



Houston-Galveston
Area Council

LANGUAGE ACCESS PLAN - DRAFT

August 2024

THE HOUSTON-GALVESTON METROPOLITAN PLANNING AREA



HOUSTON-GALVESTON AREA COUNCIL DRAFT LANGUAGE ACCESS PLAN

To be Adopted August 23, 2024

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Definitions

1. **Limited English Proficiency (LEP):** An individual with limited English proficiency is one whose primary language is not English and has a limited ability to read, write, speak, or understand communication in the English language.
2. **Interpretation:** The process of orally rendering a statement delivered in one language (the source language) in a different language (the target language) understood by an audience, while retaining the same meaning of the statement. Interpretation could be given simultaneously with the speaker or consecutively, where the speaker completes a statement and pauses for its interpretation.
3. **Language Access:** The rights of individuals with LEP to receive meaningful, timely access to federally funded programs, services, and vital information by the provision of a language assistance service.
4. **Primary Language:** Language that a person understands best and communicates most frequently in when in a non-official setting.
5. **Translation:** Conversion of written text from one language (source language) into equivalent written text in another language (target language).
6. **Qualified Interpreter or Translator:** Trained professional with the requisite language skills and experience in interpretation or translation techniques.
7. **Sign Language:** The use of fingers and hands to communicate with individuals who are deaf or hard of hearing.
8. **Sight Translation:** Rendering of material written in one language into spoken speech in another language.
9. **Title VI program:** The system of requirements, procedures, actions, and sanctions through which an organization enforces Title VI of the Civil Rights Act of 1964 and the regulations effectuating it, and ensures that discrimination does not occur in connection with programs or activities that receive Federal financial assistance.
10. **Vital Documents:** Any written material essential to an individual's ability to access services or important information provided by an organization that is supported by Federal funds.

EXECUTIVE SUMMARY

The Houston-Galveston Area Council (H-GAC), in its role as the Metropolitan Planning Organization (MPO), developed this Language Access Plan to identify what reasonable accommodations to offer people with limited English proficiency (LEP), to ensure they can participate effectively in the agency's programs, activities, and services. Metropolitan Planning Organizations like H-GAC are required by federal law to make their programs and activities accessible to the non-English speakers. The expression "LEP" describes persons who do not speak English as their primary language and have limited ability to read, write, speak, or understand communication in the English language.

In developing the Language Access Plan H-GAC conducted the "Four-Factor" balancing test to assess the need for language assistance for the community and to decide what services would be effective in providing meaningful access for persons with limited English proficiency and affordable for the agency. The four factors considered were:

1. The number or proportion of LEP persons who are served or may be encountered during an H-GAC program or activity;
2. The frequency with which LEP individuals access H-GAC programs;
3. The nature and importance of H-GAC's programs and activities in the lives of the people; and
4. The resources available to H-GAC and the cost of providing language assistance.

H-GAC also conducted the "Safe Harbor" test recommended by the USDOT, which guides when to translate an agency's documents into non-English languages spoken by the public. The Safe Harbor test suggests that priority should be given to translating documents into languages spoken by 5% or more of the LEP population, or by a minimum of 1,000 native speakers, whichever is less. Doing so would meet the organization's obligation to translate its vital documents.

Data indicates that a large LEP population is served by H-GAC programs and activities and could benefit from greater access made possible by language assistance services. Spanish is the most prominent foreign language spoken overall, and is the home language of almost 80% of the LEP population in the region. Vietnamese and Chinese are other languages spoken by a considerable proportion of the LEP population in the Metropolitan Planning Area.

Following these analyses, H-GAC's strategies to provide meaningful access for the LEP population to H-GAC's regionwide programs, activities, and services will include the following:

1. Provide live Spanish and American Sign language (ASL) interpretations at Transportation Policy Council meetings and other public meetings conducted by H-GAC, utilizing trained bilingual staff and qualified language consultants. Interpretation for other languages may be requested.
2. Conduct selected public meetings entirely in the home language of the audience, where demand exists.
3. Translate targeted notices and selected vital documents into Spanish, Vietnamese, and Chinese (Mandarin), and into other commonly spoken languages as program needs demand, or upon public request.
4. Explore and strengthen partnerships with community-based organizations, non-profit organizations, and other interested persons, to further public engagement efforts within the LEP communities.

Any questions about the Language Access Plan should be directed to the H-GAC Title VI Administrator. You may contact H-GAC by telephone at: (713) 627-3200, by email to: TitleVI@h-gac.com, and in person or by the U.S. Postal Service to:

Title VI Administrator
Houston-Galveston Area Council
3555 Timmons Lane
Suite 120
Houston, TX 77027

1.0. INTRODUCTION

The Houston-Galveston Area Council (H-GAC) is a voluntary association of local governments located in the upper Texas Gulf Coast. The Council of Governments serves as a regional planning commission and provides a forum for cooperation and coordinated action by member governments to address regional concerns, maintain orderly development, foster economic growth, and improve the welfare and quality of life of the residents of its 13-county service area (Map 1). H-GAC is also the federally designated Metropolitan Planning Organization (MPO) for eight of these counties: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. The MPO coordinates the transportation planning activities in the region and decides how federal transportation dollars are spent.

1.1 Limited English Proficiency

With a service area slightly larger than the State of New Jersey and a diverse population of over 7 million residents, the H-GAC is one of the largest MPO's in the United States.¹ More than a million persons in the Houston-Galveston Metropolitan Planning Area are identified as limited in English proficiency. The expression "Limited English Proficiency" (LEP) describes persons aged five years and over who speak a primary language that is not English and have limited ability to read, write, speak, or understand communication in the English language.²

Language barriers can restrict a person's access to services and public benefits, obstruct their understanding of essential rights, hinder compliance with official instructions, and delay reception of critical information relayed in English through government programs and activities.³ Without language accommodations, the inability to communicate proficiently in English would be a barrier to effective participation in the transportation planning process. To ensure sound transportation planning, in addition to meeting federal requirements, it is important for H-GAC to ensure meaningful participation from stakeholders with limited English proficiency

