



## ***GASTON URBAN AREA MPO Language Access Plan***

### ***I. PLAN STATEMENT***

The Gaston Urban Area MPO (hereinafter referred to as the “MPO”) has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with Federal guidelines, the MPO will make reasonable efforts to provide or arrange for free language assistance for its LEP clients, including applicants, recipients and/or persons effected and or impacted by federally funded transportation planning, programs, or construction efforts – Federal, State or Local.

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

This policy and plan is effective November 29, 2011.

### ***II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS***

Meaningful access is free language assistance in accordance with Federal guidelines. The MPO will periodically assess and update this plan using the following four-factor analysis:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the MPO.
2. The frequency with which LEP persons using a particular language come into contact with the MPO.
3. The nature and importance of the Gaston Urban Area’s Transportation Planning program to the individual citizen’s life.
4. The MPO resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

### **III. LANGUAGE ASSISTANCE**

1. A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Gaston Urban Area MPO programs and activities.
2. Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. The MPO will determine when interpretation and/or translation are needed and are reasonable.
3. Gaston MPO staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and the Gaston MPO staff determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, the MPO staff will make reasonable efforts to provide free language assistance. If reasonably possible, the MPO staff will provide the language assistance in the LEP client's preferred language.

The Gaston MPO board and staff has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

The Gaston MPO will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of the clients.

### **IV. TRANSLATION OF DOCUMENTS**

1. The MPO staff will weigh the cost and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical transportation information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in a LEP group and other relevant factors. The Gaston MPO will undertake this examination when an eligible LEP group constitutes five percent of an eligible client group (for example, five percent of households applying for program assistance) or 1000 persons whichever is lower. Total LEP Spanish speakers total 4589 (2.43 %) of total MPO Urbanized population of 188,511. (See Map 1)

2. If the MPO determines that translation is necessary and appropriate, the MPO staff will arrange to translate the program application and selected mailings and documents of vital importance into that language.
3. The MPO will consider technological aids such as Internet-based translation services, which may provide helpful, although perhaps not authoritative, translation of written materials

**V. FORMAL INTERPRETERS**

1. When necessary to provide meaningful access for LEP clients, the MPO office will provide qualified interpreters, including City of Gastonia bilingual staff and contract vendors, if available. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis.

To be qualified, the bilingual staff and contract vendors will be screened to ensure that the following standards are met before being used for interpreter services:

- a. Can fluently and effectively communicate in both English and the primary language of the LEP individual.
  - b. Can accurately and impartially interpret to and from such languages and English.
  - c. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services.
  - d. Demonstrates cultural competency.
  - e. Understands the obligation to maintain confidentiality.
  - f. Understands the roles of interpreters and the ethics associated with being an interpreter.
2. The MPO office may require a formal interpreter to certify to the following:
    - a. The interpreter understood the matter communicated and rendered a competent interpretation.
    - b. The interpreter will not disclose non-public data without written authorization from the client.
  3. Formal interpreters shall be used at the following:
    - a. Formal hearings concerning Transportation Grievance Procedures. City staff will not be utilized as interpreters in any instance where such use would constitute a conflict of interest.

- b. If Bilingual City of Gastonia employees cannot provide assistance to MPO staff and LEP clients as part of their regular job duties, and the MPO Division determines that no other reasonable option is available.

## **VI. *INFORMAL INTERPRETERS***

1. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. MPO staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency, or conflict of interest.
2. An LEP person may use an informal interpreter of his or her own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the MPO office. If possible, the MPO office should accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.
3. If an LEP client prefers an informal interpreter, after the MPO office has offered free interpreter services, the informal interpreter may interpret. MPO Staff should insure 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 the MPO office will provide a competent interpreter at no cost to the LEP person. In these cases, the client and interpreter should sign a waiver of free interpreter services.
4. If an LEP client wants to use his or her own informal interpreter, the MPO office reserves the right to also have a formal interpreter present.

## **VII. *OUTSIDE RESOURCES***

1. Outside resources may include community volunteers and organizations.
2. Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made. If community volunteers and organizations are utilized, MPO staff will insure that such outside resources are competent in interpreting and knowledgeable about the applicable confidentiality and impartiality rules.

