

2022



pennsylvania
DEPARTMENT OF TRANSPORTATION

FTA Title VI Program Compliance Plan



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DEPARTMENT OF TRANSPORTATION
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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. The law was the model for several subsequent federal laws, regulations, and executive orders that prohibit discrimination based on sex, disability, age, religious creed, low income, or limited English proficiency (LEP). Federal agencies are charged with overseeing compliance among grant recipients and often use the Title VI Program as a reference regarding non-discrimination requirements. Additionally, the Title VI Program Compliance Plan addresses the Pennsylvania Department of Transportation's (PennDOT or the Department) efforts to prevent and mitigate instances of discrimination.

The protections against discrimination extend to all operations of an agency receiving federal assistance, not just to grant-funded activity. The Civil Rights Restoration Act of 1987 clarifies the broad institution-wide application of Title VI and other non-discrimination statutes. The terms "program" and "activity" mean all operations, regardless of whether such programs and activities are federally funded.

The purpose of this document is to define the policies and procedures by which the Department administers its Title VI Program activities and ensures its compliance with Title VI and related Federal and Commonwealth statutes, authorities, and requirements, internally and among its subrecipients.

Title VI Program Notice to the Public

OS-2C (12-15)



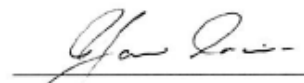
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

PUBLIC NOTICE OF TITLE VI POLICY

Pennsylvania Department of Transportation (Department) hereby gives notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, E.O. 12898, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by PennDOT.

Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Department. Any such complaint must be in writing and filed with the Department's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. A Title VI Discrimination Complaint Form can be obtained from the Bureau of Equal Opportunity by dialing 1-800-468-4201 or by linking to [PA DOT Discrimination Complaint Form](#).

This notice is also available as a translatable document on the [PennDOT Bureau of Equal Opportunity Title VI](#) webpage using the translation feature. If you speak another language, language assistance is available by calling 1-800-468-4201 (TTY: 711).



Yassmin Gramian
Secretary of Transportation

September 17, 2020
Date

Discrimination Complaint Procedures

To comply with 49 CFR Section 21.9(b), as well as other Federal and Commonwealth civil rights statutes and authorities, PennDOT has developed procedures for investigating and tracking Title VI Program complaints filed against it and its subrecipients. These procedures are available to the public upon request. Moreover, to reduce the administrative burden associated with this requirement, PennDOT's subrecipients are encouraged to adopt the Department's Title VI Program model, complaint investigation procedures and tracking process for their own use.

Equal Opportunity Managers, Coordinators and Specialists play an important role in the resolution of discrimination complaints. When individuals file complaints of discrimination or harassment, Equal Opportunity Managers, Coordinators and Specialists work with the Office of Chief Counsel and other appropriate agency employees, to investigate the allegations and resolve these complaints informally.

PennDOT conducts an investigation if discrimination occurred, and if so, how to correct the behavior, practice or alleged discriminatory conduct, and work to prevent future discriminatory acts. The Equal Opportunity Manager/Coordinator/Specialist's role is to document and investigate the allegations of discrimination. As an investigator, it is essential that the Equal Opportunity Manager/Coordinator/Specialist exercise objectivity throughout the investigative process. The investigator must remain impartial and unbiased throughout the investigation, gathering all relevant facts so that the ultimate decision-maker has all necessary information to enable them to make a determination about the complaint.

The investigator is not an advocate for the complainant or the respondent. Rather, the investigator's role is to remain impartial and conduct every investigation with objectivity and fairness to all parties involved.

All complaints of discrimination must be handled in accordance with these procedures.

Application

Any person who believes they or any specific class of persons have been subjected to discrimination prohibited under the Title VI Program by the Department directly or by non-Directly Federally funded subrecipient transit agencies may, by themselves or by a representative, file a written complaint with PennDOT.

These procedures apply to any program or activity implemented by the Department, its contracting agencies and its subrecipients, regardless of whether the program or

activity receives Federal financial assistance or not.

These procedures do not apply to any complaints issued against transit agencies who receive funding directly from FTA.

Discrimination Prohibited

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d 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."

Protections afforded under Title VI apply to any person, regardless of whether the individual is lawfully present in the United States or a citizen of the United States. In addition to Title VI, there are other Federal and Commonwealth nondiscrimination statutes that afford legal protection. These statutes include but are not limited to the following: Title II of the Civil Rights Act of 1964 (race, color, religious creed and national origin), Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability), and the Pennsylvania Human Relations Act of 1955 (race, color, national origin, sex, religious creed, ancestry, and disability). Taken together, these requirements define an overarching Title VI/Nondiscrimination Program. As a recipient of Federal financial assistance, PennDOT must comply with Title VI and the additional nondiscrimination requirements. It is important to understand that these nondiscrimination requirements are applicable to all PennDOT programs, its contracting agencies and its subrecipients.

PennDOT's Title VI Program includes other Federal and Commonwealth nondiscrimination authorities which prohibit discrimination based on age, sex, religious creed, disability, limited English proficiency, and income. The specific types of discrimination prohibited shall be inclusive of those enumerated at 49 CFR 21.5.

Authorities

As articulated in earlier sections, Title VI of the 1964 Civil Rights Act as amended, (42 U.S.C. 2000d et seq) provides in Section 601 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 benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Additional statutes and authorities the Department incorporates into the Title VI Program include, but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §200d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 U.S.C. §5332., Part 21 (prohibits discrimination on the basis of race, color, national origin, religious creed, sex, or age);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131- 12189) as implemented by the Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority and low-income populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes

discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.);
- Pennsylvania Human Relations Act of 1955, as amended (prohibits discrimination on the basis of race, color, national origin, ancestry, religious creed, sex, age, disability or use of guide/support animal in public accommodations);
- Pennsylvania Fair Education Opportunities Act of 1961, as amended (prohibits discrimination in training and educational programming on the basis of race, color, national origin, religious creed, ancestry, sex and disability);
- FTA Circular 4702.1 B (October 1, 2012).

Title VI Program Discrimination Definition

Discrimination complaints involve any action or inaction, whether intentional or unintentional, in any program or activity provided by PennDOT, subrecipients, or contracting agents, which results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, national origin, religious creed, sex, age, or disability.

Third-Party Complaints

If the complaint is filed by a third party on behalf of another individual or group, then the Department's Title VI Program Coordinators/Specialist will attempt to contact the named complainant(s) (or, where the victim is a minor child or incompetent adult, contact the victim's parent or guardian) on whose behalf the complaint is filed to ensure that the named victim wishes to pursue the allegations raised on their behalf. If the person(s) (or their parent or guardian) declines to pursue the complaint, the Department closes the complaint and informs the third-party complainant of the reason for the closure. A memo is placed in the file explaining the steps taken and the reasons that the alleged victim(s) (parent or guardian) did not wish to pursue the complaint, if provided. If the person, parent, or guardian wishes to pursue the complaint, the Department provides them with a copy of the Consent/Release forms for signature. If the named complainant(s) wishes to pursue the allegation(s), the Coordinators/Specialist will initiate the investigatory process and work with all named parties to work towards informal resolution.

If a third-party complainant wishes to pursue a complaint where the alleged aggrieved party does not want to pursue or participate in an investigation, the allegation will be presented to the Office of Chief Counsel to determine if a Department-initiated investigation may be warranted.

Department Initiated Investigations

To proactively address potential discriminatory acts, policies or practices, the Department's Title VI Program Specialist and Coordinators may initiate a Departmental investigation without first receiving any formal complaints. The identification of compliance issues is part of routine monitoring requirements of the Title VI Program officers. These investigations will be logged and may lead to disparate treatment or impact determinations and Department-initiated corrective actions. Internal determinations of non-compliance with any provisions under the Title VI Program will be addressed with the appropriate offices. Issues of non-compliance identified with the Department's contracting agents or subrecipients will be reported to the offending entity along with reasonable expectations for resolution or corrections. Any instances of failure to comply with these recommendations could lead to a determination of non-compliance which would be reported to the appropriate Federal jurisdictional agency.

Approaches to Complaint Resolution

To efficiently and effectively meet the needs of complainants, the Department will work to resolve issues raised in a complaint of discrimination informally. At each stage of the process, the investigator will make every effort to pursue a resolution with the complaint. From the initial interviews with the complainant and the respondent and throughout the fact-finding period, the Coordinators/Specialist will request information regarding specifically requested relief and settlement opportunities.

Resolving a complaint to a complainant's satisfaction is the principal goal of the investigator, but such agreements do not absolve the Department, its subrecipients or its contracting agencies of the responsibility to address, correct and prevent future incidents of discrimination. Even in cases where complainants are satisfied with the outcome of investigations or resolutions, the underlining allegations must still be addressed and resolved when found to be non-complaintant with the Title VI Program.

Investigation

A. Initial Receipt

Complaints are date-stamped by the Bureau of Equal Opportunity (BEO) immediately upon receipt. Complaints shall be in writing and signed by the complainant(s), or

representative, and include the complainant(s) name, address and telephone number. Complainants are encouraged to use the Department's Discrimination Complaint Form but are not required to do so. Allegations of discrimination received by fax or e-mail will be acknowledged and processed. Allegations received by phone will be reduced to writing and provided to the complainant for confirmation or revision and signature before processing.

