

Limited English Proficiency Plan | Plan de dominio limitado del inglés | 有限英语水平计划 | Kế hoạch thông thạo tiếng Anh có giới hạn | મર્યાદિત અંગ્રેજી કુશળતા યોજના | સીમાબદ્ધ ઈંગ્લેજિ દક્ષતા પરિકલ્પના | સીમિત અંગ્રેજી પ્રવીણતા યોજના | સીમિત અંગ્રેજી દક્ષતા યોજના | محدود انگریزی مهارت کا منصوبہ | સીમિત અંગ્રેજી મુહારત યેનના | Limited English Proficiency Plan | Plan de dominio limitado del inglés | 有限英语水平计划 | Kế hoạch thông thạo tiếng Anh có giới hạn | મર્યાદિત અંગ્રેજી કુશળતા યોજના | સીમાબદ્ધ ઈંગ્લેજિ દક્ષતા પરિકલ્પના | સીમિત અંગ્રેજી પ્રવીણતા યોજના | સીમિત અંગ્રેજી દક્ષતા યોજના | محدود انگریزی مهارت کا منصوبہ | સીમિત અંગ્રેજી મુહારત યેનના | Limited English Proficiency Plan | Plan de dominio limitado del inglés | 有限英语水平计划 | Kế hoạch thông thạo tiếng Anh có giới hạn | મર્યાદિત અંગ્રેજી કુશળતા યોજના | સીમાબદ્ધ ઈંગ્લેજિ દક્ષતા પરિકલ્પના | સીમિત અંગ્રેજી પ્રવીણતા યોજના | સીમિત અંગ્રેજી દક્ષતા યોજના | محدود انگریزی مهارت کا منصوبہ | સીમિત અંગ્રેજી મુહારત યેનના | Limited English Proficiency Plan | Plan de dominio limitado del inglés | 有限英语水平计划 | Kế hoạch thông thạo tiếng Anh có giới hạn | મર્યાદિત અંગ્રેજી કુશળતા યોજના | સીમાબદ્ધ ઈંગ્લેજિ દક્ષતા પરિકલ્પના | સીમિત અંગ્રેજી પ્રવીણતા યોજના | સીમિત અંગ્રેજી દક્ષતા યોજના | محدود انگریزی مهارت کا منصوبہ | સીમિત અંગ્રેજી મુહારત યેનના | **Limited English Proficiency (LEP) Plan** | Plan de dominio limitado del inglés | 有限英语水平计划 | Kế hoạch thông thạo tiếng Anh có giới hạn | મર્યાદિત અંગ્રેજી કુશળતા યોજના | સીમાબદ્ધ ઈંગ્લેજિ દક્ષતા પરિકલ્પના | સીમિત અંગ્રેજી પ્રવીણતા યોજના | સીમિત અંગ્રેજી દક્ષતા યોજના | محدود انگریزی مهارت کا منصوبہ | સીમિત અંગ્રેજી મુહારત યેનના



**South Jersey  
Transportation  
Planning Organization**

[www.sjtpo.org](http://www.sjtpo.org)

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**782 South Brewster Road, Unit B6 • Vineland, New Jersey 08361**

**P: 856-794-1941 • F: 856-794-2549**

**LEONARD DESIDERIO, CHAIRMAN • JENNIFER MARANDINO, EXECUTIVE DIRECTOR**

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**SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION**

**RESOLUTION 2105-17: Adopting the SJTPO Limited English Proficiency (LEP) Plan**

**WHEREAS, the South Jersey Transportation Planning Organization (SJTPO) is the Metropolitan Planning Organization (MPO) designated under Federal law for the southern region of New Jersey including Atlantic, Cape May, Cumberland, and Salem Counties; and**

**WHEREAS, Title VI of the Civil Rights Act of 1964 requires that “no persons 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 subjected to discrimination under any program or activity receiving federal financial assistance;” and**

**WHEREAS, the 1974 Supreme Court case, Lau v. Nichols, established the legal connection between national origin discrimination associated with Title VI and conduct that has a negative, disproportionate effect on Limited English Proficient (LEP) persons; and**

**WHEREAS, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” clarified the legal connection between national origin and LEP; and**

**WHEREAS, in January 2001, the Department of Justice (DOJ) issued a document specifically addressed to recipients of federal agencies’ funding, defining what “reasonable steps” and “meaningful access” for LEP persons means; and**

**WHEREAS, SJTPO, as a recipient of federal funding, is required to adhere to Title VI of the Civil Rights Act of 1964 and subsequent laws, court precedents, policies, and guidance; and**

**WHEREAS, guidance from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requires MPOs to develop LEP Plans; and**

**WHEREAS, the LEP Plan must identify the specific LEP populations and languages in the region using the best available data; and**

**WHEREAS, the LEP Plan must detail the activities in which LEP languages must be employed to ensure an equitable outreach process; and**

**WHEREAS, the LEP Plan must identify resources to address these LEP needs; and**

**WHEREAS, SJTPO’s current LEP Plan was adopted on September 28, 2020; and**

**WHEREAS, The LEP Plan has been re-released with a 45-day public comment period from March 4, 2021 to April 18, 2021 to uphold SJTPO’s commitment made when the current Plan was adopted in September of 2020 to allow for a more robust comment opportunity by the public; and**

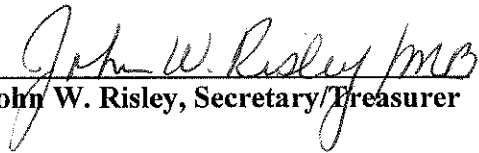
**WHEREAS, members of the public, including members of disadvantaged communities, affected public agencies, private transportation providers, and all interested parties have had the opportunity to participate and have their views considered in the development of the revisions to the SJTPO LEP Plan; and**

**NOW, THEREFORE, BE IT RESOLVED, that the Policy Board of the South Jersey Transportation Planning Organization hereby adopts the SJTPO Limited English Proficiency (LEP) Plan.**

**BE IT FURTHER RESOLVED, that the Policy Board authorizes the Executive Director to review and approve subsequent changes to the LEP Plan, as needed, to adhere to federal guidance, and to implement the LEP Plan accordingly.**

**Certification**

**I hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Policy Board of the South Jersey Transportation Planning Organization at its meeting of May 24, 2021.**

  
**John W. Risley, Secretary/Treasurer**

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## I. Overview

The South Jersey Transportation Planning Organization is the federally designated Metropolitan Planning Organization for the four-county region composed of Atlantic, Cape May, Cumberland, and Salem Counties in Southern New Jersey.

SJTPO's vision for the region is a transportation system based on regional collaboration that moves people and goods in a safe and efficient manner, inclusive of all modes and users.

SJTPO fully complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 72898 on Environmental Justice, and related nondiscrimination mandates in all programs and activities. SJTPO's website, [www.sjtpo.org](http://www.sjtpo.org), may be translated into multiple languages. Publications and other public documents can usually be made available in alternative languages and formats, if requested. SJTPO's public meetings are always held in ADA-accessible facilities and held in transit-accessible locations whenever possible. Translation, interpretation, or other auxiliary services can be provided to individuals who submit a request at least seven days

### **Basis for Limited English Proficiency (LEP)**

The South Jersey Transportation Planning Organization (SJTPO) is committed to upholding the principles and intentions of the 1964 Civil Rights Act and related nondiscrimination mandates in all SJTPO's work, including publications, products, communications, public input, and decision-making processes. Language barriers may prohibit people who are Limited in English Proficiency (also known as LEP persons) from obtaining services, information, or participating in the public planning processes. To better identify LEP populations and thoroughly evaluate SJTPO's efforts to provide meaningful access, SJTPO has produced this Limited English Proficiency (LEP) Plan.

### **Federal Policy for Language Access**

Federal policy related to LEP persons comes from three main components: (1) Title VI of the Civil Rights Act of 1964; (2) *Lau v. Nichols*, 414 U.S. 563 (1974); and (3) Executive Order 13166, signed by former President Bill Clinton in August 2000. According to Title VI of the Civil Rights Act:

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.<sup>1</sup>

In 1974, the Supreme Court, in *Lau v. Nichols*, established the legal connection between national origin discrimination and conduct that has a negative, disproportionate effect on LEP persons. In *Lau*, the Supreme Court ruled that the recently desegregated San Francisco Unified School District had violated Title VI of the Civil Rights Act by failing to provide more than half of its non-English speaking students (mostly of Chinese origin) with supplemental English education:

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<sup>1</sup> Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d et seq.

It seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program - all earmarks of the discrimination banned by the regulations.<sup>2</sup>

In August 2000, former President Bill Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." This order reaffirmed and clarified the legal connection between national origin and LEP:

...the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.<sup>3</sup>

The order further directs recipients of federal financial assistance, such as SJTPO, to take "reasonable steps" to provide LEP persons with "meaningful access" to the recipient organization's programs and activities.

### **"Reasonable Steps" and "Meaningful Access"**

In January 2001, the Department of Justice (DOJ) issued a document specifically addressed to recipients of federal agencies' funding. This document clarified what "reasonable steps" and "meaningful access" for LEP persons means. The document, [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#), reissued in June 2002 following a public comment period, outlines a series of recommended ("reasonable") steps that recipients can take and document in an "LEP plan" for the dual purpose of providing "meaningful access" to LEP persons and more fully complying with Title VI obligations.<sup>4</sup>

## **II. Federal Guidance for LEP**

### **U.S. Department of Transportation (USDOT) Guidance**

In December 2005, USDOT issued a notice of guidance to recipients of federal financial assistance, including Metropolitan Planning Organizations (MPOs), detailing extensively how best to implement Executive Order 13166.<sup>5</sup> This document, [Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons](#), is consistent with the 2002 DOJ guidance and outlines a series of recommended reasonable steps that recipients can take to provide

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<sup>2</sup> Lau v. Nichols, 414 U.S. 563 (1974).

<sup>3</sup> The White House, Office of the Press Secretary, Executive Order 13166: "Improving Access to Services for Persons with Limited English Proficiency." (August 2000).

<sup>4</sup> U.S. Department of Justice, Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, (June 2002).

<sup>5</sup> U.S. Department of Transportation, Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient Persons, (December 2005).



meaningful access to LEP persons. These specific steps involve a four-factor analysis and a five-step implementation plan.

As per the USDOT guidance, the first part of an LEP Plan, the four-factor analysis, includes:

1. the number or proportion of LEP persons eligible to be served, or encountered by a recipient's program, service, or activity;
2. the frequency with which LEP persons come in contact with a recipient's programs;
3. the nature and importance of a recipient's programs, services, or activities to LEP people's lives; and
4. the resources available to the recipient and costs of providing meaningful language assistance measures.

The second part of an LEP plan is in the Implementation Plan, which is based on the results of the four-factor analysis and documents an organization's commitment to language assistance services. As per the USDOT LEP guidance, an effective Implementation Plan typically includes:

- identifying LEP individuals who need language assistance;
- documenting language assistance measures;
- training staff;
- providing notice to LEP persons; and
- monitoring and updating the LEP plan.

### ***Safe Harbor and Vital Documents***

While a flexible set of guidelines, USDOT guidance establishes a clear, universal threshold to which recipients may refer in identifying LEP individuals who need language assistance: the "Safe Harbor" provision. The "Safe Harbor" provision means that if written translations of "vital documents" are provided to LEP language groups that exceed either (a) 1,000 people in the region, or (b) 5% of the regional population, whichever is less, then such translations will be viewed as "strong evidence of compliance with the recipient's written translation obligations" under the appropriate compliance review.<sup>6</sup> However, the USDOT LEP guidance also acknowledges that in organizations that have a large service area, such as SJTPO, "it would be unrealistic" to translate all "vital documents" into all "Safe Harbor" languages.<sup>7</sup> Therefore, the choice not to do so is not an indication of noncompliance, but rather the result of an assessment of organizational resources. "Vital documents" (i.e. which documents will be subject to translation) are determined by the recipient, based on findings from the four-factor analysis.

### **Data Sources**

SJTPO's LEP Plan uses data from the 2015 American Community Survey (ACS) 5-year estimates, Table B16001: "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" at the county and the Census Tract levels.<sup>8</sup> For each population who speaks a language other than English at home, the ACS distinguishes those who speak English "very well" from those

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> U.S. Census Bureau, American Community Survey (2013—2017).

who speak English “less than very well.” An LEP person shall be defined as an individual over the age of 5 who speaks a language other than English at home and speaks English “less than very well.”

### III. Four-Factor Analysis

#### **Factor 1: The number or proportion of LEP persons**

Based upon the 2015 American Community Survey (ACS) Five-Year Estimate data, there are over 570,000 people in SJTPO’s four-county metropolitan planning area, and nearly 558,000 people who are at least 5 years old. Among this population 5 years and older, 51,707 persons, or 9.0%, are limited in their English proficiency. Table 1 shows how the number and proportion of LEP persons vary by county across the region.

**Table 1: LEP Population, by County**

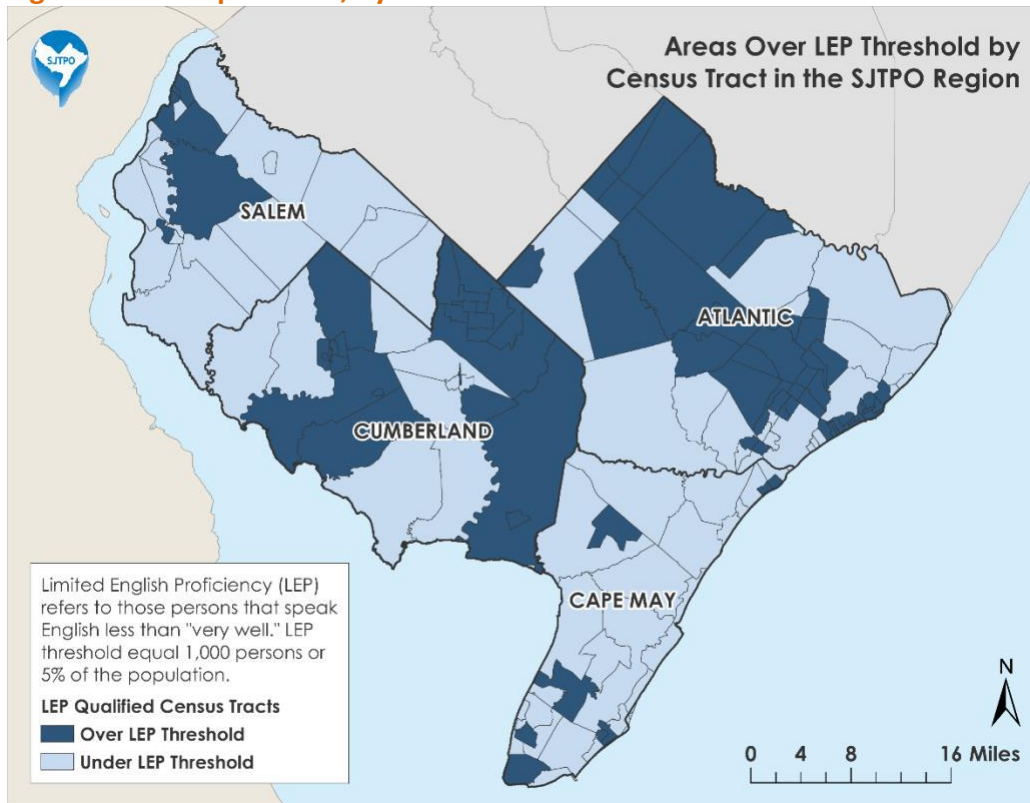
County	Total Population	Population (Age 5+)	Speaks English Less than "Very Well" (LEP)	LEP Proportion of Total Population
<b>Atlantic County</b>	265,429	258,822	29,806	11.5%
<b>Cape May County</b>	92,560	91,308	3,480	3.8%
<b>Cumberland County</b>	150,972	146,466	16,060	11.0%
<b>Salem County</b>	62,607	61,388	2,361	3.8%
<b>SJTPO Region</b>	571,568	557,984	51,707	9.3%

Source: ACS, 2015 5-year Estimates, Table B16001: “Language Spoken at Home by Ability to Speak English for the Population 5 Years and over.”

