introduction

Most individuals living in the United States read, write, speak, and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, regarding individuals older than age 5, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or “LEP.”

In a 2001 Supplementary Survey by the U.S. Census Bureau, 32% of Spanish speaking households, 2.4% of all Asian and Pacific Island language speakers aged 18–64 reported that they spoke English either “not well” or “not at all.”

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made meaningfully accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title VI regulations against national origin discrimination. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This guidance clarifies existing legal requirements for LEP persons by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons. These are the same criteria DOT will use in evaluating whether recipients are complying with Title VI and Title VI regulations.

Executive Order 13166 charges DOJ with the responsibility for providing LEP Guidance to other Federal agencies, such as DOT, and for ensuring consistency among each agency-specific guidance. Consistency among Federal Government agencies is particularly important. Inconsistent or contradictory guidance could confuse recipients of Federal funds and needlessly increase costs without facilitating the meaningful access for LEP persons that this policy guidance is designed to address. As with many government initiatives, this requires balancing several principles.

DOT recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its programs and activities, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves.

This policy guidance is not a regulation but rather a guide. Title VI and its implementing regulations require that recipients take reasonable steps to ensure meaningful access by LEP persons. Recipients should use the guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.
While this guidance discusses that balance in some detail, it is important to note the basic principles behind that balance. First, we must ensure that federally assisted programs and activities aimed at the American public do not leave individuals behind simply because they face challenges communicating in English. This is of particular importance because, in many cases, LEP individuals form a substantial portion of those who particularly benefit from federally assisted programs and activities. Second, we must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on small businesses, small local governments, or small nonprofit organizations that receive Federal financial assistance. There are many productive steps that the Federal Government, either collectively or as individual agencies, can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller recipients may choose not to participate in federally assisted programs or activities, threatening the critical functions that the programs or activities strive to assist. To that end, DOT plans to continue to work with DOJ and other Federal agencies to provide ongoing assistance and guidance in this important area. In addition, DOT plans to work with recipients of Federal financial assistance—for example, with motor vehicle departments, transit authorities, state departments of transportation, and other transportation service providers—and LEP persons, to identify and share model plans, examples of best practices, and cost-saving approaches. Moreover, DOT intends to explore how language assistance measures and cost-containment approaches developed with respect to its own federally conducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, small local governments, and small nonprofit organizations. An interagency working group on LEP has developed a Web site, http://www.lep.gov, to assist in disseminating this information to recipients, Federal agencies, and the communities being served.

Many commentators have noted that some have interpreted the case of Alexander v. Sandoval, 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. We have taken the position that this is not the case, and will continue to do so. Accordingly, we will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall “on the ground 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 financial assistance.” Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity “to effectuate the provisions” of section 601. 42 U.S.C. 2000d-1. Department of Justice regulations promulgated pursuant to section 602 forbid recipients from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.” 28 CFR 42.104(b)(2). DOT’s Title VI regulations include almost identical language in this regard. See 49 CFR 21.5(b)(ii)(2) (portions of these regulations are provided in Appendix A).

The Supreme Court, in Lau v. Nichols, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of DOJ, 45 CFR 80.3(b)(2), to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. In Lau, a San Francisco school district that had a significant number of non-English-speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs. On August 11, 2000, Executive Order 13166 was issued, “Improving Access to Services for Persons With Limited English Proficiency.” 65 FR 50121 (August 16, 2000). Under that order, every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how its recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding recipients from “restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” or from “utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”


Subsequently, Federal agencies raised questions regarding the requirements of the Executive Order, especially in light of the Supreme Court’s decision in Alexander v. Sandoval, 532 U.S. 275 (2001). On October 26, 2001, the Assistant Attorney General for Civil Rights issued a memorandum for “Heads of Departments and Agencies, General Counsels and Civil Rights Directors.” This memorandum clarified and reaffirmed the DOJ LEP Guidance in light of Sandoval. The Assistant Attorney General stated that because Sandoval did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups—the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to federally assisted programs and activities—the Executive Order remains in force.

The memorandum noted that some commentators have interpreted Sandoval as impliedly striking down the disparate impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. See, e.g., Sandoval, 532 U.S. at 286, 286 n.6 (“We assume for purposes of this decision that section 602 confers the authority to promulgate disparate-impact regulations.”) We cannot help observing, however, how strange it is to say that disparate-impact regulations are “inspired by, at the service of, and inextricably intertwined with” Sec. 601 (“.. * * when Sec. 601 permits the very behavior that the regulations forbid.”). The memorandum, however, made clear that DOJ disagreed with the commentators’ interpretation. Sandoval holds principally that there is no private right of action
Pursuant to Executive Order 13166, DOT developed its own guidance document for recipients and initially issued it on January 22, 2001. “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.” However, in light of the public comments received and the Assistant Attorney General’s October 26, 2001, clarifying memorandum, DOT has revised its LEP guidance to ensure greater consistency with DOJ’s revised LEP guidance, published June 18, 2002, and other agencies’ revised LEP guidance. 67 FR 117 (June 18, 2002).

III. Who Is Covered?

Pursuant to Executive Order 13166, the meaningful access requirement of Title VI, the Title VI regulations, and the four-factor analysis set forth in the DOJ’s revised LEP Guidance, 67 FR 117 (June 18, 2002), apply to the programs and activities of Federal agencies, including DOT. Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance. Recipients of DOT assistance include, for example:
- 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.
- State and local agencies with emergency transportation responsibilities, for example, the transportation of supplies for natural disasters, planning for evacuations, quarantines, and other similar action.

