

Omnitrans' Title VI Limited English Proficiency (LEP) Policy and Language Assistance Plan

Introduction

As a recipient of federal funding under the Federal Transit Administration's (FTA's) guidelines, Omnitrans is required to demonstrate that it does not discriminate against, exclude from, or deny service to individuals based on race, color, or national origin. The FTA requires that funding recipients develop a Language Assistance Plan that takes reasonable steps to ensure meaningful access to the benefits, services, information, and other important parts of its program for persons of Limited English Proficiency (LEP).

LEP persons are defined as persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP persons include people who do not speak English at all and people who do not speak it well.

Omnitrans' LEP obligations stem from Section 601 of Title VI of the Civil Rights Act of 1964, and in the more recent FTA Circular 4702.1B.

Title VI states that: *"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance."*

In the FTA's current Title VI Circular, 4702.1B released in October 2012, the FTA clarifies that *national origin discrimination* refers as well to native language, or primary facility in *any language other than English*.

The LEP Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency (65 FR 50121, Aug. 11, 2000)" directs Federal Agencies to ensure that Federal recipients provide meaningful access to their LEP applicants and beneficiaries. Failure to do so may constitute national origin discrimination.

Four Factor Analysis

An effective LEP Policy Implementation and Language Assistance Plan starts by determining the languages spoken. Within those language groups, one must quantify the number of individuals who would qualify as LEP and those who would likely use the agency's services. This requires what is known as a Four Factor Analysis of numbers and proportions of LEP riders.

The Four Factor Analysis includes the following four determinations:

- I. Factor 1: Determine the number and/or proportion of LEPs likely to be encountered by the program.
- II. Factor 2: Determine the frequency of program contact with these LEPs (also known as the probability of interaction).
- III. Factor 3: Determine the nature and importance of the agency's program to

LEP members of the public.

IV. Factor 4: Determine the resources available and costs to the program needed to implement a Language Assistance Plan.

The FTA Circular 4702.1B Safe Harbor provisions require that vital documents be translated into the primary language for each LEP group that meets a demographic threshold. Currently, the threshold for each LEP group is the presence of LEP speakers for that language at the level of 5% of the total service area population or 1,000 individuals, whichever measure is less.

In the provision's wording: "...if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally."

FACTOR 1

The Omnitrans Attitude and Awareness Survey was consulted in order to arrive at a better idea of what the linguistic makeup of LEP speakers would be within Omnitrans' service area. According to the Omnitrans' 2011 Attitude and Awareness Study commissioned by Redhill Group, it was determined that from more than 6,000 riders surveyed, 93% spoke English, and 7% spoke Spanish. According to these results, English is the predominant home language spoken in our service area, and Spanish is the second most prevalent language spoken at home.

In order to update the demographic data we had utilized in the last LEP Program and Four Factor Analysis, the US Census Department's American Community Survey, 5-year estimate for 2011 was augmented by more recent 2018 and 2019 ACS 5-year estimates. An evaluation of Omnitrans' service area identified the total number of LEP languages in our service area and the number and proportion of residents aged 5-years old or older who spoke that language, but did not feel they spoke English very well.

The LEP languages identified this time are, once more: Spanish, Chinese, Korean, Vietnamese, Tagalog, Arabic, and Cambodian. Details can be seen in the Exhibit 18, following.

Exhibit 18 Major Languages Spoken in Omnitrans' Service Area

Language	Est. Total Population	Est. LEP Language Speakers	Percentage of LEP Language Speakers	Comparison: LEP Language Speakers Reported in 2018	Comparison: Percentage of LEP Language Speakers Reported in 2018
Spanish	1,384,348	207,800	15.01%	237,644	16.01%
Chinese (Mandarin, Cantonese, etc)	1,384,348	13,167	0.95%	9,216	0.62%
Tagalog	1,384,348	5,705	0.41%	5,943	0.40%
Vietnamese	1,384,348	5,087	0.37%	6,267	0.42%
Korean	1,384,348	4,921	0.36%	5,229	0.35%
Arabic	1,384,348	2,939	0.21%	3,070	0.21%
Cambodian / Khmer	1,384,348	1,145	0.08%	1,192	0.08%

Persian / Farsi	1,384,348	885	0.06%	Not Reported in 2018	Not Reported in 2018
Hindi, Other Indian Languages	1,384,348	884	0.06%	Not Reported in 2018	Not Reported in 2018
Thai	1,384,348	800	0.06%	Not Reported in 2018	Not Reported in 2018
Japanese	1,384,348	630	0.05%	Not Reported in 2018	Not Reported in 2018

Results obtained from 2019 and 2011 American Community Survey (ACS) 5-year rolling estimates at the Census tract level, US Census.

Due to data suppression in some 2019 ACS results, estimates are based on data drawn from both 2011 and 2019 ACS 5-year rolling estimates.

All population estimates are taken from within JPA Service Area Boundary, amongst residents age 5 or older

There are several things to note about the results of the analysis. First, outcomes for eleven languages were reported, including four that were not reported in 2018 (Farsi, Hindi and other Indian languages, Thai, and Japanese). The same seven languages in our service area reported high enough LEP usage to remain included in our How to Ride guide for both reporting periods (in 2018 and 2021). However, over both reporting periods only one language met the Safe Harbor provision threshold for requiring all vital documents to be translated into that language. In both reporting periods, that was Spanish. Secondly, given that there was data suppression in the most recent ACS data source used (2019 5-year rolling average estimate), 2019 data was necessarily augmented with older ACS data from 2011. Thirdly, it is interesting that some reported LEP language measures declined over the period studied, but not all did. At first this might seem anti-intuitive, even paradoxical, as one would imagine the numbers should increase, as almost all demographic measures do over time. However, it must be remembered that reported language usage as “speaking English less than very well” is not a static measure amongst all members of a cohort. It is understandable that over time, some new immigrants would move into the population with LEP-level language abilities, true enough, but also some significant proportion of those who had reported speaking English less than very well at the 2011 demographic measure might have reached a point of comfort in learning English that they would self-report as no longer speaking English less than very well by 2019. So it would make sense that numbers might actually decrease over time. That said, though, it is interesting to note that one language reported a striking gain in numbers that reported speaking English less than very well: that language was Chinese (Mandarin, Cantonese, etc.). However, even with the increase in numbers and distribution of Chinese LEP speakers in our service area, the numbers *did* exceed the 1,000 members of the population (increasing from 9,216 to 13,167), but failed to meet the second percentage threshold, rising from 0.62% to 0.95% of the total population but still less than 1%, and thus well below the 5% Safe Harbor threshold.

FACTOR 2

Additional surveys have attempted to look at the probability of interaction (Factor 2 of the Four Factor analysis) in order to attain a different perspective on these LEP languages.

According to the San Bernardino County Office of Education, English Language Learner students at San Bernardino County public schools made up 19.9% of the entire student body population in 2013. This is not perfectly tantamount to a representation of the proportion of LEP within the county as a whole, but it is one consideration, and it is interesting to note how these data have changed over time.

EDUCATIONAL SOURCES

(California Department of Finance demographic research unit)

Percentage of English Language Learners in San Bernardino County public schools: 19.9 % *

***Data Source:** California Dept. of Education, California Basic Educational Data System (CBEDS). Accessed at <http://data1.cde.ca.gov/dataquest/> (Jul. 2013).