The following are examples of items that will **not** be considered a jurisdictional complaint requiring the application of the Department's Title VI Program complaint procedures:

- an anonymous complaint;
- complaints issued against transit agencies who receive direct funding through FTA;
- non-class-based customer service complaints;
- inquiries seeking advice or information;
- courtesy copies of court pleadings;
- courtesy copies of complaints addressed to local, State, or a Federal agency;
- newspaper articles; or
- courtesy copies of internal grievances.

Upon receipt of a Discrimination Complaint Form, BEO will assign a complaint number to the case before determining jurisdiction. Each complaint receives a unique number to facilitate tracking and easy reference. In addition, the Title VI Program Specialist enters the case in a tracking log and assigns the complaint to a Title VI Program Coordinator to begin fact-finding and attempting to work towards resolving the case on behalf of the complainant(s). The tracking sheet includes information relative to the complainant and respondent's contact information, as well as the self-identified protected class(es) the complainant believes was the basis of the alleged discriminatory act(s).

The Department's Title VI Program Specialist will assess the allegation(s) to determine relevance to the Department's Program; however, only the Office of Chief Counsel (OCC) makes determinations relative to jurisdiction. If OCC determines that the Department does not have jurisdiction over the matter or the respondent, then the Title VI Program Specialist will attempt to refer it to the appropriate Federal or Commonwealth agency. If OCC determines that the Department has jurisdiction over the subject matter and the respondent, then the complaint is assigned to an investigator for processing.

B. Timeliness

A complaint must be filed no later than 180 days after:

1. The date of the alleged discrimination;
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints submitted after the 180-day statutory period can be reviewed by OCC to determine equitable tolling depending on extenuating circumstances presented by complaint(s). Only the OCC has the authority to determine if a complaint can be accepted beyond the 180-day period. Complainants shall submit complaints to:

Pennsylvania Department of Transportation
Bureau of Equal Opportunity
PO Box 3251
Harrisburg, PA 17105-3251

Alternatively, complaints may be submitted electronically to RA-pennnoteoreports@pa.gov. Complaints made by phone should call 717-787-5891. Complaints received by PennDOT Districts, other Bureaus, non-Directly Federally funded subrecipient transit agencies and the Department's contracting agents shall be forwarded to BEO within two (2) days of receipt for processing consistent with these procedures.

C. Dismissals

A complaint may be dismissed for the following reasons:

1. The complaint is untimely, and the OCC determines that no tolling of the statutes of limitations can be provided;
2. The complaint does not allege a basis covered by the statutes or regulations for which PennDOT is responsible;
3. The complaint does not allege any harm with regard to covered programs or PennDOT activities;
4. The complainant requests the withdrawal of the complaint;
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint;
6. The complainant cannot be located after reasonable attempts;
7. The complainant fails to accept a reasonable resolution as determined by DOT operating administration and the PHRA Actual Damages Clause;
8. The complainant has filed a legal action with the PHRC, Commonwealth or Federal Court with the same basis(es) and issue(s) alleged in the complaint.

D. Notifications

In conducting complaint investigations, the Department does not promise confidentiality, but tries to maintain it to the extent possible. The Department provides each complainant a copy of the Complainant Consent/Release Forms with the Acknowledgement Letter. The Complainant Consent/Release Form are provided with the Acknowledgement Letter to the Complainant within fifteen (15) days of receipt of the complaint. Complainants are asked to return the completed Consent/Release Form within ten (10) days of the date on the letter. The Department requires complainants to sign and return the Complainant Consent/Release Form before commencing the actual investigatory process. If the complainant refuses to sign and return the Complainant Consent/Release Form, the Title VI Program Specialist will explain the Department's obligation to investigate the complaint, and that every effort will be made to assure that only those who have a legitimate need to know the complainant identity will be notified of the complaint.

Among the entities that are presumed to have a legitimate need to know the identity of the complainant and the issues raised includes but is not limited to:

1. Responsible agency officials, including the Department's Office of Chief Counsel; and
2. The appropriate DOT operating administration (e.g., Federal Highway, Federal Transit, Federal Aviation, or Federal Motor Carrier Safety Administration).

E. Create a Case File.

Generally, the case files and documentation include the following:

Complaint Log –This is a digital spreadsheet listing all signed discrimination complaints, case numbers, date of receipt, complainant and respondent contact information, date(s) of alleged acts of harm, protected class(es) of complainant(s), a synopsis of the alleged discriminatory act(s) and current disposition of investigations and or resolutions of the case.

Case File - The purpose of the case file is to maintain a hard-copy record of all contact information for complainant(s) and other named parties, contacts and activities relevant to processing the complaint for which there is no paper trail and Investigatory Plans. The file is to be used as a reference of the actions taken by the Title VI Program Specialist, Coordinators and Investigators on the case. Space is

provided to record the date, case notes, summary of actions, statements taken from complainant(s) during Intake and any subsequent communications with complainant(s) and other relevant parties. All correspondences maintained as part of the complaint, investigation or resolutions are maintained in this file along with any resolutions or escalations relevant to the case. These correspondences include but are not limited to investigatory notes and letters, external correspondence, determination/settlement agreements and other internal correspondence and exhibits.

F. Conduct the Investigation.

The investigation of discrimination complaints should commence and be completed in a timely manner. When interviewing any individual, the investigator should refrain from offering his or her opinion about any matter. The investigator must remain objective and impartial while gathering facts. The investigator should interview all potential parties and witnesses. All interviews should be documented as to time, place, persons present, and date of the interview. The investigator should attempt to keep the interviews as confidential as possible.

The investigator should advise each person with whom they speak to that the investigation is confidential and that the interviewee should not disclose any information about the complaint or the investigation.

Unless the evidence clearly shows the need to expand the issue, investigations shall be confined to the issues and facts relevant to the allegations in the complaint.

1. General Procedure for Every Interview

- (a)** The investigator should introduce themselves and explain the purpose of the interview.
- (b)** Use effective questioning to gather all facts relevant to the allegations, (e.g., who, what, where, when, and how).
- (c)** Listen carefully to the interviewee during each interview and be prepared to ask follow-up questions as necessary.
- (d)** Take detailed notes during the interview. Notes should include:
 - (1)** Name and contact information for the witness.
 - (2)** Date, time, and location of the interview.
 - (3)** Questions and responses.
 - (4)** Investigators should not include opinion in the interview or

notes. The interview and notes must be free from bias and subjectivity. Record only the information provided by the witness.

(e) Advise each person that the investigation is confidential, and that the interviewee should not disclose any information about the complaint or the investigation to others.

2. Conduct Follow-Up Interviews

(a) Although it is essential that investigations of all complaints be conducted promptly, it is also critical that investigations be thorough and complete. Therefore, investigators should not be content with information obtained through only an initial interview, unless no other information can be gathered.

(b) At a minimum, conduct a follow-up interview with the complainant, revealing much of the information obtained from the respondent and any other witnesses as is appropriate for rebuttal or corroboration.

(c) Give the complainant an opportunity to add and/or refine facts as well as reveal other incidents that may have occurred but had not been part of the original complaint.

(d) Interview any new witnesses and/or conduct a follow-up interview with existing witnesses if new facts are revealed.

(e) Conduct a follow-up interview with the respondent, if warranted. Present the respondent with any new allegations or information, obtain a response, and provide an opportunity for rebuttal of adverse statements.

(f) At the conclusion of each follow-up interview, have each person interviewed sign and date the notes of the transcribed statements at the time of the interview or, in the alternative, prepare a statement based on interview notes and ask the person to sign and date the statement.

3. Review Relevant Documents

(a) Do not overlook sources of information to corroborate or discount the facts alleged by the complainant, witnesses, and respondent.

(b) All documentation of the investigation must be stored in the case file created when the complaint was made.

(c) The investigator should not place any personal notes not relevant to the case or other inappropriate notation on any documents in the case file.

4. Investigative Report

Once all evidence is collected and interviews are finalized, the investigator prepares the investigative report. The report is factual and does not contain legal conclusions or editorial comments by the investigator. A copy of the complaint, investigative plan and report may be forwarded to the relevant DOT operating administration for final decision within 60 days of the date PennDOT received the complaint or upon request. As necessary, time for processing of complaints may be extended.

G. Cooperation with the Investigator

Coordinators or Specialists assigned a complaint for investigation shall obtain written statements from witnesses and copies of records and other evidence needed to ascertain the validity of allegations raised in the complaint. Witnesses are required to cooperate. Any failure to cooperate must be documented to allow appropriate action to be initiated.

All PennDOT, contractor, and subrecipient personnel must fully cooperate with the investigator in obtaining information necessary to the investigation. Failure of an agent or individual to cooperate fully can be grounds for a determination of non-compliance on the part of the agent or subrecipient.