Atlantic County has the highest number of LEP persons (29,806 residents) as well as the highest LEP proportion (11.5% of residents). Salem County has the lowest number of LEP persons (2,361 residents) while Salem and Cape May Counties have the lowest LEP proportion (3.8% of residents).

The most common language spoken by LEP persons, by far, is Spanish. According to 2015 5-Year ACS data, over two-thirds (67.1%) of the four-county LEP population speaks Spanish. Map 1 shows where the LEP populations live in the region by Census tracts. Map 2 shows only the Spanish-speaking LEP population.

**Figure 1: LEP Populations, by Census Tract**



The other languages spoken at home by the LEP population in the region vary greatly. Including Spanish, five (5) languages or language groups have populations over the 1,000-person threshold across the region (see Table 2). These five (5) language groups, highlighted in orange, fall under the “Safe Harbor” provision as explained in the USDOT guidance; they will be referred to when identifying LEP individuals who may need language assistance.

**Table 2: LEP Population, by All Languages Spoken (Safe Harbor Languages in Orange)**

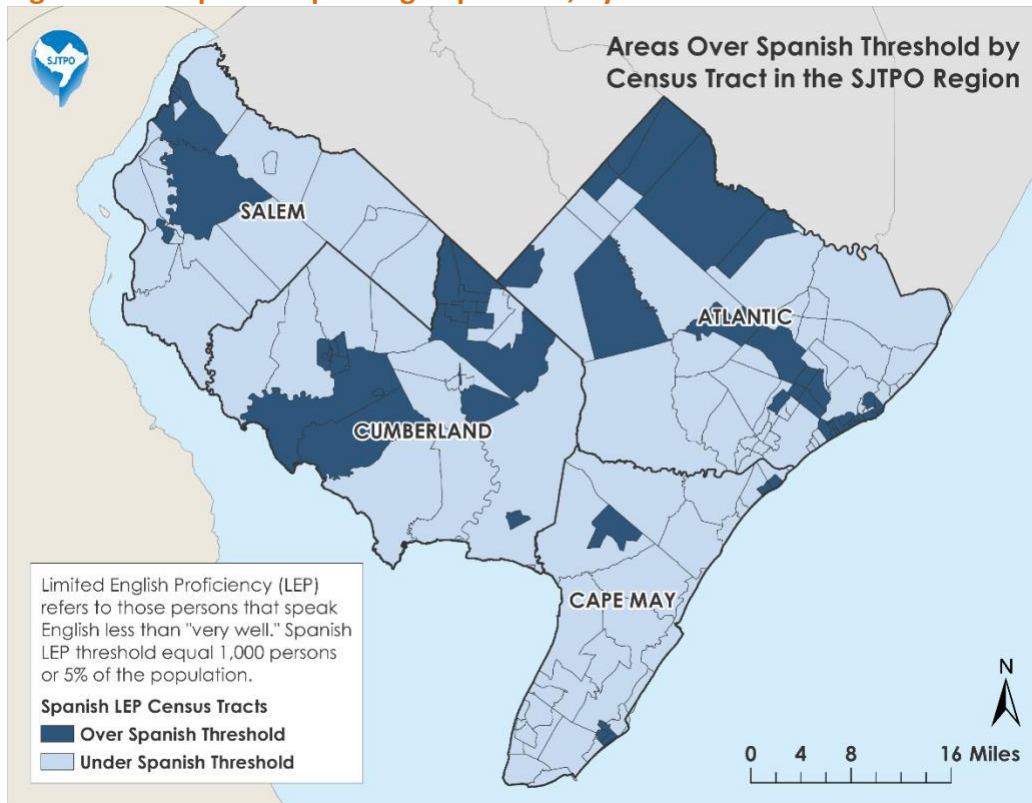
Geographic Area Name	SJTPO Region	Atlantic County	Cape May County	Cumberland County	Salem County
<b>Total Population</b>	<b>571,568</b>	<b>265,429</b>	<b>92,560</b>	<b>150,972</b>	<b>62,607</b>
<b>Total (Age 5+)</b>	<b>557,984</b>	<b>258,822</b>	<b>91,308</b>	<b>146,466</b>	<b>61,388</b>
<b>Speak only English</b>	<b>434,716</b>	<b>187,888</b>	<b>82,287</b>	<b>108,326</b>	<b>56,215</b>
<b>Total LEP Population</b>	<b>51,707</b>	<b>29,806</b>	<b>3,480</b>	<b>16,060</b>	<b>2,361</b>
<b>Percent LEP Population</b>	<b>9.3%</b>	<b>11.5%</b>	<b>3.8%</b>	<b>11.0%</b>	<b>3.8%</b>
<b>Spanish or Spanish Creole</b>	34,711	16,288	2,175	14,396	1,852
<b>Chinese</b>	2,495	2,244	54	156	41
<b>Vietnamese</b>	2,329	2,294	27	8	0
<b>Other Indic languages</b>	2,250	2,124	79	47	0
<b>Gujarati</b>	1,731	1,580	44	93	14
<b>Russian</b>	788	313	168	300	7
<b>Tagalog</b>	743	581	56	70	36

<b>Italian</b>	733	333	190	201	9
<b>Korean</b>	665	438	49	95	83
<b>French Creole</b>	569	506	0	49	14
<b>Arabic</b>	494	426	5	10	53
<b>Hindi</b>	423	252	0	149	22
<b>Urdu</b>	418	411	0	0	7
<b>Greek</b>	400	269	74	23	34
<b>Other Slavic languages</b>	376	138	136	23	79
<b>Polish</b>	360	174	88	72	26
<b>French (incl. Patois, Cajun)</b>	353	258	62	30	3
<b>Other Asian languages</b>	308	120	0	188	0
<b>German</b>	220	89	80	31	20
<b>Other Indo-European languages</b>	187	150	24	13	0
<b>African languages</b>	183	153	30	0	0
<b>Serbo-Croatian</b>	158	91	37	12	18
<b>Japanese</b>	137	31	48	58	0
<b>Portuguese or Portuguese Creole</b>	134	75	46	5	8
<b>Armenian</b>	108	108	0	0	0
<b>Persian</b>	96	80	6	0	10
<b>Laotian</b>	66	66	0	0	0
<b>Thai</b>	63	63	0	0	0
<b>Other and unspecified languages</b>	51	6	0	25	20
<b>Other Pacific Island languages</b>	48	48	0	0	0
<b>Yiddish</b>	35	35	0	0	0
<b>Hebrew</b>	29	29	0	0	0
<b>Mon-Khmer, Cambodian</b>	17	17	0	0	0
<b>Hungarian</b>	14	12	2	0	0
<b>Other Native North American languages</b>	11	0	0	6	5
<b>Scandinavian languages</b>	4	4	0	0	0
<b>Other West Germanic languages</b>	0	0	0	0	0
<b>Hmong</b>	0	0	0	0	0
<b>Navajo</b>	0	0	0	0	0