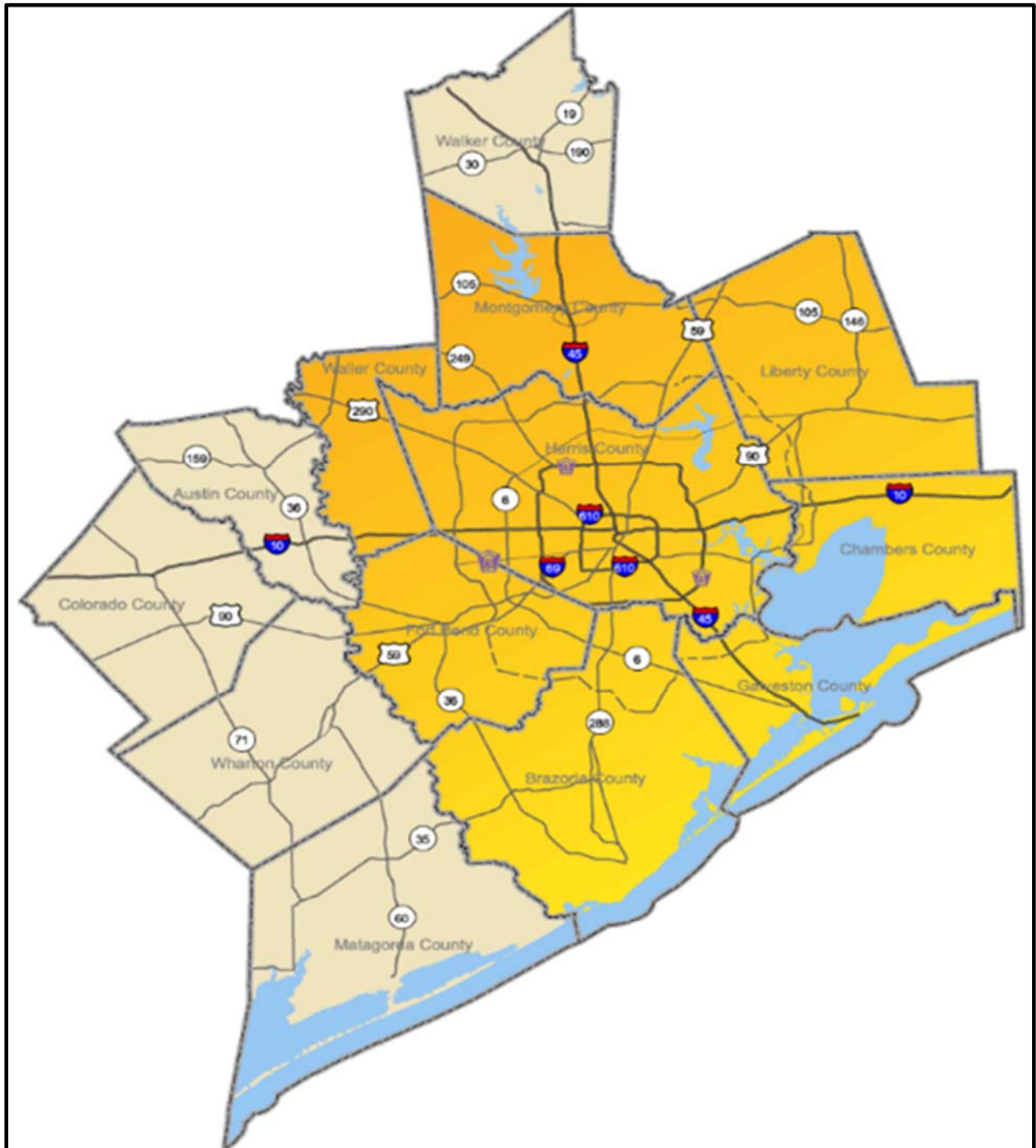
¹ The State of New Jersey covers about 8,723 sq. miles while the Houston-Galveston Metropolitan Planning Region extends to about 8,800 sq. miles.

² Exec. Order No. 13,166: "Improving Access to Services for Persons with Limited English Proficiency," 3 C.F.R. 70 (2005).

³ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

MAP 1

Map of the 13-County H-GAC Region highlighting the Eight-County Metropolitan Planning Area



1.2 Federal Requirements

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, *et seq*), a federal law, protects individuals from discrimination when they participate in any program or activity that is funded by the federal government. Section 601 of the Title VI Act states:

"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."

Under this law, people who, as a result of their national origin, do not speak English as their primary language and have limited ability to read, write, speak, or understand English may be entitled to language assistance to help them obtain a particular service or benefit, or exercise their rights in public participation. Failure to provide accommodations that enable meaningful participation by the LEP may constitute national origin discrimination.⁴

Presidential Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," directs federal agencies to examine the services they provide the public, identify any need for language assistance for persons with limited English proficiency, and create a system that ensures meaningful access for these non-English speakers. The executive order also requires federal agencies and their recipients to prepare a written plan that specifies policies and protocols for implementing a language assistance program.

1.3 Policy and Purpose of the Plan

It is the policy of the Houston-Galveston Area Council to take steps to facilitate meaningful access to its programs and activities by individuals with limited English proficiency, and to ensure that no person is excluded from participation, denied access to benefits, or is otherwise subjected to discrimination in any of the agency's programs or activities on the grounds of their race, color, or national origin.

H-GAC has developed this Language Access Plan (LAP) to identify approaches for staff and consultants to provide language assistance to stakeholders with limited English proficiency who seek access to the agency's programs, activities, and services. The Plan assesses the need for language assistance and identifies ways in which assistance may be provided. The Plan also indicates a process for notifying stakeholders with LEP of the availability of free language assistance, and defines a framework for updating the Plan document to ensure continuous quality improvement.

⁴ See *Lau v. Nichols*, 414 U.S. 563, 568 (1974).

The LAP is coordinated with H-GAC's Public Participation Plan (PPP) which describes the agency's strategies for public engagement in the transportation planning process. The Public Participation Plan is available at:

<https://www.h-gac.com/getmedia/c2c69e23-f792-4b0d-8108-cc58bd220630/h-gac-public-participation-plan.pdf>

The LAP is also consistent with the H-GAC "Public Participation Policy" which establishes the principles and standards for conducting public meetings and other activities that involve interaction with the general public.

2.0 ASSESSING THE NEED FOR LANGUAGE ASSISTANCE

H-GAC applied the U.S. Department of Transportation's (USDOT) "Four Factor" balancing test to assess the need for language assistance, and to determine an appropriate level of resources to commit towards facilitating meaningful engagement for LEP stakeholders in the region.⁵ H-GAC also conducted the USDOT's "Safe Harbor" threshold test to help with developing a policy on the translation of written documents.⁶ These analyses apply to the eight counties of the Houston-Galveston Metropolitan Planning Region. Staff may need to conduct this analysis based on the extent of their study area where it differs from the regional boundary.