1. The investigator shall have access to all records, documentation, and other sources of information pertinent to the investigation.
2. In the event any requested information is in the exclusive possession of any other agency, institution or person which or who refuses or fails to furnish this information, the investigator shall set forth in the report the efforts made to obtain the information, including the identity of person(s) not cooperating in the investigation.
3. In the event any person, individually or as an agency or organization representative, fails or refuses to furnish information to an investigator, the investigator shall inform the respondent or a designee that such failure may result in a finding of noncompliance. A finding of noncompliance can result in the imposition of administrative remedies pursuant to 23 CFR 1.36 or the imposition of sanctions pursuant 49 CFR 21.13. The investigator shall indicate in the investigative report that the contractor or agency refused to provide pertinent information and shall set forth efforts made to obtain the information.

H. Findings of Non-Compliance/Compliance

1. In the event the appropriate DOT operating administration concludes there is non-compliance with the laws/regulations as alleged, the Department will outline the recommendations for corrective action in writing to the respondent. The respondent will be provided adequate time to comply with the recommendations.
2. In the event the concerned DOT operating administration concludes that the respondent is compliant with the laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, escalate their case or file an action with the appropriate Commonwealth or U.S. District Court, the Pennsylvania Human Relations Commission or the appropriate Federal jurisdictional agency.

I. Records

PennDOT, its contracting agents and subrecipients shall maintain records of external complaints filed, identifying each complainant by their self-identified protected class(es) alleged to be the basis for their case. The record should contain:

1. The name of the complainant;
2. The agency with which the complaint was filed;
3. The date the complaint was filed;
4. The investigative plan;
5. The investigative report;
6. The complaint disposition and date; and
7. Other pertinent information.

J. Public Access

PennDOT makes its procedures for filing a complaint available to members of the public upon request. Subrecipients and contracting agencies are encouraged by the BEO to adopt the Department's Title VI Program complaint investigation and tracking procedures but may develop their own versions to comply with their statutory and regulatory non-discrimination requirements.

Discrimination Complaint Form

EO-478 (9-21)



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DISCRIMINATION COMPLAINT FORM

Name	Phone	Name of Person(s) That Discriminated Against You
Address (Street No., P.O. Box, Etc.)		Location and Position of Person (If Known)
City, State, Zip		City, State, Zip
Discrimination Because of: <input type="checkbox"/> Race/Color* <input type="checkbox"/> Sex <input type="checkbox"/> Disability** <input type="checkbox"/> Age <input type="checkbox"/> National Origin* <input type="checkbox"/> Retaliation <input type="checkbox"/> Religion		Date(s) of Alleged Incident(s)
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also, attach any written material pertaining to your case.		
Signature		Date

Please submit this form to one of the following agencies:			
Pennsylvania Department of Transportation Bureau of Equal Opportunity P.O. Box 3251 Harrisburg, PA 17105-3251 Phone: (717) 787-5891 Email: penndoteoreports@pa.gov	Federal Highway Administration U.S. Department of Transportation Equal Opportunity Specialist Pennsylvania Division Office 228 Walnut Street, Room 508 Harrisburg, PA 17101-1720 Phone: (717) 221-3705	Federal Motor Carrier Safety Administration U.S. Department of Transportation FMCSA Office of Civil Rights 1200 New Jersey Avenue, SE Washington DC, 20590 ATTN: Room W65-312 Phone: (202) 366-8810	U.S. Department of Justice Office of Justice Programs Office for Civil Rights 810 7th Street, NW Washington, DC 20531 Phone: (202) 307-0690 Phone (TDD): 202-307-2027

* indicates is specific to Title VI of the Civil Rights Act of 1964 **indicates is specific to Americans with Disabilities Act of 1990

Transit Related Title VI Complaints

	Entity	Date	Summary	Status	Actions Taken
Complaints					
1.	PennDOT received no complaints within the last three years				
2.					
Lawsuits					
1.	PennDOT was involved in no related lawsuits within the last three years				
2.					
Investigations					
1.	PennDOT was involved with no investigations within the last three years				
2.					

Non-Elected Committee Membership

- PennDOT does not currently maintain any non-elected committees that meet criteria for further analysis.

Subrecipient Oversight

Various legislative and regulatory requirements of the Section 5310 and 5311 Programs (e.g., civil rights, Equal Employment Opportunity, disabled accessibility, labor protection, environmental protection, charter and school bus regulations, and DBE requirements) receive special attention during the monitoring and review process. Grantee compliance is monitored continually through review of planning documents, project status reports, field checks, project audits, and investigation of complaints.

PennDOT's Bureau of Public Transportation (BPT) and Bureau of Equal Opportunity work together to ensure subrecipients comply with the Department's Title VI Program requirements. Each subrecipient will transmit to the Department draft Title VI Program Plans or draft Title VI Program Plan updates for the Department's review for compliance and concurrence. Upon concurrence, the subrecipient's governing body will execute the concurred Title VI Program Plan, which the subrecipient will transmit to the Department as a final record. The Bureau of Public Transportation also ensures compliance through its on-site 5310/5311 compliance review program. During a compliance review, BPT personnel observe transit operations to confirm that practices stated in the program are being carried out. In addition, documentation regarding complaints, lawsuits or civil rights compliance reviews is inspected. Moreover, all materials relating to Title VI Program compliance are scrutinized.

Below is a list of questions asked during a compliance review.

11. TITLE VI				
Description: The grantee must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program, or activity receiving Federal financial assistance. The grantee must ensure that Federally supported transit services and related benefits are distributed in an equitable manner.				
On-site Questions				
SMR Section	Question #	Question	Acceptable Response Format	Type Response In This Column
Title VI Compliance	11.01	Does the agency have a documented Title VI Notice?	Yes, No	
	11.02	Does the Title VI Notice to the public include a statement that the agency does not discriminate based on race, color, or national origin?	Open ended	
	11.03	Does the Title VI Notice to the public include instructions that the public should follow to request additional information?	Yes, No	
	11.04	Does the Title VI Notice to the public include procedures that the public should follow in order to file a Title VI discrimination complaint?	Yes, No	
	11.05	Is the agency's Title VI Notice published on its website in an easy-to-find location?	Yes, No	
	11.06	In what physical locations is the agency's Title VI Notice posted?	Open ended	
	11.07	Does the agency have a formal Title VI complaint procedure?	Yes (describe), No	
	11.08	Does the procedure include investigating and tracking complaints filed against the agency?	Yes, No	
	11.09	When is BPT notified of agency Title VI complaints?	Within 24 hours, 48 hours, one week, unknown, other (describe)	
	11.10	Have any complaints of discrimination been received in the last three years?	Yes, No	
	11.11	Do employees that answer customer phone calls receive training in recognizing Title VI complaints?	Yes (describe), No	
	11.12	Does the agency have a formal Public Participation Plan?	Yes (describe), No	
	11.13	Does the Public Participation Plan include outreach methods to engage minority and limited English proficiency populations (LEP)?	Yes (describe), No	
	11.14	Does the agency have a written Limited English Proficiency (LEP) plan?	Yes, No	
	11.15	If a written LEP plan is in place, when was it last updated?	Yes, No	
	11.16	What steps does the agency take to ensure meaningful access to LEP populations?	Open ended	
	11.17	How did the results of the agency's four-factor analysis influence the steps taken to assist LEP populations in accessing services?		
	11.18	What are the most common non-English languages spoken by customers?	Spanish, German, Creole, Russian, Other (describe)	
	11.19	How has the grantee sought out the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities? (i.e. during route restructuring)	Open ended	
	11.20	Have any of the above groups expressed a need for transportation improvements?	Yes, No	
	11.21	If so, how were concerns of these groups addressed?	Open ended	
	11.22	How does the agency provide timely and reasonable language assistance when needed?		
	11.23	How does the agency encourage the participation of minorities on non-elected committees and councils?	Open ended	
	11.24	Does the agency have a formally documented vehicle load service standard?	Yes (describe), No	
	11.25	Does the agency have a formally documented service headway standard?	Yes (describe), No	
	11.26	Does the agency have a formally documented on-time performance service standard?	Yes (describe), No	
	11.27	Does the agency have a formally documented service availability standard?	Yes (describe), No	
	11.28	How does the agency know that none of its service standards disproportionately affect minority, low-income or LEP populations?	Open ended	
	11.29	Does the agency have a transit amenities distribution policy that includes: seating, shelters, public information, escalators/elevators, and waste receptacles?	Yes (describe), No	
	11.30	Does the agency have a vehicle assignment policy?	Yes (describe), No	
	11.31	Does the agency's Title VI plan state that they will conduct an equity analysis for facility construction projects?	Yes, No	
	11.32	Has the agency selected a site location for a transit facility (storage, maintenance, operations center, transfer station, etc.) since October 1, 2012?	Yes, No	
	11.33	If so, how was the equity analysis conducted and how did the impacts across various sites affect the final decision for location?	Open ended	

In instances where non-compliance is discovered, grantees are immediately notified of the deficiencies, corrective actions are given, and a final date to achieve full compliance is provided. Failure to correct the deficiencies results in suspension of funding eligibility pending implementation of corrective actions and/or additional investigation.