Subrecipients likewise are covered when Federal funds are passed through from one recipient to a subrecipient. 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.

Example: 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—are covered by the DOT guidance.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal nondiscrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or “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. However, if a Federal agency were to decide to terminate Federal funds based on noncompliance with Title VI or its regulations, only funds directed to the particular program or activity that is out of compliance would be terminated. 42 U.S.C. 2000d–1.

Examples of populations likely to include LEP persons who are served or encountered by DOT recipients and should be considered when planning language services include, but are not limited to:
- Public transportation passengers.
- Persons who apply for a driver’s license at a state department of motor vehicles.
- Persons subject to the control of state or local transportation enforcement authorities, including, for example, commercial motor vehicle drivers.
- Persons served by emergency transportation response programs.
- Persons living in areas affected or potentially affected by transportation projects.
- Business owners who apply to participate in DOT’s Disadvantaged Business Enterprise program.

V. How Does a Recipient Determine the Extent of Its Obligation to Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (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 nature and importance of the program, activity, or service provided by the recipient to people’s lives; and (4) the resources available to the recipient and costs. As indicated above, the intent of this policy guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofit organizations.

After applying the above four-factor analysis to the various kinds of contacts a recipient has with the public, the recipient may conclude that different language assistance measures are sufficient to ensure meaningful access to the different types of programs or activities in which it engages. For instance, some of a recipient’s activities will have a greater impact on or contact with LEP persons than others, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. DOT recipients should apply the following four factors to the various kinds of contacts that 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 Served or Encountered in the Eligible Service Population

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons “eligible to be served, or likely to be directly affected, by” a recipient’s programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient’s service area. However, where, for instance, a motor vehicle office serves a large LEP population, the appropriate service area is that served by the office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself.
provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.

Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries of recipients' programs, activities, or services but may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.7

(2) The Frequency With Which LEP Individuals Come in Contact With the Program, Activity, or Service

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP

individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

(3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, state, or local entity to make an activity compulsory, such as requiring a driver to have a license, can serve as strong evidence of the importance of the program or activity.

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal agencies. For example, the following practices may reduce resource and cost issues where appropriate:

- Telephonic and video conferencing interpretation services.
- Translating vital documents posted on Web sites.
- Pooling resources and standardizing documents to reduce translation needs.
- Using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs.
- Centralizing interpreter and translator services to achieve economies of scale.8
- Formalized use of qualified community volunteers.

Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

This four-factor analysis necessarily implicates the "mix" of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone interpretation service (hereinafter "interpretation") and written translation (hereinafter "translation"). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a motor vehicle department or an emergency hazardous material clean-up team in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring bilingual staff (of course, many such departments have already made these arrangements). Additionally, providing public

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7 The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly spoken languages other than English.

8 Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.
transportation access to LEP persons is crucial. An LEP person’s inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment. In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high—such as in the case of a voluntary general public tour of an airport or train station—in which pre-arranged language services for the particular service may not be necessary. Regardless of the type of language services provided, quality and accuracy of those services can be critical. Recipients have substantial flexibility in determining the appropriate mix.

VI. Selecting Language Assistance Services

Recipients may provide language services in either oral or written form. Quality and accuracy of the language service is critical in order to avoid potential serious consequences to the LEP person and to the recipient.

A. 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). Where interpretation is needed and is reasonable, recipients should consider some or all of the options below for providing competent interpreters in a timely manner.

Competence of Interpreters. When providing oral assistance, recipients should ensure competency of the language service provider, whatever which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for example, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret into and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they:

- Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation).
- Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient’s program or activity and of any particularized vocabulary and phraseology used by the LEP person, and understand and follow confidentiality and impartiality rules to the same extent as the recipient employee for whom they are interpreting and/or to the extent their position requires.
- Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.

Additionally, some recipients may have their own requirements for interpreters, as individual rights may depend on precise, complete, and accurate interpretations or translations. In some cases, interpreters may be required to demonstrate that their involvement in a matter would not create a conflict of interest.

While quality and accuracy of language services are critical, they are nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services as part of disaster relief programs, or in the provision of emergency supplies and services, for example, must be extraordinarily high. While the quality and accuracy of language services in a bicycle safety course need not meet the same exacting standards.

Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner in order to be effective. Generally, to be “timely,” the recipient should provide language assistance at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as when an LEP person needs access to public transportation, a DOT recipient does not provide meaningful LEP access when it has only one bilingual staff member available one day a week to provide the service.

Hiring Bilingual Staff. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as transit station managers, department of motor vehicle service representatives, security guards, or program directors, with staff that are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff members are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting, as discussed above. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff members are fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

Hiring Staff Interpreters. Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to facilitate accurate and meaningful communication with an LEP person.

Contracting for Interpreters. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages.

Contracting with interpreters and providing training regarding the recipient’s programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from other language groups.

Using Telephone Interpreter Lines. Telephone interpreter service lines often offer prompt interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an

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*Many languages have “regionalisms,” or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages that do not have an appropriate direct interpretation of certain legal terms, the interpreter should be able to provide the most appropriate interpretation. The interpreter should make the recipient aware of the issue and the interpreter and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.*
interpreter and cannot be recognized over the phone. The issues discussed above regarding interpreter competency are also relevant to telephonic interpreters. Video teleconferencing and allowing interpreters to review relevant documents in advance may also be helpful.

