

2014 MaineDOT Four Factor Analysis
Maine Department of Transportation
Limited English Proficiency Analysis for Transit

Introduction

On August 11, 2000, President Clinton signed **Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency**, which requires meaningful access to all federally assisted programs and activities by persons with limited English proficiency.

Executive Order 13166 states that individuals who do not speak English well and who have a limited ability to read, write, speak or 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 referred to as being limited in their ability to speak, read, write or understand English, hence the designation “LEP,” or Limited English Proficient.

The USDOT published “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency” in the Dec. 14, 2005, Federal Register. The guidance explicitly identifies state agencies such as MaineDOT as organizations that are required to follow Executive Order 13166.

The guidance applies to all USDOT funding recipients, which includes state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state and local transit operators, among others. Coverage extends to a recipient’s entire program or activity.

The Four Factor Analysis

Under guidance from the U.S. Department of Transportation, and in accordance with Circular FTA C 4702.1B, MaineDOT is obligated to determine the extent of its obligation to provide LEP services to its transit population. This determination must be based on an analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient;
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people’s lives; and
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

Maine has a relatively low percentage of people who don’t speak English very well. An analysis of Census data reflected in American Community Survey (ACS) data for 2009 – 2013, which is included in Table 1 below, shows that statewide, there are 21,071 people over the age of 5, or 1.7% of the total population of people over the age of 5 (1,261,144 people) who speak

English less than very well. There are only four languages in which the number of persons who speak English less than “very well” exceed the 1,000 person/5% threshold: Spanish or Spanish Creole, French, Chinese and African languages.

TABLE 1			
American Community Survey B16001. Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Maine: 2009-2013			
	Number of Speakers	Speak English Very Well	Speak English Less than Very Well
Population 5 years and over	1,261,144		
Speak only English	1,175,657		
Spanish or Spanish Creole	11,599	9,056	2,543
French (incl. Patois, Cajun)	45,475	36,953	8,522
French Creole	123	123	0
Italian	1,019	896	123
Portuguese or Portuguese Creole	673	566	107
German	3,417	3,032	385
Yiddish	42	34	8
Other West Germanic languages	528	399	129
Scandinavian languages	470	431	39
Greek	710	629	81
Russian	1,567	999	568
Polish	673	491	182
Serbo-Coatian	251	128	123
Other Slavic languages	441	325	116
Armenian	99	84	15
Persian	572	338	234
Gujarati	123	123	0
Hindi	496	484	12
Urdu	225	154	71
Other Indic languages	203	185	18
Other Indo-European languages	508	356	152
Chinese	2,521	1,000	1,521
Japanese	839	690	149
Korean	873	509	364
Mon-Khmer, Cambodian	984	396	588
Hmong	0	0	0
Thai	489	171	318
Laotian	96	57	39
Vietnamese	1,807	830	977
Other Asian Languages	807	497	310
Tagalog	1,423	834	589
Other Pacific Island Languages	168	119	49
Navajo	17	17	0
Other Native North American languages	1,016	918	98

Hungarian	25	21	4
Arabic	1,255	735	520
Hebrew	146	137	9
African languages	3,570	1,492	2,078
Other and unspecified languages	237	207	30
Total	85,487	64,416	21,071

Factor #1 contains four sub-factors which are discussed below:

(a) How LEP persons interact with the recipient’s agency.

The LEP Guidance from USDOT recommends that “recipients should first examine their prior experience with LEP individuals and determine the breadth and scope of language services that are needed.”

Within the realm of public transportation, MaineDOT can potentially interact with LEP persons in two primary ways. In terms of direct experience, MaineDOT may come into contact with LEP individuals at public meetings or public hearings associated with planning efforts. MaineDOT has a number of periodic planning efforts wholly within or related to public transportation that entails public review and comment:

- Transit Summits undertaken for Locally Coordinated Transit Plans
- Long Range Strategic Transit Plan 2015 – 2025

In addition to these, there are studies of specific issues that may also entail public outreach. One example is studies on extending passenger rail services.

At public meetings for any of these projects, it is incumbent on MaineDOT to provide a means for LEP individuals to participate in a meaningful way. In advertising the meetings, MaineDOT indicates that translation services are available upon request. Given the very low percentage of LEP individuals, this service has not been requested at a meeting in the past three years.

Other than public meetings, MaineDOT must ensure that those individuals or groups contacting the agency to lodge a complaint have interpretation services available to them, if necessary.

The other form of interaction of LEP individuals with MaineDOT is through sub-recipients. The public transit providers in Maine have the potential for having more contact with LEP persons than MaineDOT, although the degree of interaction varies across the state. It is the responsibility of the providers to deploy the resources necessary to ensure that LEP individuals have fair access to the available services. However, it is MaineDOT’s responsibility as the FTA grant recipient to monitor the efforts of the providers to ensure compliance with Executive Order 13166.

