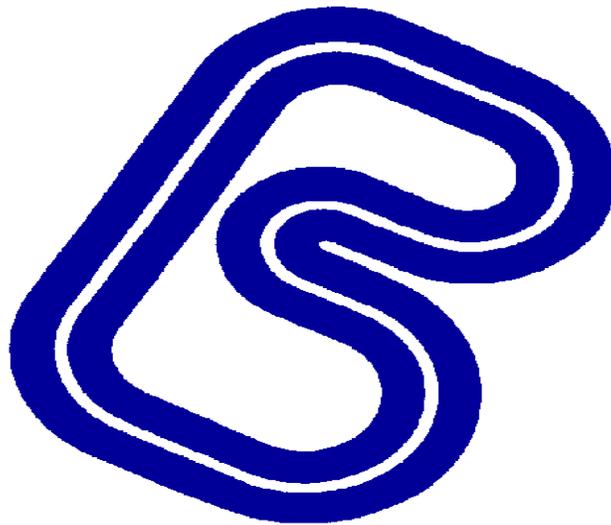


**LIMITED ENGLISH PROFICIENCY PLAN FOR
BERKSHIRE REGIONAL TRANSIT AUTHORITY
PITTSFIELD, MASSACHUSETTS**



March 2011

Berkshire Regional Transit Authority

Limited English Proficiency (LEP) Plan

Background Information

Individuals with a limited ability to read, write, speak, or understand English are limited English proficient, or “LEP.” According to the 2000 U.S. Census, more than 10 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 65 percent from 1990 to 2000. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Vietnamese, and Korean.

Public transit is a key means of achieving mobility for many LEP persons. According to the 2000 Census, more than 11 percent of LEP persons aged 16 years and over reported use of public transit as their primary means of transportation to work, compared with about 4 percent of English speakers. Recent immigrants to the United States (including those persons who may not be limited English proficient) use public transportation at higher rates than native-born adults. Agencies that provide language assistance to persons with limited English proficiency in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers.

Catering to LEP persons may also help increase and retain ridership among the agency’s broader immigrant communities in two important ways: 1) agencies that reach out to recent immigrant populations in order to prepare a language implementation plan send a positive message to these persons that their business is valued; and 2) community outreach designed to identify appropriate language assistance measures can also assist the agency in identifying the transportation needs of immigrant populations.

Legal basis for language assistance requirements

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

regulations to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The U.S. DOT requires that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). DOT recommends that recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

Evaluation

The Four Factor Analysis

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (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; and (4) the resources available to the recipient and costs.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The Berkshire Regional Transit Authority (BRTA) provides public transportation services to its 24 member communities within Berkshire County in the Western end of Massachusetts. Fixed route service is provided by fourteen bus routes in 12 communities from Williamstown to Great Barrington

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

and paratransit service is provided in 19 member communities. Almost one-third of the BRTA service is provided in rural communities (see the attached map outlining the BRTA fixed route service throughout Berkshire County referencing urban and non-urban areas). Only the City of Pittsfield and some adjacent census tracts in Dalton and Lanesborough are categorized as “urbanized area” by the US DOT’s Federal-Aid program. Fixed route service is available weekdays from 5:45 AM to 7:15 PM and 7:15 AM to 7:00PM on Saturdays. The BRTA does not operate Sunday or late evening service. The following data is provided from the Berkshire Regional Planning Commission using 2005 - 2009 American Community Survey information for Berkshire County detailing the number and percent of the population that speak English less than “very well”.

Selected Social Characteristics in the United States	Estimate	Margin of Error (+/-)	Percent	Margin of Error (+/-)
LANGUAGE SPOKEN AT HOME				
Population 5 years and over	123,981	86	123,981	(X)
English only	115,862	636	93.5%	0.5
Language other than English	8,119	619	6.5%	0.5
Speak English less than "very well"	2,427	406	2.0%	0.3
Spanish	2,469	310	2.0%	0.3
Speak English less than "very well"	923	194	0.7%	0.2
Other Indo-European languages	4,222	478	3.4%	0.4
Speak English less than "very well"	1,046	230	0.8%	0.2
Asian and Pacific Islander	938	197	0.8%	0.2
Speak English less than "very well"	359	175	0.3%	0.1
Other languages	490	186	0.4%	0.2
Speak English less than "very well"	99	59	0.1%	0.1

Additional information was gathered from Berkshire Community College (BCC) and the Adult Learning Center (ALC) in Pittsfield regarding their transit dependent English as a Second Language (ESL) students. Berkshire Community College in a joint venture with Massachusetts College of Liberal Arts (MCLA) maintains classrooms within the BRTA’s Intermodal Transportation Center for their day and evening curriculums as well as their main campus in Pittsfield and a satellite facility in Great Barrington.

