CAPE COD
COMMISSION

Cape Cod Metropolitan Planning Organization

Language Access Plan 2023

December 2023

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NOTICE OF NONDISCRIMINATION RIGHTS AND PROTECTIONS TO BENEFICIARIES

Title VI Notice of Nondiscrimination: The Cape Cod MPO complies with Title VI of the Civil Rights Act of 1964 and related federal and state statutes and regulations. It is the policy of the Cape Cod MPO to ensure that no person or group of persons shall on the grounds of Title VI protected categories, including race, color, national origin, or under additional federal and state protected categories including sex, age, disability, sexual orientation, gender identity or expression, religion, creed, ancestry, veteran's status (including Vietnam-era veterans), or background, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by the Cape Cod MPO. To request additional information about this commitment, or to file a complaint under Title VI or a related nondiscrimination provision, please contact the MPO's Title VI Coordinator by phone at (508)362-3828, Telecommunications Relay Services (TRS), dial 711, fax (508) 362-3136 or by e-mail at mhevenor@capecodcommission.org. If this information is needed in another language, please contact the MPO's Title VI Coordinator by phone at (508)362-3828.Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI da MPO pelo telefone 508-744-1299.

Introduction

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq, and its implementing regulations provide that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity that receives federal financial assistance. This includes any person who is not proficient in the English language. The Supreme Court, in Lou v. Nichols, 414 U.S. 563 (1974), interpreted Title VI regulations prohibit conduct that has a disproportionate effect on Limited English Proficient (LEP) individuals because such conduct constitutes national origin discrimination.

A Limited English Proficient person is an individual who does not speak English as his/her primary language and who has a limited ability to read, speak, write, or understand English. According to the 2008-2012 American Community Survey (ACS), 2. 26% of the Cape Cod MPO region (Barnstable County) population over than five years of age has a limited ability to speak, write, or understand English and is considered Limited English Proficient. Portuguese speaking individuals and Spanish-speaking individuals represent the top two LEP language groups in the county, comprising 24.8% and 19% respectively, of the County's LEP population. (See Table 1.)

Executive Order 13166 "Improving Access to Services by persons with Limited English Proficiency" reprinted at 65 FR 50121 (August 16, 2000), directs each federal agency to assess the services it provides and develop and implement a system by which LEP individuals can meaningfully access those services. Federal agencies were instructed to publish guidance to their recipients to assist them with their obligations to LEP people under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and services by LEP people. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from federal government, including Metropolitan Planning Organizations.

US Department of Transportation (DOT) published revised guidance for its recipients on April 13, 2007. The Federal Transit Administration references the DOT LEP guidance in its Circular 4702.1B, "Title VI, DOT's Implementing Regulations for FTA recipients," published on October 1, 2012. Chapter III, Section 9 of the Circular references the LEP requirement and responsible steps ensuring meaningful access to benefits, services, and information for LEP persons. The Circular provides guidance for FTA recipient and subrecipients to develop a language implementation plan consistent with the provision of Section 9 of the DOT LEP guidance.

IDENTIFYING INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

The DOT LEP policy guidelines direct each agency is to conduct a "four-factor analysis" to determine what constitutes reasonable steps to ensure meaningful access. The first two of the four factors are used to identify individuals who need language assistance. The third and fourth factors are used to determine appropriate language assistance measures:

FACTOR 1: THE NUMBER AND PROPORTION OF LEP PERSONS IN THE ELIGIBLE SERVICE POPULATION

The first factor involves identifying how many LEP persons live within the service area. 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 it is that language services are needed for those persons.

For its quantitative analysis, the MPO used data on English proficiency and languages spoken at home from the American Community Data Survey (ACS) 2018-2032. The ACS combines sample data from five years to provide estimates of demographic characteristics like language status at geographic levels down to census tract. The following table provides a list of the top languages spoken at home in Barnstable County and the number/percentage for each language of individuals (over five years of age) who speak English "well" and "less than very well." Those who speak English "less than very well" represent LEP persons. This category includes individuals who do not speak English at all.