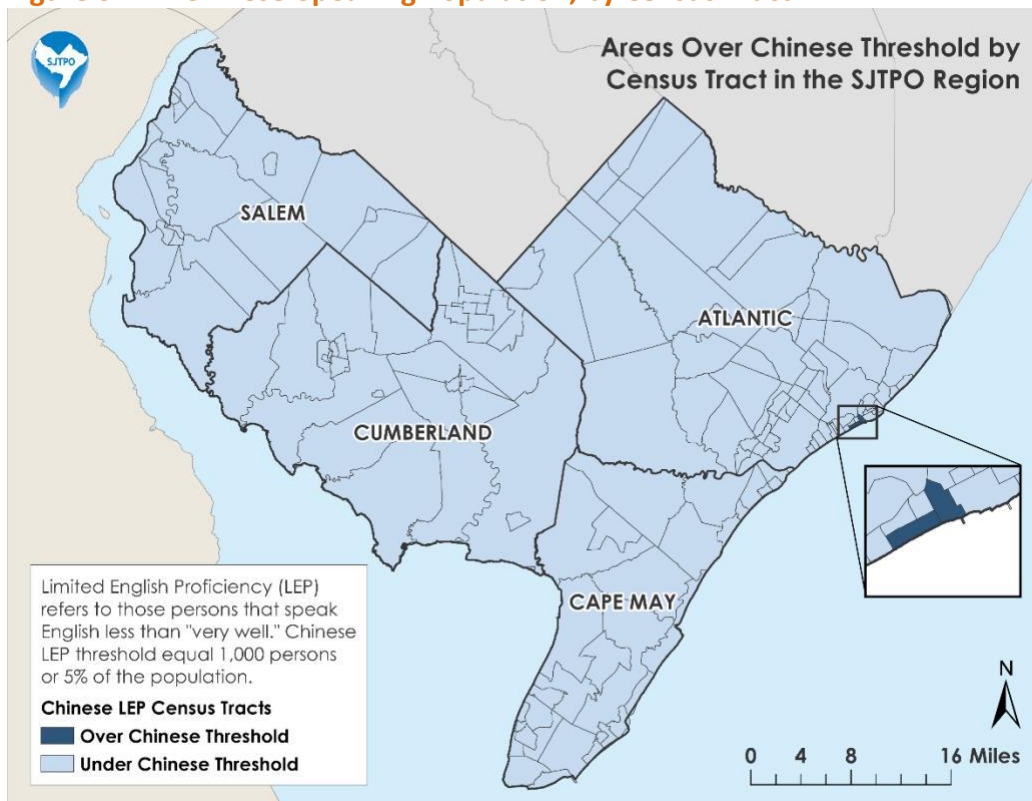
Source: ACS, 2015 5-year Estimates, Table B16001: "Language Spoken at Home by Ability to Speak English for the Population 5 Years and over."

After Spanish, the most common languages spoken by LEP persons are Chinese, Vietnamese, Other Indic Languages, and Gujarati. Maps 2 through 6 show where these LEP populations are located in the region by census tract.

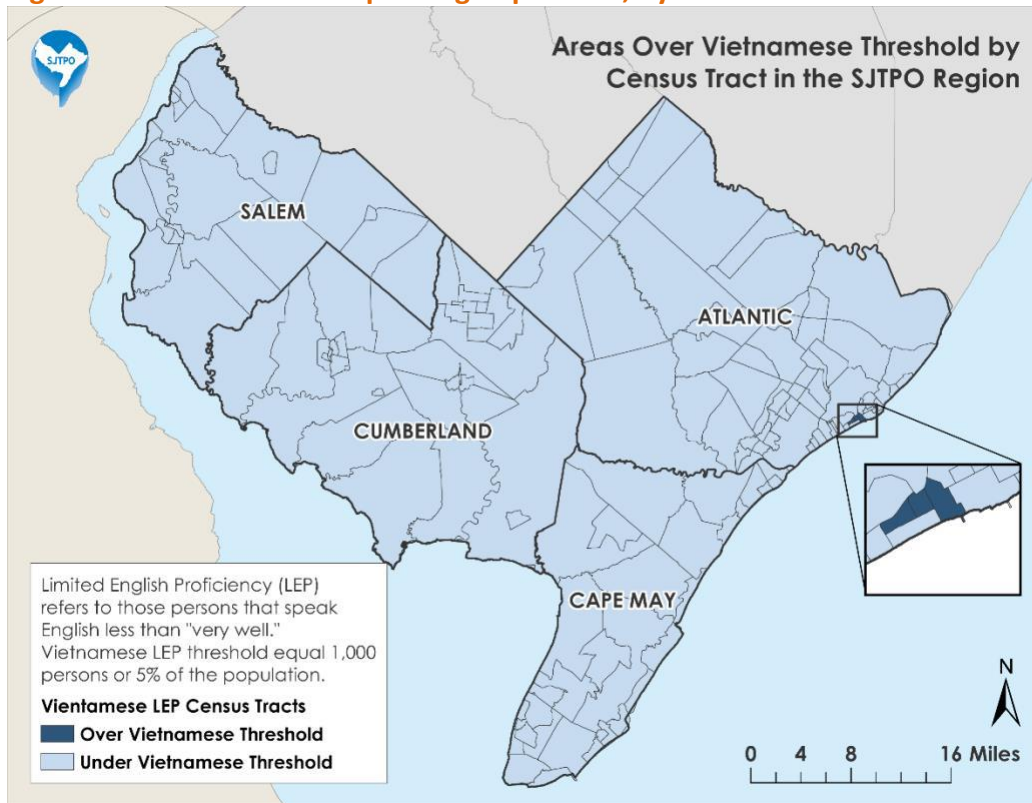
**Figure 2: LEP Spanish-Speaking Population, by Census Tract**



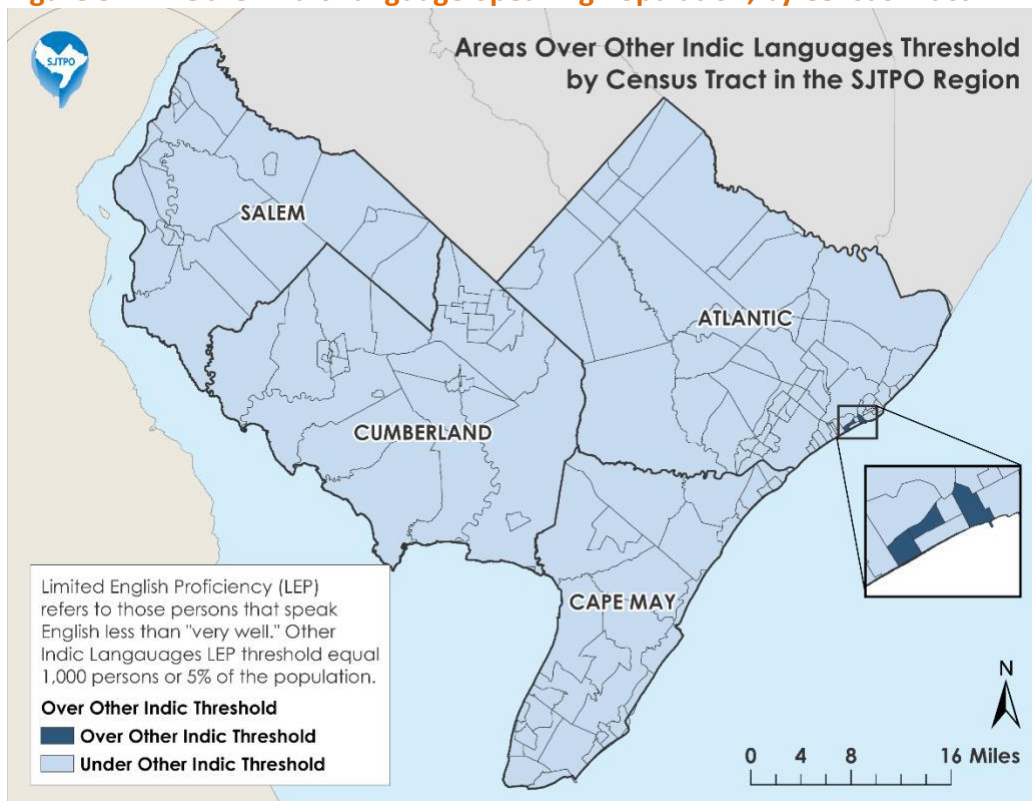
**Figure 3: LEP Chinese-Speaking Population, by Census Tract**

