

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



**Updated February 2020
Approved by the BRTA Advisory Board 3/26/2020**

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 2011 American Community Survey (ACS) more than 13.5 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 35 percent from 2000 to 2011. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Tagalog, and Vietnamese.

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

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assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI 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 26 member communities within Berkshire County in the Western end of Massachusetts. Fixed route

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service is provided by fourteen bus routes in 13 communities from Williamstown to Great Barrington and paratransit service is provided in 26 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, but currently does have a limited late evening service pilot program.

The following data is provided from the Berkshire Regional Planning Commission using 2014-2018 American Community Survey information for Berkshire County detailing the number and percent of the population that speak English less than “very well”.

Language Spoken at Home by the Ability to Speak English for the Population Age Five and Over

	Berkshire County	
	Total	Percent
Language Spoken at Home		
Population 5 years and over	121910	
English Only	111976	91.9%
Language other than English	9934	8.1%
Limited English-speaking households	3395	2.8%
Spanish	4204	3.4%
Limited English-speaking households	1650	1.4%
Other Indo-European languages	3979	3.3%
Limited English-speaking households	1208	1.0%
Asian and Pacific Island languages	1144	0.9%
Limited English-speaking households	420	0.3%

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Other Languages	607	0.5%
Limited English-speaking households	117	0.1%

Table S1601: Population 5 years and over

American Community Survey 2014-2018

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

As stated above, the LEP population in Berkshire County is a small percentage of the total population, 9,934 out of 121,910 or 8.1% with 3,395 or 2.8% with limited English speaking households. The transit dependent population that speak English less than “very well” is 24 out of 727 or 3.3%. Therefore, .020% of the county wide population are transit dependent customers who speak English less than “very well” or 24 out of 121,910. See additional information on page 12.

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.

Prior to the implementation of BRTA’s new fare structure, introduction of the Charlie Card, and new Scheidt & Bachmann farebox transition in January 2014 the instructional material was available in both English and Spanish.

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Factor 4: The Resources Available to the Recipient and Costs

BRTA is a small urban public transit operator system 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 5317 New Freedom and 5339 Bus and Bus Facility funding administered through MassDOT.

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. BRTA has an agreement with Certified Languages International (CLI) for telephone translation services. CLI offers: exceptional customer satisfaction; HIPAA compliant, Safe Harbor certified, and Joint Commission compliant; on-demand services 24/7/365; customized reporting and detailed call analytics; and Professional interpreters with industry-specific expertise. 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. The BRTA did produce informational materials regarding the transition of the fare structure, Charlie Card and new fareboxes in response to a customer's request. If future needs arise for document translation, BRTA has an arrangement with NWI global. Their mission is, *"NWI Global envisions a world where businesses, institutions and organizations communicate freely and easily with one another to exchange ideas, knowledge, goods and services. For this to occur, language translation and interpretation services must be readily available and highly responsive. For over 20 years we have grown our ability to facilitate communication this way in over 200 languages, building relationships that produce reliable results for our clients."*

Training Staff

BCC, the local community college, offers Spanish for the Workplace classes annually and the BRTA will determine if additional staff should receive this training. Operators and staff with frequent public contact have access to the brochure "Basic Spanish for Transit Employees". Should the need arise for additional staff in the future, consideration will be given to candidates with bilingual capabilities.

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Providing Notice to LEP Persons

BRTA provides the public announcements in alternative language formats to distribute on the BRTA transit vehicles and facilities as well as throughout the community.

Monitoring and Updating BRTA's LEP Plan

BRTA will review its LEP Plan at least every 3 years 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, 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;
- 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 notice below is posted on transit vehicles and throughout the transit facilities in English and is available in the additional languages listed.

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

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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

Este aviso estará disponible en otros idiomas. Spanish

El BRTA cumple con las Americans with Disabilities Act de 1990, la sección 504 del Acta de rehabilitación de 1973, título VI de la ley de derechos civiles de 1964 y otras leyes federales igualdad de oportunidades y por lo tanto no discrimina en base de raza, sexo, color, edad, origen nacional, religión o discapacidad, en la admisión o acceso y tratamiento en BRTA programas y actividades, así como en BRTA está contratando o prácticas laborales. Las denuncias de presunta discriminación y consultas sobre política antidiscriminatoria de BRTA pueden ser dirigidas a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de los derechos civiles.

Niniejsze obwieszczenie będą dostępne w innych językach Polish

BRTA jest zgodny z Amerykanami z niepełnosprawnych ustawa z 1990 r., sekcji 504 ustawy o rehabilitacji z 1973 r., tytuł VI ustawy prawa obywatelskie prawa federalnego równych szans 1964 i innych i dlatego nie dyskryminacji ze względu na rasy, płci, kolor, wiek, pochodzenie, religię lub niepełnosprawności, czasowej lub dostęp do i leczenie w BRTA programów i działań, jak również w BRTA na wynajem lub praktyk zatrudnienia. Skargi o domniemanej dyskryminacji i zapytania dotyczące zasady niedyskryminacji w BRTA mogą być kierowane do BRTA, jeden Columbus Avenue, Apartament 201, Pittsfield, MA 01201 Attn: oficer praw obywatelskich.