2.1 The Four Factor Analysis

The Four Factor Analysis conducted for this plan weighs the size and characteristics of the LEP population and the utility or importance of language assistance services to the regional community against the cost of providing the services. The self-analysis considers the following factors:

- **Factor One**
Demography The number or proportion of persons with limited English proficiency who are eligible to be served or likely to be encountered by a program, activity, or service of the agency
- **Factor Two**
Frequency of Contact The frequency with which individuals with limited English proficiency encounter the agency's programs, activities, or services
- **Factor Three**
Importance to Stakeholder The nature and importance of the agency's programs, activities, and services to the lives of the people
- **Factor Four**
Resources and Costs The resources available to the agency as well as the relative cost of providing language assistance services to the population with limited English proficiency

⁵ The Four-factor analysis is a flexible, fact-dependent, personal assessment based on the individual circumstances of each responding agency.

⁶ The Safe Harbor test states that an organization may be presumed to have met their LEP obligations concerning document translations when the decision is tied to meeting certain thresholds in population that speak a language.

Factor One: Demography

The first step in the four-factor self-assessment is to determine the size and/or proportion of the population with limited English proficiency who are either eligible to be served or likely to be encountered through H-GAC's programs, activities, and services. According to the USDOT, the greater the number or proportion of LEP persons from a particular language group that are eligible to be served or likely to be encountered by a federally assisted program, the more likely language services will be needed.⁷

H-GAC's demographic analysis utilized data from the U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates Detailed Tables. The most recent ACS dataset available is the 2018 – 2022 release. The analysis produced several pertinent findings:

■ Size and Growth of the LEP Population

The population of the Houston-Galveston Metropolitan Planning Region is becoming larger and more diverse. Between the years 2000 and 2022, the total population of the region grew from about 4,669,571 to about 7,112,197 residents – an increase of approximately 52.3% (See Table 1). During the same period, the number of persons aged 5 years and older grew by about 54.2%, from 4,297,107 to about 6,627,915 residents. The LEP population on the other hand grew by about 61.4%, from 665,310 in the year 2000 to as many as 1,073,650 residents by the year 2022. The 1,073,650 individuals classified as LEP represent about 16.2% of the population of the metropolitan planning region aged 5 years and over. Migration is the major engine behind population growth in the region.⁸

⁷ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

⁸ H-GAC Regional Data Lab, "Demographic and Socio-Economic Changes in the Houston-Galveston Region (2018).

TABLE 1
Growth of the LEP Population in the H-GAC Metropolitan Planning Area

	Total MPO Population	Pop. 5 Years and Older	LEP Persons	% LEP in Population ⁹
2000 DECENNIAL CENSUS	4,669,571	4,297,107	665,310	15.5%
2006 - 2010 ACS	5,665,671	5,197,325	906,790	17.4%
2018 - 2022 ACS	7,112,197	6,627,915	1,073,650	16.2%
% CHANGE 2000 – 2022	52.3%	54.2%	61.4%	

Source: US Census Bureau 2000 Decennial Census; American Community Survey 5-Year Estimates: Summary for the period 2006 – 2010 and 2018 – 2022 [Table 16004]. Beginning 2010, questions about language were no longer asked on the decennial census.

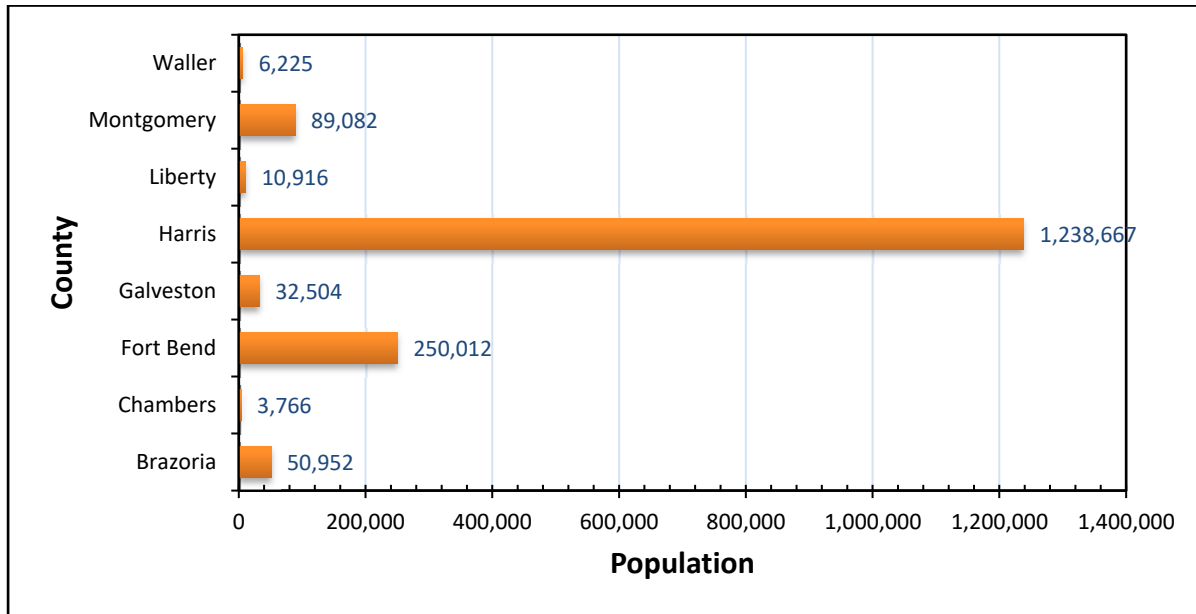
■ Foreign Born Residents

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on national origin. National origin discrimination involves treating people unfavorably because they are from a particular part of the world or have a certain ethnicity; because they speak a foreign language and speak limited English or speak it with an accent; because they have unusual names, embrace foreign cultural practices, or look and dress differently from the mainstream population. All these factors are indicators of a person's national origin that could trigger a discrimination event.

While not all foreign-born individuals are LEP, most persons identified as LEP will likely be foreign-born. Figure 1 shows the size of the foreign-born population in the Houston-metropolitan area. Over 1.6 million area residents are foreign-born. Harris County (which includes most of the City of Houston) appears to be a preferred immigrant destination as it leads the other counties in the planning region with about 1.2 million foreign-born residents. Fort-Bend County is second with just over a quarter of a million foreign-born residents, while Montgomery County comes third with slightly over 89,000 foreign-born residents. Brazoria County (50,952) and Galveston County (32,504) round up the top five counties in our planning region in which a significant number of residents were born outside the United States.