BCC student population in 2011 is 2,700 students, of which 23 are ESL transit dependent or .85%. ALC serves a population of 45 ESL students, approximately 33% of their current student population

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

with 3-5 students using fixed route transportation daily or 7-11% of the ESL population and 2.2% - 3.7% of the total student population. ALC serves a greater population seeking their General Education Development (GED) diploma, approximately 200 annually, with 8-10 students using fixed route transportation daily or 4-5% of the total GED student population.

Factor 2: The Frequency with Which LEP Individuals Come In Contact with BRTA Programs, Activities and Services

As stated above, the ESL population in Berkshire County is a small percentage of the total population, 6.5% with transit reliant ESL clients and even smaller amount (28 out of 2745 or 1%). With the 2010 census information release in the near future, the BRTA will revisit the statistical data to update this plan.

Factor 3: The Importance to LEP Persons of BRTA Programs, Activity and Services

Most customer service requests are for schedule and route information and for the sale of tickets and passes. Most transit riders are regular users who use only a portion of the bus system for their daily travel, making routine trips, with little need for complex information. Thus, information requests for route and schedule information are most likely to be made by infrequent users or users new to using transit. This population could include recent immigrants in non-English speaking households, and therefore it is important to have language resources ready to enable them to be served. The BRTA's website www.berkshirerta.com contains a language translator where basic information on routes, fares, and policies can be obtained and translated for LEP visitors. Recently 2 BRTA front line customer service representatives attended a Basic Spanish in the Workplace course to assist ESL visitors.

Factor 4: The Resources Available to the Recipient and Costs

BRTA is a small urban public transit operator receiving federal funds for transit operation under Section 5307 and a small amount of Section 5311 rural transit operating funds. It is a sub-recipient of the Governors Apportionment of Section 5316 JARC and 5317 New Freedom funding administered through MassDOT.

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

The BRTA, in further developing this LEP Plan, will explore through the BCC/ MCLA partnership at the Intermodal Transportation Center additional resource capabilities for language assistance that may be offered throughout Berkshire County and the Commonwealth of Massachusetts. The most cost-effective language assistance can be provided orally through interpretation services. With such a small population of LEP individuals likely to use transit, it is initially not cost effective to engage in translating and publishing route and schedule information into other languages.

Training Staff

As stated above the BRTA has identified key staff to involve in training for communicating with LEP individuals. Two front line customer service staff completed the Basic Spanish in the Work Place course. BCC, the local community college, offers English as Second Language (ESL) classes annually and the BRTA will determine if additional staff should receive this training. BRTA will obtain and use the video “Breaking Down the Language Barrier: Translating Limited English Proficiency Into Practice”, to use at staff and driver training meetings. Operators and staff with frequent public contact have been provided the Colorado DOT brochure “Basic Spanish for Transit Employees”.

Providing Notice to LEP Persons

When LEP services are in place and training completed, BRTA will include the availability of language services to LEP persons in all public announcements, on the BRTA website, and throughout the transit vehicles and facilities.

Monitoring and Updating BRTA’s LEP Plan

BRTA will annually review its LEP Plan and seek to determine if changes have occurred in:

- Current LEP populations in the service area or population encountered;
- Frequency of encounters with LEP language groups;
- Available resources and sources of additional resources, and associated costs;
- Staff’s knowledge of and understanding of the LEP Plan, language assistance resources, and how to serve LEP individuals;

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

- The identified sources of assistance, to determine their continued availability.

Information gathered in this annual review will be used to update the LEP Plan, no less often than every three years to coincide with BRTA's submission of a Title VI Update to regulatory agencies.