Subrecipient transit agencies who receive direct funding through FTA are not subject to these reviews and report directly to FTA on Title VI matters.

Limited English Proficiency Plan

The Title VI and related statutes and authorities' prohibition of discrimination based on national origin has been interpreted to mean that no person shall be denied access to services due to limited English proficiency (LEP). These laws and authorities apply to Department services and programs as well as those provided by our non-Directly Federally funded subrecipient transit agencies and contracting agencies. PennDOT has adopted the federal regulatory definition for LEP to mean any person or group whose ability to speak, read or understand English is less than very well.

USDOT has issued guidance for developing a plan regarding LEP compliance. The guidance states that grant recipients must take "reasonable steps to ensure meaningful access to their programs and activities by LEP persons." 70 FR 74087, 74091. To help ensure compliance and offer guidance to its subrecipients and contracting agents, the Department developed its own LEP Plan. A copy of PennDOT's LEP Plan is located on its website at the following location: <https://www.penndot.gov/about-us/EqualEmployment/Documents/LEP%20Plan%20Version%20Edited%201-29-18.pdf>

This document is available as a web translatable version on the Department's website to improve access for our LEP customers.

PennDOT is committed to ensuring the success of the LEP Plan and offers guidance, conducts periodic trainings and compliance monitoring of its non-Directly Federally funded subrecipient transit agencies and contracting agencies.

Subrecipient Four-Factor Analyses

The DOT guidance outlines the four-factor analysis recipients should apply to the various kinds of contacts 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 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 the LEP community.
4. The resources available to the recipient and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of Federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and subrecipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and subrecipients can be found at <http://www.lep.gov>.

- Local transit agencies perform their own four-factor analyses to determine if there are LEP populations within their service areas. PennDOT's subrecipients are required to assess the needs of LEP populations within their service area as part of their four-factor analyses.

Title VI Equity Analysis

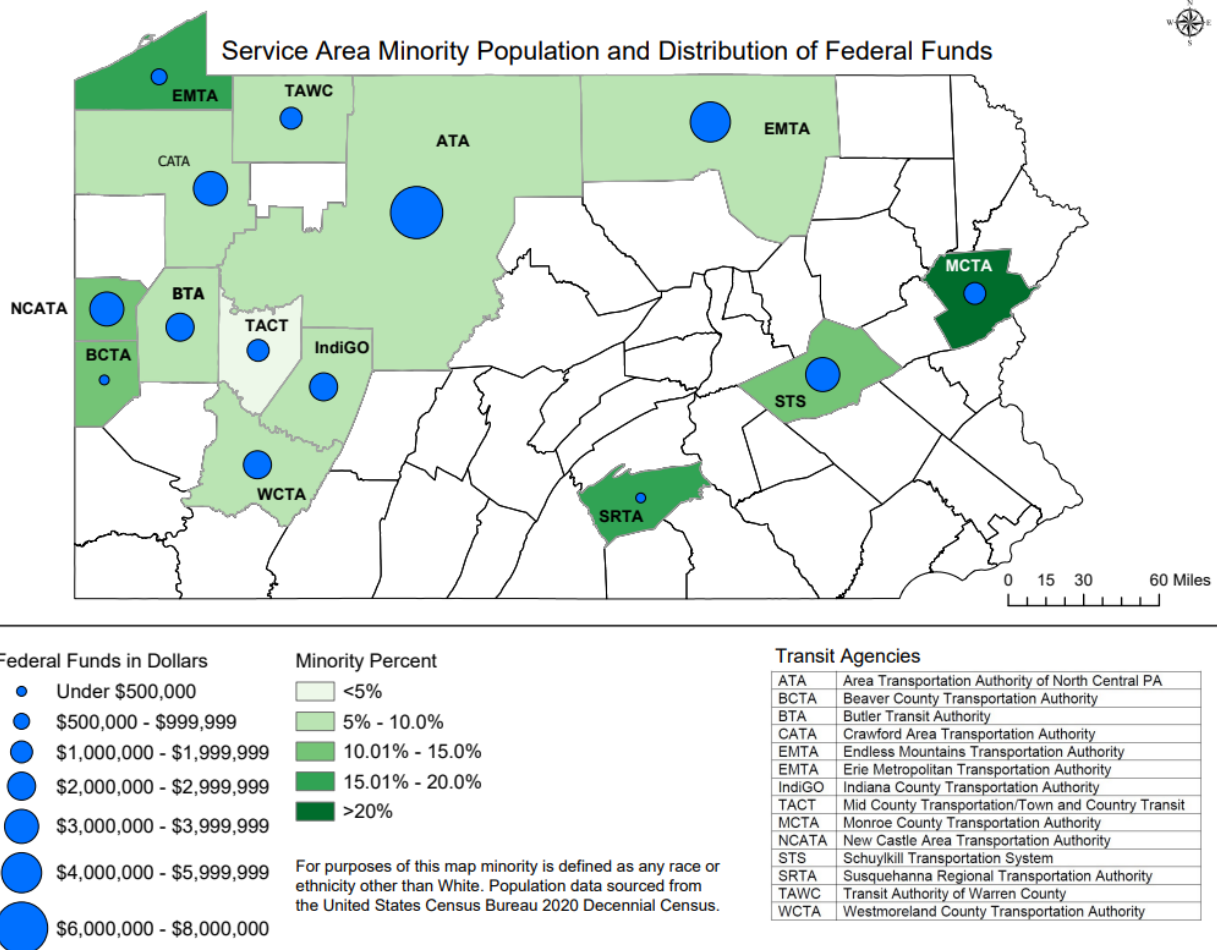
Title VI Equity Analyses will be conducted for all projects and will be conducted for all future projects according to the requirements below.

Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA

process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. PennDOT shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, PennDOT should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

Demographic Map



The *Service Area Minority Population and Distribution of Federal Funds* map is an overview of the minority populations within the service areas of Pennsylvania’s rural fixed route agencies. Included on the map is the federal funding spent on rural fixed route operating during state fiscal years (FY 2019-20 through FY 2021-22). Only federal operating subsidy spent is included as capital funding varies widely from year to year so total funding amounts would not be representative of average spending. Additionally, state operating funding is not presented because it is distributed by a statutory formula. Capital projects are awarded based on state of good repair with priority given to rolling stock and facility updates/repairs. Only Section 5311 funding granted to fixed route providers is presented. During Coronavirus, PennDOT granted CARES Act funds to some agencies on a one-time, emergency basis to ensure critical services were maintained. This one-time action is not presented, because it is not representative of the Department’s usual funding levels or funding policies. State

funding for shared ride is distributed as a percentage reimbursement of the shared ride total fare. In this way, PennDOT has little discretion over how shared ride state subsidy is allocated.

The minority and service area populations presented on this map are derived from the 2020 United States Census and represent the service areas for each rural fixed route provider. Each agency's service area is composed of every municipality they provide fixed route service within so long as the municipality is not part of a UZA. Census tract or block group data were not analyzed as not all fixed route transit systems have the necessary route data to analyze their service area on such a small scale.

Minority Breakdown and Distribution of Federal Funds

Minority Breakdown and Distribution of Federal Funds					
Transit Agency	Counties	Service Area Population	Minority Population	Minority Percentage	Funding*
Area Transportation Authority	Cameron	254,660	17,760	6.97%	\$ 7,928,187
	Clarion				
	Clearfield				
	Elk				
	McKean				
	Jefferson				
	Potter				
Beaver County Transportation Authority	Beaver	168,215	24,334	14.47%	\$ 467,192
Butler Transit Authority	Butler	193,763	15,682	8.09%	\$ 2,690,157
Crawford Area Transportation Authority	Crawford	134,392	9,699	7.22%	\$ 3,415,000
	Venango				
Endless Mountains Transportation Authority	Bradford	106,852	7,472	6.99%	\$ 5,481,106
	Sullivan				
	Tioga				
Erie Metropolitan Transportation Authority	Erie	270,876	51,696	19.08%	\$ 681,142
Indiana County Transportation Authority	Indiana	83,246	7,528	9.04%	\$ 2,081,575
Mid-County Transportation Authority	Armstrong	65,558	3,238	4.94%	\$ 1,053,259
Monroe County Transportation Authority	Monroe	168,327	63,611	37.79%	\$ 1,660,000
New Castle Area Transportation Authority	Lawrence	86,070	10,259	11.92%	\$ 3,300,000
Schuylkill Transportation System	Schuylkill	143,049	16,857	11.78%	\$ 3,311,845
Susquehanna Regional Transportation Authority (d.b.a. CAT)	Cumberland	259,469	47,479	18.30%	\$ 317,981
Transit Authority of Warren County	Warren	38,587	2,277	5.90%	\$ 1,300,000
Westmoreland County Transportation Authority	Westmoreland	354,663	31,549	8.90%	\$ 2,844,220

*Funding represents the aggregate of SFY 2019-20 through 2021-22

Disparate Impacts

PennDOT's analysis of funding distribution shows that most rural service areas have relatively low minority populations, in total and proportionally. percentages and only one rural service area has a minority population greater than the statewide average. In the above chart, it appears that Monroe County Transit Authority's relatively high minority population may be disparately impacted as their funding is not as high as some other agencies with similar total population, but Monroe County is a mixed urban and rural agency, so the system also spends a considerable amount of 5307 and state funding on transit service within and around the urbanized area. New Castle Area Transit Authority's subsidy spending appears high relative to their total population, but this is due to their sizable commuter service which connects New Castle and nearby locations with downtown Pittsburgh, a large urban area. Mathematical disparities may exist in the funding of Erie Metropolitan Transportation Authority, Beaver County Transportation Authority, and Susquehanna Regional Transportation Authority. These agencies' service areas serve counties that have greater minority populations than many other rural areas of Pennsylvania; however, the services being funded are relatively small, with small budgets, and those agencies also are large direct recipients of Section 5307 funding, which provides most of the funding necessary to provide public transportation services.

