

Title VI and A Limited English Proficiency (LEP) Plan
Southeastern Connecticut Metropolitan Planning Organization
March 2014

Introduction

The Southeastern Connecticut Council of Governments (SCCOG), functioning as the Metropolitan Planning Organization, is the federally-designated agency for transportation decision-making. SCCOG is committed to ensuring that no person is excluded from participation in, or denied the benefits of, transportation projects in the region as provided by Title VI of the Civil Rights Act of 1964 (Title VI), as amended, and Executive Order #12898 of February 11, 1994. As the federally mandated organization responsible for the transportation policy development, planning, and programming, the organization and the process it follows guide how state and federal transportation funds are used in the southeast region. SCCOG as the MPO is comprised of the Chief Elected Officials of the region's twenty municipalities.

SCCOG Title VI and LEP Objectives

SCCOG's mission and responsibility under the law is to ensure that all transportation planning, policies, and programs are equitable. Title VI and Limited English Proficiency (LEP) policies are carried out in the following ways:

- Promoting the full and fair participation of all affected populations in transportation decision making;
- Preventing the denial, reduction or delay in benefits related to programs and activities that benefit minority or low-income populations;
- Ensuring that the level and quality of transportation services is provided without regard to race, color or national origin;
- Identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects, of program and activities on minority, linguistically isolated, and low-income populations; and
- Ensuring access to programs and activities by LEP persons.

SCCOG Activities that Support Title VI and LEP

Since its inception, SCCOG has conducted a planning process that seeks to engage a variety of communities of concern in the planning process. It is SCCOG's responsibility to ensure that all citizens have access to a process that distributes benefits and burdens arising from transportation projects, programs and policies in the region. In compliance with the Title VI of the Civil Rights Act of 1964 (Title VI)¹, US Department of Transportation's Title VI regulations (49 CFR part 21)², Executive Order # 12898 of February 11, 1994³, and Executive Order # 13166 of August 11, 2000⁴, SCCOG regularly reviews the policies and practices of the agency. SCCOG regularly assesses the region's transportation

¹ Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d). <http://www.justice.gov/crt/cor/coord/titlevistat.php>

² United States Department of Transportation Regulations. June 18, 1970. "Nondiscrimination in Federally-Assisted Program of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964." 49 CFR Part 21. <http://fhwa.dot.gov/hep/49cfr21.html>

³ Executive Order #12898 of February 11, 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." <http://www.dotcr.ost.dot.gov/documents/yctr/eo12898.pdf>

⁴ Executive Order #13166 of August 11, 2000, "Improving Access to Services for Persons with Limited English Proficiency" <http://www.justice.gov/crt/cor/Pubs/eolep.pdf>

planning program for compliance with applicable regulations to assure that benefits and burdens are evenly and fairly distributed across the demographic area served. SCCOG prepares an Environmental Justice assessment with each major revision to the region's Long Range Transportation Plan (LRTP), and the Transportation Improvement Program (TIP). SCCOG maintains a Public Participation Plan which becomes the basis of the planning process. The plan ensures that information is easily accessible and understandable to all members of the community. From this, it is assumed that by making information available to the public, in whatever language is spoken, that the recipients of the information will seek opportunities to join the conversation about specific projects of interest. Often, this does not happen despite efforts to invite public participation.

To expand availability of information and opportunities for all citizens in the region to be involved in the transportation planning process, SCCOG's website posts all legal notices, media releases, meeting notices, agendas, minutes, project information, presentations, reports and summaries; and all major planning documents are posted online. A translation link was also added to the website.

Title VI Compliance⁵

Title VI Complaint Process

As the transportation planning agency (MPO) for the southeast region, SCCOG maintains an official policy for handling inquiries and complaints related to compliance with Title VI and the Americans with Disabilities Act (ADA) for all transportation planning programs. The complaint procedure is reviewed annually and revised as needed. The current policy and complaint procedure is posted on the SCCOG website <http://www.seccog.org>

Title VI Investigations, Complaints and Lawsuits

To date no complaints, investigations or lawsuits have been filed since SCCOG developed a complaint procedure or prior to that.

Access to Services by Persons with Limited English Proficiency

In compliance with the Title VI, Executive Order # 13166, SCCOG is working to make translation services available for persons with limited English proficiency. According to the 2009 American Community Survey, less than 5% of the region's population speak English less than very well.

A link was added on the SCCOG home page to translate the website into a number of languages, making information accessible to those with limited English proficiency. As part of the Title VI requirement, a signed agreement was made with the Thames Valley Council of Community Action (TVCCA) for interpretation services to assist people with limited English proficiency.

