Developing a Language Assistance Strategy

for FDOT Plans & Projects

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Introduction

The Florida Department of Transportation's approach to public involvement begins with accurately identifying the people who could be affected by or interested in a proposed plan or project. The affected and interested public may include year-round and seasonal residents, business owners, workers, patrons, and others who frequent a plan/project area for other purposes.

When identifying the public who will be the focus of Department communications and engagement activities, we may learn there are people in our plan/project area that have limited proficiency in the English language. Language can be a barrier to understanding information about the Department's work, asking clarifying questions, and providing insightful comments. These types of meaningful interactions are avenues to mutual learning, understanding, and relationship building.

Public engagement activities for a plan/project must account for all affected and interested publics, including limited English proficient (LEP) populations, and take reasonable steps to ensure equitable access to information and opportunities to provide input. The greater the significance of the project to the LEP population or the greater the possible effects of the project, the more likely language services will be needed.

In accordance with nondiscrimination laws and policies, it is necessary for the Department to make reasonable efforts to provide timely language assistance services to ensure that LEP persons have meaningful access to all Department programs and services.

Definitions

1. **Limited English Proficient (LEP) Persons** – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP persons may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

    As classified by the U.S. Census Bureau, LEP refers to anyone age 5 or over who reported or was reported as speaking a language other than English and indicated their ability to speak English in one of the following categories: "*well*", "*not well*", and "*not at all*". When combined, these LEP categories refer to the age 5 and over population that speaks English less than "*very well*".

    For the purpose of this guidance, low literacy is correlated with low educational attainment and low income. While there are always exceptions, an indicator of low educational attainment is the U.S. Census Bureau data on persons above the age of 25 who reported their educational attainment as "less than 9th grade" or "9th to 12th grade, no diploma." For the low-income indicator of low literacy, the U.S. Census Bureau data reports poverty status for individuals, households, and families. Other indicators of a low-literacy population include second and third-shift workers, transportation dependency, single head-of-household families, and distrust in government.

2. **Direct "In-Language" Communication** – Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Korean to Korean).

3. **Effective Communication** – Communication sufficient to provide an LEP person with substantially the same level of access to services received by persons who are not LEP. For example, staff must take reasonable steps to ensure communication with an LEP person is as effective as communications with others when providing similar programs and services.

4. **Interpretation** – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

5. **Language Assistance Services** – Oral and written language services needed to assist LEP persons to communicate effectively with staff, and to provide LEP persons with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.

6. **Meaningful Access** – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP person.

7. **Multilingual Staff or Employee** – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language.

8. **Primary Language** – An individual's primary language is the language in which an individual most effectively communicates.

9. **Program or Activity** – The term "program or activity" and the term "program" mean all of the operations of the Department.

10. **Sight Translation** – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

11. **Translation** – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

12. **Vital Document** – Paper or electronic written material that contains information that is critical for accessing a component's program or activities or is required by law.

Legal Foundation for LEP Access in Transportation Decision Making

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 Florida Civil Rights Act of 1992 prohibits discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. The national origin protections of these laws have been interpreted to mean that no person shall be denied access to services due to limited English proficiency.

Further, Executive Order 13166, "*Improving Access to Services for Persons with Limited English Proficiency*", requires Federal agencies and Federal funding recipients to:

- Examine the services they provide;
- Identify any need for services to those with limited English proficiency; and

- Develop and implement a system to provide those services so LEP individuals can have meaningful access to those services.

Limited English Proficiency in Florida

Florida attracts immigrants from across the globe who speak a diverse array of languages. The 2016-2020 American Communities Survey (ACS) reported that approximately 5.9 million persons age five and over in Florida spoke a language other than English at home. This population accounted for 29.4% of the population age 5 and older. While the majority of these individuals also spoke English with native fluency or *very well*, about 11.8% (2.4 million) spoke English *less than very well* and are considered to be limited English proficient. In comparison, the nationwide LEP population represented 8.2% of the total population age 5 and older in 2020. The data indicates that Florida's LEP population is growing. Between 2010 and 2020, the state's LEP population grew 18.6% from nearly 2.1 million to 2.4 million.

Florida ranks eighth in the list of top 10 most diverse states and has the fourth highest immigrant population in the country exceeded only by California, New York, and New Jersey. Florida residents that are foreign-born account for 28.8% of the state's population. Immigrants in Florida largely emigrated from the Caribbean and Latin, South, and Central America.

People who contribute to Florida's economy are also a diverse group that generates jobs through immigrant-owned businesses and university attendance as international students. Additionally, immigrants make up more than a quarter of Florida's labor force.