An update of these data in the following table reveals greater detail:

Language Code	Language Name	Total	Percent of Total
1	Spanish	58,993	91.62%
7	Mandarin (Putonghua)	1,353	2.10%
11	Arabic	893	1.39%
2	Vietnamese	454	0.71%
5	Filipino (Pilipino or Tagalog)	358	0.56%
99	Other non-English languages	305	0.47%
4	Korean	244	0.38%
3	Cantonese	189	0.29%
28	Punjabi	186	0.29%
9	Khmer (Cambodian)	168	0.26%
26	Indonesian	156	0.24%
35	Urdu	131	0.20%
16	Farsi (Persian)	101	0.16%
30	Samoan	88	0.14%
22	Hindi	73	0.11%
8	Japanese	64	0.10%
TOTAL	All Languages Other Than English (TOTALED FOR COUNTY)	64,389	0.09%
ALL STUDENTS	ALL ENROLLED STUDENTS (TOTAL)	406,069	15.86%

Data obtained from California Department of Education DataQuest site online for the Pre-COVID school year of 2018-2019. <https://dq.cde.ca.gov/dataquest/>

An interesting trend in these data is seen as a reduction in overall percentage of English Language Learners (LEP language students) from 19.9% of the total student population in the County in 2013 to 15.86% of the total student population in the County during the latest full school year investigated, 2018-2019. It is also interesting to note that the largest English Language Learner cohort remains that of Spanish speaking students, at a level 38 times greater than the next largest cohort, that of Chinese (Mandarin, Cantonese) speakers. All English Language Learners combined still only equal less than 16% of all enrolled students in the County, while the number of Spanish speaking English Language Learners would be 91.62% of this, or 14.5% of all enrolled students. Exhibit 19 shows the results of a survey of Omnitrans' website hits from January to December, 2019, as made possible by use of Google Analytics, while shows the same for one year later, for the sake of comparison, from January to December, 2020, during the COVID pandemic period. In both cases, analyses looked at browser language settings of Omnitrans.org visitors, and determined the distribution of primary languages used.

Exhibit 19 Languages Employed by Visitors to Omnitrans' Website, Jan-Dec, 2019

Browser Language Settings of Omnitrans.org Visitors January-December 2019	
Primary Language of Website Visitor	Percentage of All Visitors
English	95.22
Spanish	3.02
Chinese	0.49
Korean	0.08
Japanese	0.06
French	0.05
Russian	0.04
German	0.04
Dutch	0.03
All Others Summed	0.97
TOTAL	100

Exhibit 20 Languages Employed by Visitors to Omnitrans' Website, Jan-Dec, 2020

Browser Language Settings of Omnitrans.org Visitors January-December 2020	
Primary Language of Website Visitor	Percentage of All Visitors
English	93.98
Spanish	4.34
Chinese	0.4
French	0.08
Korean	0.05
Japanese	0.04
Portuguese	0.03
Russian	0.03
Dutch	0.03
German	0.02
All Others Summed	0.1
TOTAL	100

In this informal assessment, between three to a little more than four percent of those visiting the website used Spanish as their primary language; these outnumbered the next highest potential LEP language (Chinese) from between 6 to 1 and 10 to 1. The total proportion of all potential LEP language users visiting the website during this period is between 4.78% and 5.12% of the total. Taken by itself, however, frequency of web-based technology use by language is an incomplete indicator of LEP pervasiveness and transit usage, and other means of assessment need to be utilized.

There are a number of cultural, community outreach, and support groups throughout Omnitrans' service area which address the needs of LEP populations. Their presence can serve as an ancillary indicator of LEP penetrance by language within the service area. More importantly, these are the types of groups Omnitrans reaches out to in order to better serve the needs of particular LEP populations. A list of such groups is illustrated, following, in Exhibit 21.

Exhibit 21 Examples of Community LEP Groups in Omnitrans' Service Area

EXAMPLES OF COMMUNITY LEP GROUPS IN OMNITRANS' SERVICE AREA FOR OUTREACH		
Community Resource Group		Contact Information
1	Loving Savior Chinese Christian Church	14816 Peyton Dr, Chino Hills, CA 91709-2073 (909) 597-5771
2	Temple of the Khmer Buddhist Society: Wat Bodhisovannaram	1595 Hard Street, San Bernardino, CA 92408 Phone: 909.796.6372
3	Temple of the Khmer Buddhist Society: Wat Padma Sovannaram	8677 Mulberry Avenue, Fontana, CA 92335 Phones: 909.887.3602, 909.428.1529
4	Vietnamese Weekly	525 N. Euclid Avenue, Ontario CA 91762 http://vietamerican.com/
5	Inland Chinese Association	http://www.inlandchineseassociation.com/index.html
6	Asian-American Resource Center	1115 South "E" Street, San Bernardino, CA 92408 Phone: (909) 383-0164 http://www.aarc-ie.org/index.html
7	Vietnamese Buddhist Youth Association	1838 West Baseline Street, San Bernardino, CA 92411
8	Filipino Visayan Church	Filipino Visayan Church, San Bernardino, CA 92407
9	Filipino Association of San Bernardino County	27124 Meines Street, Highland, CA 92346 (909) 862-6810
10	Filipino Ministry, Diocese of San Bernardino, California	Office of the Asian and Pacific Islander Ministry, 1201 E. Highland Ave., San Bernardino, CA 92404 (909) 983-2637 http://filministry0.tripod.com/
11	Loma Linda Filipino Seventh-Day Adventist Church	11180 New Jersey Street, Redlands, CA 92372
12	Al-Shifa Clinic of San Bernardino	Al-Shifa Clinic, Inc. 2034-B Mallory Street, San Bernardino, CA 92407 (909) 473-0600 http://www.alshifafreeclinic.org/index.html
13	Islamic Community Center of Redlands	24769 Redlands Blvd. Suite A, Loma Linda, CA 92354 (909) 801-8081 http://www.iccredlands.org/
14	Loma Linda Korean Seventh-Day Adventist Church	12408 Mount Vernon Avenue, Grand Terrace, CA 92313 (909) 825-6947 http://lomalindakorean22.adventistchurchconnect.org/
15	Latino Health Collaborative	1800 Western Avenue, Suite 402 San Bernardino, CA 92411 (909) 887-0707 http://latinohealthca.org/
16	San Bernardino Community Services Center, Inc.	560 North Arrowhead Avenue, Suite 8A, San Bernardino, CA 92401 (909) 885-1992

Exhibit 22, following, shows proportions of those in San Bernardino who speak a language other than English and who speak English less than very well, as well as the total number of workers (age 16 years and over) who use public transportation routinely. The product of these proportions would give the number of LEP speakers with a propensity for public transit usage, which is estimated at 0.27% of the population of the County, according to the US Census' ACS (American Community Survey) 2019 5-year Estimate Subject Table S0802.

Exhibit 22 Sample of Language Usage and Public Transit Use Propensity

LEP Measure and Propensity for Public Transit Use Within San Bernardino County		Measure
Those who Speak a Language Other than English		47.2%
Speak English 'Very Well'		27.6%
Speak English less than 'Very Well'		19.5%
Workers 16 years and over: Total Number		904,677
Those Who Use Public Transportation Routinely		12,532
Percentage Using Public Transportation Routinely		1.39%
Percentage of Workers in County Using Public Transportation and Also Speaking English less than 'Very Well'		0.27%

Data obtained from 2019 ACS 5-Year Estimate Subject Table S0802

These data indicate that although 14.5% of the total population of the County speak Spanish well and English less than “very well”, and qualify as LEP, the proportion of the membership of this cohort which also uses public transit is much smaller, at only 1.39% of that number, or 0.2% of the population overall. Between 14.5% and 0.2%, this translates to more than 72 to 1 difference in expected encounter between all speakers and those speakers expected to use public transit.. As for LEP for any languages, if 19.5% of the population fits this category but only 1.39% of these would be expected to also use public transit as well (or 0.27% of the total population), the difference remains 72 to 1 between numbers of LEP speakers and those LEP speakers expected to use public transit.. According to these data, then, probability of interaction, or the frequency with which LEP individuals come into contact with Omnitrans’ services, appears to remain very low for LEP members who speak any other language besides Spanish.