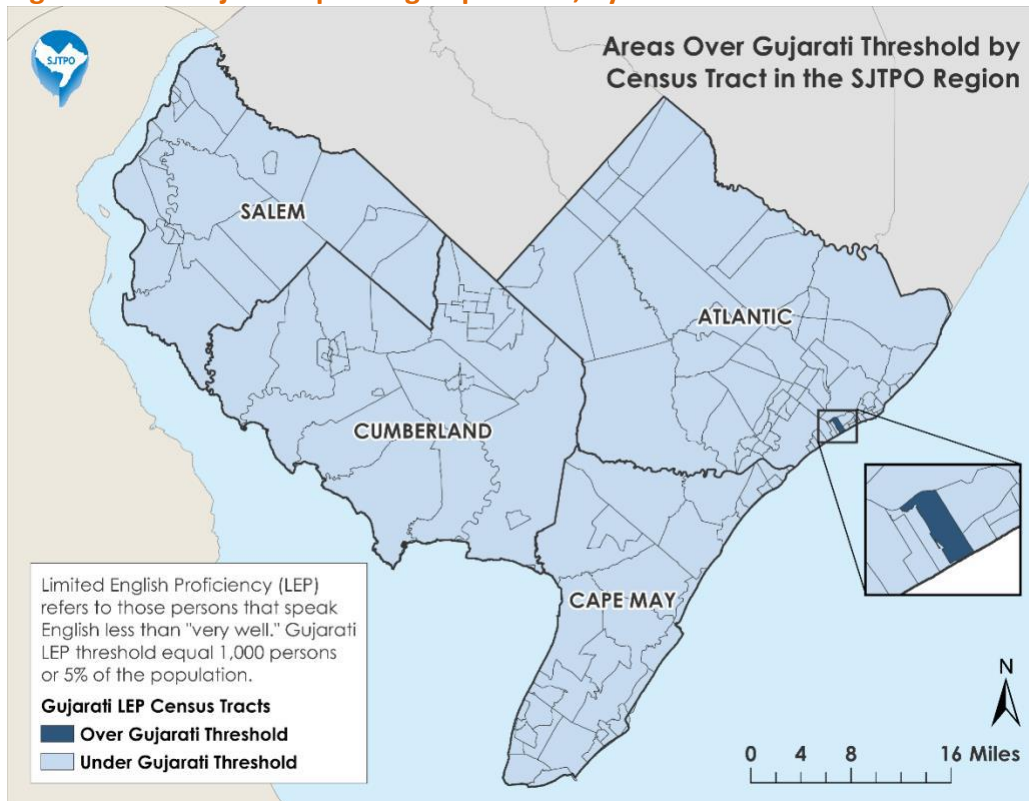


**Figure 4: LEP Vietnamese-Speaking Population, by Census Tract**



**Figure 5: LEP Other Indic Language-Speaking Population, by Census Tract**



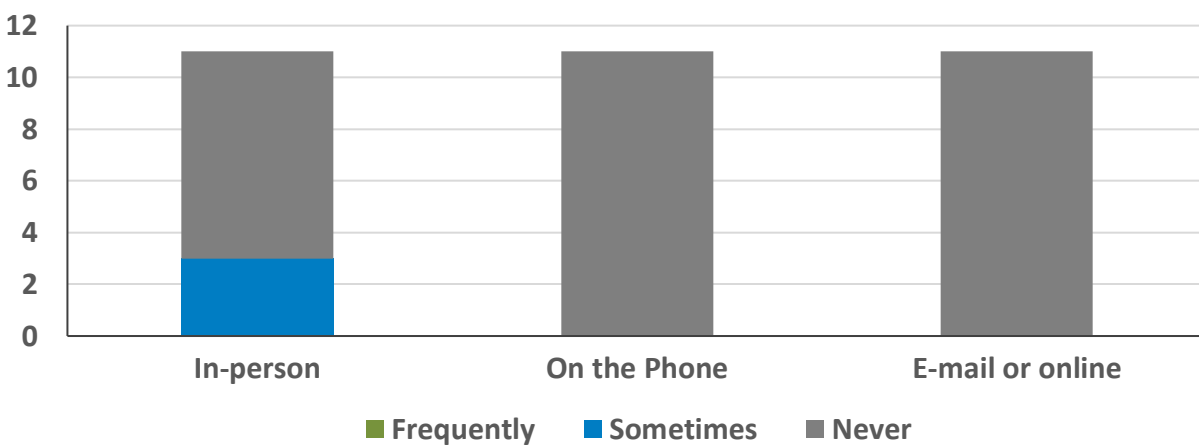
**Figure 6: LEP Gujarati-Speaking Population, by Census Tract****Factor 2: The frequency of contact between LEP persons and SJTPO**

SJTPO has offered written translation and oral interpretation services on select projects in recent years, focused primarily on the region's Spanish-speaking population, based on identified needs. As a small organization, SJTPO has not yet been in a position to establish standing contracts with firms to offer regular written translation or oral interpretation services, but does often request these services be included as part of consultant service contracts where outreach is involved, particularly when a need has been identified in the areas served by the project. SJTPO has been in communication with NJDOT and neighboring MPOs – Delaware Valley Regional Planning Commission (DVRPC) and North Jersey Transportation Planning Authority (NJTPA) – regarding possible shared services that serve this standing function. SJTPO has reached out to its member subregions to identify if they have these services available that could be shared, but they have generally indicated that they do not have these services available on an on-going basis. It is SJTPO's intent to offer both written translation and oral interpretation language assistance measures in any language, upon request. Outside of technical service contracts, and until other means are identified, SJTPO will utilize automated translation services, powered by Google Translate for document translation and will work to utilize tools to assist with in-person interpretation, such as Google Translate and others. As part of the Multilingual Outreach Services effort, mentioned earlier in this document, an analysis is being conducted to assess the accuracy of various automated translation tools. This will assist SJTPO in its efforts to translate more of its materials in a greater number of languages, while acknowledging SJTPO's resource limitations, as a small agency.

The SJTPO has website translation functionality and in early Fall of 2020, the website will include a tool to allow SJTPO to monitor its website, [www.SJTPO.org](http://www.SJTPO.org), for contact with LEP persons. The tool will make translation available through a user’s web browser and through a Google Translate-powered plug-in. SJTPO will monitor this activity on an on-going basis going forward.

To better ascertain the frequency of contact between the SJTPO and LEP persons more broadly, SJTPO conducted a survey of its employees in August 2020. In the survey, employees were asked how frequently they came in contact with LEP persons in their work at SJTPO over the last five years, including whether the contact was in-person, on the phone, via email, or online (see Figure 1). Frequency of contact between SJTPO and the region’s LEP community has been limited.

**Figure 7: Frequency of Contact, LEP Persons and SJTPO Staff in Last Five Years**



Source: SJTPO, 2020.

In August 2020, staff members were also asked if they had received any requests from LEP persons for interpretation or translation requests in the “last five years of working at SJTPO.” All SJTPO staff indicated that they had never received such a request. See Appendix A: “Frequency of Contact” Staff Survey to find the survey administered.

In early 2016, SJTPO used USDOT’s guidance and principles from SJTPO’s Public Involvement Plan (PIP) to conduct initial public outreach prior to the development of the 2016 update to the Regional Transportation Plan (RTP). Several public meetings were held. SJTPO staff looked at ACS data to identify environmental justice populations and planned the location, format, content, and promotion based on local demographics in stakeholder input. Local translators were hired to provide Spanish interpretation at meetings, as needed. In 2019, as part of a safety-focused technical study to identify bicycle and pedestrian crash locations for safety investment as a part of the Cumberland County Bicycle and Pedestrian Safety Action Plan, SJTPO focused on communities in Bridgeton, Millville, and Vineland, based on crash data. Demographic data identified that the impacted communities contained a high percentage of Spanish-speaking families. Materials, including videos were developed in Spanish. This consultant-led technical study is on-going. In late 2019, SJTPO selected Rutgers Public Outreach and Engagement Team (POET) to conduct Multilingual Outreach Services associated with the development of this



Limited English Proficiency (LEP) Plan. Due to the COVID-19 pandemic, it was determined that these services would be best utilized at a later date, when outreach efforts may be more flexible. As such, this Plan was developed as a baseline Plan. Rutgers POET is currently under contract for multilingual outreach to build upon this Plan, which will then be updated in 2021, based upon that input.

### **Factor 3: The importance of SJTPO programs to LEP persons**

As a recipient of federal funding, SJTPO is responsible for directing transportation capital programs and making recommendations for other programs and policy areas that shape the built environment and influence socioeconomic outcomes.

#### ***SJTPO's Vital Documents***

Under federal law, SJTPO is responsible for producing several planning products, which serve great benefit to the region and are therefore important to LEP persons. Together, these documents constitute SJTPO's "vital documents" for translation.

