



# DRAFT LIMITED ENGLISH PROFICIENCY PLAN

January 2020

**Durham-Chapel Hill-Carrboro Metropolitan Planning Organization  
LIMITED ENGLISH PROFICIENCY PLAN**

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## Executive Summary

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) has developed this Limited English Proficiency Plan (LEP) to provide language assistance for people with limited English proficiency seeking meaningful access to DCHC MPO programs as required by Executive Order 13166 and United States Department of Transportation (USDOT) policy guidance.

A person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan provides guidance on:

- 1) How to identify people who may need language assistance
- 2) The types of assistance that DCHC can provide
- 3) How to notify people with LEP that language assistance is available

In developing the DCHC MPO LEP Plan, the DCHC MPO staff undertook a United States Department of Transportation (USDOT) LEP analysis, which considers the following:

1. The number or proportion of people with LEP eligible to be served or likely to be encountered by DCHC MPO programs, activities, or services; and
2. The frequency with which people with LEP encounter DCHC MPO programs, activities, or services; and
3. The nature and importance of the program, activity or service provided by the DCHC MPO to the LEP population; and
4. The resources available to DCHC MPO and overall cost to provide LEP assistance.

Staff has determined that the Spanish-speaking LEP population within the DCHC jurisdiction has reached USDOT's Safe Harbor threshold of at least five percent of the population or 1,000 people. Therefore, DCHC MPO will take further action to accommodate people who speak Spanish, including:

- Electronic translation of materials on the DCHC MPO web site; and
- Advertisement of interpreter services on public notices; and
- Use of Spanish language publications for notifications in project areas with a high concentration of Spanish-speakers; and
- Providing interpreters at public events upon request.

Detailed information on each of these steps is provided later in this report.

While the language category "Asian" does meet the 1,000 person (but not the five percent) Safe Harbor threshold, ACS data stopped identifying specific languages in the Asian category in 2015. Since there are hundreds of languages within the Asian category, it is impossible to determine which, if any, specific languages meet the safe harbor threshold. DCHC MPO will use 2020 Census data, which should identify specific languages, to determine if any Asian languages will meet the safe harbor threshold.

## Background

A person with LEP is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. The purpose of this LEP Plan is to outline the responsibilities of the DCHC MPO related to people with Limited

English Proficient (LEP) and establish a process for providing assistance to people with LEP for DCHC MPO programs, activities, and services pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

Title VI of the Civil Rights Act of 1964 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."*

According to guidance from USDOT, not identifying and accommodating people who have difficulty speaking, reading, writing, or understanding English may be a type of national origin discrimination. Furthermore, Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency," directs each Federal agency that is subject to the requirements of Title VI of the Civil Rights Act of 1964 to publish guidance for its respective recipients and sub-recipients clarifying that obligation. The U.S. Department of Transportation (USDOT) published policy guidance on December 14, 2005, to clarify the responsibilities of recipients of federal financial assistance from the USDOT.

## DCHC MPO LEP Plan & Factor Analysis

As stated above, DCHC MPO undertook a four-factor analysis to determine the actions that the DCHC MPO needs to take in the future to accommodate people with LEP. This analysis is described below.

### **FACTOR 1: Number or proportion of LEP persons eligible to be served or likely to be encountered by DCHC MPO programs, activities, or services.**

In order to determine the number of people with LEP within the DCHC MPO jurisdiction, the DCHC MPO collected and analyzed data from the US Census Bureau's American Community Survey (ACS). This data was used to evaluate whether certain language groups meet the Safe Harbor provision of LEP guidance. The Safe Harbor provision states that accommodations should be provided for any LEP group that exceeds 5 percent or 1,000 persons of the regional population, whichever is less.

Table 1 show the number and percent of people who are five years of age and older classified as LEP by language group in 2017, using ACS five-year average data from 2013-2017, in DCHC and each county in DCHC. Based on the population five years and older, 7.45% of the DCHC MPO population are people with LEP. Almost three-fourths of the DCHC LEP population speaks Spanish as their primary language. **Spanish speakers who are considered LEP constitute 5.73% of the DCHC MPO population. Spanish speakers meet the Safe Harbor threshold of federal LEP guidance which requires that DCHC MPO make reasonable accommodations.**

The remaining LEP population is not large enough to trigger the Safe Harbor requirements. While the Asian and Other categories have greater than 1,000 persons, there are hundreds of languages within the Asian category and thousands within the Other category. Due to limitations of ACS data, it is impossible to determine what, if any, specific languages may meet

the Safe Harbor threshold. DCHC MPO will update this LEP report once 2020 Census data that provides information on specific languages has been released.

**Table 1: Limited English Proficiency Population**

2013-2017 ACS: Limited English Proficiency Population by County

<b>Jurisdiction</b>	<b>Total Population</b>	<b>LEP Population</b>	<b>Spanish</b>	<b>Asian</b>	<b>Other</b>
<i>DCHC</i>	402,144	32,309	23,055	5,778	1,185
Chatham	64,956	3,739	3,443	262	34
Durham	280,356	23,041	18,687	3,228	1,126
Orange	135,175	7,470	4,312	3,115	43

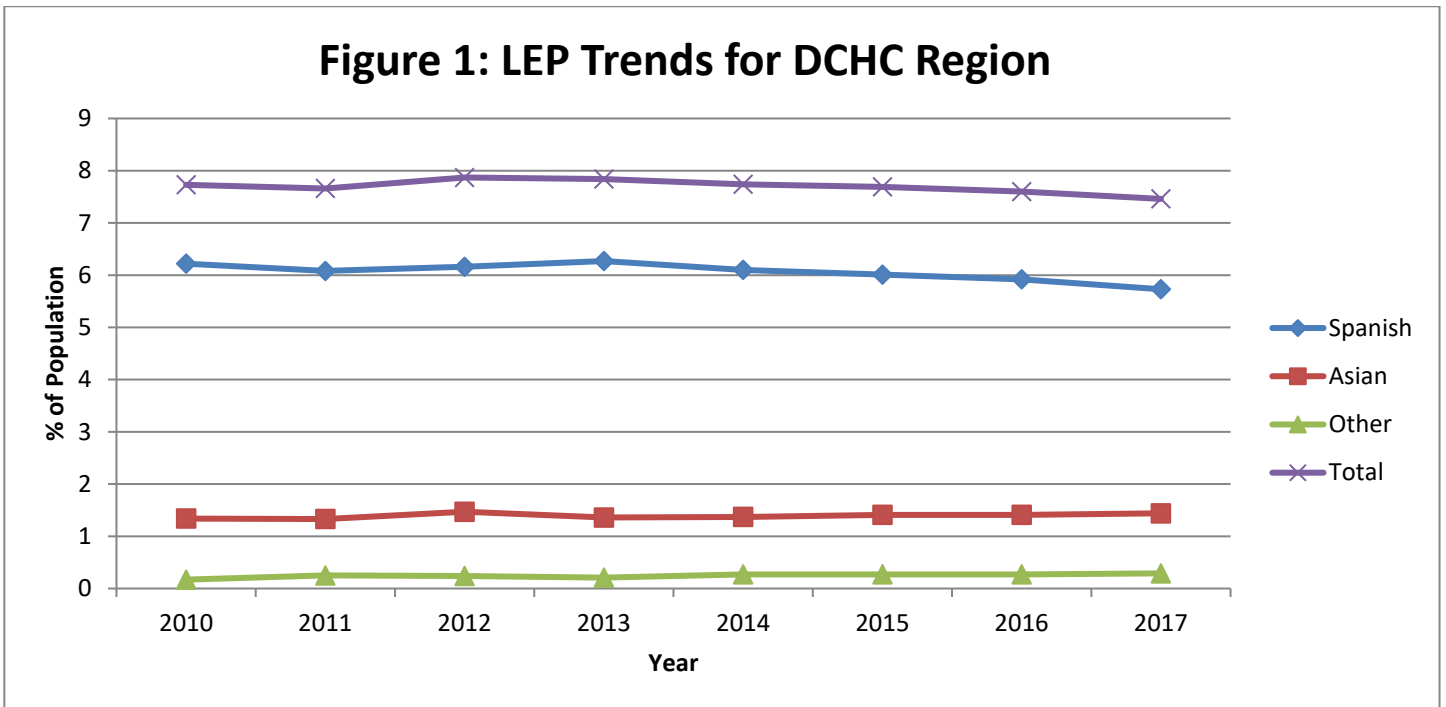
2013-2017 ACS: Limited English Proficiency by Language, as % of Total Population