Another way of looking at this would be to look at the most recent sampling of County population of residents age 5 or over who consider themselves to be LEP language users of any language. From data obtained from the 2019 ACS 5-year estimate, roughly 12.9% of the total population can be expected to speak Spanish but not to speak English ‘very well’, while 2.8% of the population can be expected to speak another language but not to speak English ‘very well’. When propensity to use public transit services at a level of 1.39% of the population is then factored into this, the intersection is 0.04% of the population being LEP in any other language besides Spanish and also routinely using public transportation, which is a 70 to 1 difference.

In order to investigate further the probability of interaction with LEP speakers, a survey was taken of Omnitrans’ Information Clerks at Omnitrans’ Call Center regarding the number and proportion of calls received in September of 2013. Results of this informal survey are shown in Exhibit 23, following, and seem to accord with a large difference in numbers between Spanish LEP language interactions and “other language” LEP interactions; 77.3% of all calls were in English, 20.3% were in Spanish, and only 2.4% were in some other language other than English or Spanish. In this group, the highest proportion was for Chinese, which was estimated to be 0.45% of all calls. This is nearly an order of magnitude difference in number between Spanish LEP callers and LEP callers of another language.

Exhibit 23 Languages Spoken by Callers to Omnitrans' Call Center

Languages Spoken by Callers to Omnitrans' Information / Call Center, per 1,000 Calls		
LANGUAGE SPOKEN	NUMBER of CALLS	PERCENT of ALL CALLS
English	773	77.30%
Spanish	203	20.30%
Chinese	5	0.45%
Korean	4	0.38%
Vietnamese	4	0.40%
Tagalog	5	0.50%
Arabic	4	0.38%
Cambodian	1	0.05%
Unknown	3	0.25%
TOTAL	1,000	100.0%
<i>Data taken from interviews with and data sheets collected from seven of Omnitrans' Information Clerks in Omnitrans' Call Center</i>		
<i>Data are estimates obtained from personal recollections and individuals' language identification stretching over a period as long as several months. Figures are based on 1,000 calls received per clerk.</i>		

A second survey was taken in September of 2013 of numbers of verbal interactions as reported by 112 coach operators with their ridership, as shown in Exhibit 24. For them to have been counted, these interactions had to take the form of more than a salutation, but of actual information transfer, or real requests for information on the part of a rider from the coach operator such that the operator was obliged to reply in some manner.

According to the results of this informal survey, 65.44% of all transactions were English, 32.4% were in Spanish, and 2.16% of all transactions were in some language other than English or Spanish. The highest proportion of these was from "Asian" (an unidentified Asian language) at 0.66%, and Chinese was at 0.44% of all transactions. It is important to note that all other languages other than English or Spanish combined yielded 2.16%, which is less than an order of magnitude lower than Spanish transactions, at 32.4% of all.

Exhibit 24 Average Number of Verbal Interactions Reported by Operators by Language

Estimated Average Number of Verbal Interactions Reported by Operator with Rider(s)					
Language Spoken	per DAY	per WEEK	per MONTH	per YEAR	Percentages
TOTAL	43	213	854	10,243	100.00%
English	28	140	559	6,703	65.44%
Spanish	14	69	277	3,319	32.40%
"Asian" (unidentified)	0	1	6	68	0.66%
Chinese	0	1	4	45	0.44%
Vietnamese	0	0	1	16	0.16%
Korean	0	0	1	14	0.14%
Tagalog	0	0	1	14	0.14%
Cambodian	0	0	0	2	0.02%
Armenian	0	0	0	4	0.04%
Russian	0	0	1	10	0.10%
"Middle Eastern" (unidentified)	0	0	1	10	0.10%
Arabic	0	0	0	4	0.04%
"Indian" (Hindi, Urdu, etc)	0	0	1	8	0.08%
Pakistani	0	0	0	2	0.02%
Scandinavian (?)	0	0	0	2	0.02%
Unknown European	0	0	0	4	0.04%
Haitian	0	0	0	2	0.02%
Sign Language	0	0	0	2	0.02%
UNKNOWN	0	0	1	12	0.12%

Data obtained from 112 coach operators interviewed in both East and West Valley facilities during the week of September 23, 2013

The Factor 2 component of the analysis suggests that the probability of transit interaction in our service area with members of the public who do not speak either English or Spanish, and are considered LEP persons, remains small when compared to those who are Spanish-speaking LEP persons.

GIS MAPPING OF SPATIAL DISTRIBUTION OF LEP LANGUAGES

Maps were made using US Census data, ACS from 2019 5-year estimates, at the tract level of spatial distribution of each of the seven identified LEP languages within the county and Omnitrans' service area (Exhibits 25 through 31). The seven maps are included, following (in order, they are: Spanish, Chinese (Mandarin), Korean, Vietnamese, Tagalog, Arabic, and Cambodian (Khmer or Hmong)).

The purpose in mapping spatial distribution of the important concentrations of LEP membership is for the agency to more effectively direct appropriate language services to its ridership. If, for example, certain route modifications were to be proposed in a particular region of the service area alone, and this region corresponded to high densities of a particular language group LEP population, then this knowledge could better inform efforts at public outreach and permit the agency to offer better services to that population.

By determining where concentrations of different language LEP populations are more likely to be found, then, specific language translation services can be better mobilized and directed regionally when and where particular transit outreach efforts may be made. Several trends in spatial distribution of LEP language groups are noteworthy.

Spanish LEP speakers appear to concentrate centrally within the service area, in the cities of Fontana, Rialto, and San Bernardino, and along a narrow strip associated with the Holt Boulevard corridor running through Ontario and Montclair (Exhibit 25). That said, though, Spanish LEP speakers are found throughout the service area, and in numbers which are ten times greater than that for any other LEP language.

Mandarin Chinese LEP speakers and Korean LEP speakers (Exhibit 26 and Exhibit 27) tend to cluster most heavily in three areas: in Loma Linda, in northern Fontana and Rancho Cucamonga, and in southern Chino and Chino Hills. However, Chinese speakers have expanded their range over what was seen three years ago to beyond simply Chino and Chino Hills and far more into the affluent peripheral communities of Rancho Cucamonga, Loma Linda, southern Redlands, and even into areas of Highland.

To a large degree, the same can be said for the spatial distribution of Tagalog LEP speakers (Exhibit 29), but Vietnamese LEP speakers are much more diffuse in their spatial distribution (Exhibit 28), and local concentrations are still found throughout the service area. Likewise, Arabic LEP speakers (Exhibit 30) are to be found scattered throughout the service area, and Cambodian LEP speakers (Exhibit 31) continue to be clustered more centrally in the cities of San Bernardino and northern Redlands.

To repeat: the Spanish Language Speakers map (Exhibit 25) indicates numbers of LEP persons which is *an order of magnitude greater (ten times greater)* than that for any of the other LEP language maps (Exhibits 26 through 31).