Demographic Profile of Pennsylvania

Pennsylvania State Population by Race/Ethnicity (Data from the 2020 Decennial)		
Race	Population	Percentage
Hispanic or Latino	1,049,615	8.07%
Not Hispanic or Latino:	11,953,085	91.93%
Population of one race:	11,501,800	88.46%
White alone	9,553,417	73.47%
Black or African American alone	1,368,978	10.53%
American Indian and Alaska Native alone	15,028	0.12%
Asian alone	506,674	3.90%
Native Hawaiian and Other Pacific Islander alone	3,162	0.02%
Some Other Race alone	54,541	0.42%
Population of two or more races:	451,285	3.47%
Population of two races:	426,834	3.28%
Population of three races:	22,487	0.17%
Population of four races:	1,698	0.01%
Population of five races:	226	0.00%
Population of six races:	40	0.00%
Total:	13,002,700	100.00%

Statewide Planning Process

PennDOT is committed to providing ongoing, accessible opportunities for stakeholder and public participation in all forms of statewide transportation decision-making, whether long-range, mid-range, or short-range. In fact, Pennsylvania's statewide transportation planning is collaborative and involves a broad array of organizations and individuals.

This broad-based public involvement process helps to ensure that the concerns of Pennsylvania residents and other stakeholders are identified and addressed in the development of plans and programs, resulting in better transportation outcomes and satisfying federal requirements for public involvement in statewide planning.

Public Participation Plan

A copy of PennDOT's Public Participation plan is located on its website at the following location: <https://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20823.pdf>

Public Outreach and Involvement Activities in the Last Three Years

- Pennsylvania Public Transportation Association Annual Conference, Lancaster, April 2019
- Pennsylvania Public Transportation Association Annual Conference, Lancaster, September 2021
- Statewide Transit Meeting, Clearfield, July 2022

- PennDOT Diversity Forum, Erie, September 2019
- PennDOT Diversity Forum, Clearfield, October 2019
- PennDOT Diversity Forum, Kutztown, October 2019

Non-Discriminatory Pass-through of FTA Funding

Typically, funding applicants are either political subdivisions of the Commonwealth (e.g., county, city, borough, township, etc.) or public transit authorities incorporated under the Pennsylvania Municipal Authorities Act of 1945.

On an annual basis, the Bureau of Public Transportation communicates instructions, detailing how to access applications for funding through PennDOT's electronic grants management system, dotGrants and eGrants. Communication is sent to all prospective applicants and details any changes to the application from the previous year. Additionally, technical assistance is available to all applicants that wish to apply for funding. Examples of technical assistance that PennDOT has and continues to provide include review of draft documents and verbal or written guidance anytime direction is sought.

Funds are not apportioned to specific geographic areas. Rather, the Department currently has two (2) methods of project selection.

1. The first method involves responding to locally initiated requests for financial assistance. This includes operating assistance for demonstration or service expansion projects, capital grants and technical studies which are all awarded on a discretionary basis.
2. The second method is to continue funding projects for those subrecipients that receive state operating assistance as a result of state Act 44 of 2007. Each method is described below.

Factors determining grant awards for operating, capital and technical assistance include:

1. The demonstrated need for services;
2. Evidence of support (including commitment of local matching funds) by local elected officials;
3. Evidence of coordination with existing transportation programs;
4. Availability of funds under other programs;
5. Evidence that the organization possesses adequate technical, administrative and managerial personnel and skills to properly administer the program, sustain the operation, or maintain the capital investment, and;
6. Ability to comply with applicable State and Federal regulations, and social and economic benefits.

Standard Title VI Non-Discrimination Assurances
The United States Department of Transportation (US DOT) Standard Title VI/Non-
Discrimination Assurances
DOT Order No. 1050.2A

The Commonwealth of Pennsylvania, Department of Transportation (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Transportation Administration (FTA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the Federal Transportation Administration..

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted Transportation

Program:

- The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§21.23 (b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to “program”) conducted in compliance with all requirements imposed by, or pursuant to the Act and the Regulations.

- The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the Federally-assisted Transportation Program. And in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Commonwealth of Pennsylvania, Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§200d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

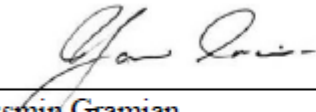
- The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
- The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
- That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - For the construction or use of, or access to space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of , personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient,

or any transferee for the longer of the following periods:

- The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar service or benefits; or
 - The period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub- grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Commonwealth of Pennsylvania, Department of Transportation, also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Transportation Administration’s access to records, accounts, documents, information, facilities, and staff. The Commonwealth of Pennsylvania, Department of Transportation, also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Transportation Administration. The Commonwealth of Pennsylvania, Department of Transportation, must keep records, reports, and submit the material for review upon request to the Federal Transportation Administration, or its designee in a timely, complete, and accurate way. Additionally, the Commonwealth of Pennsylvania, Department of Transportation, must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Commonwealth of Pennsylvania, Department of Transportation, gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federally assisted Transportation Program. This ASSURANCE is binding on the Commonwealth of Pennsylvania, Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federally assisted Transportation Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Yassmin Gramian
Secretary Of Transportation
Pennsylvania Department of Transportation

July 8, 2022

Date

Revision Date: 5/31/2022

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

- **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally- assisted programs of the U.S. Department of Transportation, Federal Transportation Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Transportation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provision of this contract, the Recipient will impose such sanctions as it or the Federal Transportation Administration may determine to be appropriate, including, but not limited to:
 - Withholding payments to the contractor under the contract until the contractor complies; and/or
 - Cancelling, terminating, or suspending a contract, in whole or in part.
- **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Commonwealth of Pennsylvania, Department of Transportation, will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federally-assisted Transportation Program, and the policies and procedures prescribed by the Federal Transportation Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally- assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d- 4), does hereby remise, release, quitclaim and convey unto the Commonwealth of Pennsylvania, Department of Transportation, all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Commonwealth of Pennsylvania, Department of Transportation, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Commonwealth of Pennsylvania, Department of Transportation, its successors and assigns.

The Commonwealth of Pennsylvania, Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Commonwealth of Pennsylvania, Department of Transportation, will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said

Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above- mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C
**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY,
FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Commonwealth of Pennsylvania, Department of Transportation, pursuant to the provisions of Assurance 7(a):

- The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Pennsylvania, Department of Transportation, will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation, will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Commonwealth of Pennsylvania, Department of Transportation, and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE
ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Commonwealth of Pennsylvania, Department of Transportation, pursuant to the provisions Assurance 7(b):

- The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishings of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation, will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation will there upon revert to and vest in and become the absolute property of Commonwealth of Pennsylvania, Department of Transportation, and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non- discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §200d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131 – 12189) as implemented by the Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful
- access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Language Access Plan for Limited English Proficiency Individuals

Prepared by:

**Pennsylvania Department of Transportation
Bureau of Equal Opportunity
2018**

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Introduction

On August 11, 2000, President William J. Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*, to clarify Title VI of the Civil Rights Act of 1964. The executive order was issued to ensure accessibility to programs and services to otherwise eligible individuals not proficient in the English language.

The executive order stated that individuals with a limited ability to read, write, speak and understand English 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. These individuals are limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The executive order states that:

"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."

Not only are all federally funded agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. This includes the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Department of Justice (DOJ), and the Federal Railroad Administration (FRA).

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies to nonprofits and privately-owned organizations. Title VI covers the recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of the recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this executive order.

The USDOT published "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency" in the December 14, 2005, Federal Register. The guidance explicitly identifies PennDOT as an organization required to follow Executive Order 13166.

"The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. 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 operation receives federal assistance. For example, if 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 or project, are covered by the DOT guidance."

To assist PennDOT in meeting Title VI and LEP requirements of the FHWA, FMCSA, FAA and the FTA, PennDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements.