<b>Jurisdiction</b>	<b>Spanish</b>	<b>Asian</b>	<b>Other</b>
<i>DCHC</i>	5.73%	1.43%	0.29%
Chatham	5.30%	0.40%	0.05%
Durham	6.67%	1.15%	0.40%
Orange	3.19%	2.30%	0.03%

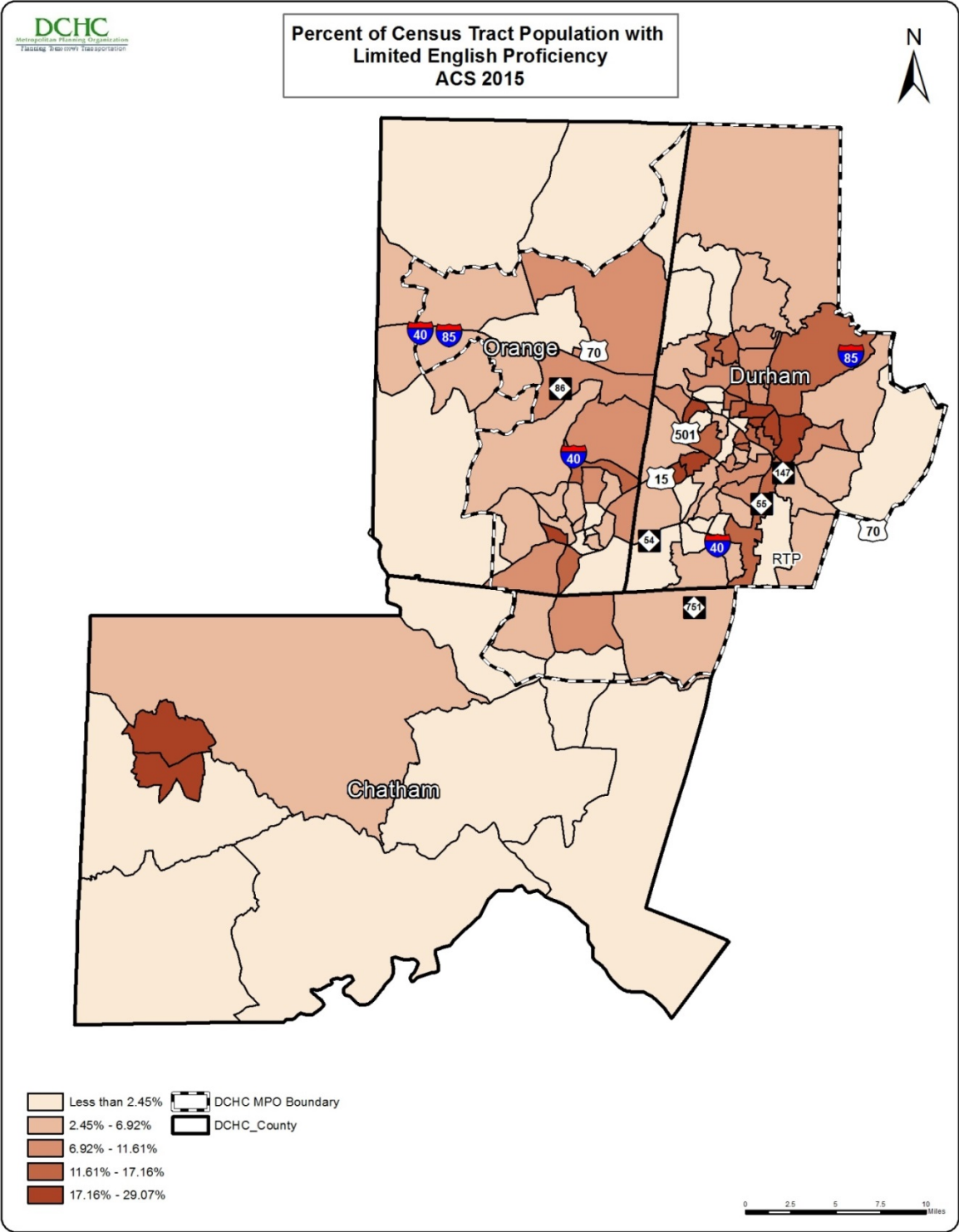
2013-2017 ACS: Limited English Proficiency by Language, as % of LEP Population

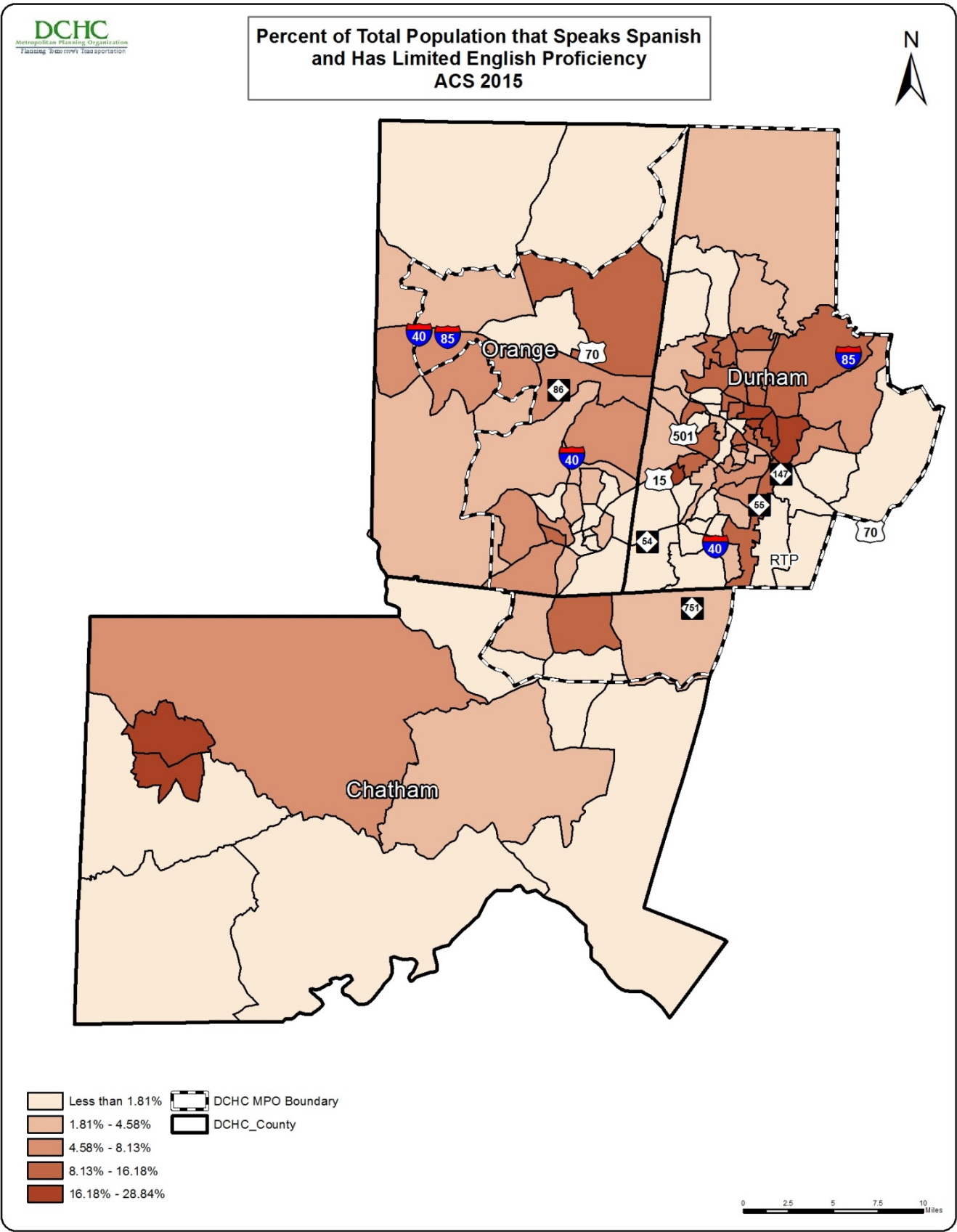
<b>Jurisdiction</b>	<b>Spanish</b>	<b>Asian</b>	<b>Other</b>
<i>DCHC</i>	71.36%	17.88%	3.67%
Chatham	92.08%	7.01%	0.91%
Durham	81.10%	14.01%	4.89%
Orange	57.72%	41.70%	0.58%

**Figure 1** shows the historical trend for LEP populations within the DCHC jurisdiction. While the Spanish-speaking population has declined slightly in recent years as a percentage of the overall population, since 2010 it has remained stable at above five percent.