The forms of LEP interaction experienced by the transit providers include the following:

- Providing basic information on how to use public transit services in the area
- Purchasing fares
- Making reservations on demand response services
- Handling passenger complaints
- Gathering data including on-board customer surveys

In its ongoing communications with the transit providers and in its on-site reviews, MaineDOT gauges the degree to which any of the providers have LEP interactions, and works to ensure that appropriate resources are deployed to comply with the regulations.

MaineDOT has access to a number of language translation services and is prepared to refer these services to its sub-recipients, should the need arise. That information is also found on our website at: <http://www.maine.gov/mdot/civilrights/title6.htm>

(b) **Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group.** Based on the information contained in Table 1, there are four populations of LEP persons that exceed the 1,000/5% threshold for LEP persons: Spanish or Spanish Creole, French (including Patois, Cajun), Chinese, and African languages.

- **Spanish or Spanish Creole.** According to the data in Table 1, there are 2,543 Spanish or Spanish Creole LEP persons in Maine. However, there do not appear to be any Spanish LEP communities in Maine. The 2009-2013 ACS county data indicates that the largest concentrations of Spanish or Spanish Creole LEP persons appear to be in Androscoggin County (297 persons), Cumberland County (890), Penobscot County (202), and York County (297). The available data would indicate that Spanish-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.
- **French.** According to the data in Table 1, there are 8,522 French-speaking LEP persons in Maine. The 2009 - 2013 ACS county data shows that the greatest concentration of French-speaking LEPs are in Androscoggin County (1,590 persons), Aroostook County (2,115), Cumberland County (1,221), and York County (1,406). Again, the available data would indicate that French-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although there are populations of French-speaking LEP persons in Portland, Lewiston/Auburn and in the St. John Valley of Aroostook County.
- **Chinese.** Table 1 indicates that there are 1,521 Chinese LEP persons in Maine. The ACS county data shows that the greatest concentrations of Chinese LEP are in Cumberland County (396 persons), Penobscot County (210) and York County (319). Again, the available data would indicate that Chinese-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities.

- **African Languages.** According to the data in Table 1, there are 2,078 African Languages LEP persons in Maine. The ACS county data indicates that the greatest concentrations of African languages LEP are in Androscoggin County (456 persons), and Cumberland County (1,597). The re-settlement communities of Lewiston/Auburn and Portland contain substantial numbers of Somali people who speak African languages. The Somali communities in Lewiston/Auburn and Portland are served by fixed route bus systems. In both locations, the communities are direct recipients of FTA funds and have their own Title VI plans.
- (c) **The literacy skills of LEP populations in their native languages, in order to determine whether translation or documents will be an effective practice.** MaineDOT has had virtually no contact with LEP populations at its public meetings. More direct contact with LEP populations would potentially occur through sub-recipient operation of transit services (see discussion under Factors 2 and 4).
- (d) **Whether LEP persons are underserved by the recipient due to language barriers.** MaineDOT has no data that suggests that LEP populations are underserved in our programs and services. MaineDOT makes every attempt to provide language services (see discussion under Factors 2 and 4).

Factor #2: The frequency with which LEP persons come in contact with programs, activities or services. As indicated in discussion Factor 1, MaineDOT is most likely to have contact with LEP individuals at public meetings associated with public transportation planning efforts. MaineDOT does not operate a transit service. MaineDOT has on-call translation via telephone available, if requested. However, during the past three years, there have been no LEP persons calling MaineDOT to use the service.

In general transit providers throughout Maine do not come into frequent contact with LEP persons, but there are some exceptions:

- **Region 1: Aroostook Regional Transportation Program (ARTS).** A significant portion of the population speaks English and French, and in the St. John Valley, French is the primary language of some of the region's elderly population. Most French-speaking people also speak English. Language has not been a barrier. There is daily contact with French/English speaking persons.
- **Region 2: West's Bus Service.** Approximately 20% of the riders on West's Bus Service speak Spanish. Many of these riders are migrant workers who have been recruited for work in blueberry fields, pickle-canning and sea urchin operations. There is daily contact with Spanish-speaking persons.
- **Region 6: Regional Transportation Program (RTP).** There is a diversity of languages that are spoken in Cumberland County. Contact frequency with an LEP person is one to three times per month.
- **Region 7: Western Maine Transportation Services (WMTS).** There is a French-speaking population in Lewiston/Auburn, but most of the population speaks English as well. There is also a Somali population, many of whom speak a language that is based on French. There is periodic contact with LEP persons.

Factor #3: The nature and importance of programs, activities or services to the LEP population. Many LEP persons rely on public transportation for their mobility needs. The state's public transit providers are responsible for ensuring that LEP individuals are not hindered from using local transit systems because of their ability to speak English well. MaineDOT must ensure through its oversight activities that the providers are upholding this responsibility.