Questo avviso sarà resi disponibile in altre lingue Italian

Il BRTA conforme l'Americans with Disabilities Act del 1990, sezione 504 del Rehabilitation Act del 1973, titolo VI del Civil Rights Act del 1964 e altre leggi federali pari opportunità e pertanto non discrimina sulla base di razza, sesso, colore, età, origine nazionale, religione o disabilità, di ammissione o di accesso e di trattamento in attività e programmi BRTA, come bene come in BRTA di assunzione o pratiche di occupazione. Denunce di presunte discriminazioni e richieste

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riguardanti le politiche di non discriminazione di BRTA possono essere indirizzate a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: ufficiale di diritti civili.

Este aviso será disponibilizado em outros idiomas

Portuguese

O BRTA cumpre o Americans with Disabilities Act de 1990, seção 504 da lei de reabilitação de 1973, o título VI do acto de direitos civis de 1964 e outras leis federais de igualdade de oportunidades e, portanto, não discrimina com base em raça, sexo, cor, idade, nacionalidade, religião ou deficiência, na admissão ou o acesso e o tratamento em BRTA programas e atividades, como bem como BRTA está contratando ou práticas de emprego. Queixas de alegada discriminação e inquéritos sobre políticas de não discriminação do BRTA podem ser direcionadas para BRTA, um Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de direitos civis.

Это уведомление будет предоставляться на других языках.

Russian

BRTA соответствует американцам-инвалидах закона 1990 года, статья 504 Закона о реабилитации от 1973 года, раздел VI Закона о гражданских правах 1964 и других законов федерального равных возможностей и поэтому не допускает дискриминации по признаку расы, пола, цвета, возраста, национального происхождения, религии или инвалидности, в приеме или доступ к и лечение в BRTA программах и мероприятиях, а также в BRTA в найме или занятости практики. Жалобы о предполагаемой дискриминации и запросы относительно BRTA в политику недискриминации могут быть направлены на BRTA, один Columbus Avenue, Suite 201, Питтсфилд, Ма 01201 Attn: сотрудник по вопросам гражданских прав.

Documents translated

1. Notice of Non Discrimination
2. BRTA Fare Structure
3. BRTA Schedule (large print)

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Means of Transportation to Work by Language Spoken at Home and Ability to Speak English

	United States	Berkshire County, Massachusetts
	Estimate	Estimate
Total:	150,571,044	63,061
Speak only English	117,443,987	57,756
Speak Spanish:	20,269,639	2,343
Speak English "very well"	11,508,956	1,392
Speak English less than "very well"	8,760,683	951
Speak other languages:	12,857,418	2,962
Speak English "very well"	8,501,361	2,076
Speak English less than "very well"	4,356,057	886
Car, truck, or van - drove alone:	115,095,765	48,863
Speak only English	92,361,138	45,630
Speak Spanish:	14,155,800	1,412
Speak English "very well"	8,528,557	909
Speak English less than "very well"	5,627,243	503
Speak other languages:	8,578,827	1,821
Speak English "very well"	5,851,793	1,283
Speak English less than "very well"	2,727,034	538
Car, truck, or van - carpooled:	13,671,979	4,948
Speak only English	9,212,243	4,102
Speak Spanish:	2,936,853	570
Speak English "very well"	1,339,523	159
Speak English less than "very well"	1,597,330	411
Speak other languages:	1,522,883	276
Speak English "very well"	853,591	102
Speak English less than "very well"	669,292	174

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Public transportation (excluding taxicab):	7,602,145	727
Speak only English	4,800,926	676
Speak Spanish:	1,476,544	16
Speak English "very well"	736,594	12
Speak English less than "very well"	739,950	4
Speak other languages:	1,324,675	35
Speak English "very well"	830,735	15
Speak English less than "very well"	493,940	20
Walked:	4,049,677	3,797
Speak only English	2,953,824	2,987
Speak Spanish:	582,822	253
Speak English "very well"	301,499	231
Speak English less than "very well"	281,323	22
Speak other languages:	513,031	557
Speak English "very well"	321,782	441
Speak English less than "very well"	191,249	116
Taxicab, motorcycle, bicycle, or other means:	2,728,545	968
Speak only English	1,968,325	885
Speak Spanish:	477,485	10
Speak English "very well"	216,152	10
Speak English less than "very well"	261,333	-
Speak other languages:	282,735	73
Speak English "very well"	186,398	73
Speak English less than "very well"	96,337	-
Worked at home:	7,422,933	3,758
Speak only English	6,147,531	3,476
Speak Spanish:	640,135	82
Speak English "very well"	386,631	71

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Speak English less than "very well"	253,504	11
Speak other languages:	635,267	200
Speak English "very well"	457,062	162
Speak English less than "very well"	178,205	38

*Table B08113: Workers 16 years and over
American Community Survey 2014-2018*

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