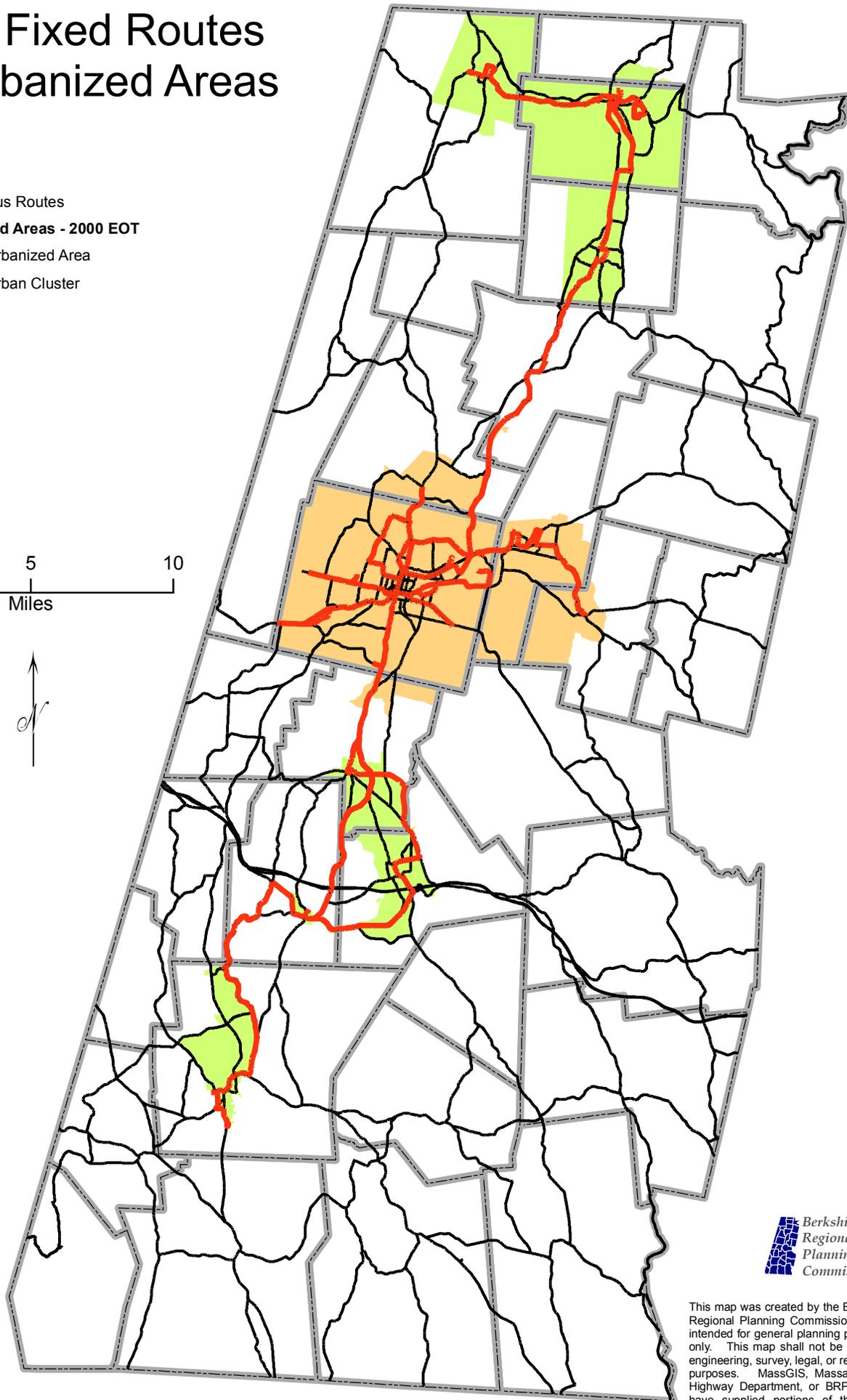
Notice of Non-Discrimination

The BRTA complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in BRTA programs and activities, as well as in BRTA's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding BRTA's nondiscrimination policies may be directed to BRTA, One Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: Civil Rights Officer.

This notice will be made available in other languages.	English
Este aviso estará disponible en otros idiomas.	Spanish
Niniejsze obwieszczenie będą dostępne w innych językach	Polish
Questo avviso sarà resi disponibile in altre lingue	Italian
Este aviso será disponibilizado em outros idiomas	Portuguese
Это уведомление будет предоставляться на других языках.	Russian

BRTA Fixed Routes and Urbanized Areas

- Bus Routes
- Urbanized Areas - 2000 EOT
 - Urbanized Area
 - Urban Cluster



This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, Massachusetts Highway Department, or BRPC may have supplied portions of this data.