Exhibit 25 Distribution of LEP Spanish Speakers in Omnitrans' Service Area

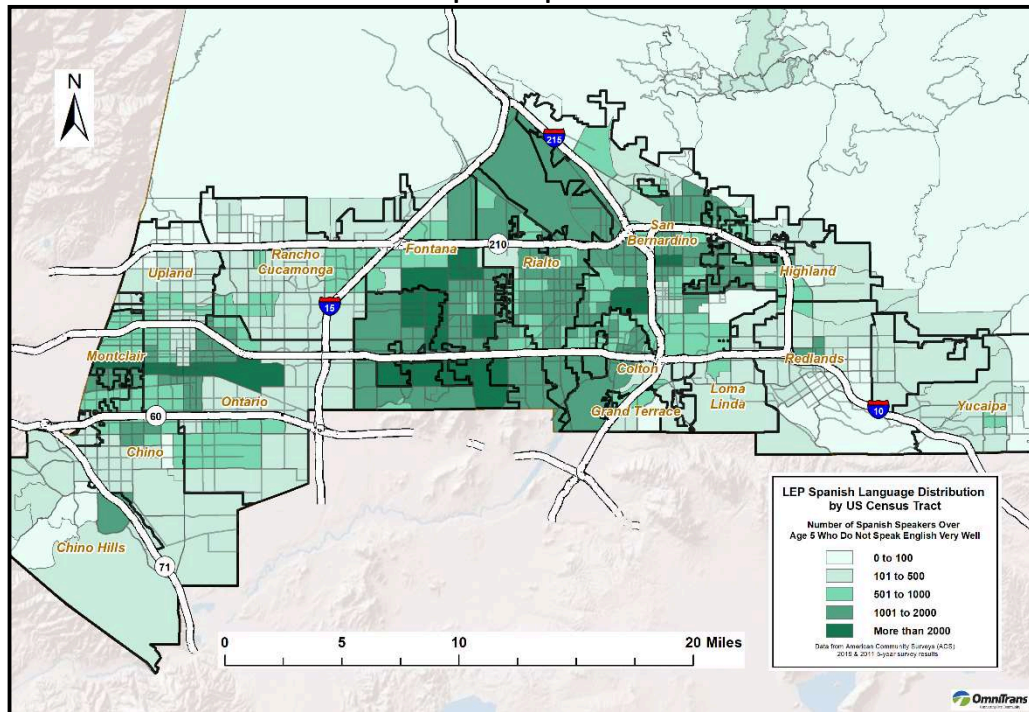


Exhibit 26 Distribution of LEP Mandarin Chinese Speakers in Omnitrans' Service Area