The U.S. Department of Education's Annual Consolidated State Performance Report (CSPR) identifies Spanish, Creole, Portuguese, and Vietnamese as the most spoken languages among Florida's LEP K-12 students. Some school districts have LEP populations that speak Italian, German, and Greek. Per the ACS, the most spoken languages in Florida among age 5 and over LEP population are Spanish, French Creole, Portuguese, Vietnamese, Tagalog, Chinese, and Serbo-Croatian.

Florida's population diversity varies vastly from region to region. As such, the presence of LEP persons will vary by location. For example, Miami-Dade County has the highest proportion of LEP persons in the state at 34.5% of the total population, followed by Hendry County at 23.5%. Baker and Bradford Counties have the lowest percentage of LEP persons at 0.4% and 0.7%, respectively (2016-2020 ACS).

Persons with low literacy can also be considered to be limited English proficient. In Florida, the population 25 years and over who reported "less than high school graduate" accounts for 11.5% of that age group (2016-2020 ACS).

Using this Guide

This guidance is based on the four factors outlined in the U.S. Department of Transportation (USDOT) "*Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient Persons*", which requires recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

The Department, as a recipient of federal financial assistance, must ensure meaningful access to its programs, services, and activities for all affected and interested publics including LEP persons. This guidance provides instructions for identifying actions to ensure full and fair access by people with limited English proficiency to plan/project information and public engagement activities.

Creating a Plan/Project-Level LEP Strategy

Creating a strategy to provide language assistance to persons with limited-English proficiency in a plan/project area involves three primary steps: 1) research to identify LEP populations that could be affected by the proposed action; 2) analysis to determine the level of need in the plan/project area for language assistance; and 3) identification of the types and extent of language services to be provided during the plan/project phase.

LEP FOUR FACTORS (USDOT)

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 people's lives.*

4. *The resources available to the recipient and costs.*

Step 1: Identify Potentially Affected LEP Populations

In Step 1, we review information to become familiar with the nature and scale of the plan/project and identify the presence of LEP populations in the plan/project area.

1.1 Review Information to Define the Plan/Project Area

Review available information to learn about the plan/project scale, features, and context. This will help us envision how the proposed action might affect communities, including places where people live, work, or otherwise carry out the routines of daily life. Keep in mind that people may be coming into the plan/project area to work or to use the services provided there.

For projects with a PD&E phase, the following information may be helpful for learning about the project scale, features, and context:

- Project description and purpose and need
- FDOT Environmental Screening Tool (EST) map viewer and community resources data
- Preliminary Environmental Discussion (PED)
- Documentation from any prior project phases:
    - Feasibility study
    - Efficient Transportation Decision Making (ETDM) Project Summary Report

For projects without a PD&E phase, the plan/project scope will provide information about scale, features, and context.

Any type of plan/project that has a public involvement activity, regardless of phase, should identify if there are people with limited English proficiency in the area affected by the proposed action.

More information on public involvement activities and requirements can be found in Part 1, Chapter 11, FDOT PD&E Manual; Chapter 104, FDOT Design Manual; and the FDOT Public Involvement Handbook.

1.2 Collect Demographic Data about the Plan/Project Area

The next task is to collect demographic data for the plan/project area to learn if LEP populations are present. The primary source of demographic data about limited-English proficiency is the American Communities Survey (ACS). Conducted by the U.S. Census Bureau, the ACS generates estimates of population characteristics on an annual basis.

As stated earlier, limited-English proficiency is used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Additionally, low literacy may affect a person's ability to read or write English. The accessibility needs of persons with these characteristics are taken into consideration when developing the plan/project public involvement approach.

Table 1 lists the ACS data used to identify the LEP populations and a range of data tools and reports that can be used to review the data. Note that all the tools in Table use Census block groups except for the Federal Highway Administration's HEPGIS tool which uses Census tracts.