Elements of an Effective LEP Policy and PennDOT's Strategy

The Civil Rights Division of the DOJ has developed a set of elements that may be helpful in designing an LEP policy or plan. For the purposes of this plan, only those individuals who were identified in the 2010 U.S. Census as having their ability to speak English as "less than very well," "less than well," "not well" or "not at all" are being considered. PennDOT's LEP Plan addresses these elements to aid in identifying LEP persons so that they are provided meaningful access to PennDOT services and activities that may affect their quality of life. These elements include:

1. [Identifying LEP persons who need language assistance.](#)

The State Long Range Plan (SLRP) and the State Transportation Improvement Plan (STIP) will provide the program and project level basis for determining the need for public involvement and public engagement. The Center for Program Development and Management conducts an Environmental Justice Analysis for low-income and minority populations within urban and non-urban areas. In conjunction with this study, LEP populations and other cultural variables are considered, using the Census, i.e., school and community demographics, data from Metropolitan Planning Organizations (MPO), PennDOT transportation service centers and regions, and other stakeholders.

According to the 2010 U.S. Census, 10.3% citizens of the state of Pennsylvania ages 5 or older spoke a language other than English at home. Of that number, 3.8 percent speak English less than well.

2. [Identifying ways in which language assistance will be provided.](#)

PennDOT will provide oral interpretation, written translation, and sign language interpretation, if requested, or as a result of an LEP analysis on any given project or projected program, requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate PennDOT projects as called for in PennDOT's Public Participation Plan, dated June 2010.

PennDOT will continually examine its services and survey its employees to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to assess a program, service, or activity, on an annual basis, or as needed.

3. [Training staff and others.](#)

All PennDOT staff will receive web-based LEP training beginning in 2019, which will be included as part of an ongoing annual requirement beginning in 2020. This training is especially vital for staff involved in customer service, public outreach and public involvement. This training focuses on identifying LEP populations and providing LEP translation and interpretation by using Department resources.

Sub-recipients and MPOs must provide LEP services to be in compliance with Title VI and Executive Order 12898. Sub-recipient reviews will be conducted to ensure compliance with Executive Order 12898, Limited English Proficiency.

Contractor compliance reviews will include a provision to comply with the order.

4. [Providing notice to LEP persons.](#)

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English).

Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

5. [The recommended method of evaluating accessibility to available transportation services in the Four-Factor Analysis identified by the USDOT. \(See below\)](#)

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines the four-factor analysis recipients should apply to the various kinds of contacts 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 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 the LEP community.
4. The resources available to PennDOT and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individual assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of PennDOT's multi-modal transportation services. Recommendations are then based on the results of the analysis.

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a PennDOT program, service, or activity.

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'very well,' (2) 'well,' (3) 'not well,' and (4) 'not at all.'

The Department considers individuals who speak English less than 'very well' Limited English Proficient, or LEP.

The tables provided in the appendix shows a breakdown of Pennsylvania's population by race/ethnicity and the most common languages spoken in the Commonwealth which demonstrates the need to ensure that LEP persons are included in the transportation public involvement process.

All programs/projects must consider the number and percent of persons in regard to their English language skills within the planning area for inclusion in public involvement and public engagement meetings.

For each program, project, service, or activity, an assessment will be conducted to determine the number and type of LEP populations impacted to ensure meaningful public involvement. Guidance provided in the Center for Program Development and Management Public Involvement Plans will be followed to ensure all groups have notification and access as part of the Department's public outreach efforts.

Factor 2: The frequency with which LEP persons come in contact with a PennDOT program, activity, or service

The program/project must be evaluated in relationship to the number of persons who are within the program/project area and the number of times they have frequented the program or activity. For public meetings, a sign-in sheet or survey must be utilized to determine the demographic and frequency of participation. Planners and project managers must provide notice to LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life.

Programs, services, and activities that have potential impact for LEP persons include, but are not limited to:

- Public involvement and public engagement meetings for transportation projects affecting LEP communities or individuals
- Welcome Centers and Rest Areas
- Roadside assistance drivers
- Transportation maintenance workers
- Transit sub-recipients
- Requests for permits
- Real estate transactions/condemnation
- Payment of tolls at PennDOT bridges
- Internet access: PennDOT Web sites provides translation features
- Requests for certifications, licenses
- Phone communications: notices/greetings in languages other than English

Factor 3: The Nature and Importance of the Program, Activity, or Service by PennDOT to the LEP population

As the state transportation agency responsible for coordinating the Statewide Transportation Planning process, PennDOT must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and underrepresented population groups are part of the evaluation process. PennDOT provides oversight and helps ensure that LEP persons, groups and other protected classes of persons are not overlooked in the transportation planning process.

PennDOT's main function is to support cooperative, comprehensive, and continuing transportation planning as outlined in federal transportation acts. In doing so, PennDOT develops three (3) main documents: the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP), and as needed, other studies. The LRTP provides direction for transportation investments 20 years out in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UPWP outlines tasks to be performed in the upcoming year. LEP persons, low-income, minority populations, the elderly, and the disabled must be considered in these processes.

Factor 4: The Resources Available to PennDOT and the Overall Cost to provide LEP assistance

PennDOT serves the entire Commonwealth of Pennsylvania and is required by federal law to provide access to LEP persons, and to ensure that its sub-recipients also provide access. Even sub-recipients with very limited resources should have an LEP section in their Environmental Justice analyses with the acknowledgment that current demographic trends indicate the number of LEP persons may increase within the Commonwealth of Pennsylvania and projects impacted in their specific planning area. At the very least, sub-recipients should contact their MPO to examine the potential need for LEP services based on the demographics provided by the MPO.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*: December 14, 2005 (Volume 70, Number 239), "*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.*"

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” provision so that recipients can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English.

A “safe harbor” means that if a recipient provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI. The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides 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.

Strong evidence of compliance with the recipient’s written-translation obligations under ‘safe harbor’ includes providing 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. PennDOT’s translation of other documents, if needed, can be provided orally.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, 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.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating on websites and in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.
6. Providing notice on non-English-language radio and television about the available language assistance services and how to get them.
7. Providing presentations and/or notices at schools and religious organizations.

PennDOT will also provide statements in public information (meetings) and public notices, as outlined in our Public Participation Plan, that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to PennDOT.

Federal financial recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. PennDOT defines an interpreter as a person who translates spoken language orally. A translator is one who translates the written language and who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering PennDOT's size and scope, LEP individuals in PennDOT's statewide services area, and our financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. PennDOT currently has contracts with multiple private translators and interpreters, Language Services Associates and Propio Language Services for all translation and interpreting needs.

Proposed Actions: What it will take for PennDOT to Comply

- Publish the LEP Plan on the PennDOT Internet website in languages other than English as warranted.
- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; also in languages other than English.
- With advance notice of seven (7) calendar days, PennDOT will provide interpreter services for Drivers Licensing Services and for any public meetings. Interpreter to include foreign language(s) and American Sign Language (ASL) for the hearing impaired.
- Place statements in notices and publications that interpreter services are available for meetings, with seven (7) days advance notice.
- A notice of PennDOT's non-discrimination policies and information on the local and federal complaint process will be placed on the website and made available at public meetings.
- Provide training to PennDOT staff on the requirements for providing meaningful access to services for LEP persons.
- Utilize the PennDOT Pennsylvania Statewide Planning Process Participation Plan in conjunction with the PennDOT LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

LEP Plan Access

PennDOT will post the LEP Plan in languages other than English on its website.

Any person, including social services and civic organizations, non-profits, law enforcement agencies, and other community partners with internet access will be able to access the plan. For those without personal internet service, libraries may offer free internet access, and should be contacted to determine if this service is available. Copies of the LEP plan will be provided to PennDOT sub-recipients and stakeholders, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the Federal Transit Administration, the Federal Aviation Administration, and any person or agency requesting a copy.

Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the 2020 U.S. Census and any Environmental Justice (EJ) analysis done on a project. It should be considered in relationship to the need for LEP services provided by PennDOT and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons, and to monitor changes in demographics and types of services.

PennDOT will update the LEP Plan as needed. At a minimum, the plan will be reviewed and updated when data from the U.S. Census changes or more data is available, or when it is clear that higher numbers of LEP individuals may be affected by projects or programs in the program or project affected communities.

PennDOT will examine and update its LEP Plan based on the following:

- The number of LEP persons who were encountered annually via survey of public meetings and other transportation related events or hearings.
- Determine how the needs of LEP persons have been addressed.
- Determine whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons.
- Determine whether transit system's financial resources are sufficient to fund language assistance resources needed during compliance reviews.
- Determine whether PennDOT and its contractors have fully complied with the goals of the LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

Dissemination of PennDOT's LEP Plan

The PennDOT LEP Plan and the Title VI Plan will be made available on its website and will be made available in languages other than English, i.e., Arabic and Spanish, and other languages as warranted, or requested.

PennDOT's LEP Plan will be shared with human service organizations, minority-focused organizations, governmental entities, contractors, and consultants, cities, villages, townships, Metropolitan Planning Organizations, community advisory committees, and road commissions.

Any person with internet access will be able to access and download the plan from the PennDOT website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, e-mail or in person shall be provided a copy of the plan at no cost.

LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the PennDOT Title VI Program complaint procedures. For a more comprehensive look at PennDOT's Title VI Program Policy, please use the following link:

<https://www.penndot.gov/about-us/EqualEmployment/Pages/TitleVI.aspx>

Questions or comments regarding this LEP Plan or questions related to Title VI Program should be directed to:

Pennsylvania Department of Transportation
Bureau of Equal Opportunity / Title VI Program
400 North Street - 5 West
Harrisburg, Pennsylvania 17120-0041
Phone: 1-800-468-4201
Fax: (717) 772-4026
E-mail: PennDOTeoreports@pa.gov

Appendices

Appendix A – ‘Propio Language Services’ Telephonic Interpreting Tool

PennDOT Bureau of Equal Opportunity
Over-the-phone Interpreting

1. Dial: 1-888-804-2044

2. Select an Interpreter:
For a Spanish Interpreter Press 1.
For all other languages Press 2.
Enter the 2-digit language code:

3. Enter the 4-digit account#:

The live agent will ask for:
Caller's First & Last Name
Organization Number

For 3-way calls:
Ask the first person who answers (Interpreter or call coordinator) to place the call.

For Client Support: Press 0

Back-Up Interpreter Number: 1-866-386-1284
(Only use if interpreter is unavailable at primary number above)

Top Language Codes			
Language	code	Language	code
Albanian	47	Italian	56
Amharic	39	Karen	60
Arabic	23	Karen	34
Bengali	48	Kinyarwanda	64
Bosnian	37	Korean	30
Burmese	21	Lactian	50
Cambodian	51	Mandarin	24
Cantonese	31	Nepali	25
Chin	32	Polish	42
Chin-Hakha	35	Portuguese	35
Czech (Hebrew)	28	Punjabi	49
French	26	Russian	27
Gujarati	40	Somali	29
Haitian Creole	28	Swahili	38
Hakha-Chin	35	Tagalog	46
Hakha-Chinese	87	Thai	57
Hindi	43	Turkish	54
Hmong	44	Urdu	41
Indonesian	70	Vietnamese	22

For complete list of codes see reverse side

Language	Code	Language	Code	Language	Code	Language	Code
Albanian	47	Fulani	36	Kurdish	76	Samoan	79
Amharic	39	Georgian	82	Lactian	50	Serbian	62
Arabic	23	German	61	Lithuanian	60	Serbo-Croatian	64
Armenian	59	Greek	68	Macedonian	93	Somali	29
Bangla	58	Gujarati	40	Mal	78	Spanish	01
Bengali	48	Haitian Creole	28	Malayalam	75	Swahili	38
Bosnian	37	Hakha-Chin	95	Mandarin	24	Tagalog	46
Burmese	21	Hakha-Chinese	87	Mandingo	69	Tamil	85
Cambodian	51	Hebrew	90	Marshalese	81	Teddim	86
Canadian French	55	Hindi	43	Mongolian	72	Thai	57
Cantonese	31	Hmong	44	Nepali	25	Tibetan	83
Chin	32	Ibo	65	Oromo	96	Tigrinya	45
Chinese (Mandarin)	24	Indonesian	70	Pashto	77	Tongan	97
Croatian	92	Italian	56	Persian	74	Turkish	54
Dari	80	Japanese	63	Polish	42	Twi	66
Dutch	84	Karen	34	Portuguese	35	Ukrainian	71
Farsi	33	Karen	60	Punjabi	49	Urdu	41
Filipino	73	Kinyarwanda	64	Rohingya	16	Vietnamese	22
French	26	Kirundi	53	Romanian	52	Yoruba	88
		Korean	30	Russian	27	All other languages*	99

* For the quickest connect time, please use language specific 2-digit code when available.

Appendix B – LSA, ‘Please Point’ Language Identification Tool

IF YOU NEED A FREE INTERPRETER, PLEASE POINT TO YOUR LANGUAGE	
Amharic: አማርኛ አስተዳደሩ ስለ የጥያቄዎ ስራዎች ለሰጡዎት ቋንቋ ላይ ያመለክታል	Arabic: عربي إذا كنت في حاجة إلى مترجم مجاناً، أشر إلى اللغة المطلوبة
Bosnian: Bosanski Ako vam je potreban besplatni prevodilac, pokazite na svoj jezik	Burmese: ဝဃာစာ/ဝဃာစကား အကယ်၍ သင် စကားပြန်တစ်ဦးလိုအပ်ပါက ကျေးဇူးပြုပြီး သင်၏ဘာသာစကားကို ညွှန်ပြပါ
Chin: Baungshe Holhleh piak tu na herh asi ah cun, zaangfahnak tein na holh kha rak kan chim ta.	French: Français Si vous avez besoin de l'assistance gratuite d'un interprète, indiquez votre langue.
Greek: Ελληνικά Αν χρειάζεστε έναν ελεύθερο διερμηνέα, παρακαλώ δείξτε τη γλώσσα σας	Gujarati: ગુજરાતી જો તમારે સિધ્ધાંત અનુવાદની જરૂર હોય તો તમારી ભાષા તરફ ચીંચો.
Hindi: हिन्दी यदि आपको एक मुफ्त भाषा अनुवादक की आवश्यकता हो, तो कृपया अपनी भाषा की ओर इशारा करें	Hmong: Hmoob Yog koj xav tau tus kws pab txhais lus pub dawb, thov qhia koj hom lus.
Haitian Creole: Kreyòl ayisyen Si w bezwen yon entèprèt, montre ki lang ou pale	Italian: Italiano Se avete bisogno di un interprete gratuito, indicate la vostra lingua
Japanese: 日本語 無料の通訳が必要な場合は、言語を指し示してください	Karen: unD မှုလိုဝ်ဒ်သဝ်ပုဂံကဝ်ကုၣ်ဝ်တံကဝ်နီၣ်, ဝီသးစုၤနီၣ်လီၤဆူ နကုၣ်ဆီၣ်ဆဝ်ဝီတက့ၢ်.
Karenni: ကရင် နုၤန့ၣ် န့ၣ် ဝဲၣ်န့ၣ် မၤဆီၣ်ဆဝ်ဝီသးစုၤနီၣ်လီၤဆူ နကုၣ်ဆီၣ်ဆဝ်ဝီတက့ၢ်, ဝီသးစုၤနီၣ်လီၤဆူ နကုၣ်ဆီၣ်ဆဝ်ဝီတက့ၢ်	Khmer: ភាសាខ្មែរ បើអ្នកប្រើប្រាស់សេវាបកប្រែឥតគិតថ្លៃ តាមការស្នើសុំ ប្រសិនបើ អ្នកមានតម្រូវការ បកប្រែឥតគិតថ្លៃ ពីភាសាម្ខាងទៅភាសាម្ខាងទៀត សូមបង្ហាញពីភាសាដែលអ្នកប្រើប្រាស់
Kirundi: Rundi Niwoba ukeneye umusobanuzi wa gusa, fyonda ahanditse ururimi rwawe	Korean: 한국어 무료로 통역자가 필요한시면 사용하는 언어를 지적해주세요.
Nepali: नेपाली यदि तपाईंलाई नि:शुल्क दोभाषे चाहिएमा, कृपया आफ्नो भाषामा देखाउनुहोस्	Norwegian: Norsk Hvis du trenger en gratis tolk, kan du peke på landet ditt.
Polish: Polski Jeśli potrzebujesz bezpłatnej usługi tłumacza, wskaż swój język.	Portuguese: Português Se precisa de um intérprete gratuito, aponte para seu idioma
Punjabi: ਪੰਜਾਬੀ ਜੇ ਤੁਹਾਨੂੰ ਟਿੱਕ ਮੁਫਤ ਦੁਬਾਰੀਏ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਅਪਣੀ ਭਾਸ਼ਾ ਵੱਲ ਸੰਕੇਤ ਕਰੋ	Romanian: Română Dacă aveți nevoie de asistență gratuită din partea unui interpret, vă rugăm indicați limba dvs.
Russian: Русский Если вам нужен бесплатный переводчик, выберите ваш язык.	Serbian: Српски Ако vam je potreban besplatni prevodilac, pokazite na svoj jezik
Simplified Mandarin: 简体中文 如果您需要译员，请指向您的语言	Somali: Soomaali Haddaad u baahan tahay turjumaan bilaash ah, fadlan tilmaamo luqadaada.
Spanish: Español Si necesita un intérprete gratuito, por favor seleccione su idioma respectivo.	Swahili: Kiswahili Ikiwa unahitaji mkalimani bila malipo, tafadhali onyesha lugha yako.
Swedish: Svenska Om ni behöver tolk kostnadsfritt, var god ange ert språk.	Tagalog: Tagalog Kung kailangan niyo ng libreng interpreter o tagasalin, ituro ang inyong wika
Tamil: தமிழ் இலவச மொழிபெயர்ப்பு/தேவைமொனில், தங்களுடன் மொழிபெயர்ப்பு குறிப்பிட்டுவும்.	Thai: ภาษาไทย หากคุณต้องการล่ามฟรี กรุณายกมือไปหาภาษาของคุณ
Tigrigna: ትግርኛ ሪፖ አስተዳደሩ ስለ የጥያቄዎ ስራዎች ለሰጡዎት ቋንቋ ላይ ያመለክታል	Traditional Mandarin: 繁體中文 如果您需要譯員，請指向您的語言
Vietnamese: tiếng việt Nếu quý vị cần thông dịch viên miễn phí, vui lòng trỏ vào ngôn ngữ của quý	Urdu: اردو اگر آپ کو ایک مفت مترجم درکار ہے، براہ کرم اپنی زبان بتائیں۔