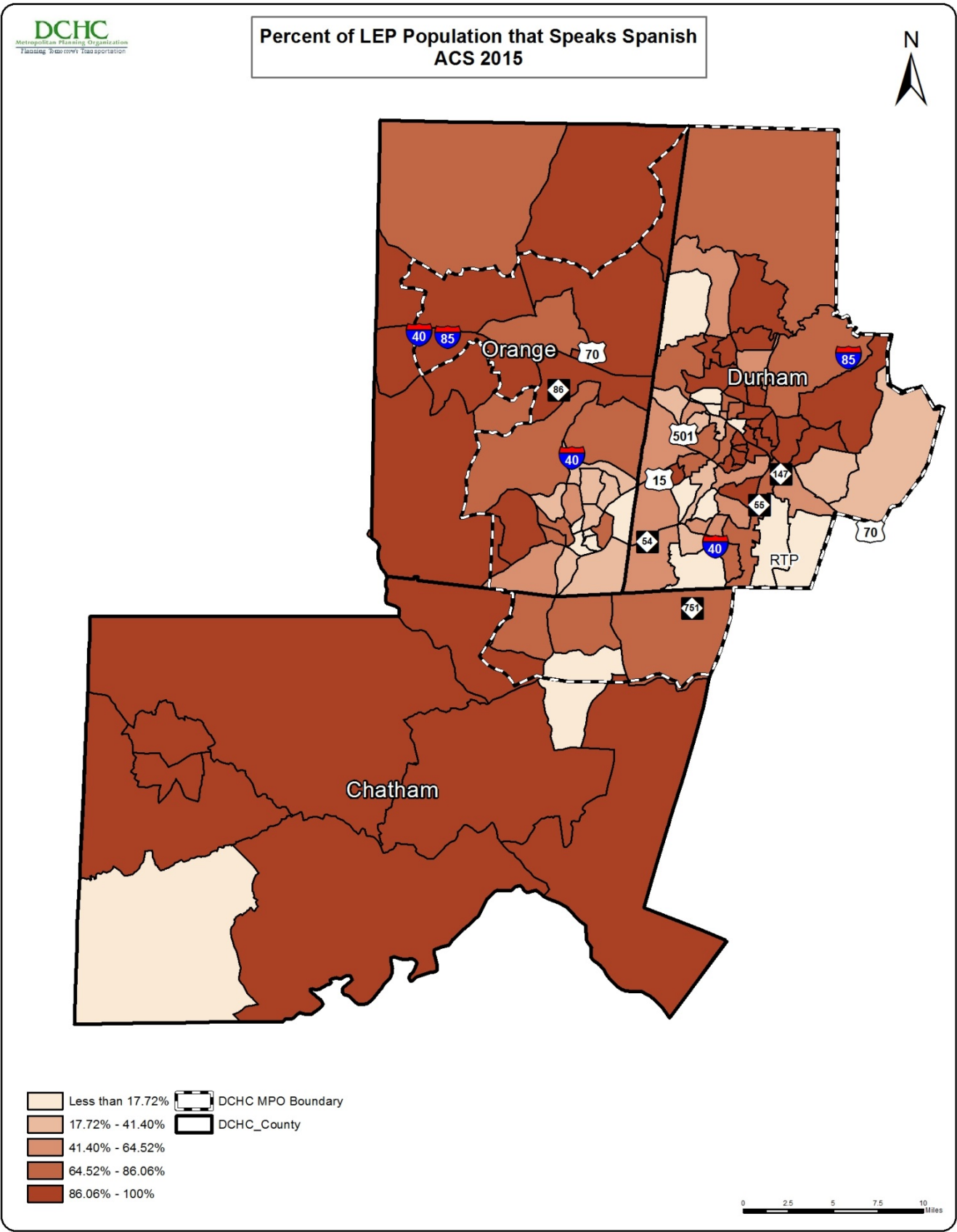


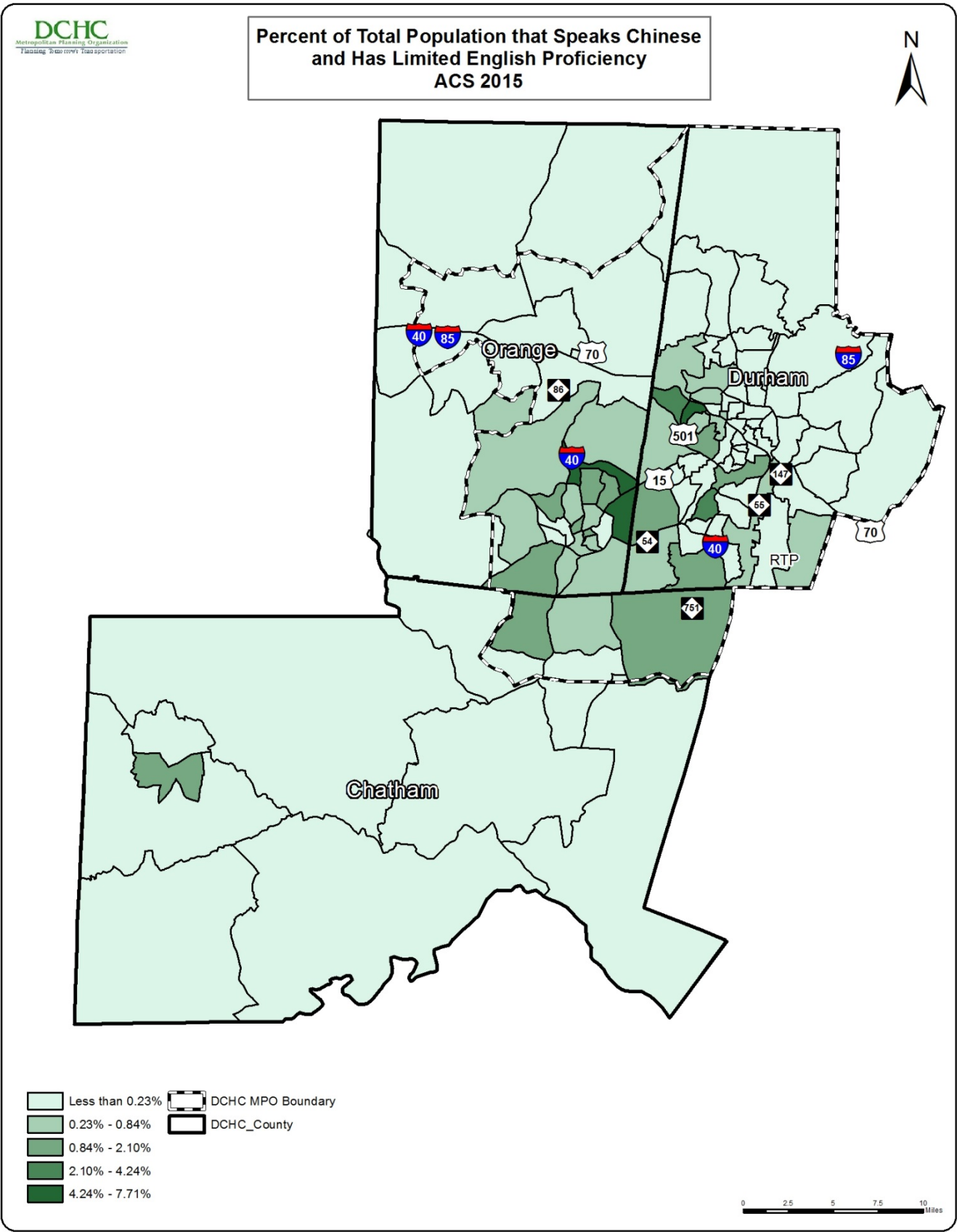
**Figure 2** displays the geographic distribution of the Spanish speaking population within DCHC and its respective counties by census tract. DCHC staff will use this map to identify specific projects that should require particular attention to outreach to the Spanish-speaking population.

