

Reading Area Transportation Study **Limited English Proficiency Assessment**

Title VI of the 1964 Civil Rights Act states that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Federal Executive Order 13166 of 2001 “Improving Access to Services for Persons with Limited English Proficiency” directed federal agencies to: a) publish guidance on how their recipients can provide access to persons with limited English proficiency; b) improve the language accessibility of their own federal programs; and c) break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance.

“Limited English Proficient” or “LEP” persons are those individuals who do not speak English as their primary language, and who have a limited ability to read, speak, write or understand English. The key commonality among all LEP persons is their inability to communicate effectively in the English language, regardless of their native tongue. Persons who are multi-lingual, in that they speak a language *in addition to English*, are not considered to be Limited English Proficient.

As a recipient of federal financial assistance, the Reading Area Transportation Study has an obligation to reduce language barriers that can preclude meaningful access to RATS’s programs, information, and services by non-English speakers. The first step is the completion of a “Limited English Proficiency Self-Assessment” or LEP Assessment.

This self-assessment is designed to balance four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or service,
2. The frequency with which LEP individuals encounter the program and/or activities,
3. The nature and importance of the program, activity or service provided to people’s lives, and
4. The resources available to the federal financial recipient and costs.

2020 Federal Certification Review

In the last RATS TMA Certification Review, the Review Team made two recommendations based on the MPOs administration of its LEP Plan. Specifically, the Review Team recommended the MPO create and distribute executive summaries of its vital documents in Spanish to organizations with Spanish speaking constituents. Additionally, the Team recommended the MPO revisit its outreach methods to ensure

that LEP individuals were provided meaningful access to information. The method recommended included reviewing and providing language assistive services availability notices in vital documents and on the MPOs website.

RATS adopted its LEP Plan in August 2017. According to the Plan, the MPO will provide “written translations of its planning documents upon request.” The LEP Plan assures the notice of availability of translation services is included as a “front piece” to its documents in Spanish. Notices of public comment periods for vital documents will also be translated. Additionally, the Plan provides that the website provides on-demand translation. Oral translation services are provided by contract. In addition, the LEP Plan provides that RATS outreach efforts will be targeted based on project level or neighborhood meeting needs.

The Review Team finds that RATS did not address the recommendations using the specific techniques identified in the 2017 report; however, the Team finds that the MPO addressed the intent of most of the recommendations. Specifically, the Review Team finds the MPO has made certain documents available to the region’s largest LEP population in its native language; and, provided notices to that language group concerning the availability of language assistive services in its native language as a foreword to the document. Nonetheless, the Review Team finds that based on demographic data provided in the LEP Plan, the region has other LEP language groups that need to be made aware of the language assistive services the MPO provides. Accordingly, the Team encourages the MPO to add language Tag Lines for its current “front piece”, relevant to its linguistic population, for inclusion in vital documents. Examples of language Tag Lines can be found in Pennsylvania’s *2025 Transportation Program General and Procedural Guidance* document.

The Review Team found that the recommendation concerning the website, although addressed in the MPOs LEP Plan, is not readily observable on the website. The Team found that the reason that changes have not been made to the website as indicated is that the website is not within the MPOs direct authority and control to address. During the virtual review discussion, the MPO revealed that the website is administered and maintained by Berks County. As a result, RATS is unable to unilaterally alter the website.

To improve the overall process, the Review Team encourages RATS to revisit the language in the LEP Plan, and anywhere else that it appears, concerning the availability of translation of the website. This information should be revised to accurately reflect how the MPO communicates information contained on its website to LEP language groups.

1. LEP Population

The LEP self-assessment begins with the identification of the potential LEP population through a demographic analysis to determine the number or proportion of LEP persons from a particular language group served or likely to be encountered in the eligible service area. The greater the number or the higher the proportion of LEP persons served or encountered, the more likely language services are needed.

American Community Survey (ACS) Information

The resulting American Community Survey is a monthly nationwide survey taken of roughly 3 million households per year, with data aggregated for time frames based on geographic populations. Areas with populations over 65,000 persons (i.e., Berks County, Reading City) receive their data aggregated to a one-year time span, while areas with less than 65,000 persons (boroughs, most townships, plus 1-year areas) receive their data aggregated over five years.

Since information needs to be reviewed at the municipal level and we need to maintain consistency between measures, the most recent data to be used is from the 2017-2021 American Community Survey 5-year Estimates. Users are cautioned that ACS data represent an estimation over a longer period versus a 'snapshot' of a single point in time and should be viewed appropriately. Additionally, though not shown in this document, these data are subject to margins-of-error equivalent to a 90-percent confidence interval.

The RATS Region

The "service area" for the Reading Area Transportation Study is all of Berks County. According to the 2017-2021 American Community Survey (ACS), the number of persons aged 5-years and over was approximately 402,848 persons.