Using Community Volunteers. In addition to the consideration of bilingual staff, staff interpreters, or contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipient’s less critical programs and activities. To the extent the recipient relies on community volunteers, it is often better to identify volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Recipients should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and help ensure that services are available more regularly.

Use of Family Members, Friends, Other Customers/Passengers as Interpreters. Although recipients should not plan to rely on an LEP person’s family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they should be permitted to use an interpreter of their choice at their own expense (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member or friend acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and prior consent, recipients should be able to avoid most such situations.

Recipients, however, should take special care to ensure that family members, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of the recipient’s own administrative, mission-related, or enforcement interest in accurate interpretation. In many circumstances, family members (especially children) or friends are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive or confidential information to a family member, friend, or member of the local community. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to obtain an LEP person’s personal identification information, for example, in the case of an LEP person attempting to apply for a driver’s license. Thus, DOT recipients should generally not offer interpreter services to the LEP person. This is particularly true in situations in which health, safety, or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual’s rights and access to important services.

An example of such a case is when no interpreters, or bilingual or symbolic signs are available in a state department of motor vehicles. In an effort to apply for a driver’s license, vehicle registration, or parking permit, an LEP person may be forced to enlist the help of a stranger for translation. This practice may raise serious issues of competency or confidentiality and may compromise the personal security of the LEP person, as the stranger could have access to the LEP person’s personal identification information, such as his or her name, phone number, address, social security number, driver’s license number (if different from the social security number), and medical information. However, there are situations where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. An example of this is a voluntary educational tour of an airport, or a train or bus station. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, LEP persons may offer the use of family, friends, or others to interpret may be appropriate.

If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice and of the recipient’s offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical, or where the competency of the LEP person’s interpreter is not established, a recipient might decide to provide its own, independent interpreter, even if an LEP person wishes to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person’s decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children as interpreters. The recipient should take care to ensure that the LEP person’s choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided by the recipient at no cost.

B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should be Translated? After applying the four-factor analysis, a recipient may determine that an effective LEP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient’s program. Such written materials could include, for example:

- Driver’s license, automobile registration, and parking permit forms.
- Parking tickets, citation forms, and violation or deficiency notices, or pertinent portions thereof.
- Emergency transportation information.
- Markings, signs, and packaging for hazardous materials and substances.
- Signs in bus and train stations, and in airports.
- Notices of public hearings regarding recipients’ proposed transportation plans, projects, or changes, and reduction, denial, or termination of services or benefits.
- Signs in waiting rooms, reception areas, and other initial points of entry.
- Notices advising LEP persons of free language assistance and language identification cards for staff (i.e., “I speak” cards).

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• Statements about the services available and the right to free language assistance services in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public.
• Written tests that do not assess English-language competency, but test competency for a particular license, job, or skill for which knowing English is not required.
• Applications, or instructions on how to participate in a recipient’s program, or activity, or to receive recipient benefits or services.
• Consent forms.

Whether or not a document (or the information it solicits) is “vital” may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the IEP person if the information in question is not accurate or timely. For instance, applications for bicycle safety courses should not generally be considered vital, whereas access to safe driving handbooks could be considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are “vital” to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of “meaningful access,” as lack of awareness may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach efforts in furtherance of its programs and activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some such translations may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, and religious and community organizations to spread a message.

Sometimes a very large document may include both vital and non-vital information. This may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently encountered languages other than English is critical, but the document is not meant to be comprehensive. Rather these paragraphs merely provide 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.

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient’s written-translation obligations:
(a) The DOT recipient provides 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; or
(b) If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

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

Competence of Translators. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply.

However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate, and vice versa.

Particularly where vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary. Competition can often be ensured by having a second, independent translator check the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent

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10 For those languages in which no formal accreditation exists, a particular level of membership in a professional translation association can provide some indicator of professional competence.
translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called "back translation."

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group’s vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English-language version or has no relevant equivalent meaning. Community organizations may be able to help consider whether a document is written at an appropriate level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical or programmatic terms helps avoid confusion by LEP individuals and may reduce costs. Creating or using already created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by other recipients or Federal agencies may also be helpful.

While quality and accuracy of translation services are critical, they are nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no important consequences for LEP persons who rely on them may be translated by translators who are less skilled than important documents with legal or other information upon which reliance has important consequences (including, e.g., driver’s license written exams and documents regarding important benefits or services, or health, safety, or legal information). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

VII. Elements of an Effective Implementation Plan on Language Assistance for LEP Persons

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations it serves. Although recipients have considerable flexibility in developing such a plan, maintaining a periodically updated written plan on language assistance for LEP persons ("LEP plan") for use by recipient employees serving the public would be an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans may also provide additional benefits to a recipient’s managers in the areas of training, administration, planning, and budgeting. Thus, recipients may choose to document the language assistance services in their plan, and how staff and LEP persons can access those services. 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. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient’s program or activities. In that event, a recipient should consider alternative ways to reasonably articulate a plan for providing meaningful access. Early input from entities such as schools, religious organizations, community groups, and groups working with new immigrants can be helpful in forming this planning process. The following five steps may be helpful in designing an LEP plan and are typically part of effective implementation plans.

(1) Identifying LEP Individuals Who Need Language Assistance

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

One way to determine the language of communication is to use language identification cards (or "I speak cards"), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, "I speak Spanish," "I speak English," or "I speak Vietnamese" in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau’s "I speak card" can be found and downloaded at http://www.usdoj.gov/crt/cor/13266.htm.