- **Regional Transportation Plan (RTP) Executive Summary:** The RTP creates a 20-plus-year vision for the region's transportation network. The RTP addresses the federal mandates associated with the required Metropolitan Transportation Plan, which allow federal transportation funds to be expended in the SJTPO region. The plan details the ways the region aims to invest in the transportation system. It identifies the region's long-term needs and the goals, strategies, and projects that will address those needs. The RTP is updated and published every four years. SJTPO also publishes an Executive Summary of the plan that serves to more succinctly communicate the key elements of the RTP.
- **Transportation Improvement Program (TIP) Executive Summary:** The TIP is the regionally agreed-upon list of priority transportation projects, including those that intend to use federal funds, all non-federally funded projects that are regionally significant, and other state-funded capital projects. Transportation projects must be included in the TIP to receive most types of federal funding. SJTPO updates and publishes the TIP every two years. It represents a consensus among MPO members and other major transportation interests in the region as to what improvements should have priority for available funds. SJTPO also publishes an Executive Summary for the TIP; an interactive map of TIP-related projects, and documentation of public comments, administrative changes, and board actions to the TIP.
- **Unified Planning Work Program (UPWP) Executive Summary:** The UPWP incorporates the planning programs and support activities of SJTPO and its member subregions for each fiscal year, spelling out the priority planning activities, as proposed by member subregions and stakeholders. It essentially serves as SJTPO's annual budget, as it details studies and work tasks advanced using funds available to SJTPO. The tasks and activities within the UPWP are intended to advance the priorities of the region, guided by SJTPO's RTP. SJTPO also publishes an Executive Summary that serves to more succinctly communicate the key elements of the UPWP.

- **Access for All Transit Plan Executive Summary:** The Access for All Transit Plan identifies unmet transportation needs and recommends measures to increase service quality and reduce the cost of providing services to a segment of the region's population that is unable to or not permitted to operate a vehicle. SJTPO also publishes an Executive Summary of the plan that serves to more succinctly communicate the key elements of the Access for All Transit Plan.
- **Public Involvement Plan (PIP) Executive Summary:** The PIP outlines how SJTPO is meeting all federal public involvement mandates. It is regularly updated to reflect SJTPO's current outreach activities. The PIP reaffirms SJTPO's commitment to an accessible, open, and inclusive planning process. SJTPO also publishes an Executive Summary of the plan that serves to more succinctly communicate the key elements of the PIP.
- **The Public Engagement Guide to Transportation Planning in South Jersey,** is a user-friendly guide designed to give the public a quick and easy understanding of the MPO process and the most effective way for them to get involved.
- **Environmental Justice (EJ) Plan Executive Summary:** The EJ Plan identifies Environmental Justice populations as well as other vulnerable or underserved populations, discusses strategies to serve these populations, and evaluates the impacts of transportation investments on these populations. SJTPO also publishes an Executive Summary of the plan that serves to more succinctly communicate the key elements of the EJ Plan.
- **The Limited English Proficiency (LEP) Plan:** identifies LEP populations, evaluates SJTPO's language access efforts, and commits resources and procedures to provide more access to SJTPO's work, including publications, products, communications, public input, and decision-making processes.
- **Title VI Materials:** SJTPO produces a number of materials which communicate to the public both how to understand their rights under Title VI and how to exercise those rights with regard to SJTPO. These materials include the Title VI Complaint Procedures contained on the Title VI Website, the Title VI Complaint Form, and the Title VI Notice.

The importance to LEP persons of the above vital planning documents will help guide SJTPO in determining implementation steps that are to be considered per the 2005 USDOT guidance.

#### **Factor 4: The organizational resources of SJTPO**

Organizational resources are subject to a variety of factors, both internal and external, and therefore assessed on an ongoing basis. Such factors can include financial constraints, time constraints, new legislation, or changing local priorities. Federal LEP guidance recognizes that smaller organizations, such as SJTPO do not have the resources of larger organizations. Specifically, it notes:

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services

as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits.

That said, for SJTPO, ensuring meaningful access to its documents, for all members of the public, continues to be important. SJTPO will continue to expand its efforts to ensure that LEP persons can meaningfully access its programs, and will continue to look for innovative ways, through partnerships or innovation, to enhance these activities beyond SJTPO’s limited resources.

SJTPO prioritizes translating outreach materials—materials designed to solicit feedback, such as surveys and workshop materials—into Spanish (the primary LEP language group for the region), and will thoughtfully evaluate whether outreach materials for specific study areas should be translated into additional languages before a scheduled engagement or meeting, without receiving a request.

While SJTPO staff members were not specifically hired to be translators, and SJTPO devotes financial resources for professional translation, the staff’s language abilities are a portion of organizational resources. In 2020, SJTPO conducted an internal survey asking staff a number of questions, several of which were about language abilities. Staff members were asked:

- Do you speak any other languages besides English?
- If yes, what language?
- If yes, at what level?
- If yes, would you be willing to be a resource for SJTPO if a staff member receives a phone call or we need to review a document that is already professionally translated?

From the survey responses, SJTPO staff confirmed that none of SJTPO’s staff are conversant or fluent in a foreign language and thus cannot serve as a resource for interaction with someone with limited English proficiency. SJTPO is working to expand its translation and interpretation capabilities, including conversations with NJDOT, DVRPC, and NJTPA about possible resource pooling.

One particular area in which SJTPO is committed to expanding its existing efforts is the translation of more “vital documents.” The region has identified five (5) language groups spoken at home by at least 1,000 LEP persons each. While translating all “vital documents” into five (5) or more different languages could constitute a “burdensome step” for SJTPO, a more reasonable step would be to offer translations of certain vital documents or elements of those documents into the most common LEP language, and to provide other language translations by request.

## IV. Implementation Plan

### **Step 1: Identifying LEP individuals who need language assistance**

To better help SJTPO staff identify LEP persons in the communities that may be affected by a particular project, study, and/or program, SJTPO has mapped the Safe Harbor languages (described below) in each Census Tract in the region, which will be added to the SJTPO LEP

webpage at [www.SJTPO.org/LEP](http://www.SJTPO.org/LEP). More information about reaching out to LEP individuals is included in the subsection on “Outreach Efforts for Area-Specific Projects and Plans” in Step 2 of the Implementation Plan.

### **“Safe Harbor” Languages**

According to the 2005 USDOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, the “Safe Harbor” provision means that if written translations of “vital documents” are provided to LEP language groups that exceed either (a) 1,000 people in the region or (b) 5% of the regional population, whichever is less, such translations will be viewed as “strong evidence of compliance with the recipient’s written translation obligations.”<sup>9</sup> However, the USDOT guidance also acknowledges that in larger metropolitan areas that serve a wide range of LEP persons, “it would be unrealistic” to translate all vital documents into all Safe Harbor languages.

In SJTPO’s four-county region, there are five (5) languages or language groups that are spoken by at least 1,000 LEP persons each, and therefore fall under the Safe Harbor provision. One of these is “Other Indic Languages,” which SJTPO understands may include Bengali, Hindi, Nepali, Urdu, and Punjabi, bringing the total number of potential languages to nine (9). As the 2005 USDOT guidance contends, “it would be unrealistic” to provide translations in all nine (9) languages.<sup>10</sup> However, SJTPO remains committed to ensuring meaningful access for all LEP persons, regardless of language spoken at home. While SJTPO will continue to focus its proactive translation efforts on the Spanish-speaking community, as the primary LEP population, it will also aim to use ACS data and input from member governments and community organizations to predict contact with LEP persons for area-specific projects, studies, and programs.

SJTPO will also work to offer translation and interpretation services upon request, in any language.

## **Step 2: Documenting Language assistance measures**

### ***Written Translation of SJTPO’s “Vital Documents”***

SJTPO will provide Spanish translations of the organization’s “vital documents”, namely:

- **Access for All Transit Plan Executive Summary:** The Access for All Transit Plan Executive Summary is in development and upon completion will be translated and available at [www.sjtpo.org/AccessForAll](http://www.sjtpo.org/AccessForAll).
- **Regional Transportation Plan (RTP) Executive Summary:** The RTP 2050 Executive Summary is available in English and Spanish at [www.sjtpo.org/RTP](http://www.sjtpo.org/RTP).

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<sup>9</sup> U.S. Department of Transportation, Policy Guidance, 2005.

<sup>10</sup> Ibid.