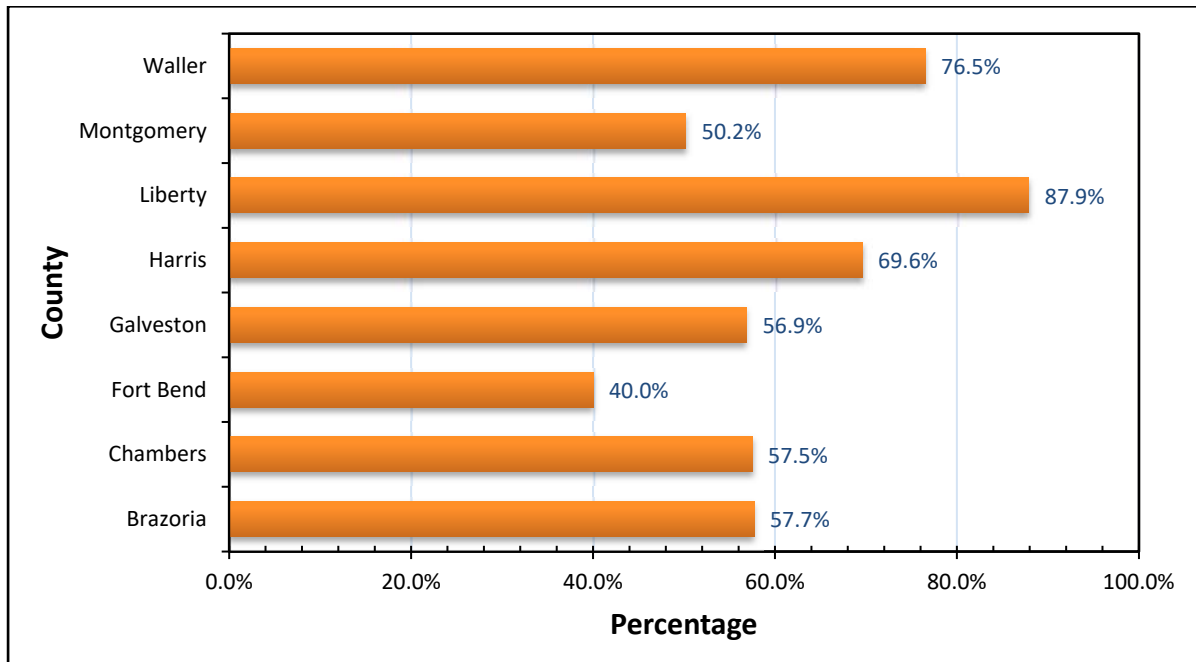
⁹ Based on population aged 5 years and over.

Figure 1
Foreign-Born Population in Counties of the Metropolitan Planning Area



Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates [Table: B05002]

Figure 2
Percentage of Foreign-Born Residents who are LEP in Counties of the Metropolitan Planning Area



Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates [Table: B05002]

Figure 2 demonstrates that not all foreign-born individuals are LEP. While Montgomery and Fort Bend Counties have sizeable populations of foreign-born individuals, a large proportion of them speak English proficiently. Conversely, although Liberty and Waller Counties have relatively few foreign-born populations, many of these foreign-born individuals are LEP. This suggests that these individuals were selective in their choice of residence. Harris County is notable for having the highest number of immigrants and limited English proficient individuals.

■ Geographical Distribution of the LEP Population

Understanding the geographical distribution and linguistic characteristics of the LEP population is crucial to effective community outreach and for identifying the language assistance needed for meaningful engagement. As has been mentioned previously, Harris County has by far the greatest number (862,500) and the largest proportion of LEP residents (19.6%) of all the MPO counties (Table 2). Almost one in every five individuals in Harris County is classified as LEP. Fort Bend County ranks second in both total LEP numbers (100,127) and in the proportion of the population that are LEP (over one in ten people).

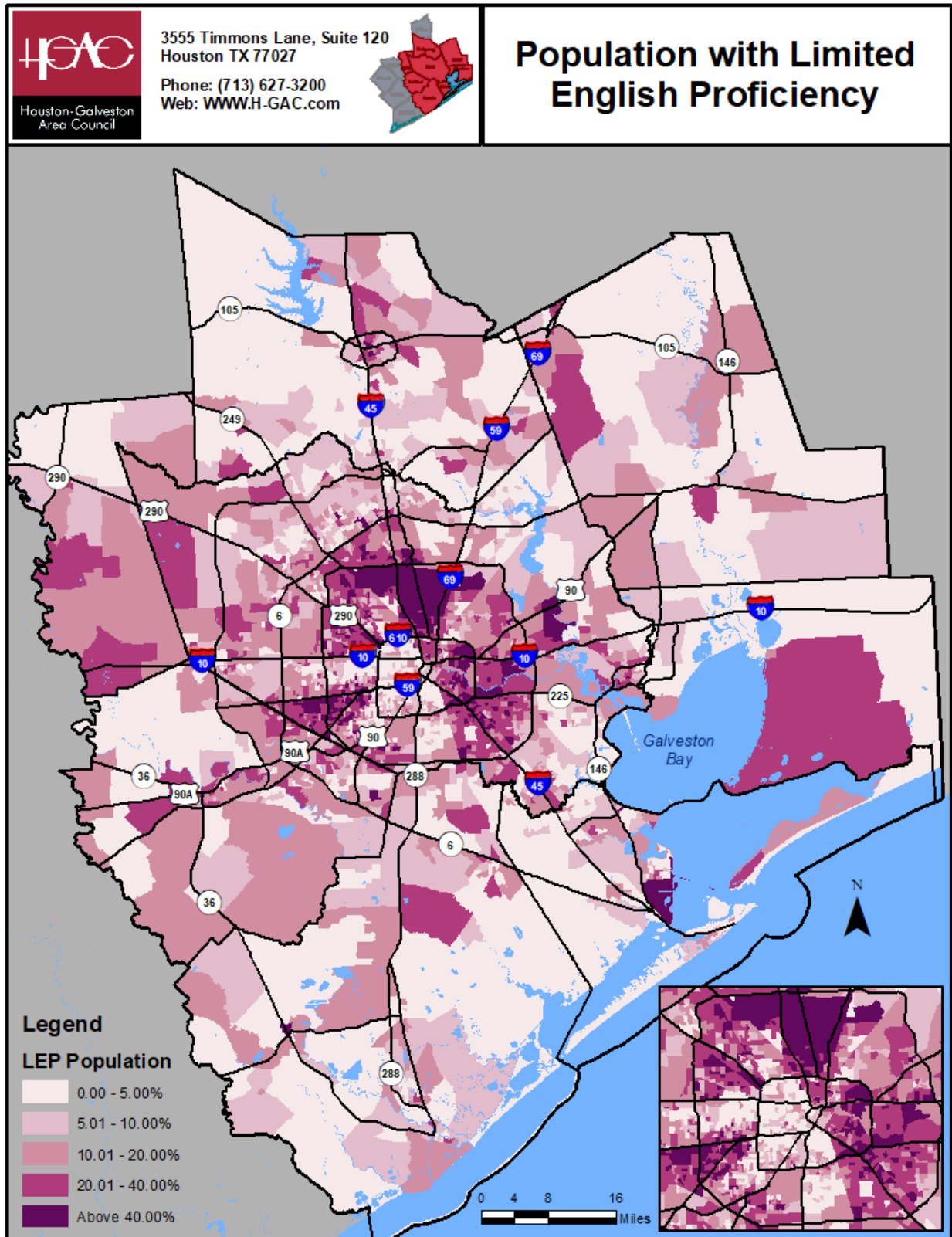
Montgomery County, despite its sizable population of 589,724, has a lower percentage of residents classified as LEP (7.6%), compared to Harris and Fort Bend counties. Finally, Chambers, a county in a rural area, has the smallest population among the MPO counties, with the lowest number of residents classified as LEP (2,165) and the lowest percentage of LEP residents (4.9%).