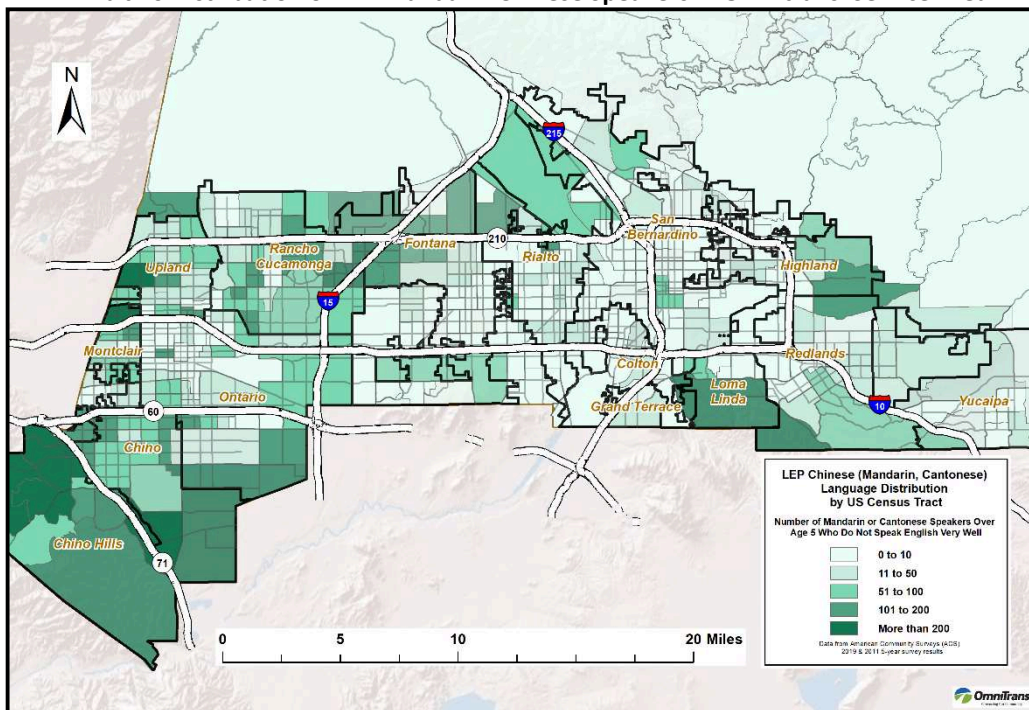


Exhibit 27 Distribution of LEP Korean Speakers in Omnitrans' Service Area

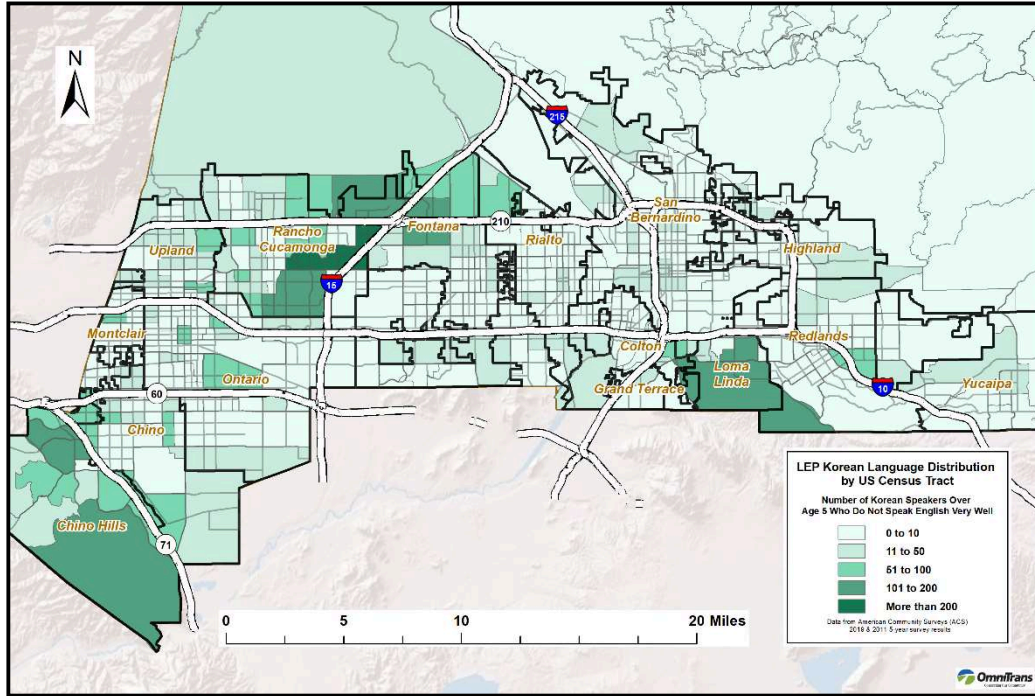


Exhibit 28 Distribution of LEP Vietnamese Speakers in Omnitrans' Service Area

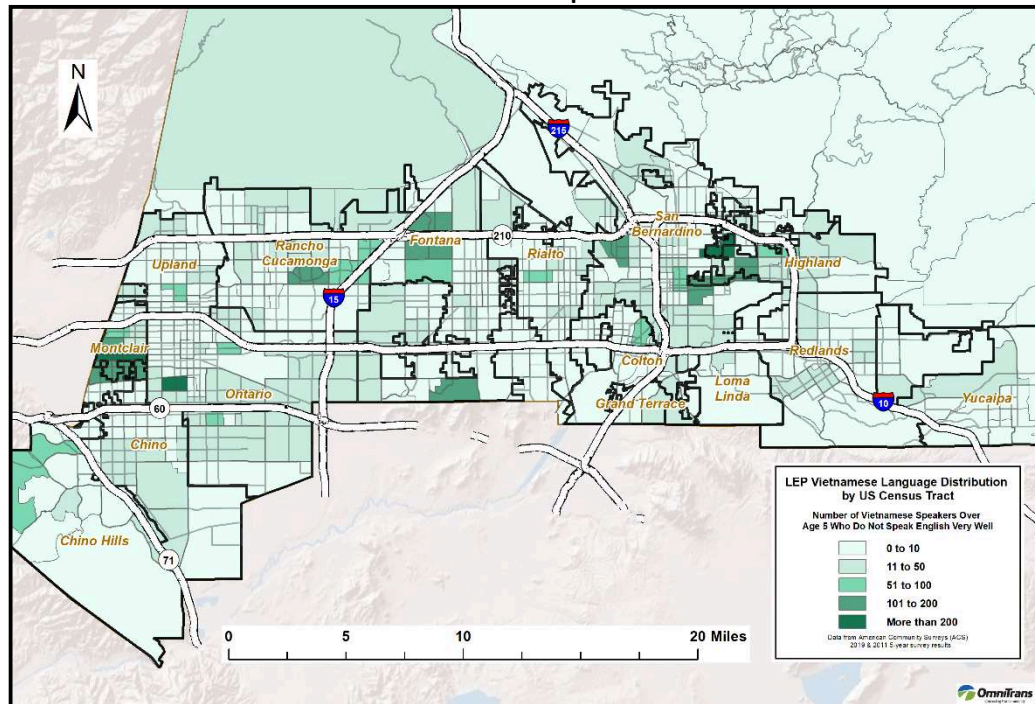


Exhibit 29 Distribution of LEP Tagalog Speakers in Omnitrans' Service Area

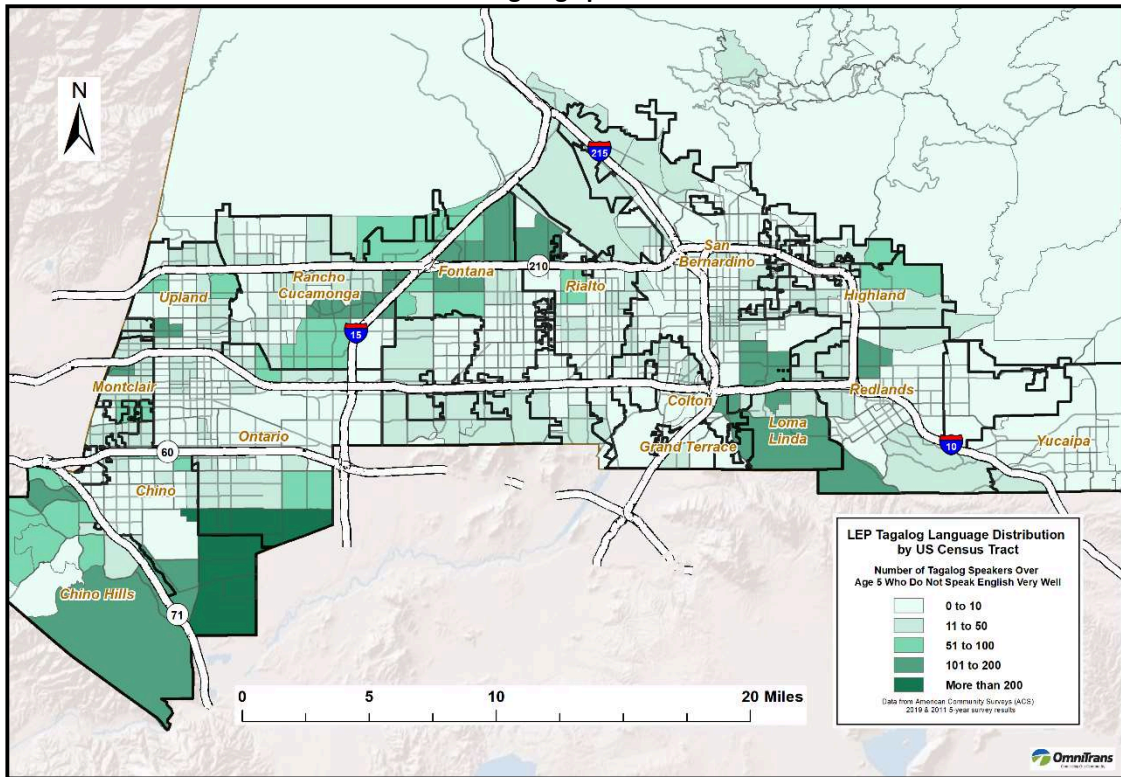


Exhibit 30 Distribution of LEP Arabic Speakers in Omnitrans' Service Area

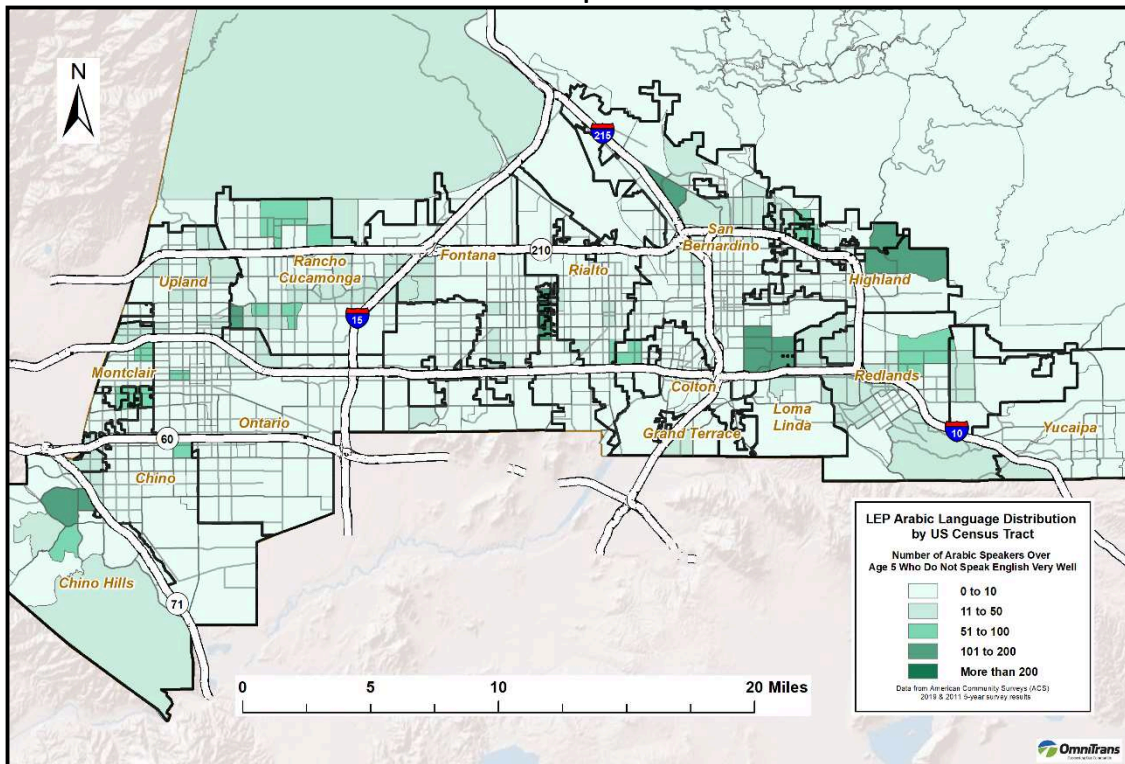
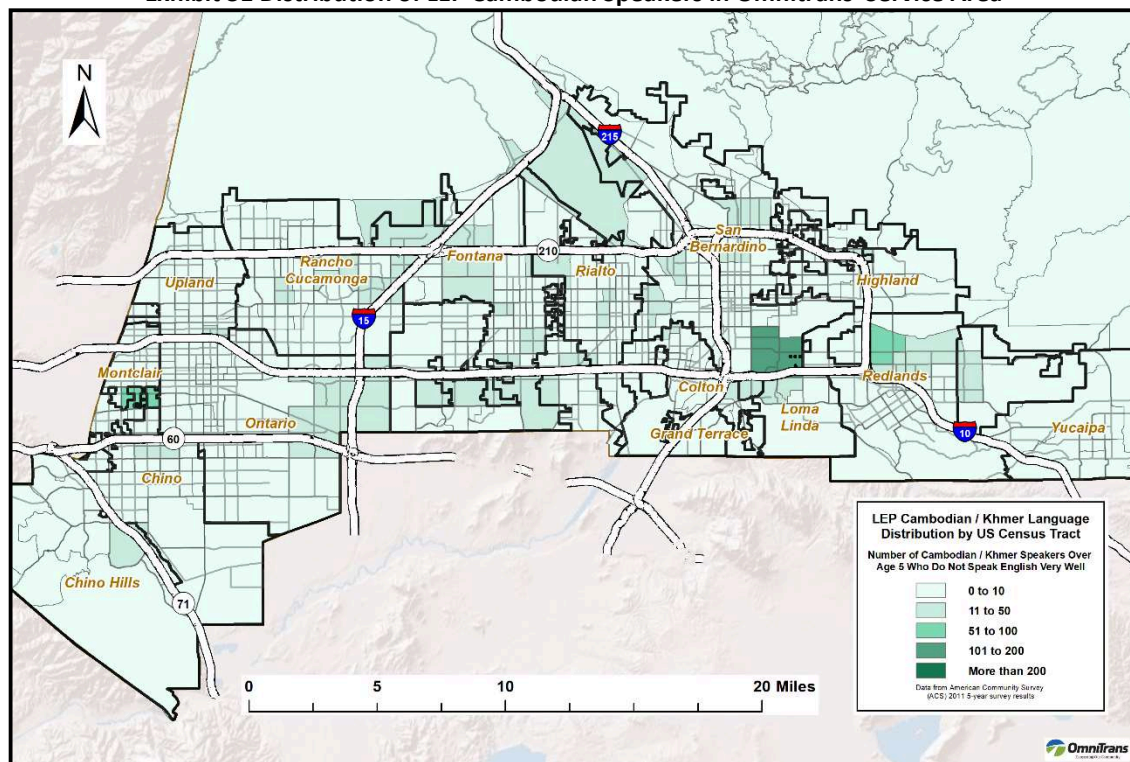


Exhibit 31 Distribution of LEP Cambodian Speakers in Omnitrans' Service Area



FACTOR 3

The Factor 3 component of the LEP Policy and demographic analysis is meant to demonstrate the important role of Omnitrans' services to the community as a public transit provider.

Many people who cannot or who choose not to use automobile transportation, for whatever reason, find that many of their most critical life activities are dependent upon public transit. Peoples' continued livelihoods in the guise of their transportation to work, their ability to shop and purchase food and other necessities, and even their critical social networks, are often absolutely dependent upon a good and efficient public transit system. As many in various LEP communities experience first-hand, they are often new to this country, and as such often occupy lower economic tiers as they start off; individuals in such situations often find they cannot afford an automobile of their own for some significant period of time, and this frequently translates to an increased need and dependency on their part for such services as transit.

Since March of 1976, Omnitrans has been empowered as a Joint Powers Authority (JPA) to be the primary provider of public transportation in the San Bernardino Valley. We provide fixed route service, local circulator service, and demand-response service, including ADA / Access service to riders who meet the criteria of the Americans with Disabilities Act of 1964. The agency currently serves an area of 470 square miles and a service area population of approximately 1.56 million people, according to the 2019 American Community Survey 5-year running estimate at the Census Block Group level. In calendar year 2019 (before COVID Pandemic Emergency Service), Omnitrans served 10.5 million riders. As a transit provider, the service Omnitrans provides is considered to be of *high importance*, and as such, it is imperative that appropriate needs for LEP persons be met by the agency's decisions regarding translation of vital documents.

FACTOR 4

According to the respective probabilities of interaction determined by Factors 1 and 2 of the demographic analysis, Omnitrans will allocate resources commensurate to the task of meeting the needs of translation of vital documents for LEP populations. This includes the following:

- a. **Continued use of In-House, ad-hoc language speakers** A number of employees already speak most of the seven identified LEP languages (exceptions: Cambodian and Arabic); these individuals have in the past been and will continue to serve as “In-House language speakers” who serve in the capacity of ad-hoc interpreters at specific workshops, events, and public hearings and outreaches.
- b. **Training and Certification of In-House personnel** All of the information clerks who receive and process calls at the Information desk are bilingual (Spanish/English) and are skilled at explaining occasionally complex transit terminology into an easy to understand framework. For ad hoc speakers, Omnitrans will formally catalogue and ensure that these speakers are comfortable and capable of explaining transit terminology before being used in any formal or informal capacity.
- c. **An Off-Site, out-sourced translation service.** As of May of 2014, Omnitrans has hired the services of an off-site, on-call telephone translation service. This is Avaza Language Services Corp. (5209 Linbar Drive, Suite 603, Nashville, TN 37211 615-534-3400 www.avaza.co), and their service consists of being an on-call support service for our front office information clerks, and when necessary, having LEP-language calls directed to them, whereupon they will identify the LEP-language, and offer real-time translation service for the caller.
- d. **Additional Smart Phone Translation Applications.** A relatively new option that has come into existence since the last Four Factor Analysis and LEP Policy update has been that of numerous smart phone translation applications in addition to Avaza. Although the opportunity has not yet arisen for their widespread use in public interaction (with the possible exception of use by coach operators when they interact with LEP members of the riding public), there are now a number of such applications which can be used, including: iTranslate, Google Translate, Papago, and Tap to Translate for Android. All of these apps, to varying degrees, permit the user to capture text, highlight portions of the text, and translate those highlighted portions much like a universal translator of sorts.

LEP Policy

As per Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (DOT) implementing regulations, and Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency (65 FR 50121, Aug. 11, 2000)”, Omnitrans is federally mandated to develop and implement both an LEP Plan and a Language Assistance Plan (LAP) by which Limited English Proficiency (LEP) persons can gain meaningful access to translations of written and oral information of Omnitrans’ services.

Being a Federal Transit Administration (FTA) recipient receiving federal financial assistance, Omnitrans must take reasonable steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP persons; failure to do so may constitute national origin discrimination according to LEP Executive Order 13166 (2000).

To reiterate, the Safe Harbor provision states, “if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally.”