Table 1: Language Spoken at Home for the Population 5 years and Over

	Total		*Speak English "very well"*	*Speak English less than "very well"*	
Speak only English	198,041	89.4%			
Other Indo-European languages	10,165	4.6%	5,542	4,623	2.1%
Spanish	5,137	2.3%	3,136	2,001	0.9%
French, Haitian, or Cajun	2,107	1.0%	1,914	193	0.1%
Russian, Polish, or other Slavic languages	1,969	0.9%	1,345	624	0.3%
Chinese (incl. Mandarin, Cantonese)	1,093	0.5%	896	197	0.1%
Other Asian and Pacific Island languages	422	0.2%	279	143	0.1%
Vietnamese	148	0.1%	104	44	0.0%
Arabic	314	0.1%	287	27	0.0%
Tagalog (incl. Filipino)	63	0.0%	36	27	0.0%
German or other West Germanic languages	671	0.3%	645	26	0.0%
Korean	10	0.0%	0	10	0.0%
Other and unspecified languages	1,290	0.6%	1,156	134	0.1%
Total Population	221,430			8,049	3.6%

Source: ACS 5-Year Estimate 2018-2022, Table C16001

The total number of LEP persons estimated in Barnstable County is 8,049, which represents 3.6% of the total County population (over 5 years of age). The largest number and proportion of LEP persons, 4,623 persons (2.1% of the county population), are those who speak "Other Indo-European languages" at home speak English "less than very well". In past LEP analyses, the largest number and proportion of LEP persons have been those who speak Portuguese at home and speak English "less than very well". The Census no longer provides a detailed breakdown of Indo-European languages spoken. Despite the absence of Census data for LEP Portuguese speaking population, other data (including country of origin) and local knowledge indicate that the predominate language spoken in that group is Portuguese. As such, Portuguese meets the U.S. DOT definition of LEP "safe harbor" thresholds (5% or 1,000 individuals, whichever is less).

The second highest LEP population is those who speak Spanish at home and speak English "less than very well", 2,001 persons (0.9% of the county population). Spanish now meets the U.S. DOT definition of LEP "safe harbor" thresholds, but, as discussed later, the second, third, and fourth factors are currently not pointing to same consistent region demand for language assistance measures as is the case for Portuguese

MAPS

Using GIS, the MPO staff developed an interactive online map showing geographic distribution by census tract of Portuguese LEP Spanish LEP individuals. The mapping exercise showed the highest concentrations of both Spanish and Portuguese LEP individual in Hyannis area census tracts. This information is important to the MPO for developing and targeting outreach and informational materials for transportation projects and meetings in these areas. Portuguese speaking LEP individuals show a wider geographical distribution with other Census tracts with concentrations of Portuguese speaking LEP individuals are located in Falmouth, Mashpee, Yarmouth, Dennis, and Eastham.

Table 2: Census Tracts with Concentrations of LEP Persons (Speak English less than "very well")

	Other Indo-European languages (likely mostly Portuguese)	*Spanish*
Census Tract 115	11	227
Census Tract 120.01	435	120
Census Tract 125.02	243	61
Census Tract 126.01	170	0
Census Tract 126.02	777	757
Census Tract 127	462	0
Census Tract 153	451	289

Source: ACS 5-Year Estimate 2018-2022, Table C16001

FACTOR 2: THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME IN CONTACT WITH THE PROGRAM

The second factor to consider when determining how to provide meaningful access to the MPO's services and programs to LEP persons is how often LEP persons come into contact with the agency. The Cape Cod Commission, which staffs and administers the MPO program, has not received any requests for language translation, nor has it received any requests for interpreters at public meetings. MPO staff, however, have proactively provided an interpreter at key MPO meetings and meetings. MPO staff members most frequent contacts with LEP persons have been with Portuguese speaking individuals within the Brazillian community. MPO staff has interacted with Portuguese-speaking LEP persons during its outreach events with the local Brazilian community with translators either provided by MPO staff or those support of trusted indiviudals within community group with who the outreach event was planned.

FACTOR 3: THE IMPORTANCE OF THE SERVICE PROVIDED BY THE PROGRAM

The third factor to consider is the importance to LEP persons of the MPO's programs, activities, and services. According to FTA guidance, 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. An agency should take into consideration whether denial or delay in access to services or information could have serious implications for the LEP individual.

To better understand how the importance of MPO programs, activities, and services to the region's LEP population, MPO staff engaged in outreach efforts to the Portugese speaking community; (2) the Wampanoag tribe; and (3) international summer workers on Cape Cod.

The MPO developed outreach materials to educate the general public of upcoming TIP and UPWP cycle and meetings and to obtain any comments about transportation issues on Cape Cod. These flyers were translated into Portuguese and distributed in locations where contact had proven effective over years.

In the past MPO staff, accompanied by a Portuguese translator, have attended services at a Brazilian church, which is a primary gathering place for the community, including LEP Portuguese speaking individuals. Staff developed a specific comment card for use at the attended by MPO staff to obtain opinions of the Portuguese community as to their vision for transportation on Cape Cod and how it may use MPO programs and services.

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MPO staff has attended a community meetings that focused on international worker transportation issues on Cape Cod. These meeting also provide an opportunity for MPO staff to meet the representatives and learn more about how the community values/uses the MPO programs.