When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record.

In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

(2) Language Assistance Measures

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

- Types of language services available.
- How recipient staff can obtain those services.
- How to respond to LEP callers.
- How to respond to written communications from LEP persons.
- How to respond to LEP individuals who have in-person contact with recipient staff.
- How to ensure competency of interpreters and translation services.

(3) Training Staff

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

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

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

(4) Providing Notice to LEP Persons

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

13 For instance, although there may be languages that do not have a direct translation of some legal, technical, or program-related terms, the translator should be able to provide an adequate translation. The translator should likely also make the recipient aware of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of those terms in that language that can be used again, when appropriate.
• Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients.\footnote{For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at http://www.ssa.gov/multilingual/ langlist.htm. DOT recipients could, for example, modify these signs for use in programs, activities, and services.}

• Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be “tagged” onto the front of common documents.

• Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.

• Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

• Including notices in local newspapers in languages other than English.

• Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

• Providing presentations and/or notices at schools and religious organizations.

(5) Monitoring and Updating the LEP Plan

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

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

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

• Current LEP populations in the service area or population affected or encountered.

• Frequency of encounters with LEP language groups.

• Nature and importance of activities to LEP persons.

• Availability of resources, including technological advances and sources of additional resources, and the costs imposed.

• Whether existing assistance is meeting the needs of LEP persons.

• Whether staff knows and understands the LEP plan and how to implement it.

• Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

VIII. Voluntary Compliance Effort

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. DOT enforces Title VI as it applies to recipients’ responsibilities to LEP persons through the procedures provided for in DOT’s Title VI regulations (49 CFR part 21, portions of which are provided in Appendix A).

The Title VI regulations provide that DOT will investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations. If the investigation results in a finding of compliance, DOT will inform the recipient in writing of this determination, including the basis for the determination. DOT uses voluntary mediation to resolve most complaints. However, if a case is fully investigated and results in a finding of noncompliance, DOT must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, DOT must secure compliance through the termination of Federal assistance after the DOT recipient has been given an opportunity for an administrative hearing and/or by referring the matter to DOJ with a recommendation that appropriate proceedings be brought to enforce the laws of the United States. In engaging in voluntary compliance efforts, DOT proposes reasonable timetables for achieving compliance and consults with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient’s compliance with the Title VI regulations, DOT’s primary concern is to ensure that the recipient’s policies and procedures provide meaningful access for LEP persons to the recipient’s programs, activities, and services.

While all recipients must work toward building systems that will ensure access for LEP individuals, DOT acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOT will look favorably on implementing plans to stop recipients that are consistent with this guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient’s activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DOT recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

IX. Promising Practices

The following examples are provided as illustrations of the responses of some recipients to the need to provide services to LEP persons, and are meant to be interesting and useful examples of ways in which LEP recipients can provide language services. Recipients are responsible for ensuring meaningful access to all portions of their program or activity, not just the portions to which DOT assistance is targeted. So long as the language services are accurate, timely, and appropriate in the manner outlined in this guidance, the types of promising practices summarized below can assist recipients in moving toward
meeting the meaningful access requirements of Title VI and the Title VI regulations. These examples do not, however, constitute an endorsement by DOT, which will evaluate recipients’ situations on a case-by-case basis using the factors described elsewhere in this guidance.

Language Banks. In several parts of the country, both urban and rural, community organizations and providers have created language banks that dispatch competent interpreters, at reasonable rates, to participating organizations, reducing the need to have on-staff interpreters for low-demand languages. This approach is particularly appropriate where there is a scarcity of language services or where there is a large variety of language needs but limited demand for any particular language.

Language Support Offices. A state social services agency has established an “Office for Language Interpreter Services and Translation.” This office tests and certifies all in-house and contract interpreters, provides agency-wide support for translation of forms, client mailings, publications, and other written materials into non-English languages, and monitors the policies of the agency and its vendors that affect LEP persons.

Some recipients have established working liaisons with local community colleges to educate the LEP community in transportation matters. One city formed a multilingual/multi-agency task force to address language barriers and the concerns of the affected communities. The task force completed a survey of city staff with multilingual skills in order to identify employees willing to serve as interpreters and is preparing lists of community and cultural organizations.

Use of Technology. Some recipients use their Internet and/or intranet capabilities to store translated documents online, which can be retrieved as needed and easily shared with other offices. For example, a multilanguage gateway on a Web page could be developed for LEP persons and the public to access documents translated into other languages.

Telephone Information Lines and Hotlines. Recipients have subscribed to telephone-based interpretation services and established telephone information lines in common languages to instruct callers on how to leave a recorded message that will be answered by someone who speaks the caller’s language. For example, a recipient may choose to adopt a program similar to the National Highway Traffic Safety Administration’s (NHTSA’s) Auto Safety Hotline, which has four representatives who speak Spanish and are available during normal hotline business hours (Mon.—Fri. 8 a.m.—10 p.m. eastern time).13

13 Signage and Other Outreach. Recipients have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by (a) posting signs and placards with this information in public places such as grocery stores, bus shelters, and subway stations; (b) putting notices in print media and on radio and television stations that serve LEP groups or broadcasting in languages other than English; (c) airing videos and public service announcements for non-English-speaking residents; (d) placing flyers and signs in the offices of community-based organizations that serve large populations of LEP persons; (e) distributing information at places of worship, ethnic shopping areas, and other gathering places for LEP groups; (f) using posters with appropriate language designed to reach potential beneficiaries; and (g) developing pictures, images, figures, or icons that could be understandable alternatives to written words.

