

**2017 MaineDOT Four Factor Analysis**  
**Maine Department of Transportation**  
**Limited English Proficiency Analysis for Transit**

**Introduction**

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

Executive Order 13166 states that individuals who do not speak English well and who have a limited ability to read, write, speak or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter. These individuals are referred to as being limited in their ability to speak, read, write or understand English, hence the designation “LEP,” or Limited English Proficient.

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

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

**The Four Factor Analysis**

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

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

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

Maine has a relatively low percentage of people who don’t speak English very well. An analysis of Census data reflected in American Community Survey (ACS) data for 2011-2015, which is included in Table 1 below, shows that statewide, there are 20,966 people over the age of 5, or

1.7% of the total population of people over the age of 5 (1,263,694 people) who speak English less than very well. There are only six languages in which the number of persons who speak English less than “very well” exceed the 1,000 person/5% threshold: Spanish or Spanish Creole, French, Chinese, Vietnamese, Arabic and African languages.

	Number of Speakers	Speak English Very Well	Speak English Less than Very Well
Population 5 years and over	1,263,694		
Speak only English	1,179,938		
Spanish or Spanish Creole	12,301	9,751	2,550
French (incl. Patois, Cajun)	41,664	33,508	8,156
French Creole	294	284	10
Italian	1,115	966	149
Portuguese or Portuguese Creole	814	680	134
German	3,415	3,036	379
Yiddish	40	33	7
Other West Germanic languages	662	486	176
Scandinavian languages	486	456	30
Greek	605	492	113
Russian	1,427	1,008	419
Polish	509	327	182
Serbo-Coatian	424	255	169
Other Slavic languages	443	341	102
Armenian	77	77	0
Persian	576	417	159
Gujarati	163	163	0
Hindi	459	411	48
Urdu	285	180	105
Other Indic languages	303	201	102
Other Indo-European languages	458	331	127
Chinese	2,691	1,166	1,525
Japanese	715	518	197
Korean	452	242	210
Mon-Khmer, Cambodian	1,050	519	531
Hmong	0	0	0
Thai	510	205	305
Laotian	43	36	7
Vietnamese	1,904	894	1,010
Other Asian Languages	950	444	506
Tagalog	1,643	1,073	570
Other Pacific Island Languages	222	175	47
Navajo	11	11	0

<b>TABLE 1</b>			
<b>American Community Survey B16001. Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Maine: 2011-2015</b>			
	<b>Number of Speakers</b>	<b>Speak English Very Well</b>	<b>Speak English Less than Very Well</b>
Other Native North American languages	992	902	90
Hungarian	39	34	5
Arabic	2,243	1,133	1,110
Hebrew	138	130	8
African languages	3,388	1,672	1,716
Other and unspecified languages	245	233	12
<b>Total</b>	<b>83,756</b>	<b>62,790</b>	<b>20,966</b>

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

**(a) How LEP persons interact with the recipient’s agency.** The LEP Guidance from FTA recommends that “recipients should first examine their prior experience with LEP individuals and determine the breadth and scope of language services that are needed.”

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

- Transit Workshops undertaken for Locally Coordinated Transit Plans
- Studies of specific issues that may entail public outreach. One example is studies on extending passenger rail services.

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

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

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

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

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

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

MaineDOT has access to a number of language translation services and is prepared to refer these services to its sub-recipients, should the need arise. That information is available from MaineDOT'S Civil Rights Office.

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

- **Spanish or Spanish Creole.** According to the data in Table 1, there are 2,550 Spanish or Spanish Creole LEP persons in Maine. However, there do not appear to be any Spanish LEP communities in Maine. The 2011-2015 ACS county data indicates that the largest concentrations of Spanish or Spanish Creole LEP persons appear to be in Androscoggin County (253 persons), Cumberland County (1,000), and York County (237). The available data would indicate that Spanish-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.
- **French.** According to the data in Table 1, there are 8,156 French-speaking LEP persons in Maine. The 2011-2015 ACS county data shows that the greatest concentration of French-speaking LEPs are in Androscoggin County (1,672 persons), Aroostook County (2,019), Cumberland County (1,331), and York County (1,108). Again, the available data would indicate that French-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although there are populations of French-speaking LEP persons in Portland, Lewiston/Auburn and in the St. John Valley of Aroostook County.
- **Chinese.** Table 1 indicates that there are 1,525 Chinese LEP persons in Maine. The ACS county data shows that the greatest concentrations of Chinese LEP are in Cumberland County (291 persons), Penobscot County (284) and Kennebec County (245). Again, the available data would indicate that Chinese-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities.
- **Vietnamese.** Table 1 indicates that there are 1,010 Vietnamese LEP persons in Maine. The ACS county data shows that the greatest concentrations of

Vietnamese LEP are in Cumberland County (537 persons), York County (135) and Androscoggin County (113). The available data would indicate that Vietnamese LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.