TABLE 2
LEP Population within the H-GAC Metropolitan Planning Area

H-GAC MPO County	Population 5 Years and Over	LEP Population	Proportion of LEP In Population
Brazoria County	350,384	29,377	8.4%
Chambers County	43,929	2,165	4.9%
Fort Bend County	779,814	100,127	12.8%
Galveston County	330,121	20,415	6.2%
Harris County	4,393,352	862,500	19.6%
Liberty County	86,674	9,597	11.1%
Montgomery County	589,724	44,707	7.6%
Waller County	53,917	4,762	8.8%
MPO Region Total	6,627,915	1,073,650	16.1%

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimate. [Table B16004]

Map 2
Distribution of the LEP Population by Census Block-Group



■ Mapping the LEP Population

Map 2 shows the spatial distribution of the LEP population in the H-GAC MPO region at the census block-group level. LEP individuals reside in all counties of the MPO planning region, however, concentrations of LEP communities are noticeable within the Beltway 8/Inner City region. These include neighborhoods in (1) the Houston East End District, (2) the Near Northside, and (3) the Houston Southwest/International District. Other concentrations exist in the smaller towns and cities outside the central urban core, including Rosharon, Richmond, Rosenberg, Sealy, Hempstead, Conroe, Dayton, Baytown, Texas City, and Galveston.

■ Home Language of the LEP Population by County

Table 3 lists the languages/language groups spoken at home by the LEP population, broken down by county. Spanish is the dominant foreign language overall, being the home language of almost 80% of the LEP population in the region. Spanish is also the most dominant LEP language in each individual county except Fort Bend County, where it is the home language for just 44.2% of the LEP population. Fort Bend is the only county where the non-Spanish speaking LEP population outnumber the native Spanish speakers.

In addition to Spanish, around 13.7% of the LEP population in the MPO region speak an Asian and Pacific Islander language at home, approximately 5.1% speak an Indo-European language, and about 2.3% speak other foreign languages as their home language. Fort Bend County has the most balanced combination of immigrants from different linguistic backgrounds and the largest percentage of native speakers of Asian-Pacific Islander languages (35.7%) and Indo-European languages (15.7%) of all the counties in the metropolitan planning area.

Most of the immigrant Latino population in the Houston-Galveston metropolitan area are of Mexican descent. Mexico is however not the national origin of every native Spanish speaker. While regional linguistic variations within the spoken Spanish language may not warrant individualized LEP services at the regional scale, local public participation and outreach programs must remain cognizant of the fact that certain differences do exist within the communities of persons of Hispanic/Latino heritage.

TABLE 3
Home Languages of the LEP in the H-GAC Metropolitan Planning Area

	Spanish	Indo-European	Asian & Pacific Is.	Other	LEP Total	% LEP of MPO Total
Brazoria County	20,384	1,407	7,280	306	29,377	2.7%
<i>Language % County</i>	<i>69.4%</i>	<i>4.8%</i>	<i>24.8%</i>	<i>1.0%</i>	<i>100%</i>	
Chambers County	1,953	4	208	0	2,165	0.2%
<i>Language % County</i>	<i>90.2%</i>	<i>0.2%</i>	<i>9.6%</i>	<i>0.0%</i>	<i>100%</i>	
Fort Bend County	44,236	15,755	35,792	4,344	100,127	9.3%
<i>Language % County</i>	<i>44.2%</i>	<i>15.7%</i>	<i>35.7%</i>	<i>4.3%</i>	<i>100%</i>	
Galveston County	16,306	1,349	2,611	149	20,415	1.9%
<i>Language % County</i>	<i>79.9%</i>	<i>6.6%</i>	<i>12.8%</i>	<i>0.7%</i>	<i>100%</i>	
Harris County	710,982	34,273	98,286	18,959	862,500	80.3%
<i>Language % County</i>	<i>82.4%</i>	<i>4.0%</i>	<i>11.4%</i>	<i>2.2%</i>	<i>100%</i>	
Liberty County	9,383	67	140	7	9,597	0.9%
<i>Language % County</i>	<i>97.8%</i>	<i>0.7%</i>	<i>1.5%</i>	<i>0.1%</i>	<i>100%</i>	
Montgomery County	38,821	2,279	3,103	504	44,707	4.2%
<i>Language % County</i>	<i>86.8%</i>	<i>5.1%</i>	<i>6.9%</i>	<i>1.1%</i>	<i>100%</i>	
Waller County	4,533	129	87	13	4,762	0.4%
<i>Language % County</i>	<i>95.2%</i>	<i>2.7%</i>	<i>1.8%</i>	<i>0.3%</i>	<i>100%</i>	
MPO Total	846,598	55,263	140,507	24,282	1,073,650	
LEP % in MPO by Language Group	78.9%	5.1%	13.7%	2.3%	100%	

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimate. [Table B16004]

Factor Two: Frequency of Contact

The second factor is how often LEP persons come in contact with an H-GAC conducted program or activity. The more frequent the contact with persons from a particular language group, the more likely that language services will be needed for that group.¹⁰

¹⁰ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

The H-GAC MPO serves as the regional forum for transportation decision-making and manages the transportation planning and programming services in the eight counties of the metropolitan planning region. Planning decisions made by the MPO affect all residents of the region, including those whose primary language is not English. The meetings of the Transportation Policy Council and the H-GAC Board of Directors are open for participation by the public. Interested persons may present their comments on any matter on the agenda during the policy board meetings. Some of these encounters have involved persons in need language assistance.