## **VIII. MONITORING AND REPORTING**

1. The MPO staff will complete a self-monitoring report on a quarterly basis using a standardized reporting system, which will be provided as needed to funding agencies. The MPO office will review this LEP Plan at a minimum of every four years. The review will include:
  - a. A determination as to whether five percent of the MPO's population client group speaks a specific language which triggers consideration of document translation needs as described above.
  - b. Analysis of staff requests for contract interpreters: number of requests, languages requested costs, etc.
  - c. The Transportation Advisory Board (TAC) & (TCC) will be asked to review the LEP Plan annually as part of updating the Citizen Participation Plan.
2. The MPO office will complete an annual compliance report and provided it to funding agencies as requested and assist with monitoring of the LEP plan by funding agencies.

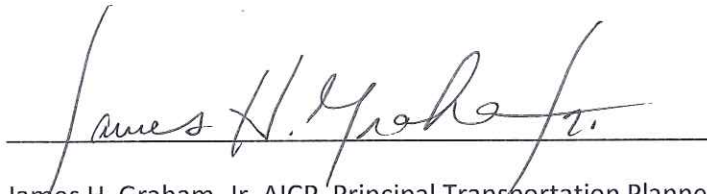
## **IX. Applicant/Recipient Complaints of Discriminatory Treatment**

1. Complaints
  - a. The MPO office will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
  - b. The MPO office will maintain records of any complaints filed, the date of filing, actions taken and resolution.
  - c. The MPO staff will notify the appropriate agency of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.
2. Resolution of Matters
  - a. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the appropriate funding agency. This notice will be provided in the primary language of the individual with Limited English Proficiency.