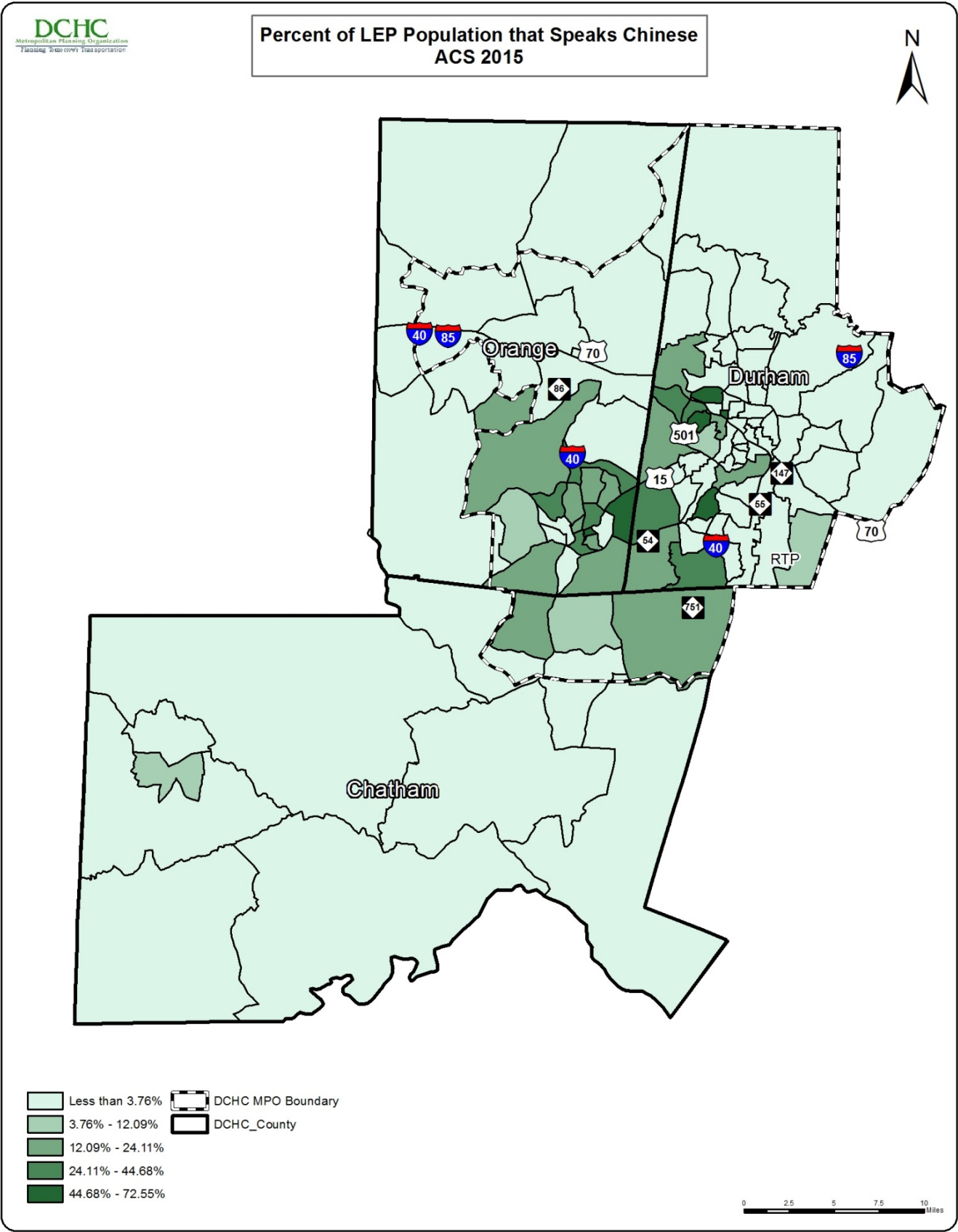






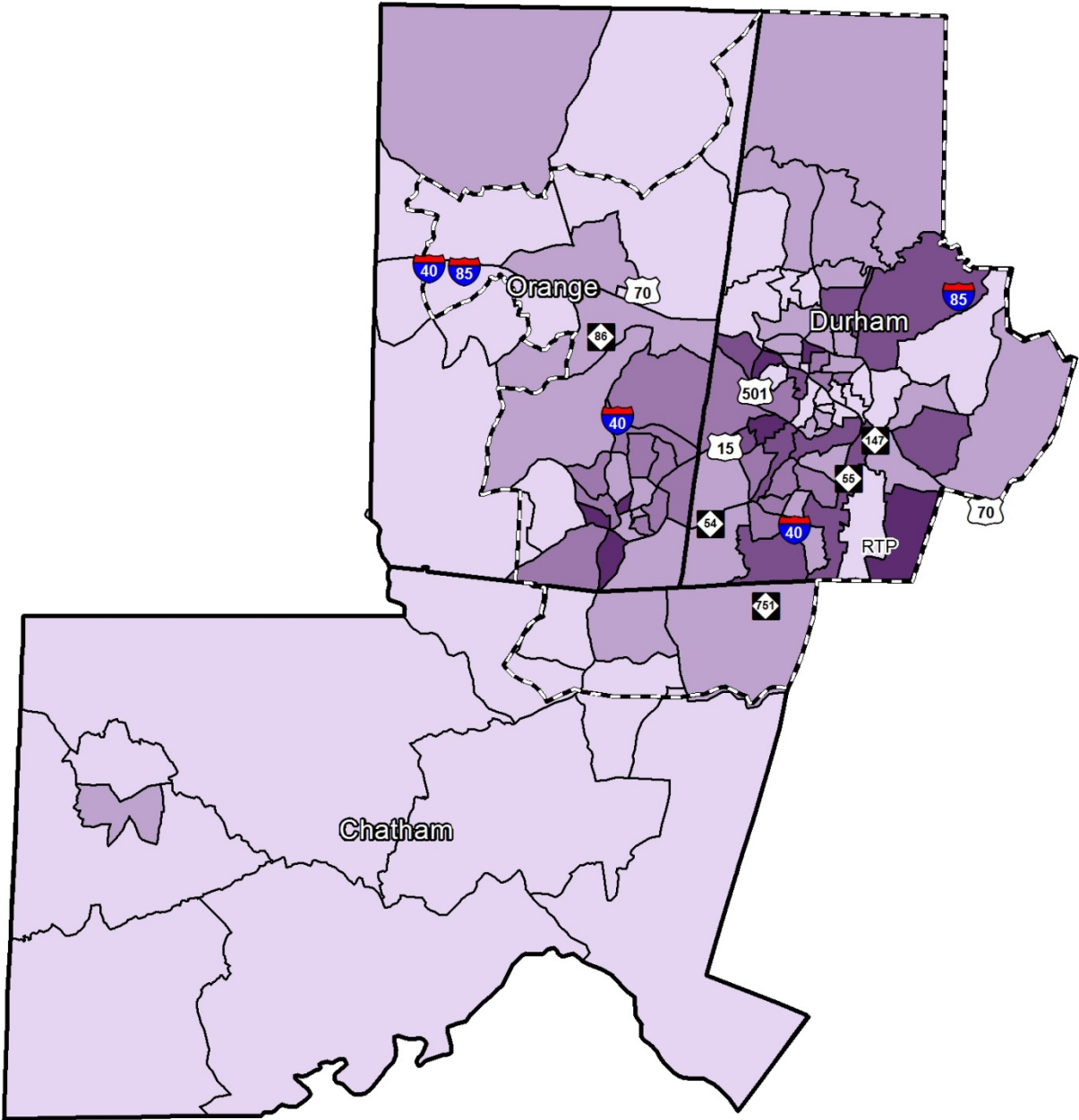








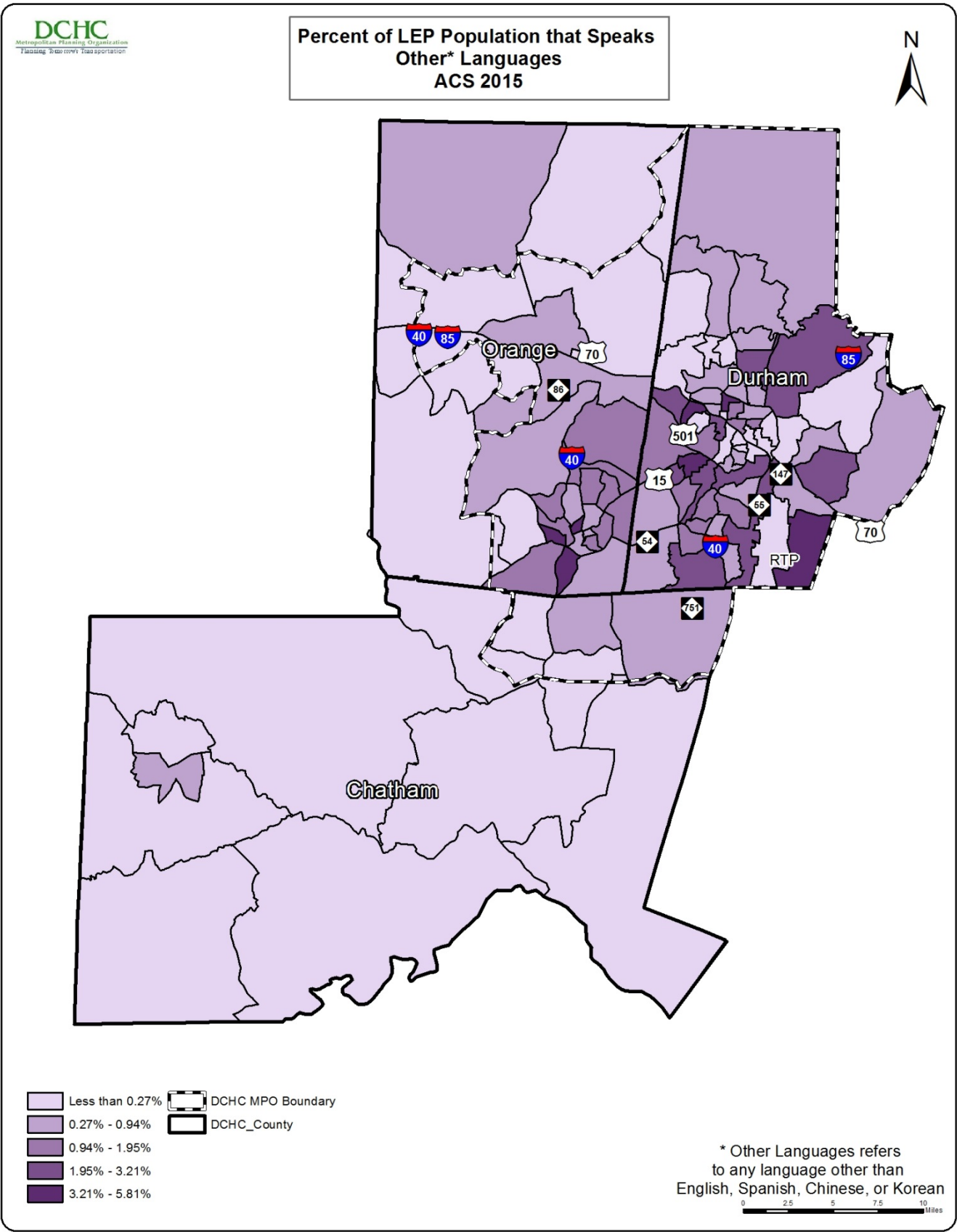
Percent of Total Population that Speaks Other\*  
Languages and Has Limited English Proficiency  
ACS 2015



- Less than 0.27%
  - 0.27% - 0.94%
  - 0.94% - 1.95%
  - 1.95% - 3.21%
  - 3.21% - 5.81%
- DCHC MPO Boundary  
DCHC\_County

\* Other Languages refers to any language other than English, Spanish, Chinese, or Korean







## **FACTOR 2: Frequency with which LEP individuals encounter DCHC MPO programs, activities, or services.**

The DCHC MPO assesses the frequency at which staff has had or could possibly have contact with people with LEP. This includes documenting phone inquiries and surveying public meeting attendees. No requests for translation services have been received by DCHC MPO staff since the last LEP plan was developed in 2012. However, DCHC MPO expects to receive requests for translation services once advertisements of such services are made in Spanish. MPO staff will arrange to provide translation upon request. Additional information on services that can be made available to LEP persons are described later in the report.

Transit operators within the MPO's jurisdiction provide outreach and translations services to the Spanish-speaking population. A summary of these services is provided later in the report.

## **FACTOR 3: Nature and importance of the program, activity or service provided by the DCHC MPO to the LEP population.**

The MPO ensures that all segments of the population, including people with LEP, have the opportunity to be involved in the transportation planning process. The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process for use of federal funds in three major areas: 1) an annual Unified Planning Work Program (UPWP); 2) the ten-year Transportation Improvement Program (TIP); and 3) the long-range Metropolitan Transportation Plan (MTP), which currently extends to 2045.

Inclusive public participation is a priority for these and other MPO plans, studies, and programs. The impact of transportation improvements resulting from these planning activities affects all residents. Understanding and involvement are encouraged throughout the process. The MPO is interested in receiving input from all stakeholders, and efforts are made to make the planning process as inclusive as possible.

Progress towards project planning and construction under the responsibility of NCDOT is coordinated with the MPO. NCDOT has its own policies to ensure that LEP individuals participate in the project planning.

The DCHCMPO conducted an internal and external review to assess the nature and importance of the programs, activities, and services provided by DCHCMPO to people with LEP and the general community.

### **Internal Review**

Internally, DCHCMPO staff evaluated programs and services based on the DCHC MPO's function as the regional entity responsible for transportation planning in the DCHC MPO planning area, the potential public interest, and the impact upon the quality of life of the public by DCHC MPO functions. Per evaluation of DCHC MPO programs, documents, and services, it was determined the following documents are considered vital:

- Metropolitan Transportation Plan
- Transportation Improvement Plan
- Unified Planning Work Program
- Public Involvement Policy

Based on this evaluation and the language assessment in Factor 1 of the Four Factor analysis, staff will seek partner organizations proficient in Spanish to provide information about DCHC MPO plans and programs. Translation and/or interpretation services, for Spanish, and other languages, will be considered upon request and in coordination with partner agencies in the region.

Additionally, public meeting notices will be classified as vital documents requiring translation services. To facilitate the translation process for public meeting notices, staff will prepare a template for the selected primary LEP language.

### **External Review**

Externally, a public outreach effort within the identified language communities will be conducted. Community groups that work with the Spanish-speaking populations will be contacted for their input. In this outreach, the DCHC MPO staff will provide community groups a synopsis of what the primary purpose and functions of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and ask what key issues, programs, services, are and activities they perceive as critical. These will be noted in the transportation planning process and sent forward to the appropriate agency and/or locality as applicable.

## **FACTOR 4: Resources available to the DCHC MPO and Overall Costs to Provide LEP Assistance**

Due to the size of the Spanish-speaking LEP population within the MPO's jurisdiction reaching the Safe Harbor threshold, DCHC MPO will use electronic translation tools to translate documents that are posted on the web site into Spanish, and will investigate working with local agencies to review these translations for accuracy and readability. In addition, the MPO will make efforts to collaborate with state and local agencies to provide language translation and interpretation services where practical within the scope of funding available.

The MPO will use a 48-hour notification statement to be most accommodating to the public. If the seven-day notice becomes impractical to meet LEP assistance requests, this LEP plan standard will be changed.

### **DCHC MPO Transit Operators LEP Initiatives**

MPO transit operators are constantly looking for ways to improve communication and enhanced contact and accessibility with patrons with LEP. Over the past several years, transit officials organized public work sessions dedicated to LEP patrons who use their systems. Overall, an average 20 people, who mostly spoke Spanish, attended. Most other attendees spoke French. The purpose of the meetings was to provide patrons with the

opportunity to understand transit system operations and afford them insight into the language and outreach needs of the group.