Following federal regulations, the MPO continuously interacts with the public in the development and administration of its transportation programs. Public input is routinely sought prior to the adoption of planning instruments such as the Long-Range Transportation Plan, the Transportation Improvement Program, the Public Participation Plan, the Unified Planning Work Program, and other transportation plans, studies, and initiatives. The effort to obtain the different perspectives embodied in the region's diverse population will invariably require engaging with residents who have limited English language communication skills. Facilitating meaningful participation by non-English speakers requires the provision of appropriate language assistance services.

Several MPO programs are targeted towards or unavoidably involve direct contact with individuals with limited English proficiency. The Clean Vehicles and the Heavy Diesel Replacement Programs are aimed at improving air quality by replacing the older polluting trucks on area roadways and target all truck drivers, including those of Hispanic descent who hold a significant share in the trucking industry; traffic counts and travel surveys that inform the agency's travel demand models and support planning decisions need input from a large diverse base to be representative of the MPO planning region. Roadway emergency response services such as the "Tow and Go" program that offers free tows for disabled vehicles benefits all freeway users encountered on supported highways, regardless of the beneficiary's ability to communicate in English.

Other programs through which H-GAC engages with the LEP community include the seasonal hurricane evacuation campaigns and broadcasts of safety information which may be weather-related or non-weather traffic emergencies. Emergency notices are relevant to all residents of the MPO region as they bear on the health, safety, and general welfare of the population. H-GAC's community and bicycle safety programs specifically target families from the underserved population, especially members of the immigrant community. Lastly, other activities with immediate reach and importance for LEP populations include transportation and mobility services for disabled and older adult populations, information services about transportation options, the administration and support of disadvantaged business enterprises and women-owned business; ride-match and car-pooling services, and programs directed towards providing transportation services to unserved rural communities.

With over one million LEP residents in the metropolitan planning region, the potential to encounter a person who might have difficulty communicating in English is high.

Factor Three: Nature and Importance to Stakeholders

USDOT guidance suggests that the more important the activity, information, service, or program provided by an organization, or the greater the possible consequences of the contact to LEP individuals, the more likely language services are needed.¹¹ The preceding discussion on the numerous avenues by which members of the LEP community could encounter or experience H-GAC's programs, services, and information underscores how valuable and important these activities are to the lives of the community.

Transportation planning is central to the work of the MPO, and multi-modal travel and roadway use occurs every day. The ability to travel safely and efficiently is indispensable to the lives of all residents and essential for economic growth and regional development. The transportation planning functions of the MPO facilitate this regional travel and provide residents, including the LEP population, with modal choices for their daily commutes to employment, education, healthcare, social services, housing, and recreation. The travel accessibility and reliable mobility produced by effective transportation planning add to the overall quality of life and welfare of all residents of the metropolitan planning region – including the LEP population.

Transportation planning is heavily influenced by public input. Inclusive community involvement in the planning process is both a federal planning requirement and a best practice. It is important that the diverse perspectives of the region's population are incorporated in the development and implementation of the MPO's transportation plans and programs, to ensure that the transportation planning effort is responsive to the needs of all residents. Public participation only occurs voluntarily. H-GAC is committed to being inclusive and continues to expand opportunities for all people to be involved in the planning process, and ensuring meaningful access for the non-English speaking population.

Factor Four – Available Resources and Costs

The fourth factor considers the resources available to H-GAC and the cost of providing language assistance services. Executive Order 13166 notes that the language assistance measures an agency selects to provide access for the LEP should be "practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be

¹¹ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

readily implemented.”¹² The Order counsels organizations to find a workable balance between providing meaningful access to programs and critical services for LEP persons and keeping within the fiscal means of the organization and avoiding undue financial burdens. The total costs associated with providing language assistance services will vary depending upon the mix of services provided, but should not exceed the benefits realized.

H-GAC has access to personnel and other resources beyond the means of smaller MPOs and less-resourced organizations. These resources available to the agency are not infinite and must be used in a judicious and fiscally responsible manner towards the most cost-effective strategies for delivering competent, accurate, and timely language assistance services. H-GAC monitors the cost of contracting with professional language assistance providers, and will continue to explore and apply cost-effective methods for providing language assistance to the population.

2.2 The Safe Harbor Analysis

Under Title VI, federal funding recipients are required to provide some measure of access to their printed material by the non-English speaking population. The “Safe Harbor” doctrine stipulates that if an organization provides written translations of its vital documents in every home language spoken by either five percent (5%) of the LEP population eligible to be served or by 1,000 LEP individuals, whichever is less, such action would be considered “strong evidence” of compliance with the document translation obligations under Title VI.¹³

USDOT guidance points out that attempting to translate all the written documents produced by an agency would be impractical. The federal fund recipient’s obligation under Title VI is to translate **vital** documents into the languages spoken by the more frequently encountered LEP groups. Whether a document or piece of information is “vital” depends upon the importance of the program, information, encounter, or service to the lives of the people, and the potential consequence to the LEP person if the information in question is not accurate or timely.¹⁴

Table 4 presents data on each language/language group within the Houston-Galveston metropolitan planning region. From this table, at least twelve (12) languages/language groups represented in the Houston-Galveston Metropolitan Planning Region meet the Safe Harbor requirement of over 1,000 native speakers who are classified as LEP but because several of these are grouped under the headings like “Other Indo-European languages” and “Other

¹² Exec. Order No. 13,166: “Improving Access to Services for Persons with Limited English Proficiency,” 3 C.F.R. 70 (2005).

¹³ FTA Title VI Circular (4702.1B): “Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” Federal Register Volume 77, Number 167 (Tuesday, August 28, 2012).

¹⁴ Department of Transportation (DOT): “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons.” Federal Register Volume 70, Number 239, December 14, 2005.

Asian and Pacific Island languages,” it is not possible to tell if any individual language within the language group meets the 1,000 native speaker threshold. Only Spanish and Vietnamese meet the five percent (5%) Safe Harbor population threshold.