Information on the ability of residents of the RATS region to speak English was also obtained from the Census Bureau's 2017-2021 ACS. The language information obtained lists the number of speakers of more than one language other than English. The data are based on responses to the question, "Does this person speak a language other than English at home?" on the ACS questionnaire, which was distributed annually to approximately 1-in-46 households nationwide. Respondents who answered in the affirmative were then asked to name the language they spoke.

County level data indicate that approximately 325,565 persons speak only English, leaving approximately 77,283 persons who speak a language other than English. Most of these individuals were *multi-lingual* in that they indicated that they spoke English or "Very Well" in addition to speaking another language. These persons are not Limited English Proficient, or LEP, and were excluded from further analysis based on their ability to communicate effectively in English.

The region’s LEP persons speak many languages though the ACS only reports on a certain number of ‘major’ language groups with Spanish, French/Haitian/Cajun, Other West Germanic, Other Indo-European, and Chinese being the five most spoken. Exhibit 1 identifies the number individuals in the region speaking these languages. Out of a total of approximately 30,812 total LEP persons, the language most spoken by LEP persons is Spanish, with 26,401 speakers or 85.7 percent of the region’s total LEP population.

All languages most frequently spoken by non-English speakers in the region, according to the ACS information are identified in Exhibit 1, Limited English Proficient Population in RATS Region, below.

Exhibit 1	
Limited English Proficient Population in RATS Region By Language Spoken	
Language	Estimated Number of Non-English Speakers Age 5+ Years
Spanish	26,401
Other Indo-European	877
German or Other West Germanic	865
French, Haitian or Cajun	499
Other and Unspecified Languages	465
Chinese (incl. Mandarin, Cantonese)	462
Vietnamese	424
Russian, Polish or other Slavic	376
Other Asian and Pacific Island	243
Tagalog (incl. Filipino)	81
Korean	66
Arabic	53

SOURCE: 2017-2021 5-year American Community Survey, Table C16001

Analysis of the concentrations of non-English speakers in the region reveal that more non-English speakers live in Reading City (69.9%) than any other municipality, where 24.9% of the City's population identifies themselves as speaking English “less than well” or “not at all.” Regionally, 7.6% of the region’s residents speak English “less than very well”. This 7.6% of the regional population represents the Limited English Proficient population in the RATS region. Of that 7.6% regional LEP population, 71.6% reside within the Reading City limits.

More specifically, of the 26,401 non-English Spanish speakers in Berks, 20,396 (77.3%) resided in the City. Conversely, Berks’ next largest group of non-English speakers (Other Indo-European) were more distributed throughout the county. Only 185 (18.6%)

were estimated to have resided in the City. Appendix A contains language data for each of the Census-specified language groups and their municipal distributions. Based on the foregoing RATS has determined that Spanish is the most prevalent language spoken among both LEP and non-LEP individual in the region.

2. Frequency of Contact

The more frequent the contact with a particular language group, the more likely that enhanced language services are needed. If an LEP person from a specific language group contacts or accesses a program or service daily, the federally funded agency has greater language assistance requirements than if the same person's frequency of contact with the program or service is unpredictable or infrequent. However, federal aid recipients must bear in mind the possibility that the frequency of contact with LEP populations could increase when appropriate outreach to those LEP populations is enhanced.

The next factor to be considered in the LEP Assessment is the frequency with which LEP persons encounter the services and programs of the Reading Area Transportation Study.

The Reading Area Transportation Study provides transportation planning and programming services on behalf of all of Berks County and serves as the regional forum for transportation decision making. Decisions made by RATS affect all residents of the service area. As residents of the region, LEP persons may be affected by the decisions, services, and programs of RATS. Public input is routinely sought in the development and advancement of key planning processes, including the Long Range Plan, Transportation Improvement Program, Public Participation Plan and other key plans, programs, and initiatives. During these public comment periods, comments are solicited from any interested party. To date, no comments or requests for information have been received in a language other than English, nor has any advocacy group informed RATS of the need for expanded outreach in any language other than English.

3. Importance of Services Provided

Once the languages spoken by LEP persons in the service area have been identified, and the frequency of contact has been analyzed, the nature and importance of the services provided must be assessed. As a rule of thumb, the more important the activity, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The key question to be addressed is "will the denial or delay of access to services have serious implications for the LEP individual?"

The nature of the programs and services provided by RATS affect the mobility and quality of life for area residents. No element of the RATS program requires the compulsory participation of area residents, nor does RATS administer or oversee any programs or services that impose involuntary restrictions on area residents. Finally, the delay or denial of RATS services or participation in any RATS program is unlikely to result in a detrimental effect on the health or well-being of any individual.

4. Resource Availability and Cost

Finally, the assessment of language service provisions must assess the costs of providing such services, and the resources available to the agency. RATS has assessed its available resources that could be used for providing language assistance. Through contracts administered by the County of Berks, services available to RATS include both document translation and oral interpretation, along with on-demand website translation. Annual budget planning includes reviews of past expenditures and potential upcoming needs. Through this process RATS staff determines which documents will be translated in full vs. Executive Summaries, and also estimates interpretive needs for public meetings.