In addition, as the state transportation agency responsible for coordinating the statewide transportation planning process, MaineDOT 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 under-represented population groups are part of the evaluation process. MaineDOT provides oversight and ensures in its own planning projects that LEP and other protected classes of persons are considered in the transportation planning process.

Except in Region 2, the importance of providing transportation services to the LEP population may not be as great as other services such as housing, medical services or legal services to a person who has been arrested. However, the availability of transportation services to the LEP population is important. An LEP person's inability to effectively utilize public transportation may adversely affect his or her ability to obtain health care, education, or employment.

In particular, in Region 2, West's transportation service is very important for migrant workers needing to get to their places of important. Most of the migrants do not have their own vehicles, and there are no other transportation options.

Factor #4: Resources available to the recipient and overall costs to provide LEP assistance. Because of the very low incidence of LEP persons in Maine overall, the cost to accommodate them has not been burdensome. MaineDOT uses translation services available under State contract. Cost for these services range in the \$50.00 – \$65.00/hr range. Cost at this time is minimal given the limited need and requests. There are a number of resources that are being provided. MaineDOT has distributed to all transit providers "I Speak" language Identification cards. Highlights of other resources are described below. In all cases except West's, the costs of these services are minimal.

- **Region 1: Aroostook Regional Transportation Program (ARTS).** A number of ARTS' bus drivers speak French, as do some members of the central office staff.
- **Region 2: West's Bus Service.** A company, Escort Inc. contracts with West's to provide migrant worker transportation. Escort provides translators and has helped West's publish its timetable in Spanish. Several of West's bus drivers speak Spanish. The costs of translator services are not known because there is no charge to West's for this service.
- **Region 6: Regional Transportation Program (RTP).** RTP has a contract with Language Line Services. Translator services are utilized on average about one to three times per month.
- **Region 7: Western Maine Transportation Services (WMTS).** One of WMTS' customer service representatives speaks French. Less than 5% of WMTS' ridership consists of Somalis, including Somali children who are fluent in English and often act as interpreters for their parents. Many of the rides for Somalis are arranged through

Child Development Services, Catholic Charities or Lutheran Services, whose staff serve as translators.

LEP Analysis of Factors 2, 3 and 4 by Provider

The following analysis has been compiled based on interviews with each of the providers.

Region 1

Aroostook Regional Transportation Program (ARTS)

- Factor 2 – Frequency of Contact: There is daily contact with French/English speaking persons.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: ARTS has “I Speak” language Identification cards. A number of ARTS’ bus drivers speak French, as do some members of the central office staff.

Region 2

Washington-Hancock Community Agency

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: WHCA has “I Speak” language Identification cards as well as a poster displayed in the office. WHCA also has the number of Language Line Services if the need arises.

Downeast Transportation, Inc. (DTI)

- Factor 2 – Frequency of Contact: Language barriers have not been an issue, in spite of the fact that many summer visitors come to Mount Desert Island from foreign countries.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: DTI has “I Speak” language Identification cards.

West’s Transportation

- Factor 2 – Frequency of Contact: There is daily contact with Spanish speaking persons, including many LEP persons.
- Factor 3 – Importance of Program: West’s transportation service is presumed to be very important for migrant workers needing to get to their places of important. Most of the migrants do not have their own vehicles, and there are no other transportation options.
- Factor 4 – Resources: A company, Escort Inc, contracts with West’s to provide migrant worker transportation. Escort provides translators and has helped West’s publish its timetable in Spanish. Several of West’s bus drivers speak Spanish.

Region 3

Penquis Transportation Program

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.

- Factor 4 – Resources: Penquis has “I Speak” language Identification cards on its buses.

Cyr Bus Line

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: Cyr has “I Speak” language Identification cards on its buses.

Region 4

KVCAP

- Factor 2 – Frequency of Contact: Several times a year, there are one or more riders who do not speak English well.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: KVCAP has “I Speak” language Identification cards on its buses. Several people on KVCAP’s staff speak French, and one is fluent in Spanish. KVCAP would use the service of Language Line on a fee basis if the need arises.

Region 5

Coastal Trans

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: None.

Waldo Community Action Program

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: None.

Bath City Bus

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: None.

Region 6

Regional Transportation Program (RTP)

- Factor 2 – Frequency of Contact: Contact frequency with an LEP person is one to three times per month.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: RTP has “I Speak” language Identification cards on its buses. RTP also has a contract with Language Line Services which RTP uses on average about one to three times per month.

Region 7

Western Maine Transportation Services

- Factor 2 – There is periodic contact with LEP persons – mostly the French-speaking population in Lewiston/Auburn, and the Somali population, many of whom speak a language that is based on French.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: WMTS has “I Speak” language Identification cards on its buses. Less than 5% of WMTS’ ridership consists of Somalis. Many of the rides for Somalis are arranged through Child Development Services, Catholic Charities or Lutheran Services, whose staff serve as translators.