TABLE 4
Languages/Language Groups Spoken by 1,000 or more LEP Individuals in the H-GAC
Metropolitan Planning Area

Dominant Home Language of LEP Residents (Population 5 years and Over)	Region Aggregate	Percent of LEP Population
Total Population 5 Years and Over	6,627,915	100.0%
Spanish: Speak English less than “very well”	846,598	78.85%
Vietnamese: Speak English less than “very well”	66,796	6.22%
Other Indo-European languages: Speak English less than very well	42,800	3.99%
Chinese: Speak English less than “very well”	40,197	3.74%
Other Asian and Pacific Island languages: Speak English less than “very well”	24,668	2.30%
Other and unspecified languages: Speak English less than “very well”	11,700	1.09%
Arabic: Speak English less than “very well”	12,582	1.17%
Tagalong: Speak English less than “very well”	8,913	0.83%
Korean: Speak English less than “very well”	6,933	0.65%
French, Haitian, or Cajun: Speak English less than “very well”	6,094	0.57%
Russian, Polish, or other Slavic languages: Speak English less than “very well”	4,471	0.42%
German or other West Germanic languages: Speak English less than “very well”	1,898	0.18%

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimate. [Table C16001]

The U.S. Census Bureau stopped reporting detailed information about the dominant home languages of LEP residents after the 2011 – 2015 ACS data release. The 2011 – 2015 legacy tables are included below to provide additional context to the multiplicity of languages

spoken in the region. Table 5 indicates that over twenty languages have at least 1,000 native speakers who are LEP. In the legacy table, Spanish and Vietnamese were also the only languages that met the five 5% Safe Harbor population threshold.

TABLE 5

Population of Non-English Speakers in the Houston-Galveston Metropolitan Planning Area

Dominant Home Language of LEP Residents Five Years and Above	Region Aggregate	Percent of LEP Population
Spanish: Speak English less than "very well"	799,676	80.51%
Vietnamese: Speak English less than "very well"	56,668	5.71%
Chinese: Speak English less than "very well"	35,308	3.55%
Urdu: Speak English less than "very well"	10,588	1.07%
Other Asian Languages: Speak English less than "very well"	10,534	1.06%
Arabic: Speak English less than "very well"	9,527	0.96%
African Languages: Speak English less than "very well"	9,367	0.94%
Tagalong: Speak English less than "very well"	7,686	0.77%
Other Indic Languages: Speak English less than "very well"	6,690	0.67%
Hindi: Speak English less than "very well"	6,197	0.62%
Korean: Speak English less than "very well"	5,400	0.54%
Guajarati: Speak English less than "very well"	4,797	0.48%
French (Patois, Cajun): Speak English less than "very well"	4,299	0.43%
Persian: Speak English less than "very well"	4,126	0.42%
Russian: Speak English less than "very well"	2,685	0.27%
Mon-Khmer, Cambodia: Speak English less than "very well"	2,271	0.23%
Portuguese: Speak English less than "very well"	2,052	0.21%
Japanese: Speak English less than "very well"	2,022	0.20%
Other Pacific Island Languages: Speak English less than "very well"	1,686	0.17%
Thai: Speak English less than "very well"	1,532	0.15%
German: Speak English less than "very well"	1,450	0.15%
Other Indo-European Languages: Speak English less than "very well"	1,250	0.13%
Italian: Speak English less than "very well"	1,147	0.12%
French Creole: Speak English less than "very well"	1,017	0.10%

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimate. [Table C16001]

2.3 Summary of the Four Factor Analysis

The four-factor analysis suggests that a considerable need for language assistance services exists within the Houston-Galveston Metropolitan Planning Area. Over a million residents of the region, or about 16.2% of the population aged 5 years and above, identify as being limited in English proficiency. Demographic trends suggest that the LEP population is constantly growing, and the need for language assistance would probably expand over time.

Formal requests for language assistance at Transportation Policy Council meetings and public outreach events have been few, but at times, the need for such assistance has been evident based on the attendees' background and occasional requests for clarification. Spanish is the dominant foreign language spoken within the metropolitan planning region and is the main language for approximately 846,598 individuals, representing nearly 80% of the LEP population in the region. A significant portion of Limited English Proficient individuals also speak Vietnamese and Chinese.

For the translation of vital documents, only Spanish and Vietnamese meet the 5% Safe Harbor threshold for priority in the translation effort, but overall, dozens of foreign languages qualify for document translation based on the criterion that they have at least 1,000 native speakers who are LEP. Due to the vast number of foreign languages spoken in the metropolitan region's large and diverse community, discretion will be necessary when deciding how to comply with the requirement of document translation.

Together, native speakers of Spanish, Vietnamese, and Chinese make up almost 90% of the LEP population. However, there are other smaller ethnic communities actively engaged in advocating for language justice and greater opportunities for members of their communities. Partnerships with non-profits and community-based organizations that serve the LEP communities could further the effort to provide meaningful participation for the regional population.

3.0 LANGUAGE ASSISTANCE MEASURES

To effectively engage the LEP population in the agency's transportation programs and activities, H-GAC will need to communicate with them in the primary languages in which they are proficient. To enable this communication, H-GAC will provide language assistance services free of cost to LEP participants at agency-conducted meetings and public events.

Specific language assistance interventions the agency will provide include (1) oral language interpretation, (2) the translation of vital written documents and crucial information into non-English languages spoken by LEP individuals frequently encountered by H-GAC programs.

3.1 Oral Interpretation Services

Oral interpretation will be the primary method for providing meaningful access to H-GAC's programs and activities for LEP individuals who seek to participate in H-GAC's programs and activities. H-GAC will consider best practices for providing oral interpretation services for the non-English speaking participants at Transportation Policy Council meetings, public outreach meetings, and at other events conducted by the agency that may involve encounters with LEP persons.

Best practices H-GAC will employ include using trained bilingual staff who are not only familiar with the technical terminology used within agency's transportation programs but also have knowledge of equivalent words and phraseology that will be familiar to the target community. H-GAC will also contract with certified/accredited language translation providers who perform oral interpretation and translation services professionally. Interpretation services may be performed live and in-person or by telephonic or video conferencing as circumstances dictate. Other best practices include partnering with community-based organizations and advocates in outreach efforts to the LEP community, engaging qualified community volunteers, and utilizing shared information services among like industry groups, where available. Beyond providing concurrent language interpretation, H-GAC will explore the opportunity to conduct select public meetings entirely in the home language of a target community where the demand for this process exists.