	Simplified Chinese	Traditional Chinese
Cantonese	粵語	粵語
Chaoshow	潮州話	潮州話
Fukienese	福建話	福建話
Fuzhou	福州話	福州話
Mandarin	普通話	國語
Shanghai	上海話	上海話
Taiwanese	台灣話	台語
Toishanese	台山話	台山話

Appendix C – LSA, ‘One Moment Please’ Tool



“One Moment Please” Tool

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

Language:	Written in Language	Phonetic Pronunciation
Albanian:	Nje minutë ju lutem.	nee-yeh mee-noo-teh you loo-tem
Arabic:	دقيقة من فضلك	dakika meen fahdlock (masculine) dakika meen fahdlick (feminine)
Chinese:	请稍候	ching show hoe
French:	Un moment s'il vous plaît.	uhn moe-mon seal-voo-play
German:	Einen Moment bitte.	eye-nen moment bee-teh
Gujarati:	મેહરબાની કરીને એક પલ થોભસો.	meherbani kariné ek pul thobso
Haitian Creole:	Tanpri tann yon ti moman.	tan-pree tan yaw tee moe-maw
Hindi:	कृपया एक पल प्रतीक्षा करें	kreepya ek pal prateeksha karen
Italian:	Un momento per favore.	oon moe-mento pair fah-vore-ay
Japanese:	少々お待ちください。	shosho omachi kudasai
Korean:	잠깐 기다리세요	jam-kan ki-da-ri-se-yo
Polish:	Moment, proszę.	moment prosheh
Portuguese:	Um momento, por favor.	um moe-mento, poor fah-vor
Russian:	Подождите, пожалуйста.	padazhdite, pazhalusta
Spanish:	Un momento por favor.	oon moe-mento poor fah-vor
Swahili:	Subiri kidogo	soo-bee-re key-dough-go
Tamil:	தயவு செய்து ஒரு நிமிடம்	dye-ya-vu seydu oru nimi-dom
Vietnamese:	Xin chờ một chút	sin char moe-chew

	Pennsylvania	
	Estimate	Margin of Error
<u>Total:</u>	11,885,430	+/-504
Speak only English	10,710,239	+/-8,607
<u>Spanish:</u>		
Spanish or Spanish Creole:	490,488	+/-4,299
Speak English "very well"	296,799	+/-4,480
Speak English less than "very well"	193,689	+/-3,679
<u>French:</u>		
French (incl. Patois, Cajun):	41,190	+/-1,823
Speak English "very well"	31,461	+/-1,399
Speak English less than "very well"	9,729	+/-927
<u>French Creole:</u>		
Speak English "very well"	13,435	+/-1,552
Speak English less than "very well"	9,018	+/-1,145
<u>Italian:</u>		
Speak English "very well"	4,417	+/-704
<u>Italian:</u>	51,651	+/-1,878
Speak English "very well"	37,447	+/-1,517
Speak English less than "very well"	14,204	+/-905
Portuguese or Portuguese Creole:	12,223	+/-1,294
Speak English "very well"	6,856	+/-753
Speak English less than "very well"	5,367	+/-887
<u>German:</u>		
Speak English "very well"	56,724	+/-2,182
Speak English less than "very well"	45,238	+/-1,832
<u>Yiddish:</u>		
Speak English "very well"	11,486	+/-856
<u>Yiddish:</u>	1,872	+/-304
Speak English "very well"	1,724	+/-290
Speak English less than "very well"	148	+/-83
<u>Other West Germanic languages:</u>		
Speak English "very well"	57,521	+/-2,351
Speak English less than "very well"	39,642	+/-2,077
<u>Scandinavian languages:</u>		
Speak English "very well"	17,879	+/-968
<u>Scandinavian languages:</u>	3,094	+/-448
Speak English "very well"	2,689	+/-391
Speak English less than "very well"	405	+/-149
<u>Greek:</u>		
Speak English "very well"	14,783	+/-1,065
Speak English less than "very well"	10,728	+/-886
<u>Russian:</u>		
Speak English "very well"	4,055	+/-431
<u>Russian:</u>	33,047	+/-1,546
Speak English "very well"	17,014	+/-1,077
Speak English less than "very well"	16,033	+/-1,061

	<u>Pennsylvania</u>	
	<u>Estimate</u>	<u>Margin of Error</u>
<u>Polish:</u>	26,191	+/-1,732
Speak English "very well"	17,670	+/-1,375
Speak English less than "very well"	8,521	+/-807
<u>Serbo-Croatian:</u>	8,162	+/-913
Speak English "very well"	5,117	+/-592
Speak English less than "very well"	3,045	+/-510
<u>Other Slavic languages:</u>	18,614	+/-1,227
Speak English "very well"	12,232	+/-831
Speak English less than "very well"	6,382	+/-768
<u>Armenian:</u>	1,880	+/-365
Speak English "very well"	1,412	+/-290
Speak English less than "very well"	468	+/-155
<u>Persian:</u>	4,133	+/-871
Speak English "very well"	2,910	+/-630
Speak English less than "very well"	1,223	+/-353
<u>Gujarati:</u>	18,164	+/-1,787
Speak English "very well"	10,939	+/-1,268
Speak English less than "very well"	7,225	+/-891
<u>Hindi:</u>	19,186	+/-1,438
Speak English "very well"	15,075	+/-1,318
Speak English less than "very well"	4,111	+/-527
<u>Urdu:</u>	8,580	+/-1,118
Speak English "very well"	6,069	+/-950
Speak English less than "very well"	2,511	+/-490
<u>Other Indic languages:</u>	19,581	+/-1,661
Speak English "very well"	12,554	+/-1,185
Speak English less than "very well"	7,027	+/-910
<u>Other Indo-European languages:</u>	16,155	+/-1,399
Speak English "very well"	9,947	+/-873
Speak English less than "very well"	6,208	+/-766
<u>Chinese:</u>	64,437	+/-2,659
Speak English "very well"	28,628	+/-1,500
Speak English less than "very well"	35,809	+/-1,888
<u>Japanese:</u>	6,832	+/-671
Speak English "very well"	4,659	+/-553
Speak English less than "very well"	2,173	+/-323
<u>Korean:</u>	30,381	+/-1,692
Speak English "very well"	13,502	+/-1,016

	<u>Pennsylvania</u>	
	<u>Estimate</u>	<u>Margin of Error</u>
Speak English less than "very well"	16,879	+/-1,049
<u>Mon-Khmer, Cambodian:</u>	10,976	+/-1,414
Speak English "very well"	4,527	+/-725
Speak English less than "very well"	6,449	+/-1,104
<u>Hmong:</u>	425	+/-273
Speak English "very well"	204	+/-124
Speak English less than "very well"	221	+/-188
<u>Thai:</u>	2,241	+/-352
Speak English "very well"	1,257	+/-291
Speak English less than "very well"	984	+/-228
<u>Laotian:</u>	2,210	+/-621
Speak English "very well"	1,110	+/-355
Speak English less than "very well"	1,100	+/-421
<u>Vietnamese:</u>	34,082	+/-2,175
Speak English "very well"	12,773	+/-1,151
Speak English less than "very well"	21,309	+/-1,568
<u>Other Asian languages:</u>	29,973	+/-1,625
Speak English "very well"	19,811	+/-1,143
Speak English less than "very well"	10,162	+/-1,017
<u>Tagalog:</u>	13,859	+/-1,183
Speak English "very well"	10,274	+/-919
Speak English less than "very well"	3,585	+/-478
<u>Other Pacific Island Languages:</u>	4,424	+/-677
Speak English "very well"	2,184	+/-456
Speak English less than "very well"	2,240	+/-422
<u>Navajo:</u>	27	+/-28
Speak English "very well"	27	+/-28
Speak English less than "very well"	0	+/-109
<u>Other Native North American languages:</u>	1,044	+/-351
Speak English "very well"	679	+/-217
Speak English less than "very well"	365	+/-285
<u>Hungarian:</u>	4,150	+/-425
Speak English "very well"	3,069	+/-332
Speak English less than "very well"	1,081	+/-226
<u>Arabic:</u>	24,605	+/-2,114
Speak English "very well"	15,556	+/-1,482
Speak English less than "very well"	9,049	+/-1,045

	<u>Pennsylvania</u>	
	<u>Estimate</u>	<u>Margin of Error</u>
<u>Hebrew:</u>	6,238	+/-778
Speak English "very well"	5,091	+/-677
Speak English less than "very well"	1,147	+/-373
<u>African languages:</u>	21,108	+/-1,762
Speak English "very well"	15,116	+/-1,200
Speak English less than "very well"	5,992	+/-1,115
<u>Other and unspecified languages:</u>	1,505	+/-430
Speak English "very well"	1,096	+/-347
Speak English less than "very well"	409	+/-217