Language Assistance Obligations by RATS

RATS will take reasonable steps to ensure that LEP persons have meaningful access to key transportation planning decisions and have opportunities to become involved in the regional transportation planning process.

Language Assistance Measures

There are two language assistance services that RATS will provide: translation and interpretation. These terms are often used interchangeably; however, they are quite distinct and there are different rules for each.

- **Translation** refers to the process of transferring information expressed in writing from one language to another language.
- **Interpretation** is the process by which the spoken word is used when transferring meaning between languages.

To determine in which languages these assistance measures will be provided by RATS depends on the results of data that was analyzed as part of the 4-Factor LEP Assessment. The results of this assessment are shown in Exhibits I and II and indicate that there are approximately 30,812 residents of the region that speak English “less than very well” and that these non-English speakers are fluent in many different languages.

Given the number and percentage of non-English speakers in Berks County, the potential need to provide services in so many languages could become cost

prohibitive. However, to help agencies such as RATS who serve large areas with multiple language needs, the Department of Justice and the Department of Transportation have guidance on serving LEP populations that identify “safe harbor” provisions that recommend that language assistance be provided when the LEP population reaches five percent (5%) of the population in the service area, or when the number of non-English speakers with a common native language reach 1,000 persons, whichever is less. At these levels, the federal guidance recommends that written translation of vital documents be available upon request, and that the agency have plans to address the potential need for oral translation services.

Review of ACS data for the region’s LEP analysis shows that Spanish language speakers are estimated at approximately 26,401 LEP persons, thus meeting the thresholds. Other Indo-European speakers are estimated at 877 (0.2%); Other West Germanic speakers are estimated at 865 (0.2%); French, Haitian or Cajun are estimated at 499 (0.1%); and Other Unspecified speakers are estimated at 465 (0.1%). These language groups contain the four next-highest number of LEP persons but fall below "safe harbor" thresholds.

RATS Limited English Proficient Policy

RATS has completed its assessment of Limited English Proficient Population in the Berks County region and has identified Spanish and Other Indo-European languages as the languages most frequently spoken by non-English speakers in the region.

RATS is identifying and will implement mechanisms for the translation of vital documents and program information into the most frequently spoken language in the region, as well as additional languages. RATS has also identified a mechanism for the oral interpretation of telephone inquiries via a third party interpretation service capable of providing interpretation services in more than 80 languages 24 hours a day, 7 days a week.

RATS will issue press releases to local minority media outlets, including television and radio stations and newspapers with information regarding RATS’s language translation services when those services are identified. In addition, RATS has made contact with the Daniel Torres Hispanic Center and will continue to inform them of these language translation services. In our outreach to organization, RATS will continue to monitor language needs among the residents of the region and revise this plan accordingly.

Written Translation

Through contracts administered by the County of Berks, RATS will provide written translations of its planning documents upon request. In addition, On-Demand translators are available on the Berks County-administered RATS website, thus allowing digital translations of web pages. RATS will also translate notices of public

comment periods for the vital documents identified in the Public Participation Plan: The Long Range Transportation Plan, Transportation Improvement Program, and Public Participation Plan. In addition, RATS, through the County of Berks, has a contract in place for the provision of document translation services as necessary.

The front piece of RATS documents will include language in English and Spanish that the document is available in other languages upon request. Additionally, language taglines are added to written documents to provide availability for non-threshold language speakers to obtain written translations upon request. RATS will provide language translations of its website, which will have the capability of translating any RATS web page instantly into several languages.

Oral Interpretation

Oral interpretation services are appropriate for several situations, including routine inquiries from citizens who call RATS or come into our offices, as well as public meetings and events. Through contracts administered by the County of Berks, RATS will use interpretation services to provide oral interpretation assistance to LEP individuals.

Telephonic Interpretation Service

Through the County of Berks, RATS has services available to provide telephonic interpretation services to assist LEP callers, walk-ins, and in cases where requests for an in-person interpretation were either not made or where insufficient notice was given to allow RATS to arrange for an interpreter.

In-Person Interpretation Services

Through the County of Berks, RATS has services available to provide in-person interpretation to respond to requests for language assistance. Meeting notices for public meetings include language requesting that RATS be notified in advance of any specialized services. If a qualified interpreter cannot be identified in a timely fashion, efforts will be made to work with the LEP individual(s) to identify a family member or community member capable of assisting with their language needs, in compliance with FHWA Guidance on outreach to LEP individuals.

Outreach to LEP Populations

ACS data identifying the geographic location (by municipality) of non-English speaking residents have been created. These tables will be used to assess the need for non-English meeting materials and interpretation services during project level or neighborhood level community meetings.

RATS will provide Press Releases to local media outlets and community service

organization regarding the availability of language translation. The front piece of RATS documents will include language in English and Spanish that language translation services are available.

APPENDIX A

**BERKS COUNTY
AND
MUNICIPAL LANGUAGE DATA**

Data Source: U.S. Census Bureau, 2017-2021 5-year American Community Survey, Table C16001