As part of the regular public involvement practices, SCCOG develops project-specific public involvement plans to help tailor outreach efforts to the needs of individual communities. For projects affecting an area with a population identified as having households with limited English proficiency, public involvement plans will include specific strategies to provide informational materials and notices in the appropriate non-English language. As part of this effort, SCCOG has reached out to the Norwich school system to develop an experimental program to utilize students whose parents have limited English proficiency to

⁵ United States Department of Transportation. May 13, 2007. "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients." Federal Transit Administration Circular 4702.1A. http://www.fta.dot.gov/civilrights/civil_rights_5088.html

carry notices home of upcoming meetings or events. Due to the influence of the casinos, Norwich has become a microcosm of opportunity to address techniques for solving the problem of public participation involving LEP populations. This is a problem that the Norwich school system has struggled with over the past decade or more as it finds itself with students entering school with limited English proficiency and with the parents of those children unable to participate or interact with school system concerning their children's education.

Notification of Beneficiaries of Their Rights Under Title VI

The Title VI transportation policy and complaint procedure is posted on the SCCOG website, with contact information to request special accommodations for assistance or translation services or to file a complaint. All meetings are held in ADA compliant facilities and whenever possible in locations accessible by public transportation. A statement with contact information to request translation services or other special accommodations is also included in SCCOG meeting notices and agendas.

Inclusive Public Participation

The Region's public involvement process seeks to involve all members of the community and to ensure that all interested and affected individuals have access to pertinent project information. An outreach program is developed for the LRTP, major construction projects, job opportunities and planning studies. The core of the outreach program includes media releases and legal notices of meetings, identification of stakeholders through the chief elected officials, planners, and community organizations, to post all pertinent materials online and increase the use of visualization techniques. It is SCCOG's practice to document all activities, to record all input, prepare responses, and to summarize all outreach activities.

The Public Participation Plan for the Southeastern Connecticut Council of Governments identifies a number of recommendations aimed at involving communities of concern in the transportation decision-making process and enhancing access to information for individuals, including those with limited English proficiency (LEP). Public involvement practices are evaluated annually and modified as needed.

➤ Standard/Ongoing Public Participation Practices:

- Continue to identify and update methods to involve the public and communities of concern, to enhance comprehension and accessibility to transportation planning programs and information.
- Promote the use of visualization techniques for meetings and post relevant graphics on the SCCOG website.
- Continue to develop contact lists building on other program contacts. These include Locally Coordinated Human Services Transportation Planning (LOCHSTP), Jobs Access and Reverse Commute Program, housing, emergency management, local community and faith based organizations, etc. Identify contacts for those traditionally underserved and add them to the database.
- Engage all members of the community by expanding working relationships with members of the traditionally underserved community and their leaders, including faith and community based organizations, elderly groups, disabled advocacy groups, etc. Consider meeting with them on topics of concern in their neighborhood/community.
- Post notices in locations such as buses, transit facilities, and local bulletin boards at community facilities, faith based organizations, and municipal offices and web sites. Also, investigate new formats such as social media.
- In order to further its involvement in the "community of greatest need," SCCOG has recently taken the initiative to organize a Regional Human Services Coordinating Council comprised of

the Executives and others who work in the health and social services field. This group meets regularly at the SCCOG and has become an important link to connect SCCOG activities having to do with transportation, land use and other major community projects directly to the agencies whose clients are comprised of the elderly, disabled, low income, minority, veterans, homeless and others in need.

- Assess SCCOG activities for anticipated significant effects on LEP populations, and communities of concern, for specific projects.
- Ensure project specific public involvement through individual public involvement plans, a project web page, media releases to keep the public up to date, and the ongoing use of visualization techniques, as appropriate.
- Customize public outreach and public involvement based on the populations and stakeholders affected by individual studies and projects.
- Continue to hold SCCOG and other meetings at ADA compliant facilities and in locations accessible by public transit.
- Post meeting notices, project information, comments and general information on the SCCOG website.

➤ Public Participation Practices to be implemented

- Explore the use of diverse media outlets to engage the public including the use of Spanish language media and radio, local access television, public service announcements, radio, mass media, and other local publications.
- Through the Eastern Connecticut Transportation Consortium outreach worker, partner with local community groups and organizations to co-host input meetings and workshops on transportation issues, opportunities, projects and programs.
- Expand notice practices to increase effectiveness including creative noticing methods (i.e. bill stuffers, project brochures, information booths, etc.)
- Further assess the needs of communities of concern, LEP, low-income and minority populations and make accommodations as appropriate, including translation services as needed.

➤ Future Year Goals

- Investigate the use of social media to share project information.
- Continue to pursue and test the effectiveness of using the Norwich school system as a mechanism to communicate to the LEP families in the area.
- Provide the executive summary for major planning documents online in Spanish.
- Offer a guide to public participation, a transportation glossary and a list of commonly used acronyms in English and Spanish.