Region 8

York County Community Action Corporation (YCCAC)

- Factor 2 – Frequency of Contact: Once every two months or so, there are one or more riders who do not speak English well.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: YCCAC has “I Speak” language Identification cards on its buses. YCCAC has a contract with Pacific Interpreters / Language Line Solutions, for 3-way telephone interpreter services. YCCAC also utilizes family members, social service groups, family-based organizations and medical providers to provide translator services when appropriate.

The list of translation resources available to MaineDOT and sub-recipients is included in Appendix IV.

**Table 3
MaineDOT Summary of Transit Projects Approved and Denied**

Federal Program	Provider	Provider Type	Coordination	FY 2012		FY 2013		FY 2014	
				Approved	Denied	Approved	Denied	Allocated	Denied
5310 Elderly and Persons with Disabilities	ARTS	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$60,424.00	\$0.00	\$70,521.00	\$0.00	\$63,732.00	\$0.00
	WHCA	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$56,539.00	\$0.00	\$68,175.00	\$0.00	\$61,612.00	\$0.00
	PENQUIS	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$76,951.00	\$0.00	\$90,600.00	\$0.00	\$81,878.00	\$0.00
	KVCAP	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$72,312.00	\$0.00	\$84,390.00	\$0.00	\$76,266.00	\$0.00
	CTI	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$36,219.00	\$0.00	\$44,962.00	\$0.00	\$40,634.00	\$0.00
	WALDO	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$24,146.00	\$0.00	\$29,975.00	\$0.00	\$27,089.00	\$0.00
	RTP	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$57,409.00	\$0.00	\$70,452.00	\$0.00	\$63,669.00	\$0.00
	WMTS	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$82,692.00	\$0.00	\$95,362.00	\$0.00	\$86,181.00	\$0.00
	YCCAC	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$55,205.00	\$0.00	\$66,588.00	\$0.00	\$60,177.00	\$0.00
Total				\$521,897.00	\$0.00	\$621,025.00	\$0.00	\$561,238.00	\$0.00

Federal Program	Provider	Provider Type	Coordination	FY 2012		FY 2013		FY 2014	
				Approved	Denied	Approved	Denied	Approved	Denied
5316 JARC Operating	BANGOR	City	BACTS Policy Committee	\$45,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	DTI	Private non-profit	Agency collaboration, RPAC goals, rider surveys	\$80,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	METRO	City	PACTS, RPAC goals, rider surveys	\$80,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WHCA	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$50,467.00	\$131,355.00	\$0.00	\$0.00	\$0.00	\$0.00
	YCCAC	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$356,805.00	\$157,967.00	\$0.00	\$0.00	\$0.00	\$0.00
	RTP	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$20,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SPtld Bus	City	PACTS, RPAC goals, rider surveys	\$20,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total				\$652,272.00	\$289,322.00	\$0.00	\$0.00	\$0.00	\$0.00
5317 New Freedom	Community Concepts	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$129,414.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	PENQUIS	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$92,468.00	\$157,535.00	\$0.00	\$0.00	\$0.00	\$0.00
	YCCAC	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$35,000.00	\$48,915.00	\$0.00	\$0.00	\$0.00	\$0.00
	WaldoCAP	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$56,910.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	ARTS	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$50,000.00	\$137,247.00	\$0.00	\$0.00	\$0.00	\$0.00
	WHCA	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$50,000.00	\$69,494.00	\$0.00	\$0.00	\$0.00	\$0.00
	CTI	Non-profit	Agency collaboration, RPAC goals, rider surveys	\$25,187.00	\$174,067.00	\$0.00	\$0.00	\$0.00	\$0.00
Total				\$438,979.00	\$587,258.00	\$0.00	\$0.00	\$0.00	\$0.00

**Table 4
Poverty and Minority Statistics**

	Poverty %- Census ACS 2008-2012 Table DP03	Minority %- Non-White ACS 2008-2012 Table DP05
State and Counties		
Maine	13.3	4.7
Androscoggin	14.8	3.0
Aroostook	15.9	4.4
Cumberland	11.1	7.0
Franklin	17.1	3.1
Hancock	12.7	2.8
Kennebec	12.5	3.7
Knox	11.5	2.9
Lincoln	11.1	2.3
Oxford	14.5	1.7
Penobscot	17.1	4.7
Piscataquis	17.7	3.0
Sagadahoc	10.0	4.0
Somerset	18.2	3.0
Waldo	15.5	2.8
Washington	19.8	7.6
York	9.5	3.6

Source: American Community Survey 2006-2008, Tables DP03 and DP05