DOT agencies and recipients have implemented numerous language access services:

• DOT’s Pipeline and Hazardous Materials Safety Administration (formerly known as the Research and Special Programs Administration), at 49 CFR §§ 192.616 and 195.440, requires pipeline officers to establish a program for effective reporting by the public of gas pipeline emergencies to the operator or public officials, also providing that the program must be conducted in English and other common languages.15

We recommend that recipients consider the appropriateness of such an approach to meet their individual service provision needs.

• DOT’s National Highway Traffic Safety Administration (NHTSA) has translated the National Standardized Child Passenger Safety Training Program curriculum into Spanish. The course, designed to help communities work with parents and caregivers on the proper installation of child safety seats, has been pilot tested and is scheduled to be available to the public by early 2006 through many national Latino organizations and State Highway Safety Offices.

• DOT’s Federal Motor Carrier Safety Administration (FMCSA) division offices in California, Arizona, New Mexico, Texas, and Puerto Rico employ personnel conversant in Spanish to communicate the agency’s critical safety regulations.

• The Del Rio, Texas, Police Department implemented the El Protector program in Del Rio and developed public service broadcasts in Spanish about traffic safety issues such as loading and unloading school buses, drinking and driving, and pedestrian safety.

• Emergency Medical Services (EMS) staff in Los Angeles reported that their system is equipped to receive calls in more than 150 languages, although Spanish is the most frequent language used by 911 callers who do not speak English.

• District of Columbia DMV information, forms, and support material are available in German, Spanish, French, Russian, and Portuguese and can be downloaded from the division’s Web site. The DC DMV also provides a “City Services Guide” in Chinese, Korean, Spanish, and Vietnamese. DC’s “Click it or Ticket” program material and information on child safety seat loaner programs and fitting station locations are available in Spanish.

• The New Jersey Department of Motor Vehicles administers driver’s license tests in more than 15 languages, including Arabic, French, Greek, Korean, Portuguese, and Turkish.16

• In North Dakota, while the Traffic Safety Office acknowledges a limited minority population requiring assistance with translation, the Driver Licensing Unit offers the option of an oral test in Spanish.

• The Iowa Department of Transportation (IDOT) provides a Spanish version of the Commercial

14 DOT recommends that state agencies share such information, to avoid the necessity of each agency performing every translation.
Driver’s License knowledge test using a touch screen computer, and study guides of the Iowa Driver’s Manual in Albanian, Bosnian, Russian, Vietnamese, and Korean. IDOT established a liaison with a local community college to provide education for Bosnian refugees concerning the Commercial Motor Vehicle driving course.17

- The Wisconsin DOT created a 3rd grade level study guide, the Motorist Study Manual Easy Reader, which was translated by the Janesville Literacy Council into Spanish. Wisconsin DOT also provides the regular 6th grade level version of the Reader in English, Spanish, and Hmong; a Motorcycle Study Manual in English and Spanish; and a CDL (Commercial Driver’s License) Study Manual in English and Spanish. In addition, Knowledge and Highway Sign Tests are written in 13 languages other than English, recorded on audiocassette tapes in English and Spanish, or orally interpreted by bilingual staffers obtained from a roster of Wisconsin DOT employees who speak, read, or write foreign languages.
- The Idaho Office of Traffic and Highway Safety implemented a Spanish-language safety belt media campaign to educate its Hispanic community on the statewide “Click It, Don’t Risk It!” program to boost seat belt use. Information appears in Unido, Idaho’s largest Spanish-language newspaper, and warns all motorists to buckle up or risk receiving a safety belt citation.
- The New Mexico State Highway and Transportation Department, with Federal Highway Administration (FHWA) support, provides Spanish-language translations of its Right-of-Way Acquisition and Relocation brochures and also employs bilingual right-of-way agents to discuss project impacts in Spanish.
- The State of Oregon developed a report on multilingual services provided by state agencies. State agencies will use the final document to enhance their existing programs, including expanding communication efforts to serve and protect all Oregonians.
- The Texas DOT utilizes bilingual employees in its permit office to provide instruction and assistance to LEP Spanish-speaking truck drivers when providing permits to route overweight trucks through Texas. In its “On the Job Training Supportive Services Program” Texas DOT has used Spanish-language television to inform people who have difficulty reading English of opportunities in the construction industry.
- When the Virginia DOT (VDOT) became aware that several Disadvantaged Business Enterprise (DBE) firms were about to be removed from construction projects in Northern Virginia because they required certified concrete inspectors, and that they could not comply because the concrete inspection test was only offered in English, it used supportive services funding from the Federal Highway Administration to translate the training manual and test material into Spanish. VDOT also provides tutoring for the DBE firms. The Virginia State Police maintains a written list of interpreters available statewide to troopers through the Red Cross Language Bank, as well as universities and local police departments.
- The Colorado State Patrol produced safety brochures in Spanish for farmers and ranchers. It has also printed brochures in Spanish pertaining to regulatory requirements for trucking firms.
- In preparation of its 20-year planning document, the Transportation Concept Report, the California DOT (Caltrans) held a public meeting titled “Planning the Future of Highway 1” in the largely Hispanic city of Guadalupe, through which Highway 1 runs. The meeting was broadcast on the local public access channel since many of the Spanish-speaking residents potentially affected by Highway 1 projects rely on the channel to receive public affairs information. Caltrans provided a Spanish-language interpreter during the meeting and also made its Spanish-speaking public affairs officer available to meet with participants individually.
- During project planning for interstate improvements along Interstate 710 in California, engineers presented “good” alternatives to the affected communities; however, the proposed highway expansion would have removed low-income homes in communities that are 98% Spanish speaking. To ensure that their concerns were heard, California identified the affected communities and facilitated the establishment of Community Advisory Committees that hold bilingual workshops between engineers and the public.
- The Minnesota DOT authored a manual detailing its requirements to provide access to all residents of Minnesota under environmental justice standards, which included ideas such as publishing notices in non-English newspapers, printing notices in appropriate languages, and providing interpreters at public meetings.
- In New Mexico, the Zuni Entrepreneurial Enterprises, Inc. (ZEE) Public Transportation Program designed the Zuni JOBLINKS program to develop, implement, and maintain a transportation system to link Native Americans and other traditionally underserved/underserved persons in the service area to needed vocational training and employment opportunities. Outreach for the program included radio announcements and posting of signs in English and Zuni that described ZEE’s services and provided ZEE’s phone number.
- Washington, DC’s Metropolitan Area Transit Authority (WMATA) publishes pocket guides regarding its system in French, Spanish, German, and Japanese, and has a multilingual website link.
- In North Dakota, Souris Basin Transportation (SBT) started using visual logos on the sides of the vehicles to help illiterate passengers identify the bus on which they were riding. Although the illiteracy rate has dropped among seniors, SBT kept the logos on its vehicles for use by the growing LEP population and also added volunteers who speak languages other than English (such as Spanish, German, Norwegian, Swedish, and French) available by phone to drivers and staff.
- New York City Transit MetroCard vending machines are located in every station and contain software that allows them to be programmed in three languages in addition to English, based upon area demographics. Currently, these machines are capable of providing information in Spanish, French, French Creole, Russian, Chinese, Japanese, Italian, Korean, Greek, and Polish.
- The Metropolitan Atlanta Rapid Transit Authority (MARTA) advertises upcoming service and fare changes in Spanish, Korean, Vietnamese, and Chinese language newspapers. MARTA also produces a bilingual (Spanish/English) service modifications booklet.
- The Port-Worth Transportation Authority communicates information about service and fare changes in Spanish and English. It recruits Spanish-speaking customer service representatives and bus operators and has a community outreach liaison who is bilingual. The transit provider also provides a Spanish-language interpreter at all public meetings.
- The Salt Lake City International Airport maintains a list of 35 bilingual and multilingual employees who speak one of 19 languages (including three dialects of Chinese) and their contact information. The list is published in the