Four-Factor Assessment (Note: Upon adoption, this section will be added to SCCOG's LEP Plan)

1) The number of, or proportion of LEP persons eligible to be served or likely to be encountered by the programs or recipient.

The attached table and illustrations depict both the number and distribution of people with limited English proficiency in the region. It is clear from the illustration that the urban core of the region contains the highest number and percentage of people with limited English proficiency. It should be noted that these areas have been targeted to receive the highest level of public transit service benefits for the past 30 years.

2) The frequency with which LEP persons come in contact with the program.

The primary focus of this part of the analysis is directed toward the use of federal funds to support the Agency's planning program. In the past, the major opportunities for public involvement tended to be primarily episodic rather than on-going. While members of the public are always free to contact staff during office hours, by email or by letter, and do so regularly, the important work of the staff tends to revolve around the development of special projects, either plans or studies that are not presented to the public until the substance of the project becomes meaningful. This is the nature of the planning process which is different than a direct-service agency, like a transit provider, in which contact with the public is constant. To date, LEP persons have not openly participated with our planning program or staff. This is not to say that at any of the various public information meetings held by or attended by SCCOG staff were not also attended by person(s) of limited English proficiency. There is simply no documentation to date, that this has occurred.

How is this being rectified? Under Title VI, we expect our efforts to encourage participation in our programs and projects by people of limited English proficiency will gradually result in an increase in such participation. It should be noted that some of the hesitancy of LEP persons to participate is undoubtedly cultural in nature and will take time and encouragement to overcome.

3) The nature and importance of the program, activity or service provided by the program to people's lives.

Generally speaking, the importance of SCCOG's planning activities varies according to a variety of conditions, circumstances, and constituencies. In a regional context, importance is often measured by the location where a project, activity or expenditure of funds tends to be focused on one area and not on another. Overall, SCCOG attempts of achieving regional/municipal equity, or balance, wherever possible. It may be necessary to achieve this balance over a period of time, perhaps years, but for an organization which exists to provide benefits to its constituent member municipalities, achieving an equity in the distribution of those benefits becomes an important factor to the continued health and well-being of the organization. How individual members of the general public place, or perceive, importance on these activities and benefits only presents itself indirectly through the chief elected officials through their contact with their constituents.

It is important to understand that SCCOG's programs and activities are primarily vetted and gauged by the SCCOG's municipal members, the chief elected officials, and only secondarily by individual members of the general public. As a result, LEP persons are viewed as being part of the constituency of individual chief elected officials and not specially favored. For example, the decision to replace a failing

bridge in a particular municipality is viewed as benefitting all the members of the municipality and any others who use the bridge.

4) The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

This is perhaps the most problematic issue faced by small regional agencies like the SCCOG, which are under severe financial pressure simply to be able to maintain staff to conduct and oversee technical planning projects. With limited resources available for outreach, such agencies have had to look to other, more cost efficient means to gather public input from LEP persons as well as the general public. Within the past several years, the emergence of the internet and social media such as Facebook, Twitter, LinkedIn and various other formats has tapped a reservoir of public sentiment that heretofore has largely remained untapped using traditional means, such as direct participation at public forums and meetings.

Despite limited resources, SCCOG has recently initiated social media formats as a way to reach the general public, as well as persons with limited English proficiency. While it is still too early to gauge the effectiveness of these efforts, clearly the future of social media formats may be the most cost-effective way that an agency like the SCCOG can use its limited resources to connect with people having limited English proficiency and to involve them with technical planning activities.

Safe Harbor Provision

The attached tables, taken from the 2010 Census, broadly frame the language profile that characterizes New London County. There is no question that the advent of Native American casino gaming in the past 20 years has altered the race, ethnic and language profile of the region. The promise of jobs has resulted in an in-migration of persons from other cultures whose English language skills are sub-par. Local schools, hospitals and police departments have been forced to adopt to the changing language environment simply as a matter of regular, daily operations. New translation services are regularly appearing (see attached), creating opportunities for helping these populations better acclimate.

The fact is that because of the in-migration of non-or-low-English speaking populations, is a relatively recent phenomenon. To date, the focus of this population has tended to be toward employment and housing. Since the majority of this non-English speaking population have not achieved citizenship yet and may never do so, participation in local and regional government affairs remains low. Assuming the casinos continue to prosper, over the next decade, it should be expected that the influx of immigrants will be drawn more toward participating in government. However, along with this interest is the reasonable expectation that English language skills will improve.

In the interim, SCCOG will include the following statement on all its documents:

Si necesita asistencia de language, por favor comunice se a: Richard Guggenheim at 860-889-2324, or rguggenheim@seccog.org, or 5 Connecticut Avenue, Norwich, CT 06360.