Table 1
U.S. Census Bureau Data, Tools, and Reports for Plan/Project-Level LEP Analysis

| LEP DATA	LEP DATA TOOLS AND REPORTS
Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over *Look for:* Speak English less than "very well." Source: American Communities Survey, U.S. Census Bureau.	**Sociocultural Data Report (SDR)**, Environmental Screening Tool (fla-etat.org/est), FDOT. *Instructions:* Using the **Area of Interest** (AOI) tool, generate an SDR for the plan/project area. In the SDR, under **Language Trends** for the latest ACS five-year dataset, refer to the data descriptions **Speaks English Less Than "Very Well"** to estimate the potential language based LEP population in the plan/project area. *Note:* The SDR aggregates (combines) the Census block group data to provide an at-a-glance view of population characteristics in specific area. Aggregation can obscure concentrations of LEP persons in distinct locations of the plan/project area. If the SDR shows an LEP population, be sure to use one or more of the tools below to view the data at a more granular level.
	Explore Census Data Tool (data.census.gov), U.S. Census Bureau. Select the latest ACS five-year dataset for **Table B16001** and Census block groups encompassing the preliminary analysis area. The data is group by major languages.
	EJSCREEN (https://www.epa.gov/ejscreen), U.S. Environmental Protection Agency. *Instructions:* Select a geographic area to view demographic and environmental data at the Census block group level. Data topics

LEP DATA	LEP DATA TOOLS AND REPORTS
	include linguistic isolation, which includes the percentage of the population who speak English less than "very well".
	HEPGIS Limited English Spoken at Home Map, Federal Highway Administration

Instructions: Map viewer shows the latest ACS five-year dataset for ***Limited English Spoken at Home*** at the Census tract level. |
| **Table S1501: Educational Attainment**

Look for: Population age 25 and over, less than high school graduate.

Source: American Communities Survey, U.S. Census Bureau. | **Sociocultural Data Report (SDR)**, Environmental Screening Tool (fla-etat.org/est), FDOT

Instructions: Using the ***Area of Interest*** (AOI) tool, generate an SDR for the preliminary analysis area. In the SDR under "***Educational Attainment Trends***" for the latest ACS five-year dataset, refer to the data descriptions ***Less than 9th Grade*** and ***9th to 12th Grade, No Diploma*** to estimate the potential low-literacy-based LEP population in the affected area. |
| | **Explore Census Data Tool** (data.census.gov), U.S. Census Bureau

Instructions: Select the latest ACS five-year dataset for ***Table S1501*** and Census block groups encompassing the preliminary analysis area. |
| | **EJSCREEN** (https://www.epa.gov/ejscreen), U.S. Environmental Protection Agency.

Instructions: Select a geographic area to view demographic and environmental data for Census block groups in that area. Data topics include population age 25 or older in a block group whose education is less than high school education. |

Census block group data is the most suitable for plan/project-level LEP analysis because it is the smallest geography for which ACS data is reported (see Figure 1 on page 7). As such, the block group allows the most granular view of the ACS data, which can be helpful for determining where distinct populations groups are present in a plan/project.

Figure 1
Census Small-Area Geography
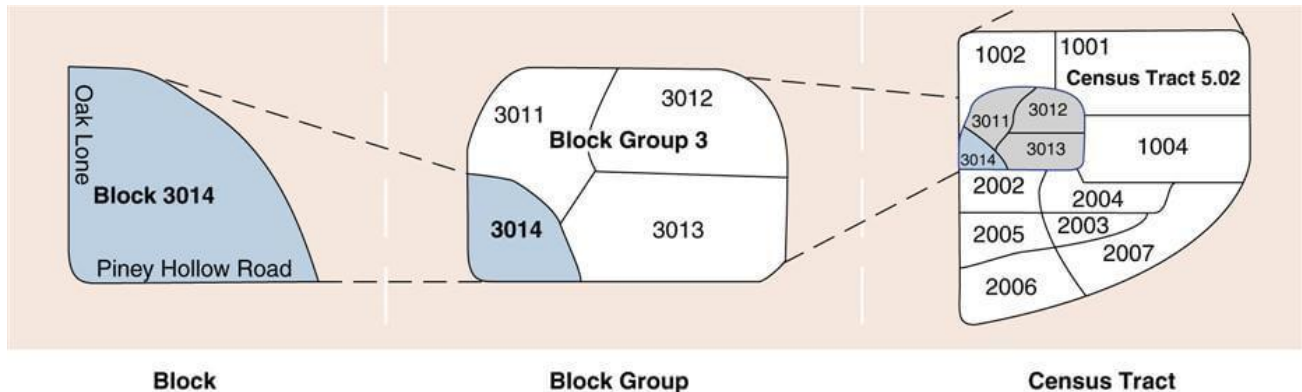
Additional information on using the ACS data and other US Census Bureau products is available on the FDOT website. See publications links below:

- Engaging People with Limited English Proficiency (pdf), Quick Start Resources for Public Involvement (webpage)
- Demographic Analysis for SCE Evaluations videos (webpage)
  - Demographic Analysis Role (video)
  - Demographic Analysis Data (video)
  - Demographic Analysis Steps (video)
  - Who is the Public: Using the SDR to Identify Stakeholders (video)

1.3 Conduct Field Review of the Plan/Project Area

To verify and supplement the ACS data collected, visit the area for a first-hand look. If another team member will be in the field for another purpose, they could perform this task and provide a briefing afterward.