Based on the Four Factor Analysis reported, Omnitrans identified both the vital documents necessary for riders to access services, and the language needs and services required to provide meaningful access to information for the LEP residents of our service area. A list of identified agency vital documents includes:

- Instructional / Informational rider material in the form of a “*How to Ride*” brochure
- Title VI protection notifications and Notice of Title VI obligations.
- All public hearing notices (Public Meeting Announcements posted on agency’s website).
- General notices stating that language translation assistance is available for LEP languages.
- Notice of availability of Telephone Interpretation Services.
- Decal or Driver panel bus card giving the same information (language translation assistance is available for LEP languages).

Less critical documents will be translated and made available in Spanish primarily (bilingual translation), owing to the much higher probability of interaction with the Spanish-speaking LEP population:

- a. Temporary, High-Importance bus stop information/signs (for major, long-term detours and high-importance Rider Alerts).
- b. All onboard and customer / rider surveys.
- c. Bus book.

The Four Factor Analysis showed that the seven identified LEP languages in Omnitrans’ service area remain the same over the last three years. The bottom eight languages have not changed greatly in terms of their percentage of LEP language speakers. However, the prevalence of Chinese has increased from 0.62% to 0.95%, which is still less than 1% of the service area population. And Spanish remains the most commonly used language next to English, and is represented at least ten times more frequently in usage over the other languages identified. Although Spanish has been identified as the most common LEP language, translation assistance in all seven LEP languages will still be made available to needful LEP persons. Exhibit 32 is a table clarifying the list of all LEP Vital Documents and their Translation.

Exhibit 32 List of Vital and Important Documents for Translation

Suggested List of All L.E.P. Vital and Important Documents for Translation			
TRANSLATED INTO ALL LEP LANGUAGES		TRANSLATED TO REGIONALLY-SPECIFIC LEP LANGUAGES, AS LOCALLY APPROPRIATE (Minimum: Bilingual)	TRANSLATED INTO ONLY ENGLISH AND SPANISH (ONLY Bilingual)
1	Basic Instructional / Informational "How to Ride" brochure.		
2		Major, long-term detours or route changes; Important Rider Alerts	Temporary bus stop information or signage for less major long-term detours or route changes
3	Title VI Protection Notifications; Notice of Title VI obligations and protections		
4	ALL Public Hearing Notices; Public Meeting Announcements posted on website		
5		Onboard surveys; All Customer Surveys (as issued by identified linguistic sub-regions of service area, and by request); All Rider Surveys.	
6	General notices stating that Language Translation Assistance is Available for LEP languages; Notice of Availability of Telephone Interpretation Services; Decal or Driver Panel Bus Card		
7			Bus Book
8	ADA / Access Application Forms (in .pdf form, printed by request only)		

In addition, the following actions have been taken to further expand Omnitrans' outreach to its LEP ridership:

- a. Launching successful 100% bilingual (Spanish) advertising campaigns which have included: print / outdoor ads at bus shelters and on billboards; digital ads (Google and YouTube) and social media ads (Facebook, Instagram); and digital radio ads on Spotify.
- b. Employing an enhanced website featuring language translation options for all LEP-identified languages.
- c. Using social media platforms with the capability to translate our content to the device's set language in device settings.
- d. Establishing a standing partnership with Univision for Spanish-language content on radio station KTQN (this has been postponed during the pandemic period, however).
- e. Launching OmniRide in 2020 with an advertisement campaign (including digital video, social media ads, and printed flyers) in three languages: English, Spanish, and Chinese. This was done to promote service in Chino Hills, which has seen a growth in Chinese speakers.

Language Assistance Plan

Under the LEP Policy, the Language Assistance Plan describes the procedures necessary to implement policy by, first, identifying LEP persons in need of language assistance; second, listing measures to be taken to offer language assistance to LEP persons; third, giving methods for initiating appropriate outreach to the LEP community; and fourth, what staff training and methods of monitoring and updating the plan will be followed in order identify demographic change as it occurs so that policy and plan might grow and accommodate those changes better.

1. Identifying LEP Persons in Need of Language Assistance

Omnitrans will perform a language needs assessment to determine the LEP language demographics of its service area (The Four Factor Analysis). It will avail itself of a variety of survey

tools, but the most important of these in its arsenal will be a reliance on data from the most thorough source over the area as a whole; namely, the most recent US Census data. As the data is updated over time (with American Community Survey updates every three- to five-years), assessments will continue and be updated as well. Where issues of data suppression arise, the best data will be utilized.

The agency has completed a Four Factor Analysis. It will also examine ridership surveys, analyze records (Information clerk records, etc.) for language assistance requests, and survey front-line staff (clerks, receptionists, coach operators) for the same. Omnitrans has done this, and will regularly update and review these data as well.

Omnitrans will incorporate these assessment results in future updates of the LEP Implementation Plan and LAP, and in future triennial Title VI reports. As well, Omnitrans will continue to update the number and type of LEP-languages which exist and need to be served within our service area. At minimum, every three years, Omnitrans will re-analyze LEP language status and determine anew the number, type, and spatial distribution of LEP languages in its service area, to coincide with its triennial Title VI analysis, update, and submission to FTA, and will do so by use of current US Census demographic data and GIS tools.

2. Language Assistance Measures

- Omnitrans' customer information center (including front desk receptionists and information clerk staff) shall continue to provide bilingual services (Spanish). It shall also continue to use a real-time translation service to assist in translating other LEP customer languages upon request. This remains Avaza Language Services Corp. (5209 Linbar Drive, Suite 603, Nashville, TN 37211 615-534-3400 www.avaza.co). Their assistance consists of being a support service for our front office information clerks, and when necessary, having LEP-language calls directed to them, whereupon they identify the LEP-language, and offer real-time translation service for the caller. Individuals interacting with LEP callers undergo an in-house certification in which understanding of and ability to translate transit-specific terminology (e.g., terms such as: bus, coach, bus book, route, fare, schedule, stop, etc.) is required, so as to provide the most effective and accurate translation service to those who call in need.
- Omnitrans shall also use language identification flashcards and / or an LEP language placard available at the front reception area and at all public meetings where information is distributed.
- Omnitrans' will continue to employ Google translate as a way for website visitors to translate its page into any one of more than fifty languages.
- Public meeting announcements posted on Omnitrans' website shall be available in English and in all LEP identified languages.

3. Public Outreach Methods

The following public outreach techniques shall be employed or shall continue to be employed by Omnitrans either throughout its service area, or to address LEP-identified languages within particular regions / census tracts once the proportion of LEP persons becomes significant.

1. Omnitrans shall continue to make available to all riders a *How to Ride* brochure which is translated into the identified LEP languages. All public hearing notices will continue to

be published in an English language newspaper and in the LEP-identified language newspaper(s), if available. This is already done for Spanish newspapers: in the past, Omnitrans has published information in *La Prensa* for marketing / information campaigns. As well, public notices have appeared in the past in *La Prensa*, but now we have expanded public notification into social media technology, with most of the notices being placed now on the front page of Omnitrans' website, and on Omnitrans' blog, Facebook account, Twitter, on Omnitrans' mobile app, and digital radio ads on Spotify. Our use of such publications and social media technology has been broadened to include other LEP-identified languages where appropriate, i.e., in those regions defined by census tracts in which the LEP language usage is deemed significantly concentrated. For example, the OmniRide launch in 2020 was advertised in three languages (English, Spanish, and Chinese) to promote service to the Chino Hills community, which has a substantial Mandarin-speaking cohort.