**IX. LAP PLAN DISTRIBUTION AND TRAINING**

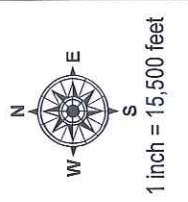
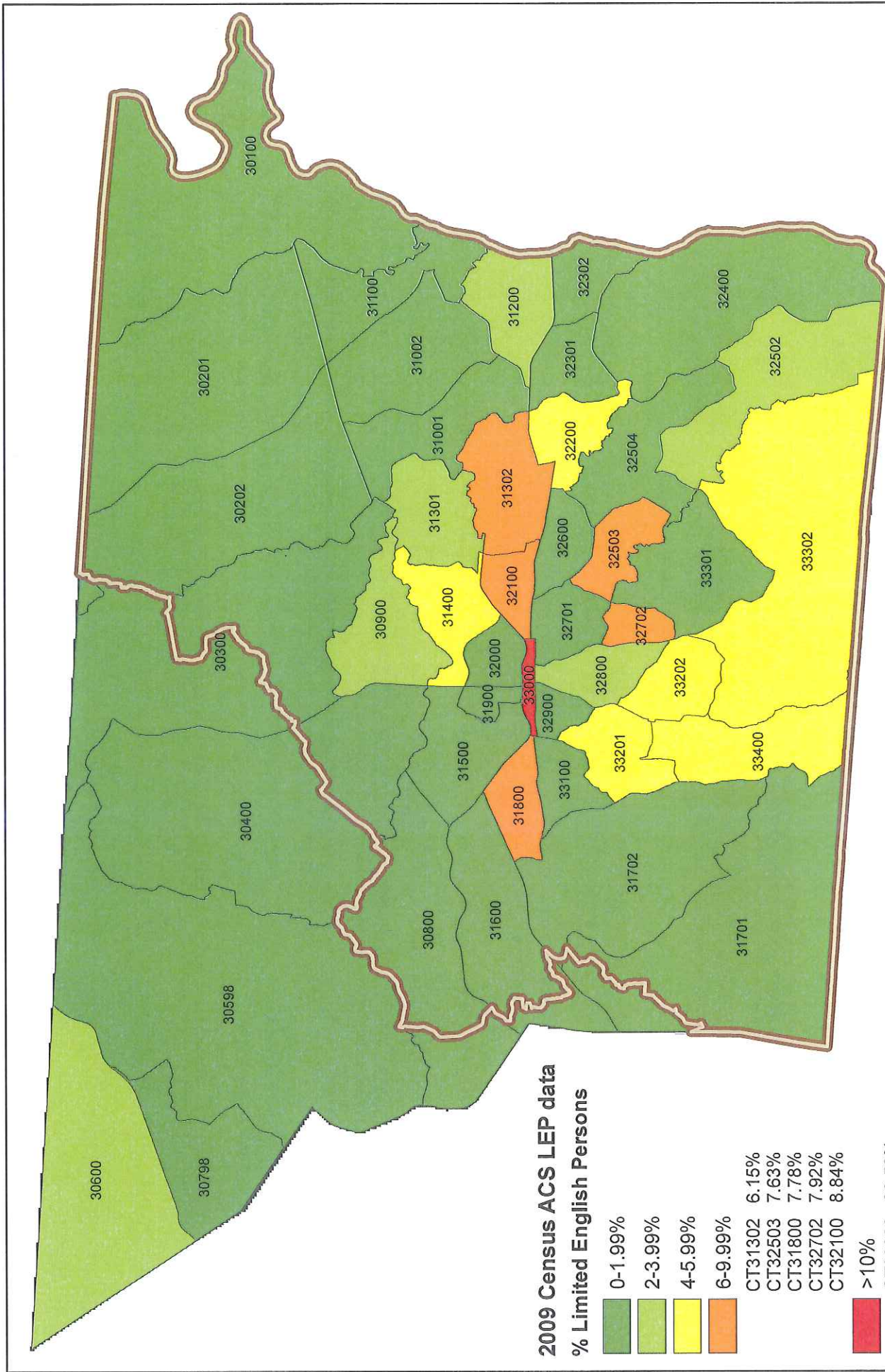
1. The LAP Plan will be:
  - a. Distributed to all MPO staff.
  - b. Available at the MPO Office: 150 S. York Street, Gastonia, North Carolina.
  - c. Posted on the MPO's website, [www.gastonmpo.org](http://www.gastonmpo.org)
  - d. Explained in training sessions for supervisors and other staff who need to communicate with LEP clients, which training sessions will be provided at least annually.

Approved by Resolution at the November 29, 2011 Gaston Urban Area Metropolitan Planning Organization Transportation Advisory Committee (TAC) meeting.



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James H. Graham, Jr. AICP, Principal Transportation Planner  
Gaston Urban Area MPO Coordinator



# Limited English Proficiency Spanish Speakers

## LEP MAP DATA TABLE

Census Tract	Total Pop	LEP Spanish Population who Speak English less than "very well"	% Pop LEP
30100	5333	17	0.32
30201	3904	52	1.33
30202	7973	43	0.54
30300	4678	24	0.51
30400	7073	99	1.40
30500	6346	88	1.39
30600	4758	148	3.11
30700	3006	31	1.03
30800	5318	41	0.77
30900	4824	104	2.16
31001	2627	0	0.00
31002	5756	31	0.54
31100	4524	79	1.75
31200	3780	98	2.59
31301	3275	80	2.44
31302	3803	234	6.15
31400	4309	188	4.36
31500	3242	0	0.00
31600	4117	70	1.70
31701	3455	30	0.87
31702	5701	39	0.68
31800	3202	249	7.78
31900	1979	6	0.30
32000	2807	10	0.36
32100	2985	264	8.84
32200	3078	160	5.20
32301	2040	36	1.76
32302	2584	41	1.59
32400	8159	95	1.16
32502	2476	63	2.54
32503	5414	413	7.63
32504	4876	38	0.78
32600	3837	12	0.31
32701	5974	100	1.67
32702	2045	162	7.92
32800	5495	157	2.86
32900	2763	29	1.05
33000	738	196	26.56
33100	2526	38	1.50
33201	6424	358	5.57
33202	1834	86	4.69
33301	7839	58	0.74
33302	8746	396	4.53
33400	2888	126	4.36
Totals	188511	4589	2.43