During the field review, look for cues as to the presence of LEP populations such as churches and businesses using a non-English language and grocers and other businesses that cater to patrons of a particular language group. Take notes and/or photographs to document your observations.

1.4 Interview Context Experts to Verify Data

Verify and supplement the data collected for the plan/project area by interviewing people who are knowledgeable about the community. A good person to interview first is a planner for the municipality or county with jurisdiction over the plan/project area. They are likely to be familiar with the area in terms of existing conditions, trends, history, and other persons who could be interviewed about the community. Use the questions below to get the interview started:

- Are there any non-English languages spoken in the plan/project area? If so, which region(s) of the world are these speakers from?

LOCAL CONTEXT EXPERTS

Local planner (e.g., municipal, county, and/or MPO)

Community-based organizations (e.g., churches, health department)

Owner or employee of locally owned and/or independent grocery stores

Owner or employee of laundromats, discount stores

School district planner or school principals

- Are there any LEP populations living, working, or conducting other activities in the area?
- Are there any LEP populations in the area that could have been undercounted in the ACS (e.g., seasonal residents, farmworkers, or newly arrived residents)?
- Are there any other special characteristics of the LEP populations in the area? For example, how do LEP populations tend to use the area?
- How might the plan/project affect LEP populations?
- Who else should I talk to learn more?

1.5 Results and Next Step

IF AN LEP POPULATION IS NOT PRESENT

Include documentation of this conclusion in the plan/project file. Provide the standard language below in all meeting notifications.

> **FDOT Standard Language for All Public Meeting Notifications**
>
> *"Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact _____ at _____ at least seven days prior to the meeting."*

IF AN LEP POPULATION IS PRESENT

Proceed to Step 2.

Step 2: Assess Language Assistance Needs

After determining that the plan/project area has a LEP population, we are ready to assess the need for language assistance for the LEP population.

2.1 Assessment of Need

In Step 1, we reviewed the plan/project scope and any prior public input and interviewed people familiar with the plan/project area to learn about the LEP population in the plan/project area and potential for community effects. In Step 2, we consider the following to determine the level of need for language assistance for the plan/project:

a. **LEP population:** The number, proportion, and general location of LEP persons in the plan/project area.
b. **Potential effects:** The potential for effects on population groups and community resources as a result of the plan/project.
c. **Public interest:** The level of public interest in the plan/project (including significance to the LEP population) and related controversy potential.

Keep in mind that 1) the greater the number and proportion of LEP persons in the plan/project area, 2) the greater the potential for effects as a result of the plan/project, and 3) the greater the public interest in the plan/project, the more likely language assistance will be needed. Table 2 shows the relationship between these plan/project characteristics and levels of language assistance.

Table 2
Plan/Project Considerations for Determining the Level of Language Assistance for LEP Population(s)

Project Characteristics	Level of Language Assistance
▪ Effects to communities/community resources are unlikely ▪ Public concern is unlikely (noncontroversial)	**Base Level**
▪ Effects to communities/community resources are likely to be minimal to moderate in severity ▪ Public concern is minimal (low controversy) ▪ Potential for direct effects to LEP populations	
▪ Effects to communities/community resources are likely to be moderate or greater in severity ▪ Public concern is moderate to high (controversial) ▪ Potential for direct effects to LEP populations	**Higher Level**

2.2 Results and Next Steps

IF THE LANGUAGE ASSISTANCE NEED IS BASE LEVEL

Include documentation of this conclusion in the plan/project file. Provide the standard language below in all meeting notifications.

> **FDOT Standard Language for All Public Meeting Notifications**
>
> *"Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact _____ at _____ at least seven days prior to the meeting."*

IF THE LANUGAGE ASSISTANCE NEED IS HIGHER THAN BASE LEVEL

Proceed to Step 3.

Step 3: Identify Actions to Provide Language Assistance to LEP Populations

With a better understanding of the need for language assistance for the plan/project, our next step is to identify actions we will take to help LEP persons learn about the plan/project, including opportunities to ask questions and provide comments. These language assistance actions will become part of the public involvement approach for the plan/project.