Through its outreach efforts and contacts with these traditionally underserved population groups, and with the Portuguese speaking community in particular, MPO staff has been able to learn what services and programs are of the most importance to LEP individuals.

FACTOR 4: THE RESOURCES AVAILABLE TO THE AGENCY

The last step in the four-factor analysis is to determine the extent of resources available to the MPO to provide translations and interpretive services to LEP persons. Given the Cape Cod Commission's and MPO's limited budgets coupled with the limited demand, identifying and implementing cost-effective ways to address the needs of LEP persons is important. The MPO does not translate all vital documents into each language, instead, the MPO budgets sufficient funds to translate vital documents into Portuguese, by far the most widely spoken by people with LEP. Spanish translation of these materials is considered based on the specific project locations. Broader Spanish translation actions may be considered in the future based on anticipated demand and should that population increase.

For all languages prevalent in the region, the MPO maintains a list of qualified interpreters and translation providers who are available upon request to provide services on an as-needed basis. The Cape Cod Commission website (where the MPO web page is located) provides a Google translator (free of charge) for information on the site. The Public Participation Plan provides the following list of services:

i. UMass Translation Center
   Request Procedure: http://www.umasstranslation.com/services/request-an-estimate/
   Rates: http://www.umasstranslation.com/services/rates/
ii. Statewide Language Services Contract
   Contract Info:
   https://www.ebidsourcing.com/displayPublicContSummView.do?doValidateToken=false&docViewType=ACTIVE&docId=124184&docStatus=ACTIVE&docUserId=3155&userType=PUBLIC
   Vendor Info:
   https://www.ebidsourcing.com/displayPublicContActiveSwcVendorList.do?doValidateToken=false&menu_id=2.4.4.1&docUserId=3155&docViewType=ACTIVE&docId=124184&userType=PUBLIC&docNumberText=PRF48
iii. Local Interpretation Services

PROCEDURES

VITAL DOCUMENT TRANSLATIONS

The MPO has identified notification of legal rights to beneficiaries, complaint forms, public meeting announcements, the RTP, and the UPWP as vital documents. Directions on how to obtain translation and interpretive services is also vital information to LEP persons.

- The MPO provides it Notice of Nondiscrimination Rights and Protections to Beneficiaries in ten languages. The Notification is posted in the Cape Cod Commission offices reception area. The Notification is also posted on the Cape Cod Commission website. A shortened version of the Notification translated into Portuguese is provided on MPO and JTC meeting agendas and announcements for meetings concerning transportation projects/issues within areas within areas proximate to neighborhoods mapped as having significant proportion of Portuguese speaking LEP persons. Information on how to obtain translation services is printed in ten languages and posted in the MPO meeting room.
- Executive summaries of the RTP and UPWP are available in Portuguese.
- Statement in Portuguese advising LEP persons on how to request translation services is included on each meeting notice.
- Meeting announcements about transportation projects in areas with concentrations of Portuguese speaking LEP individuals will be provided in Portuguese and distributed to community organizations through email and postal mailings.
- Meeting announcements about transportation projects in areas with concentrations of Spanish speaking LEP individuals will be provided in Spanish and distributed to community organizations through email and postal mailings.
- The MPO will provide announcements (and other relevant material) to Portuguese language media outlets (as identified in the Public Participation Plan) for transportation projects within areas proximate to neighborhoods mapped as having significant proportion of Portuguese speaking LEP persons.
- The MPO will provide in Portuguese outreach materials (and opportunities to comment) on draft documents such as the RTP and TIP during their development.
- MPO staff developed a brief survey that seeks feedback on what types of MPO documents are of top importance to users (and would be priorities for translation).

REQUESTS FOR INTERPRETIVE SERVICES AND DOCUMENT TRANSLATIONS

The MPO's policy combines the uses interpreter services and translated materials to communicate effectively with persons who are not fluent in English. In accordance with the Public Participation Plan, the MPO will provide translation and interpretive services upon request. MPO staff will refer to the list of interpreter and translation service providers and

arrange for service, depending upon the nature of the need/request. For document translation, MPO staff will contract with a service provider who can provide the service in a timely manner. For oral interpretive service requests, the MPO will contract with a provider who may be needed to provide language assistance at a public meeting. The MPO also has identified telephone language interpreter services.

MONITORING AND COMPLIANCE

- The MPO will periodically review demographic data to determine if the language needs of the population have changed.
- The MPO will maintain a log of all encounters with LEP individuals and any requests for translation or interpretive services.
- The MPO will provide an update on its LEP services through its annual Title VI reporting.
- The MPO will review and update its LEP program as needed, identifying vital documents which may need to be translated and updating its list of translation service providers as needed.
- The MPO will seek training opportunities for bilingual staff and others who may have contact with LEP persons, as budget and work load allow.

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