Key ideas from these meetings are summarized as follows:

- The importance of communicating with these groups through their children, most of whom speak both native languages and English.
- Incorporating images into our communications for those who prefer not to read whether it is in English or Spanish.
- Attending major festivals and events with a table or booth to attract visitors - offer games and/or giveaways.
- Using the radio for communications. Many listen to radio stations at home or at work. We can work with radio stations and DJs to promote educational opportunities around public transit.
- The introduction of the transit user advocates or ambassadors program as well as resident meetings to offer riders the opportunity to provide input to various service initiatives that may impact LEP communities.

Other initiatives for improving communication with and accessibility for LEP residents are summarized below:

- A staff appearance on local radio talk shows and community television, whose guest periodically include Hispanic leaders in the community to discuss transit access issues.
- Appearance of City staff on Spanish radio, providing project information in Spanish to listeners;
- An information booth with bilingual staff and project information at various communities and events/festivals;
- Spanish advertisements published in local Spanish papers to announce all project public meetings.

## **Transit Regional Call Centers and LEP Outreach/Awareness**

Transit operators in the Triangle Region teamed up and established a regional consolidated call center for Triangle residents to access transit service information from a single source. This center is operated by GoTriangle. It has several customer service attendants who take live calls and answer patron's questions related to transit services in the Triangle Region. Over the past 5 years, calls have more than quadrupled. An increasing number of these calls now come from riders with Limited English Proficiency. To assist this group the center constantly has a bilingual -- English and Spanish Speaking -- call takers to assist Spanish speakers, the largest LEP population in the Triangle. Over the past 3 years non-English speaking calls have averaged 1% of all calls received, making it imperative for the service to acknowledge the importance of this population group.

In addition to the live voice response system transit operators and the call center periodically administer surveys asking patrons to indicate if there are other languages that needed to be covered. So far, French has been the only language that has been requested. Since the request came from a single source, the individual was directed to a French-speaking staff member for direct assistance.



**Estimated LEP Calls<sup>1</sup>**

Quarter	Calls	Calls	Calls Abandon	Total % Calls	Estimated Total LEP Calls
7/1/17 - 9/30/17	74,267	71,714	851	96.6%	440
10/1/17 - 12/31/17	72,684	70,241	2,623	96.4%	364
1/1/18 - 3/31/18	72,277	68,783	3,494	95.2%	408
4/1/18 - 6/30/18	63,495	61,450	2,045	95.2%	343
<b>FY18 TOTAL</b>	<b>282,903</b>	<b>272,188</b>	<b>10,715</b>	<b>96.2%</b>	<b>1,555</b>
<b>FY17 TOTAL</b>	<b>324,730</b>	<b>312,054</b>	<b>12,676</b>	<b>96.1%</b>	<b>725</b>
<b>FY10 TOTAL</b>	<b>370,898</b>	<b>362,437</b>	<b>8,461</b>	<b>97.7%</b>	<b>371</b>
<b>% Change FY10-</b>	<b>-23.7%</b>	<b>-24.9%</b>	<b>26.6%</b>	<b>-1.5%</b>	<b>319.1%</b>

**Phone Call Distribution by Transit System (FY18)**

Agency	Number of Calls in	Number of Calls in	% of Calls FY18	% Change FY18-FY10
Chapel Hill Transit	13,609	303,892	11%	-95.5%
GoDurham	76,213	*	60%	N/A
GoTriangle	35,384	60,126	28%	-41.2%
Other	2,722	22,839	2%	-88.1%

\*GoDurham totals not reported in FY10.

**Customer Feedback Totals**

Agency	Complaints			Commendations		
	FY18	FY10	% Change	FY18	FY10	%
Chapel Hill	97	101	-4%	2	6	-67%
GoDurham	596	424	40%	26	19	37%
GoTriangle	976	393	148%	124	45	176%

The tables above indicate several trends between 2010 and 2018:

- While the number of calls has decreased substantially since 2010, most likely due to greater availability of information through mobile devices and implementation of services such as TransLoc, the number of LEP calls has increased dramatically. Even though the total number of calls has decreased in the last several years by

<sup>1</sup> Includes calls for transit systems operating outside the DCHC jurisdiction.

almost one-fourth, the number of LEP calls has more than quadrupled. In fact, the number of LEP calls more than doubled from 2017 to 2018, indicating a greater need for translation services for transit providers.

- The drop in call volume at the regional call center was dramatic for transit providers in the DCHC area.
- For transit systems that saw an increase in complaints from 2010 to 2018, there was a similar increase in commendations. The opposite is true for Chapel Hill Transit, which saw a decrease in complaints and commendations.

## **Interpretation and Translation Services**

Hispanic/Latino media outlets and television and radio stations, La Conexion, Que Pasa, Univision, Telefutura, La Ley and El Centro, help provide translation and interpretation services to various MPO agencies and transit operators. These media outlets are typically used to address public safety needs, to assist with general interpretation and translation, to provide court-certified interpreters, to communicate with the audibly impaired, or to provide language proficiency testing for public safety personnel.

In accordance with the City of Durham's new Language Access Plan, DCHC staff will use paid language service providers for interpretation and translation as needed. Local jurisdiction will rely on their organization's Language Access Plans where such plans are available.

## **Bus Operators**

Currently, no official data is kept by bus drivers on interaction with LEP passengers. However, there are a number of current fixed route bus operators and Customer Service Representatives who are bilingual and who are constantly called upon to assist in the interpretation of various services to our Hispanic/Latino patrons as well as the dissemination of information.

## **Paratransit Operators**

Paratransit operators mostly use the services of the County Social Services which has translator resources for Hispanic/Latino community. They also work with churches and with Hispanic/Latino community organizations within the metropolitan area. Brochures, announcements, and news about our paratransit program programs relating to our services are sent to this organization for dissemination of the inbound calls coming through the scheduler voice response system are sometimes sent to Spanish speaking customer service staffers. In very rare cases, paratransit system rely on Spanish speaking drivers to provide assistance. This is because 99 percent of the paratransit clients are English speaking patrons.

## **Transit Security Police Unit**

Transit police officers have interpreters available via the above-mentioned services, and there are transit officers who are fluent in Spanish. Generally, officers are taught limited Spanish phrases in Basic Law Enforcement Training.

## Meeting the LEP Requirements

Engaging the diverse population within the MPO boundaries is important. DCHC MPO is committed to providing quality services to all residents, including the LEP population. Spanish meets the Safe Harbor requirement in the DCHC MPO service area and is, by far, the most dominant language spoken by people with LEP. All language access activities detailed below will be coordinated in collaboration with the MPO Board and staff.

### Providing Notice to LEP Persons

The USDOT LEP guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify people LEP persons that translation and interpretation services are available free of charge. Due to Spanish meeting the Safe Harbor requirement, DCHC MPO will use the following notification methods so that Spanish speakers are aware, in their native language, that translation and interpretation services exist:

1. Stating in outreach documents that language services are available
2. Signs that free language assistance is available with advance notice
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the MPO services and the availability of language assistance
4. Providing information as to the availability of translation services (free of charge) when advertising for public hearings and MPO-related workshops

DCHC MPO intends to take reasonable steps to make available interpreter services, free of charge, and to include, at a minimum, Spanish interpreters upon request at least two business days prior to MPO board and committee meetings, workshops, forums, or events. The MPO is defining an interpreter as a person who translates spoken language as opposed to a translator who translates written language and transfers the meaning of written text from one language into another. Transit operators within DCHC MPO currently have interpretation and translation services as described in the transit section of this report.

### Proposed Ongoing LEP Services include:

- Use of the City of Durham's (the Lead Planning Agency) preferred vendor list to provide translation and interpretation services
- Coordination with the Gov. Morehead School to convert small documents - up to three pages - to Braille provided there is a seven day advance notice
- Coordination with partner agencies and special needs organizations to meet requested needs
- Analysis of the cost of these services
- Identification of potential budget and personnel limitations pertaining to these services

- When an interpreter is needed, either in person or on the telephone, first determine which language is required. If a translator for the required language is not available or a formal interpretation is required, staff shall consider using a translation service company

## **MPO Staff Training**

DCHC MPO and local jurisdiction staff will be encouraged to take training on topics such as:

- Understanding Title VI of the Civil Rights Act of 1964 and LEP responsibilities
- LEP program responsibilities and obligations
- Language assistance services offered
- Use of LEP Language Assistance Cards (*"I Speak Cards"*)
- Documentation of language assistance requests

An information brochure will be prepared and establish meaningful access to information and services for LEP individuals and employees in public contact positions, especially those who will serve as translators for interpreters.