3.1 Language Assistance Strategy Goals

Before identifying the language assistance strategy activities, it is helpful to set goals articulating our intentions for engaging with LEP populations during the plan/project. Some example goals for a language assistance strategy are listed below:

- Ensure access to plan/project information and activities for all persons affected by or interested in the plan/project.

- Strategically direct public engagement activities toward the most needed and most affected LEP populations.
- Reduce barriers to meaningful participation and maximize involvement by LEP populations.
- Ensure effective communication between FDOT and persons with limited English proficiency.

3.2 Language Assistance Strategy Actions

The language assistance strategy for a plan/project describes what we will do to meet the plan goals. These actions could include an array of techniques to make plan/project communications and other engagement activities more accessible to LEP populations in the plan/project area.

PLAN/PROJECT COMMUNICATIONS

Table 3 shows typical communications for FDOT plans/projects and required and optional methods for making the communications accessible to LEP populations. In all cases, the Department's standard language, as shown, must be included in all public meeting notifications. Depending on the language assistance need in the plan/project area (results from Step 2), other techniques can be incorporated into the language assistance strategy.

Table 3
Project Communications Techniques to Address Language Barriers

REQUIRED	OPTIONAL DEPENDING ON LANGUAGE ASSISTANCE NEED	
FDOT Standard Language	**Written Translations**	**Spoken Interpretation**
"Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact _____ at _____ at least seven days prior to the meeting." ▪ All public meeting notifications ▪ All property owner/tenant letters ▪ Project websites	*Print Communications:* ▪ Public meeting notifications ▪ Property owner/tenant letters ▪ Project newsletter ▪ Project brochure/factsheets ▪ Comment card ▪ Surveys *Digital Communications:* ▪ Project website ▪ Surveys ▪ Social media ▪ Video *Sign Communications:* ▪ Public meeting signs (e.g., Title VI information) ▪ Road signs (e.g., traffic lane closures and detours)	*Sign Communications:* ▪ I Speak cards[1] at public engagement activities (e.g., public meetings, community meetings, and plan/project kiosks) *Spoken Communications:* ▪ Public meetings ▪ Focus group meetings ▪ Community organization meetings

Notes:
1. I Speak Cards in 38 languages at: http://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/ISpeakCards.pdf.

3.2 Other Engagement Activities

This section contains considerations for expanding the reach of public engagement activities to LEP populations.

PARTNER WITH COMMUNITY ORGANIZATIONS

Ask community organizations that are familiar with LEP populations in the plan/project area for advice on developing communications for those audiences, including any particular vocabulary and phraseology used. Find out if the organization can help distribute the communications through their regular channels. Examples of community organizations are church groups, schools, social service agencies, advocacy organizations, and parent/teacher organizations.

PROVIDE ALTERNATIVES TO TRADITIONAL PUBLIC MEETINGS

Aside from language, there may be other reasons why persons with limited English proficiency are less inclined to attend traditional public meetings. To ensure effective outreach and engagement with LEP populations, we should find ways to bring plan/project information and discussions into the community where people live and work. Partnering with trusted community organizations is a best practice for reaching LEP populations.

USE NON-ENGLISH LANGUAGE MEDIA OUTLETS AND SOCIAL MEDIA

Non-English media outlets including radio, television, and newspapers are relied on heavily by people with limited English proficiency. Posting on social media in the predominant non-English languages in the plan/project areas is another way to expand the reach of Department communications.

CONVEY INFORMATION IN VISUAL IMAGES

Visuals, such as pictures, drawings, charts, graphs, diagrams, and simulation videos can be effective tools for communicating information to LEP populations.

3.3 Interpreter and Translator Competency

We must take reasonable steps to assess whether interpreters and translators are competent to provide these services. Competency requires more than self-identification as bilingual. To assess the qualifications of interpreters and translators, look for these capabilities:

- Proficiency in and ability to:
    - Communicate information accurately in both English and the other language
    - Identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation)
- Knowledge in both languages of any specialized terms or concepts used by the Department to communicate about a plan/project and engagement opportunities
- Knowledge of any particular vocabulary and phraseology used by the LEP person

For convenience, develop a list of qualified interpreters and translators for the predominant non-English languages spoken in the District, including people who can perform quality control of translated materials.

Be aware that many languages have dialects and regionalisms that can differ in vocabulary, grammar and/or pronunciation. For instance, a word that may be understood to mean something to a Spanish speaker from Cuba may not be well understood by a Spanish speaker from Mexico.

3.5 Documentation

Include the details of the language assistance strategy in the public involvement approach for plan/project.