H-GAC maintains a current list of employees who are proficient in languages other than English and are willing to serve as interpreters. Oral language interpreters must be able to conduct simultaneous and/or consecutive translations of oral presentations, summarize discussions accurately, and perform sight translations of written messages. H-GAC also contracts with businesses certified to provide professional oral interpretation and written language translation services and can be called upon to serve at a meeting. H-GAC may explore partnership opportunities with trusted leaders and known members of LEP or immigrant communities, particularly when conducting outreach events.

As part of its community engagement program, H-GAC will continue efforts to make the LEP community aware that an interpreter would be provided without charge, for LEP individuals who seek to participate in an H-GAC conducted public event. In addition to oral interpretation in safe harbor languages, H-GAC provides American Sign Language (ASL) interpreters at Transportation Policy Council meetings. H-GAC's procurement team can provide a list of sign language interpreters for the hearing impaired and braille services to develop large text formats for the visually impaired.

3.2 Requesting Language Assistance

Although language assistance services are offered free of charge to the public, H-GAC requests prior notification of the type of language service the participant may need so that appropriate arrangements can be made with the service provider. To place a request for language assistance call H-GAC at (713) 627-3200 at least 48 hours before the event is scheduled to take place. Requests may also be made via e-mail to "TitleVI@h-gac.com."

3.3 Translation of Vital Written Documents

Vital documents include documents that are critical for ensuring meaningful access to H-GAC's programs and activities. They may be notices concerning a person's civil rights and related benefits, or include information that could impact the health, safety, and welfare of area residents. According to USDOT guidance, an important yardstick for selecting a safe harbor language to translate a document into is the frequency of contact with LEP individuals from that community.

Some vital documents H-GAC already produces in safe harbor languages include notices about nondiscrimination rights and protections, the nondiscrimination complaint process, executive summaries of the Title VI Program, information on hurricane preparedness and evacuation planning, public meeting notices and event-related flyers, brochures, newsletters, factsheets. H-GAC also publishes legal notices and public service announcements in community newspapers and on community radio and television stations. A recent achievement was the publication of the "Language and Engagement" online survey of the region's minority and LEP population in English as well as several safe harbor languages.

H-GAC will continue efforts to identify eligible documents, reports, and other core program information that may count as vital information, and to provide them in safe harbor languages. Pertinent matters to consider include the cost of translating the documents, the likelihood of frequent changes in the document's contents, the size of the document, and the relevance of the information to the regional community. H-GAC will also continue to explore best practices and follow industry standards for an automated process that performs

accurate document translations on demand, which can make the agency's public documents and website accessible for a wider audience.

Members of the public may request a copy of a translated MPO document that is not available online. Information on how to contact the agency is provided below.

4.0 PROVIDING NOTICE TO THE PUBLIC

For meaningful access to the MPO's programs and activities, the non-English speaking population must know that they can request free language assistance services. The opportunity for meaningful participation is effectively denied if information about language services is not communicated in a timely or adequate manner.¹⁵

H-GAC shall utilize best practices to provide information about language assistance including:

- Placing notices in outreach materials.
- Placing notices on the H-GAC website.
- Public service announcements and advertisements in ethnic media outlets.
- Working with community-based organizations that serve LEP communities.
- Distributing the Language Access Plan.
- Electronic event announcements such as informational email blasts.
- Legal notices, press releases, and program brochures.
- Paid advertising campaigns to promote the availability of language assistance services.
- Placing signs in public areas within the H-GAC main and remote offices.

5.0 STAFF TRAINING

H-GAC staff shall receive periodic training related to the MPO's obligation to provide language assistance services for the LEP population. The training will cover topics that include Title VI of the Civil Rights Act of 1964 and Executive Order 13166, federal and state requirements for language justice, the contents of the Language Access Plan, how to interact with the LEP community in a culturally sensitive manner, best practices for working with an interpreter in a live multilingual setting, practical methods for the presentation of technical information for a non-technical population.

Bilingual staff that serve as language translators or interpreters will be encouraged to take training to enhance essential skills and ensure their readiness for community assignments.

¹⁵ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

This training may include perfecting the skills for simultaneous interpretation, the use of closed-circuit broadcast equipment, online conferencing tools for simultaneous multilingual engagement, responding to non-English enquiries on the telephone, and how to identify language assistance needs.

All contractors or subcontractors who perform work for H-GAC shall be required to follow the Title VI Nondiscrimination guidelines.

6.0 MONITORING AND UPDATING THE PLAN

H-GAC shall periodically review the performance of the LAP to gauge the utilization of language assistance services, evaluate whether the policies and procedures meet the needs of LEP individuals looking to participate in H-GAC's programs and activities, and to ensure that the plan is consistent with any changes in the demography and/or the language needs profile of the region.

The periodic review of the Language Access Plan shall consider plan components including, but not limited to:

- Changes in the LEP population in the MPO service area.
- Frequency of LEP encounters and utilization of language assistance services.
- Whether existing assistance is meeting the needs of the LEP population.
- Whether additional targeted outreach is needed to engage LEP populations that have previously not been involved in H-GAC programs.
- Whether there is a need to change the list of languages requiring translation and interpretation services.
- The impact of costs of commercially provided language services.
- Availability of additional resources (including technological solutions) and the costs involved.
- Whether identified staff resources are still available and viable.
- Whether any complaints and/or suggestions were received concerning the service.
- Whether there is a need for continued language assistance supporting previously identified H-GAC programs or activities.

Staff shall continue to collect and evaluate data from the U.S. Census Bureau and other appropriate sources to monitor changes in population composition and their linguistic characteristics. Data on language needs may also be obtained through the agency's community outreach and citizen participation efforts. The periodic plan review shall determine whether any new documents, websites, programs, services, or agency activities need to be made accessible for LEP individuals. The plan document shall be updated, as necessary.

7.0 LANGUAGE ACCESS PLAN DISSEMINATION

H-GAC's Language Access Plan shall be posted on the agency's website at: <https://www.h-gac.com/title-vi-program/language-access-plan> where it will be available for download by the public. Persons without internet access may request a copy of the plan by leaving a written message with the H-GAC Public Outreach Manager or Title VI Administrator at the address listed below. Any questions about the Language Access Plan should be directed to the H-GAC Title VI Administrator. You may contact H-GAC by telephone at: (713) 627-3200, by email to: TitleVI@h-gac.com, and in person or by the U.S. Postal Service to:

Title VI Administrator
Houston-Galveston Area Council
3555 Timmons Lane
Suite 120
Houston, TX 77027