Signs will be posted that language assistance is available in public areas such as at DCHC MPO reception, conference room waiting areas, and the DCHC MPO website.

## **Outreach Techniques**

If DCHC MPO staff knows that they will be presenting a topic in a geographic location with a known concentration of people with LEP, DCHC MPO staff will ensure that meeting notices, fliers, advertisements, or agendas printed in that language. MPO staff will coordinate with local community groups or use the City of Durham's preferred vendor list to have someone available who can help interpret information at the meeting. When running a general public meeting notice in a geographic location that could be of potential importance to people with LEP or if staff will be hosting a meeting or a workshop, DCHC MPO staff will insert the clause "An interpreter will be available" in the predominant language. DCHC staff will include an LEP assistance statement when running general public meeting notices.

## **Language Assistance Measures & LEP Strategies**

When an interpreter is needed, in person or on the telephone, the DCHC LEP coordinator will seek to address the request from the on-call list of translation service providers. The following DCHC MPO documents will be available in Spanish:

- DCHC MPO LEP brochure
- Nondiscrimination Complaint Form
- Additional translation and/or interpretation services will be considered upon request and in coordination with partner agencies
-

### LEP Strategies for DCHC MPO Agencies

Agency	Telephone Services	Printed Material	In-Person Assistance	Media Ads	Web Info	Translation	Bus Drivers Assistance	Citizen Advisory Committee
DCHC MPO - LPA	*	*	*	*	*	*		
GoTriangle	*	*	*	*	*	*	*	
GoDurham	*	*	*	*	*	*	*	
Chapel Hill Transit	*	*	*	*	*	*	*	
Chapel Hill	*	*				*		
Carrboro	*	*				*		
Durham City	*	*	*			*		
Durham County	*	*				*		
Hillsborough	*	*				*		
Chatham County	*	*				*		
Orange County	*	*				*		
Regional Call Center	*							

### Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. The MPO will update the LEP plan once Census 2020 data has been released and can be incorporated into the plan. This update will examine all plan components, such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population of the MPO area by County?
- Has there been a change to the type of languages requiring translation and interpretation services?
- Have the MPO's available resources, such as technology, staff, and financial costs, changed?
- Has the MPO followed the guidance of the existing LEP plan?
- Were any complaints received?

The DCHC MPO will follow the Title VI Program monitoring and reporting schedule for the LEP Plan, which includes bi-annual reports to NCDOT and FHWA. Reports will address the following questions:

- How many LEP persons were encountered
- The current LEP population in DCHC metropolitan area
- Change in the languages where translation services are needed
- Is there still a need for continued language assistance for previously identified DCHC MPO programs?
- Are there other programs that should be included?
- Have DCHC MPO available resources, such as technology, staff, and financial costs changed?

## Website

The Lead Planning Agency and the MPO transit operators have websites for public outreach and information dissemination. The information is primarily in English. However, bus maps and route schedules are provided in both English and Spanish, the predominant language that most non-English speaking patrons use. The MPO uses electronic methods to provide translation of its website, and will supplement this translation with local translation sources as needed.

DCHC MPO staff will post the LEP Plan on its website at <http://www.dchcmpo.org>. DCHC MPO will distribute the draft version of the LEP Plan in accordance with the adopted Public Involvement Policy (PIP). Copies of the LEP Plan will also be provided to the DCHC MPO member jurisdictions and interested parties upon request.

## Assessment of Resource Availability for Ongoing LEP Implementation

The DCHC MPO assessment for available resources will be an ongoing activity. Initially, volunteer staff translators and interpreters will be identified. The Lead Planning Agency (LPA) staff will conduct outreach to identify volunteer interpreters, civic groups, and community organizations to further coordinate language assistance services.

To continue to assess the need for LEP assistance, MPO staff will also continue to:

- Examine records of requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- Set up a sign-in sheet table at DCHCMPO-sponsored events, have a staff member greet and briefly speak to attendees to informally gauge the attendee's ability to speak and understand English;
- Have the Census Bureau's "*I Speak Cards*" at workshop or conference sign-in sheet table. While staff may not be able to provide translation assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings.

## Dissemination of the MPO LEP Plan

The LEP plan will be posted on the MPO website at [www.dchcmpo.org](http://www.dchcmpo.org). Any person, including social service, nonprofit, and other community partners with Internet access, will be able to access the plan. For those without personal Internet service, County libraries offer free Internet access. Copies of the LEP plan will be provided to each member jurisdiction, NCDOT, FHWA, FTA, and any person or agency requesting a copy. Each MPO sub-recipient will also be provided a copy. DCHC MPO will also arrange for training of member jurisdiction staff on LEP, Title VI, and the PIP.

Any questions or comments regarding this plan should be directed to the MPO staff:

Anne Phillips  
Principal Planner  
101 City Hall Plaza  
Durham NC, 27701  
(919) 560-4366  
(919) 560-4561 Fax  
[anne.phillips@durhamnc.gov](mailto:anne.phillips@durhamnc.gov)  
[www.durhamnc.gov](http://www.durhamnc.gov)

## **DCHC MPO Discrimination Complaint Procedure**

Title VI of the civil rights act of 1964 as of today prohibits discrimination on the basis of race, color, national origin in programs and activities receiving federal financial assistance. As a subrecipient of NCDOT, the MPO has in place the following discrimination complaint procedures:

1. Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by title VI of the Civil Rights Act of 1964 as amended and related statutes may file a written complaint. All written complaints received by the capillary MPO shall be referred immediately by that MPO's title VI specialists will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her right to file a formal complaint with the NCDOT, EEO, if they are dissatisfied with the final decision rendered by the MPO. The MPO Title VI coordinator will also provide NCDOT Title VI coordinator with a copy of this decision and summary of findings.
2. The MPO title VI specialists will maintain a log of all verbal or written complaints received. The log will include the following information:
  - a. Name of complainant
  - b. Name of alleged discriminating official
  - c. Basis of complaint: i.e. , race, color, national origin, sex, age, disability, religion, familial status, or retaliation.
  - d. Date verbal or not written complaint was received by the MPO
  - e. Did the MPO Title VI coordinator notify the NCDOT, Title VI Coordinator as appropriate of the verbal or written complaints.
  - f. Explanation of the actions the MPO has taken or has proposed to take to resolve the allegations raised in the complaint.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added ability, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a sub-recipient of federal assistance, the DCHCMPO has adopted a Discrimination Complaint Procedure as part of its Nondiscrimination Plan to comply with Title VI and associated statutes.

1. Any person who believes that they, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any nondiscrimination authority, may file a complaint with the DCHC MPO. A complaint may also be filed by a

representative on behalf of such a person. All complaints will be referred to the DCHC MPO Title VI Coordinator for review and action.

2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of the alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued

In case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

1. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
2. Within 10 days, the DCHC MPO Title VI Coordinator will in acknowledge receipt of the allegation in writing, inform the complainant of action taken or proposed action to process the allegation, advise the respondent of their rights under Title VI and related statutes, and advise the complainant of other avenues of redress available, such as the North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA).
3. Within 10 days, a letter will be sent to the NCDOT, Civil Rights Division, and a copy to the FHWA Raleigh Division Office. This letter will list the names of the parties involved, the basis of the complaint, and the assigned investigator.
4. In the case of a complaint against the DCHC MPO, NCDOT Civil Right investigator will prepare a final investigative report and send it to the complainant, respondent (DCHC MPO person listed), the DCHC MPO Title VI Coordinator, and FHWA Raleigh office.
5. Within 60 days, the DCHC MPO Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director of the recipient of federal assistance. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
6. Within 90 days of receipt of the complaint, the DCHC MPO Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NCDOT or the Federal Highway Administration (FHWA), if they are dissatisfied with the final decision rendered by the DCHC MPO. The DCHC MPO's Title VI Coordinator will also provide the NCDOT Civil Rights Office with a copy of the



determination and report findings.