2. Omnitrans will continue to advertise commercials on Spanish-language radio stations, e.g., KXSB *Radio Lazer* (101.5; 105.7 FM) and *Que Buena* (96.1 FM), and Univision on KTQN (postponed during the pandemic); and Spanish-language television stations, e.g., *Galavision* and *Fox Deportes* for advertising the NexTrip and any other marketing campaigns. Omnitrans will continue to expand this practice in an endeavor to reach other LEP-language communities where regionally and demographically appropriate as well.
3. All public hearing notices shall contain the following (or very similar) wording in both English and the LEP-identified languages on its website:

OMNITRANS, the regional mass transportation carrier in San Bernardino County, will hold a public hearing to obtain comments from citizens regarding proposed service changes as listed below.

NOTICE IS HEREBY GIVEN that a public hearing will be conducted by the staff of Omnitrans on the following dates, times and locations:

{Insert date(s), time(s) and location(s).}

*At this meeting, all interested parties or agencies will be afforded the opportunity to be heard. The public is welcome at these meetings any time within the specified dates and times to discuss with Omnitrans staff the proposed changes. Any person or agency may mail comments until **{Insert day, date and time}**. to the Omnitrans main office located at 1700 West Fifth Street, San Bernardino, California 92411 to the attention of the Planning Department. Comments may also be received by telephone by calling (909) 379-7150 or via email at {email address here}.*

PROPOSED CHANGES: {Insert proposed changes}

ENVIRONMENT

No adverse environmental impact is anticipated as a result of the proposed changes.

IN THE ABSENCE OF ANY SUBSTANTIVE COMMENTS, THE PROPOSED SERVICE CHANGES WILL BE IMPLEMENTED ON -Insert date.

-Insert Name of Director/Manager of department making changes

-Insert Title of person above

4. Signage at all bus stops and stations will continue to rely heavily on character- and pictograph-oriented communication, and will rely less on English-only communication.
- General notification stating that language translation assistance is available for LEP-identified languages shall be included in Omnitrans public meeting agendas and at public meeting places for all Public Hearings, and in its Board Agendas. This is included as part of Omnitrans' Public Outreach policy.
- At all Public Hearings or Public outreach events where it is likely that significant numbers of LEP persons will attend, at least one bilingual staff person (fluent in Spanish) shall attend with regular staff, and, upon request, at least one person fluent in the locally- or regionally-specific LEP-identified languages shall be present as well. Management will meet with employees who have been designated as being potentially specific LEP-language fluent, and have them undergo advise and consent prior to such events. At present, it is the policy to have at least one bilingual person present at all Public Hearings.
- All customer surveys, all onboard surveys, and all rider surveys will be made available in bilingual (Spanish and English) forms, and in the locally- or regionally-specific LEP-identified language(s), upon request.
- Notification of availability of Telephone Interpretation Services will be made available in all LEP-identified languages.
- All Board of Directors (Board) agendas shall contain wording similar to the following, in English and the LEP-identified languages:

The Board of Directors meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or Limited English Proficiency services are needed in order to participate in the public meeting, requests should be made through the Board Secretary at least three (3) business days prior to the Board Meeting. The Board Secretary's telephone number is 909-379-7110 (voice) or 909-384-9351 (TTY). If you have comments about items on the agenda or other general concerns and are not able to attend the meeting, please mail them to Omnitrans at 1700 West Fifth Street, San Bernardino, California, Attention Board Secretary. Comments may also be submitted by email to BoardSecretary@omnitrans.org.

Similar language with hyperlinks to all seven LEP language translations will appear in the online version of the Board Agenda prior to the end of 2014.

- Notice of Title VI obligations and protections and all Title VI complaint forms shall be made available in English, Spanish, and in the LEP-identified languages, and shall be accessible through online links at Omnitrans website. A document including Title VI protection and legal statement for the agency will also be affixed on the panel directly behind the coach operator on all Omnitrans fixed-route, OmniGo, and sbX vehicles. The language on this document will read as follows: *"In accordance with the Title VI Civil Rights Act of 1964, Omnitrans prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. To request information on procedures for filing a complaint or to notify Omnitrans of any perceived violation of the act, please contact Omnitrans Information at (800) 966-6428."* This statement will appear in English and the seven identified LEP languages. Placard, decal, and flashcards shall give information in identified LEP languages for how a customer may go about availing himself / herself of LEP translation services. Placards have been placed in all transit vehicles.

- ADA / Access Application Forms have been translated into all seven LEP-identified languages and retained in .pdf file format; English and Spanish translations will automatically be made available to all applicants, and printouts into the LEP-identified languages from .pdf original can be made available upon applicant request.

4. Staff Training, and Monitoring / Updating of Policy and Plan

The following training shall be provided to members of Omnitrans' staff who are vital to the LEP Plan (namely, coach operators, customer service and information clerks and receptionists, executive director positions, and to those who are involved with public outreach):

- Information regarding Omnitrans' Title VI Policy and LEP responsibilities
- Information on Title VI complaint forms and procedures
- Description of language assistance services offered to the public
- Use of language identification flashcards and / or placards and / or coach decals
- Documentation of language assistance requests
- Use of interpretive services
- How to handle a potential Title VI / LEP complaint.

The LEP Policy and Language Assistance Plan are meant to be flexible, and are designed so as to be able to be upgraded as new census and survey data become available and indicate changes in demographic / linguistic composition of Omnitrans' ridership, and the need to increase or even decrease the number of LEP-identified languages. Annually, or as often as surveys are taken or that new ACS three- and five-year surveys become available, Omnitrans staff shall evaluate the LEP policy and Language Assistance Plan, and propose changes when and where new changes are identified. Regular revisions to the policy will incorporate the following source inputs:

- a. Surveys and studies
- b. New American Factfinder and / or new ACS (American Community Survey) and or new ten-year census data as it becomes available (Note: American Factfinder has been discontinued by the US Census).
- c. Formal comments obtained from the public.
- d. Board member feedback, and feedback from customers, community members, and Omnitrans staff.
- e. Input and recommendations from other federal, state, and local or transit officials.
- f. Changes in regulations.

In addition, review of the following areas based on long-term monitoring might inform decisions regarding further updates to the plan:

- a. Assessments of the number of annual documented LEP person contacts
- b. Re-assessments of the number of LEP persons based on updated survey or census data.
- c. How needs of LEP persons have been addressed, based on feedback, etc.
- d. Determination of whether or not the need for translation services has changed.
- e. Determination of sufficiency of financial resources for funding further LEP language resources / efforts
- f. Determination of efficacy / sufficiency of current LEP efforts

- g. Determination of whether Omnitrans has fully complied with the goals of the LEP Policy and Language Assistance Plan

Omnitrans' Board of Directors will approve / has approved the current LEP Policy in August, 2014. All proposed revisions to the LEP Policy and Language Assistance Plan will be presented to the Board and the public for consideration and approval.

Conclusion

The LEP Policy and Language Assistance Plan are designed to be flexible and to be reviewed in an ongoing process. Continuous monitoring of demographic changes will help determine if new documents and/or services need to be made available to LEP persons. Updates to the LEP Policy and Language Assistance Plan will be made to reflect necessary changes.

This LEP Policy and the Language Assistance Plan will be made available on Omnitrans' website at www.Omnitrans.org. Alternately, any person may request a copy of the plan via telephone, fax, mail, email, or in person at the Omnitrans main office. LEP individuals may request translated copies of documents in an LEP-identified language.

Questions or comments regarding the LEP Policy and Language Assistance Plan may be submitted to Scott Begg, Planner, Omnitrans Planning Department, as follows:

Omnitrans
Scott Begg, Planner
1700 West Fifth Street,
San Bernardino, CA 92411
(909) 379-7275 (phone)
(909) 889-5779 (fax)
Email: scott.begg@omnitrans.org