17DOT especially recommends the idea of working with local community colleges to educate the LEP community in transportation matters.
Airport Information Handbook and provided to all airport employees. The airport also contracts with a telephonic interpretation service to provide on-demand telephone interpretation services to beneficiaries.

- The Port of Seattle has 16 “Pathfinders” on staff who act as guides and information sources throughout the Seattle Tacoma International Airport. A key selection criterion for Pathfinders is multilingual ability. The Pathfinders collectively speak 15 languages and are often called on to act as interpreters for travelers who do not speak English. Pathfinders greet all international flights and are assigned to do so based on language skills.
- Seattle Tacoma International Airport’s trains carry announcements in English, Japanese, and Korean. The Port of Seattle contributed $5,000 to the creation of the City of Tukwila’s “Newcomers Guide,” which is published in six languages and includes information about the airport and Airport Jobs, a referral service for employment at the airport.

The following is a sample notice that would be useful for recipients to add to their publications or signs for their programs, services, or activities, in order to notify LEP individuals of the availability of materials and services in other languages.

**Sample Notice of Availability of Materials and Services**

FOR FURTHER INFORMATION CONTACT: For hearing-impaired individuals or non-English-speaking attendees wishing to arrange for a sign language or foreign language interpreter, please call or fax [name of organization] at Phone: xxx-yyy-zzzz, TTY: xxx-yyy-zzzz, or Fax: xxx-yyy-zzzz.

Appendix A to DOT Guidance

DOT’s Title VI regulation (49 CFR part 21) states the following, in relevant part:

(a) General. 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 to which this part applies.

(b) Specific discriminatory actions prohibited.

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

* * * * *

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

* * * * *

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin.

[FR Doc. 05-23972 Filed 12-13-05; 8:45 am]

BILLING CODE 4910-42-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Aiken Municipal Airport, Aiken, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. 47153(c), notice is being given that the FAA is considering a request from the City of Aiken to waive the requirement that approximately 94 acres of surplus property, located at the Aiken Municipal Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before January 13, 2006.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Paul Lo, Program Manager, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Larry G. Morris, P.E., Public Works Director of the City of Aiken at the following address: City of Aiken, Post Office Box 1177, Aiken, SC 29802.

FOR FURTHER INFORMATION CONTACT: Paul Lo, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747. (404) 305–7145. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Aiken to release approximately 94 acres of surplus property at the Aiken Municipal Airport. The property consists of several parcels roughly located East of Palmetto Farms Road, North of Reynolds Pond Road, and to the West of U.S. Highway 1. This property is currently shown on the approved Airport Layout Plan as aeronautical use land; however the property is currently not being used for aeronautical purposes and the proposed use of this property is compatible with airport operations. The City will ultimately sell lots on the property for future industrial and commercial use with proceeds of the sale providing funding for future airport development.