- **Transportation Improvement Program (TIP) Executive Summary:** The Fiscal Year (FY) 2020-2029 TIP Executive Summary is available in English and Spanish at [www.sjtpo.org/TIP](http://www.sjtpo.org/TIP).
- **Unified Planning Work Program (UPWP) Executive Summary:** The Fiscal Year (FY) 2020 UPWP Executive Summary is available in English and Spanish at [www.sjtpo.org/UPWP](http://www.sjtpo.org/UPWP).
- **Public Involvement Plan (PIP) Executive Summary:** The PIP Executive Summary will be updated to reflect changes made to the PIP as a result of the current public comment period (March 4, 2021 to April 18, 2021). The current 2020 PIP Executive Summary is available in English and Spanish at [www.sjtpo.org/PIP](http://www.sjtpo.org/PIP).
- **Limited English Proficiency (LEP) Plan:** The LEP Plan has been translated into Spanish and is available at [www.sjtpo.org/LEP](http://www.sjtpo.org/LEP).
- **Environmental Justice (EJ) Plan:** The EJ Plan is in development and upon completion the EJ Plan and the Executive Summary in both English and Spanish will be available at [www.sjtpo.org/EJ](http://www.sjtpo.org/EJ).
- **The Public Engagement Guide to Transportation Planning in South Jersey:** The Guide will be rebranded, updated, and translated and made available on SJTPO's website. The current iteration is available at [www.sjtpo.org/CitizensGuide](http://www.sjtpo.org/CitizensGuide).
- **Title VI Materials:** Materials including, the Title VI Complaint Procedures, Title VI Notice, and Title VI Complaint Form, that directly allow the public to understand and exercise their rights under Title VI with regard to SJTPO are available at [www.sjtpo.org/TitleVI](http://www.sjtpo.org/TitleVI).

### ***Legal Notices and Announcements for Public Comment Periods, Public Meetings, and Workshops***

SJTPO publishes legal notices for public comment periods in up to three regionally significant newspapers. At this time, SJTPO is not aware of any Spanish-speaking newspapers that serve the SJTPO region. Additionally, SJTPO posts legal notices and other announcements about public meetings and funding opportunities on its website, allowing for translation into numerous languages via SJTPO's website translation tool as well as via web browser translators.

SJTPO sends announcements about public comment periods, among other topics, through its HTML email provider. Already included in the email template is a short Title VI statement explaining SJTPO's nondiscrimination policies. A Spanish version of this statement will be added to the HTML email template.

SJTPO maintains relationships with the six State Depository Libraries throughout the four-county region. These libraries regularly receive materials related to updates to core documents. SJTPO will evaluate if these libraries should receive materials translated in additional languages other than English and Spanish, based on the most recent language data, similar to Table 2 in this

document, then supplement with additional materials based on feedback from the libraries regarding LEP populations they serve. (See Step 5 of the Implementation Plan for more about this evaluation measure.)

### ***Real-Time Oral and American Sign Language Translation Services for Public Meetings***

As a small organization, SJTPO has not yet been in a position to establish standing contracts with firms to offer regular translation or interpretation services. SJTPO has been in communication with NJDOT and neighboring MPOs – DVRPC and NJTPA – regarding possible shared services that serve this standing function. SJTPO has reached out to its member subregions to identify if they have these services available that could be shared, but they have generally indicated that they do not have these services available on an on-going basis. It is SJTPO's intent to offer both translation and interpretation assistance, upon request. Outside of technical service contracts, and until other means are identified, SJTPO will utilize work with individuals who make requests to utilize transcription tools to assist and ensure equitable opportunities are provided.

### ***Other Publicly Available SJTPO Documents***

SJTPO has created a web-based translation request form that is available on every core product webpage as well as on the library webpage, where all SJTPO final products are stored. A user/viewer is able to request to have a product translated into another language, and how they would like to receive the translated product (electronic by email or weblink, or hard copy by mail).

### ***Other Translation Measures***

SJTPO will provide the following products translated in Spanish:

- survey tools and forms;
- select materials, including paid advertisements, flyers, brochures, etc.

### ***Web-Based Translation Measures***

SJTPO's products and services are increasingly interacted with online and in electronic formats. SJTPO's website adheres to responsive design principles, meaning that the website's display is optimized based on what type of device (desktop, mobile, or tablet) accesses it. More and more online content is being accessed through mobile and tablet devices, and more and more individuals and households have access to Wi-Fi than broadband internet, suggesting that a public organization, such as SJTPO, could reach more LEP population groups online than in other formats.

In June 2020, SJTPO added an Accessibility menu to its website. It includes a button that floats atop all pages and allows users to easily make adjustments to the website that increase its accessibility. These adjustments include adding keyboard navigation, reading the page aloud, adding contrast to the page, highlighting clickable links, increasing font size, adding text spacing, pausing animations, changing font to a Dyslexia-friendly font, changing the cursor to a larger icon or a reading line, and adding tooltips.

***Oral Interpretation Measures***

As a small organization, SJTPO has not yet been in a position to establish standing contracts with firms to offer regular written translation or oral interpretation services, but does often request that be included as part of consultant service contracts where outreach is involved, particularly when a need has been identified in the areas served by the project. SJTPO has been in communication with NJDOT and neighboring MPOs – DVRPC and NJTPA – regarding possible shared services that serve this standing function. SJTPO has reached out to its member subregions to identify if they have these services available that could be shared, but they have generally indicated that they do not have these services available on an on-going basis. It is SJTPO's intent to offer both written translation and oral interpretation language assistance measures in any language, upon request. Outside of technical service contracts, and until other means are identified, SJTPO will utilize automated translation services, powered by Google Translate for document translation and will work to utilize tools to assist with in person interpretation, such as Google Translate and others. SJTPO requires seven days' notice prior to any of its public meetings.

***Language Access Measures for Area-Specific Projects, Studies, and Programs***

For public meetings, workshops, and outreach activities held in a neighborhood- or community-setting, a separate analysis using ACS data will be performed to identify if there is an LEP population over the 5% or 1,000 person threshold (whichever is lower) in the vicinity of the meeting place and/or study area. If so, materials used to promote the event, such as flyers, paid advertisements, or social media posts, will be translated into the primary LEP language(s) and distributed as part of the outreach plan. Translated surveys will be made available in the primary LEP language(s) at the meeting. This would include projects, studies, or programs conducted by SJTPO or subregional partners.

For area-specific projects, studies, and programs, the SJTPO project team will reach out to or directly partner with local organizations that work with different LEP populations, as well as other traditionally underrepresented groups, in the study area. These partnerships will help inform the best ways to advertise the meeting, the format of the meeting or public engagement opportunity, and/or if a professional translator(s) should be on-hand at the meeting.

Regardless of Census-level analysis or input from a local organization, an individual can make a request for translation services seven days in advance of the meeting or workshop.

***Step 3: Training staff***

SJTPO will work with NJDOT, DVRPC, NJPTA, and the South Jersey Transportation Authority, who serves as SJTPO's administrative host to identify appropriate training that SJTPO may be able to take advantage of or emulate for its own purposes. The objective will be to ensure that SJTPO staff, in their interactions with the public are aware of and sensitive to the needs of LEP persons and can offer a positive experience in assisting them in their needs.

**Step 4: Providing notice to LEP persons**

To implement this LEP Plan and better engage the LEP population in the region, SJTPO will proactively reach out to LEP communities by taking the following actions:

- work to identify and partner with Spanish-speaking or other LEP language-speaking community organizations to provide notice of public meetings or availability of documents, programs, and/or language services.
- provide automated translations of SJTPO's website into 12 languages via a built-in Google-based Translate tool;
- include SJTPO's Title VI statement, which includes SJTPO's translation and interpretation upon request policy, in all SJTPO products, on public meeting agendas and invites, and on various webpages;
- proactively translating outreach survey/engagement materials into Spanish community for certain events and programs; and
- proactively translating certain materials used to generally promote SJTPO into Spanish and other languages.

**Step 5: Monitoring and updating the LEP plan**

SJTPO will monitor its language access measures annually and report on them through its bi-annual progress reports for Public Involvement and/or Title VI/Environmental Justice program areas.

On an annual basis, SJTPO will:

- Administer a staff survey with questions about "frequency of contact" and language capabilities among current staff members. (See Appendix A for the "Frequency of Contact" survey administered in August 2020.)
- Review website translation analytics.
- Review ACS data at the County and Census tract levels to see if the region's LEP population groups are changing.
- Review requests made through online translation and interpretation forms and compile translation costs.