- **Arabic.** Table 1 indicates that there are 1,110 Arabic LEP persons in Maine. The ACS county data shows that the greatest concentrations of Arabic LEP are in Cumberland County (715 persons), and York County (226). The available data would indicate that Arabic LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.
- **African Languages.** According to the data in Table 1, there are 1,716 African Languages LEP persons in Maine. The ACS county data indicates that the greatest concentrations of African languages LEP are in Androscoggin County (256 persons), and Cumberland County (1,404). The re-settlement communities of Lewiston/Auburn and Portland contain substantial numbers of Somali people who speak African languages. The Somali communities in Lewiston/Auburn and Portland are served by fixed route bus systems. In both locations, the communities are direct recipients of FTA funds and have their own Title VI plans.

**(c) The literacy skills of LEP populations in their native languages, in order to determine whether translation or documents will be an effective practice.**

MaineDOT has had virtually no contact with LEP populations at its public meetings. More direct contact with LEP populations would potentially occur through sub-recipient operation of transit services (see discussion under Factors 2 and 4).

**(d) Whether LEP persons are underserved by the recipient due to language barriers.**

MaineDOT has no data that suggests that LEP populations are underserved in our programs and services. MaineDOT makes every attempt to provide language services (see discussion under Factors 2 and 4).

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

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

- **Region 1: Aroostook Regional Transportation Program (ARTS).** A significant portion of the population speaks English and French, and in the St. John Valley, French is the primary language of some of the region's elderly population. Most French-speaking people also speak English. Language has not been a barrier. There is daily contact with French/English speaking persons.

- **Region 2: West's Bus Service.** Approximately 20% of the riders on West's Bus Service speak Spanish. Many of these riders are migrant workers who have been recruited for work in blueberry fields, pickle-canning and sea urchin operations. There is daily contact with Spanish-speaking persons. The migrant population increases during the summer months and falls off after the Holiday season as the migrants work in the wreath industry and move on after the first of the year.
- **Region 6: Regional Transportation Program (RTP).** There is a diversity of languages that are spoken in Cumberland County. Contact frequency with an LEP person is one to three times per month.
- **Region 7: Western Maine Transportation Services (WMTS).** There is a French-speaking population in Lewiston/Auburn, but most of the population speaks English as well. There is also a Somali population, many of whom speak a language that is based on French. There is periodic contact with LEP persons.

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

In addition, as the state transportation agency responsible for coordinating the statewide transportation planning process, MaineDOT must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and under-represented population groups are part of the evaluation process. MaineDOT provides oversight and ensures in its own planning projects that LEP and other protected classes of persons are considered in the transportation planning process.

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

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

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

- **Region 1: Aroostook Regional Transportation Program (ARTS).** A number of ARTS' bus drivers speak French, as do some members of the central office staff.

- **Region 2: West’s Bus Service.** A company, Escort Inc. contracts with West’s to provide migrant worker transportation. Escort provides translators and has helped West’s publish its timetable in Spanish. Several of West’s bus drivers speak Spanish. The costs of translator services are not known because there is no charge to West’s for this service.
- **Region 6: Regional Transportation Program (RTP).** RTP has a contract with Language Line Services. Translator services are utilized on average about one to three times per month.
- **Region 7: Western Maine Transportation Services (WMTS).** About 2.4% of WMTS’ ridership consists of Somalis, including Somali children who are fluent in English and often act as interpreters for their parents. Many of the rides for Somalis are arranged through Child Development Services, Catholic Charities or Lutheran Services, whose staff serve as translators. WMTS also has a contract for translator services, but has not used it.

## **LEP Analysis of Factors 2, 3 and 4 by Provider**

The following overview has been compiled based on information provided by MaineDOT’s sub-recipients. The Title VI plans of sub-recipients may contain additional information.

### **Region 1**

#### **Aroostook Regional Transportation Program (ARTS)**

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

### **Region 2**

#### **Washington-Hancock Community Agency**

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

### **Downeast Transportation, Inc. (DTI)**

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

### **West’s Transportation**

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

## **Region 3**

### **Penquis Transportation Program**

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

### **Cyr Bus Line**

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

## **Region 4**

### **KVCAP**

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

## **Region 5**

### **Mid-Coast Public Transportation (MCPT)**

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: MCPT has “I Speak” language Identification cards on its buses. MCPT also has the use of translator services if the need arises.

### **Bath City Bus**

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

### **Region 6**

#### **Regional Transportation Program (RTP)**

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

### **Region 7**

#### **Western Maine Transportation Services**

- Factor 2 – There is periodic contact with LEP persons – mostly the French-speaking population in Lewiston/Auburn, and the Somali population, many of whom speak a language that is based on French.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: WMTS has “I Speak” language Identification cards on its buses. About 2.4% of WMTS’ ridership consists of Somalis. Many of the rides for Somalis are arranged through Child Development Services, Catholic Charities or Lutheran Services, whose staff serve as translators.

### **Region 8**

#### **York County Community Action Corporation (YCCAC)**

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