Any person may inspect the request in person at the FAA office listed above under FOR FURTHER INFORMATION CONTACT. In addition, any person may, upon request, inspect the request, notice
How to Work with an Over-the-phone interpreter

Your role
Over-the-phone interpreters may receive several calls a day—each one requiring special attention in a specific field. When working with an interpreter over the phone, there are a few things you should keep in mind to ensure your call is handled quickly and successfully.

- Always speak in first person, just as you would in normal conversation. For example, say, “Do you have a fever?” rather than “Ask her if she has a fever, please.”
- Immediately introduce yourself to the limited-English speaker (LES) client and explain your reason for calling.
- Telephone interpretation is “consecutive” interpretation. That means you will experience pauses when the interpreter repeats each statement in the respective language.
- After you speak a few sentences or finish a thought, pause to give the interpreter enough time to interpret.
- Be prepared to explain some things in more detail for the interpreter. Some terminology and concepts may not have an equivalent in the target language.
- Control the conversation. The interpreter is only there to interpret. You are responsible for making sure the LES client receives the same service as an English-speaking client.
- Ask the interpreter and the LES client questions to ensure they understand what you want to communicate.
- We can accommodate three-way telephone interpretation calls. Tell the call center agent the name and phone number of the third party, and they will arrange the call for you. The interpreter cannot facilitate this for you. You must ask the call center agent at the beginning of the call.
- Follow up by providing us with feedback about your interpretation services.

Your interpreter’s role
We expect interpreters to meet high standards and want to know when they are meeting expectations. To that end, your feedback is critical.

- Make sure your interpreter introduces himself/herself using a first name and ID number. They are not required to provide a last name.
- Your interpreter should not have a side conversation with you or the client. He or she must relay everything that is said back to you or your client. This includes any advice that the client may ask of the interpreter.
- Your interpreter should not discuss anything unrelated to the telephone interpretation assignment.

More questions about over-the-phone interpretation? Contact us at 913-381-3143 or email Interpreter@propio-iks.com.
<table>
<thead>
<tr>
<th>Language</th>
<th>Traditional Chinese</th>
<th>Simplified Chinese</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenian</td>
<td>Այստեղ Արաբակիչ է խաղացնում ֆոնիկական բառեր իսպաների երկրաշարժի ժամանակ</td>
<td>Արաբակիչ է խաղացնում ֆոնիկական բառեր իսպաների երկրաշարժի ժամանակ</td>
</tr>
<tr>
<td>Burmese</td>
<td>မြန်မာစိုက် မြှန်မာစိုက် မနောက် မိတ်ဆွေ လှူဒါန် မိထွေးပြော မနောက် မိထွေးပြော မိထွေးပြော</td>
<td>မြန်မာစိုက် မြှန်မာစိုက် မနောက် မိတ်ဆွေ လှူဒါန် မိထွေးပြော မနောက် မိထွေးပြော</td>
</tr>
<tr>
<td>Croatian</td>
<td>Hrvatski je zasnovan na dijalektima, pokažite na svoj jezik</td>
<td>Hrvatski je zasnovan na dijalektima, pokažite na svoj jezik</td>
</tr>
<tr>
<td>French</td>
<td>Français</td>
<td>Si vous avez besoin d’un interprète, indiquez votre langue</td>
</tr>
<tr>
<td>Greek</td>
<td>Ελληνικά</td>
<td>Με βλέπω να χρησιμοποιήσετε διαδραστικά, χαρίζω τον γλωσσικό σας διάλεκτο</td>
</tr>
<tr>
<td>Haitian Creole</td>
<td>Kreyòl ayisyen</td>
<td>Si w bezoun yen emprèt, montr ki li ou pa</td>
</tr>
<tr>
<td>Hindi</td>
<td>हिन्दी</td>
<td>आपके भाषा को प्रदर्शित कीजिए</td>
</tr>
<tr>
<td>Hungarian</td>
<td>magyar</td>
<td>Ha tudnák válaszolni az előzetes, nézze meg a saját nyelvét</td>
</tr>
<tr>
<td>Japanese</td>
<td>日本語</td>
<td>順番が必要な場合は、あなたの言語を指してみてください</td>
</tr>
<tr>
<td>Korean</td>
<td>한국어</td>
<td>한국어가 필요하시면 사용하시는 언어를 말씀해 주세요</td>
</tr>
<tr>
<td>Nepali</td>
<td>सङ्गीत</td>
<td>आपकी भाषा को प्रदर्शित कीजिए</td>
</tr>
<tr>
<td>Polish</td>
<td>Polski</td>
<td>Jeśli potrzebujesz tłumacza, wskaż swój język</td>
</tr>
</tbody>
</table>
| Punjabi   | ਪੰਜਾਬੀ | ਆਪਣੀ ਭਾਸ਼ਾ ਦਾ ਇਨਕਲੂਜ਼ਨ ਦਦੇਖਨਾ ਚਾਹੁੰਦਾ?
| Russian   | Русский      | Если вам нужен переводчик, выберите ваш язык |
| Somali   | Soomaali     | Haddad u baahan tahay turjumaada, tilmaan oo hagadaadaa |
| Swahili   | Kiswahili    | Ikiwa unshirika mukilimanzi, tafadhali rejolea higha yako |
| Tagalog   | Tagalog      | Kung kailangan ninyo ng interpreter o tagasdan, tumo ng isyong wiksa |
| Thai     | ภาษาไทย   | หากคุณต้องการให้ได้รับการแปล ให้บอกภาษาของคุณ |
| Urdu      | उर्दू | جہاں یہ ایک لوگ حاضر ہے، ہمیں کہا ہے کہ کسی بھی شاہدی کا مشترکہ تعلیم |