SJTPO will formally update and readopt this LEP Plan every five years or more frequently, if needed. This timeline corresponds to the update of ACS data. As the public outreach portion of this Plan was postponed due to COVID-19, it is expected to begin in the Fall of 2020 and an update will be conducted within one year of this Plan iteration to reflect that outreach. Minor updates, such as updating population analyses and maps, will not constitute a major update to the plan and shall not require re-adoption by the SJTPO Policy Board.



## Appendix A: “Frequency of Contact” Staff Survey

A person is limited in their English proficiency (LEP) if they do not speak English as their primary language, and they have a limited ability to read, write, speak, or understand English. The U.S. Census definition that we use here at SJTPO is individuals who speak English “less than very well.”

The basis for creating an LEP plan comes from Title VI of the Civil Rights Act of 1964 and Executive Order 13166, signed by President Clinton in 2000.

In an effort to assess and improve upon SJTPO’s current efforts in providing “meaningful access” to LEP communities, we ask for your help in taking a moment to complete this survey. Thank you very much for your time and input.

**1. Thinking about your work at SJTPO over the last five years, how frequently have you come in contact with Limited English Proficiency (LEP) persons?**

- Frequently
- Sometimes
- Never

In-person?

- Frequently
- Sometimes
- Never

On the phone?

- Frequently
- Sometimes
- Never

E-mail or online?

- Frequently
- Sometimes
- Never

**2. In the last five years, has a member of the public ever approached you about the availability of interpretation services at SJTPO, a SJTPO-related program, or a public meeting?**

- Yes
- No

If yes, for which languages?

If yes, for which programs or public meetings, and where?

**3. In the last five years, has a member of the public ever approached you about the availability of written translations for SJTPO documents?**

- Yes
- No

If yes, for which languages?

If yes, for which documents?

**4. Do you speak any languages fluently other than English?**

- Yes
- No

If yes, which languages?

**5. Any final thoughts, suggestions, or experiences you'd like to share with OCE?**

## Appendix B: Summary of Significant Public and Stakeholder Comments and Responses

**Public Comment Period:** Thursday, March 4, 2021 – Sunday, April 18, 2021

**Virtual Public Meetings:** Thursday, March 18, 2021 at 6:00 PM (English)  
Saturday, March 20, 2021 at 10:00 AM (Spanish)

### Public Comment from Virtual Public Meetings:

1. **COMMENT:** You mentioned being able to provide accommodations, when requested. Can you explain in further detail?

**RESPONSE: SJTPO:** *Providing accommodations is new to staff. A Spanish Civil Rights in Outreach virtual public meeting took place on Saturday, March 20, 2021. The interpreter was provided through the consultant for the Multilingual Outreach Services Study. When the Study concludes, staff will not have an interpreter or translator readily available. Thus, staff must research and contact professional translation providers to better understand how to establish a contract for such services. In terms of additional accommodations, staff is currently able to provide closed captioning, such as for a hearing impairment, through PowerPoint and GoToWebinar, which is the conferencing platform staff use for virtual public meetings. Researching how staff can provide an array of accommodations is imperative.*

2. **COMMENT:** You also have accommodations on your website, which is a great feature.

**RESPONSE: SJTPO:** *Thank you for mentioning the accommodations menu available on each page of the SJTPO website ([www.sjtpo.org](http://www.sjtpo.org)). The menu offers an array of accommodations, such as text spacing, bigger text, color contrast of the screen, and highlighting of links. The accommodations menu is provided by USERWAY, which ensures SJTPO's website is Americans with Disabilities Act (ADA) accessible.*

3. **COMMENT:** During the polling questions you mentioned in-person and virtual public meeting options. Once we are able to gather in-person safely, do you think you will continue to offer a virtual option?

**RESPONSE: SJTPO:** *At this time, staff intends to continue to offer a virtual option once it is safe to hold in-person public meetings. Staff understands that people are busy. The times staff schedules public meetings may not work for everyone. Additionally, members of the public may not want or be able to travel a certain distance from their home or workplace. However, moving forward from the COVID-19 pandemic, it will be important for staff to not rely solely on virtual outreach. Staff is concerned that not all segments of the public, specifically individuals that may not have access to reliable devices and internet, are able to have their*

voices heard. Once it is deemed safe to gather, staff will host traditional, in-person public meetings.

4. **COMMENT:** How do I join the Community Outreach and Engagement Committee.

**RESPONSE: SJTPO:** Thank you for your interest in the Community Outreach and Engagement Committee (COEC). The Committee is to be comprised of members that work with and are involved in local community organizations and non-profit groups that serve or otherwise represent the voices and needs of our diverse region. The main objective of the COEC is for members to provide feedback on SJTPO's public involvement opportunities as well as spread the word about these involvement opportunities. More information will be forthcoming.

5. **COMMENT:** Without any translation providers under contract, how would you translate documents in other languages?

**RESPONSE: SJTPO:** SJTPO's consultant for the Multilingual Outreach Services Study has assessed automated translations services. The consultant has deemed Google Translate as the most useful automated translation tool for facilitating conversations via the public participation and engagement process. SJTPO staff is cognizant of professional translation services remaining the best choice for accuracy, understanding, and cultural appropriateness. However, until a contract with such a vendor is able to be secured, SJTPO will utilize Google Translate to bridge the gap.

**Public Comment from Facebook:**

6. **COMMENT:** Does this mean you stand for equality or equity?

**RESPONSE: SJTPO:** Thanks for the question! For anyone else reading who might not know, in this context, equality would be to treat everyone exactly the same in trying to achieve our objective, in this case informing the public and getting feedback on our projects and programs. Equity would be doing what we (reasonably) can to give everyone an equal opportunity to learn about our work and give feedback, including making accommodations to meet the needs of a variety of different people. Some examples of this could include holding meetings at different times so people with different work schedules can attend, providing options for individuals with visual or audible impairments or those who may not be able to fully read and speak English. There are some specific federal guidelines that direct exactly how and when we need to do some of these things, which are discussed in the [Title VI Implementation Plan](#), [Limited English Proficiency \(LEP\) Plan](#), and [Public Involvement Plan \(PIP\)](#), but in short to work to not only meet our federal requirements but also serve our region's diverse population, we do our best to serve the region equitably.

7. **COMMENT:** Save tax dollars first. Lighten your director high paying jobs. Place the common man/woman [on] your board and committees. Then talk equality and equity. How many

people currently in management are considered minorities[?] Time to step up to the plate. By the way[,] more bicycle lanes don't count as projects.

**RESPONSE: SJTPO:** *Thank you for your comments. Regarding the spending of tax dollars, transportation improvement projects undergo various stages of scrutiny and work to make them a reality, including evaluations to ensure projects deliver the greatest benefit possible for their expenditure and to scrutinize costs against available funds. Unfortunately, projects, studies to develop projects, and staff with the expertise to implement both of those, are all expensive. That said, SJTPO staff are very focused on how to best utilize our federal funds in an efficient manner and leverage those funds to do the most and most valuable work possible for the region.*

*Regarding bicycle lanes, they are rarely, if ever implemented on their own, but are generally one of a series of proven safety improvements on a project, and often incorporated into repaving. As safety is a federal, state, and local priority, and bicycle and pedestrian crashes are greatly over-represented in New Jersey it is important that the safety of all users of our roadway network is addressed.*

*We agree, we would like to see more diversity among our staff. However, when advertising for open positions we have received limited diversity among applicants. We do have strong female representation on our staff, including our Executive Director, and in a male-dominated field, we are pleased with that. But your point is well-taken and we will look for ways to do better on our upcoming advertisements.*

*Regarding our committees, membership on our Technical Advisory Committee (TAC) and Policy Board are largely shaped by federal guidance. Our Policy Board members are generally elected officials of our jurisdictions who are not paid by SJTPO to participate. The TAC is primarily comprised of the planning and engineering staff of those jurisdictions. However, staff is currently in the process of developing a Community Outreach and Engagement Committee (COEC) that will be comprised of members that work with and are involved in local community organizations and non-profit groups that serve or otherwise represent the voices and needs of our diverse region.*