**Account # 9284**
Over-the-phone Interpreting

Dial the Interpreter:
1-888-804-2044

The auto attendant will prompt:
1. Spanish, press 1; all other languages, press 2
2. (If non-Spanish) enter the language code
3. Enter your 4-digit account number: 9284
   PA Department of Transportation

You will also be asked for:
   Call first and last name
   Site Number
   LES First Name and last initial

For 3-way calls:
Ask the first person who answers (interpreter or operator) to place the call

Back-Up Interpreter Number: 1-866-366-1284
(Only use if interpreter is unavailable at primary number above)

<table>
<thead>
<tr>
<th>Language</th>
<th>Code</th>
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</thead>
<tbody>
<tr>
<td>Albanian</td>
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<tr>
<td>Amharic</td>
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<td>Arabic</td>
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<tr>
<td>Bengali</td>
<td>46</td>
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<td>Bosnian</td>
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<td>Burmese</td>
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<td>Cambodian</td>
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<td>Cantonese</td>
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<td>Chin</td>
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<td>Farsi</td>
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<td>French</td>
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<td>Gujarati</td>
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<tr>
<td>Haitian Creole</td>
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<tr>
<td>Hakka (cmn)</td>
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<td>Hindi</td>
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<tr>
<td>Himong</td>
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<tr>
<td>Italian</td>
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</table>

<table>
<thead>
<tr>
<th>Top Language</th>
<th>Code Choices</th>
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<tbody>
<tr>
<td>Language</td>
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<td>--------------</td>
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<td>Lao</td>
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<td>Bosnian</td>
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<td>Mandarin</td>
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<tr>
<td>Burmese</td>
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<tr>
<td>Nepali</td>
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<td>Cambodian</td>
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<tr>
<td>Portuguese</td>
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<td>Cantonese</td>
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<tr>
<td>Punjabi</td>
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<td>Chin</td>
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<td>Russian</td>
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<td>Somali</td>
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<td>French</td>
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<td>Gujarati</td>
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<td>Tagalog</td>
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<tr>
<td>Haitian Creole</td>
<td>26</td>
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<tr>
<td>Thai</td>
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<td>Hakka (cmn)</td>
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<tr>
<td>Turkish</td>
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<tr>
<td>Hindi</td>
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<tr>
<td>Urdu</td>
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<tr>
<td>Himong</td>
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<td>Vietnamese</td>
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<tr>
<td>Italian</td>
<td>56</td>
</tr>
<tr>
<td>All other languages</td>
<td>99</td>
</tr>
</tbody>
</table>
### “One Moment Please” Tool

How to Say “One Moment Please” in Eighteen Common Languages

<table>
<thead>
<tr>
<th>Language</th>
<th>Written in Language</th>
<th>Phonetic Pronunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albanian</td>
<td>Nje minutë ju lutem.</td>
<td>nee-yeh mee-noo-teh you loo-tem</td>
</tr>
<tr>
<td>Arabic</td>
<td>دقیق‌های من فضکل</td>
<td>dakika meen fahdlock (masculine) dakika meen fahdlick (feminine)</td>
</tr>
<tr>
<td>Chinese</td>
<td>請稍候</td>
<td>ching show hoe</td>
</tr>
<tr>
<td>French</td>
<td>Un moment s'il vous plaît.</td>
<td>uhn moe-mon seal-voo-play</td>
</tr>
<tr>
<td>German</td>
<td>Einen Moment bitte.</td>
<td>eye-nen moment bee-teh</td>
</tr>
<tr>
<td>Gujarati</td>
<td>મેધાવવા કરની અંક પણ થોખાય</td>
<td>meherbani kariné ek pul thobso</td>
</tr>
<tr>
<td>Haitian Creole</td>
<td>Tanpri tann yon ti morman.</td>
<td>tan-pree tan yaw tee moe-maw</td>
</tr>
<tr>
<td>Hindi</td>
<td>कृपया एक पल परीक्षा कीं</td>
<td>kreepya ek pal prateeksha karen</td>
</tr>
<tr>
<td>Italian</td>
<td>Un momento per favore.</td>
<td>oon moe-mento pair fah-vore-ay</td>
</tr>
<tr>
<td>Japanese</td>
<td>少々お待ちください。</td>
<td>shosho omachi kudasai</td>
</tr>
<tr>
<td>Korean</td>
<td>장만 기타리세요.</td>
<td>jam-kan ki-da-ri-se-yo</td>
</tr>
<tr>
<td>Polish</td>
<td>Moment, proszę.</td>
<td>moment prosheh</td>
</tr>
<tr>
<td>Portuguese</td>
<td>Um momento, por favor.</td>
<td>um moe-mento, poor fah-vor</td>
</tr>
<tr>
<td>Russian</td>
<td>Подождите, пожалуйста.</td>
<td>padazhdite, pazhalusta</td>
</tr>
<tr>
<td>Spanish</td>
<td>Un momento por favor.</td>
<td>oon moe-mento poor fah-vor</td>
</tr>
<tr>
<td>Swahili</td>
<td>Subiri kidogo</td>
<td>soo-bee-re key-dough-go</td>
</tr>
<tr>
<td>Tamil</td>
<td>ஒன்று தொடர்மறியுங்கள்</td>
<td>dye-ya-vu seydu oru nimi-dom</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>Xin chô môt chût</td>
<td>sin char moe-chew</td>
</tr>
</tbody>
</table>

Account # 9284