7. In the case a nondiscrimination complaint that was originated at the DCHC MPO is turned over to and investigated by NCDOT, FHWA or another agency, the DCHC MPO Title VI Coordinator will monitor the investigation and notify the complainant of updates, in accordance with applicable regulations and NCDOT policies and procedures.
8. In accordance with federal law, the DCHC MPO will require that applicants of federal assistance notify the DCHC MPO of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
9. The DCHC MPO will submit Title VI accomplishment reports to the NCDOT, Civil Rights Office, in compliance with NCDOT's established processes.
10. The DCHC MPO will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and NCDOT's established procedures and guidelines.
11. Pursuant to the North Carolina Public Records Act, the DCHC MPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the DCHC MPO.
12. Records of complaints and related data will be made available by request in accordance with the USDOT and North Carolina Freedom of Information Act.

Please provide the following information, necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to: DCHC MPO, The lead Planning City of Durham, Transportation, 101 City Hall Plaza, Durham, NC 27701.

If the complaint is against the DCHCMPO, you may complete this form and mail or deliver to:

Mark Whisenant  
NCDOT External Civil Rights Manager  
1511 Mail Service Center  
Raleigh, NC 27699-1511

For any questions, you can reach our office Monday-Friday from 8:00am to 4:30pm at (919) 560-4366, or you can email the DCHCMPO Title VI Coordinator at [TitleVICoordinator@dchcmpo.org](mailto:TitleVICoordinator@dchcmpo.org).

# APPENDIX

## Limited English Proficiency Trends from 2015-2017

### ACS 5-Year Estimates 2015-2017: Limited English Proficiency by County-Spanish

Spanish	2015			2016			2017		
	Total Pop	Total LEP	Spanish	Total Pop	Total LEP	Spanish	Total Pop	Total LEP	Spanish
Chatham	63978	4196	3897	65414	3800	3489	64956	3739	3443
Durham	268210	22518	18696	274117	22686	18569	280356	23041	18687
Orange	132093	7972	4838	133137	7618	4589	135175	7470	4312

### ACS 5-Year Estimates 2015-2017: Limited English Proficiency by County-Asian Pacific

Asian	2015			2016			2017		
	Total Pop	Total LEP	Asian	Total Pop	Total LEP	Asian	Total Pop	Total LEP	Asian
Chatham	63978	4196	244	65414	3800	277	64956	3739	262
Durham	268210	22518	2865	274117	22686	3150	280356	23041	3228
Orange	132093	7972	3048	133137	7618	2939	135175	7470	3115

### ACS 5-Year Estimates 2015-2017: Limited English Proficiency by County-Other

Other	2015			2016			2017		
	Total Pop	Total LEP	Other	Total Pop	Total LEP	Other	Total Pop	Total LEP	Other
Chatham	63978	4196	55	65414	3800	34	64956	3739	34
Durham	268210	22518	957	274117	22686	967	280356	23041	1126
Orange	132093	7972	86	133137	7618	90	135175	7470	43

### ACS 5-Year Estimates 2015-2017: Limited English Proficiency, as % of Total Population-Spanish

Spanish	2015			2016			2017		
	Total Pop	Total LEP	% of Total	Total Pop	Total LEP	% of Total	Total Pop	Total LEP	% of Total
Chatham	63978	4196	6.09%	65414	3800	5.33%	64956	3739	5.30%
Durham	268210	22518	6.97%	274117	22686	6.77%	280356	23041	6.67%
Orange	132093	7972	3.66%	133137	7618	3.45%	135175	7470	3.19%

### ACS 5-Year Estimates 2015-2017: Limited English Proficiency, as % of Total Population-Asian Pacific

Asian	2015			2016			2017		
	Total Pop	Total LEP	% of Total	Total Pop	Total LEP	% of Total	Total Pop	Total LEP	% of Total
Chatham	63978	4196	0.38%	65414	3800	0.42%	64956	3739	0.40%
Durham	268210	22518	1.07%	274117	22686	1.15%	280356	23041	1.15%
Orange	132093	7972	2.31%	133137	7618	2.21%	135175	7470	2.30%

## ACS 5-Year Estimates 2015-2017: Limited English Proficiency, as % of Total Population-Other

Other	2015			2016			2017		
	Total Pop	Total LEP	% of Total	Total Pop	Total LEP	% of Total	Total Pop	Total LEP	% of Total
Chatham	63978	4196	0.09%	65414	3800	0.05%	64956	3739	0.05%
Durham	268210	22518	0.36%	274117	22686	0.35%	280356	23041	0.40%
Orange	132093	7972	0.07%	133137	7618	0.07%	135175	7470	0.03%

## ACS 5-Year Estimates 2015-2017: Limited English Proficiency, as % of LEP Population-Spanish

Spanish	2015			2016			2017		
	Total Pop	Total LEP	% of LEP	Total Pop	Total LEP	% of LEP	Total Pop	Total LEP	% of LEP
Chatham	63978	4196	92.87%	65414	3800	91.82%	64956	3739	92.08%
Durham	268210	22518	83.03%	274117	22686	81.85%	280356	23041	81.10%
Orange	132093	7972	60.69%	133137	7618	60.24%	135175	7470	57.72%

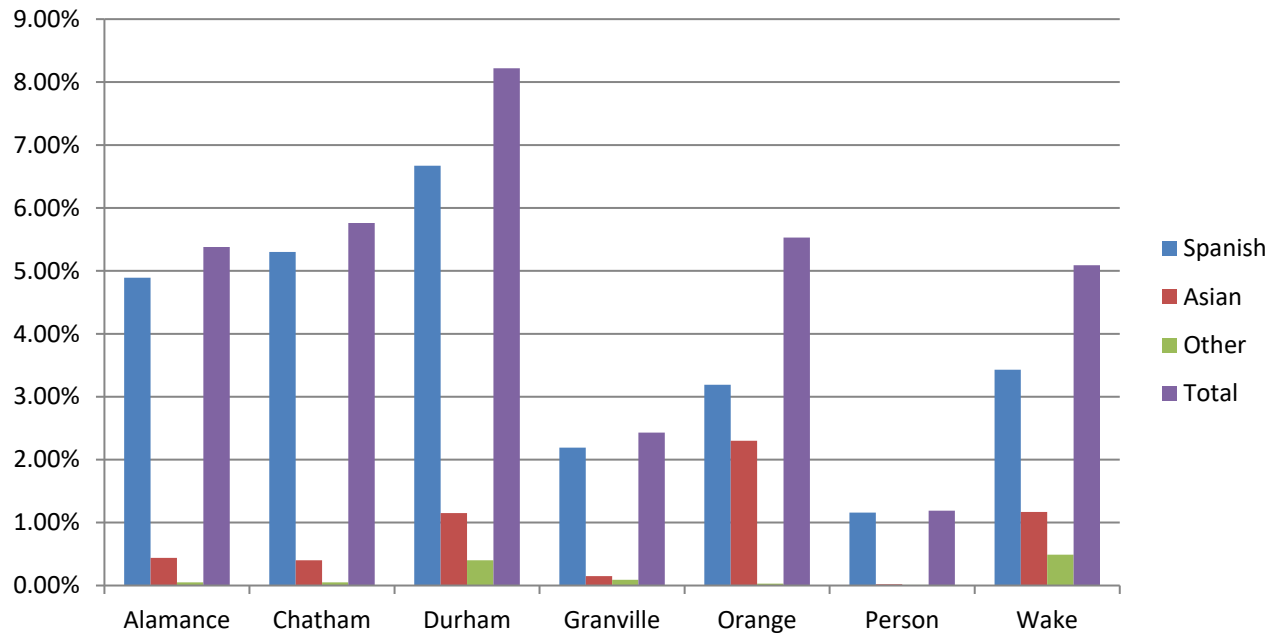
## ACS 5-Year Estimates 2015-2017: Limited English Proficiency, as % of LEP Population-Asian Pacific

Asian	2015			2016			2017		
	Total Pop	Total LEP	% of LEP	Total Pop	Total LEP	% of LEP	Total Pop	Total LEP	% of LEP
Chatham	63978	4196	5.82%	65414	3800	7.29%	64956	3739	7.01%
Durham	268210	22518	12.72%	274117	22686	13.89%	280356	23041	14.01%
Orange	132093	7972	38.23%	133137	7618	35.58%	135175	7470	41.70%

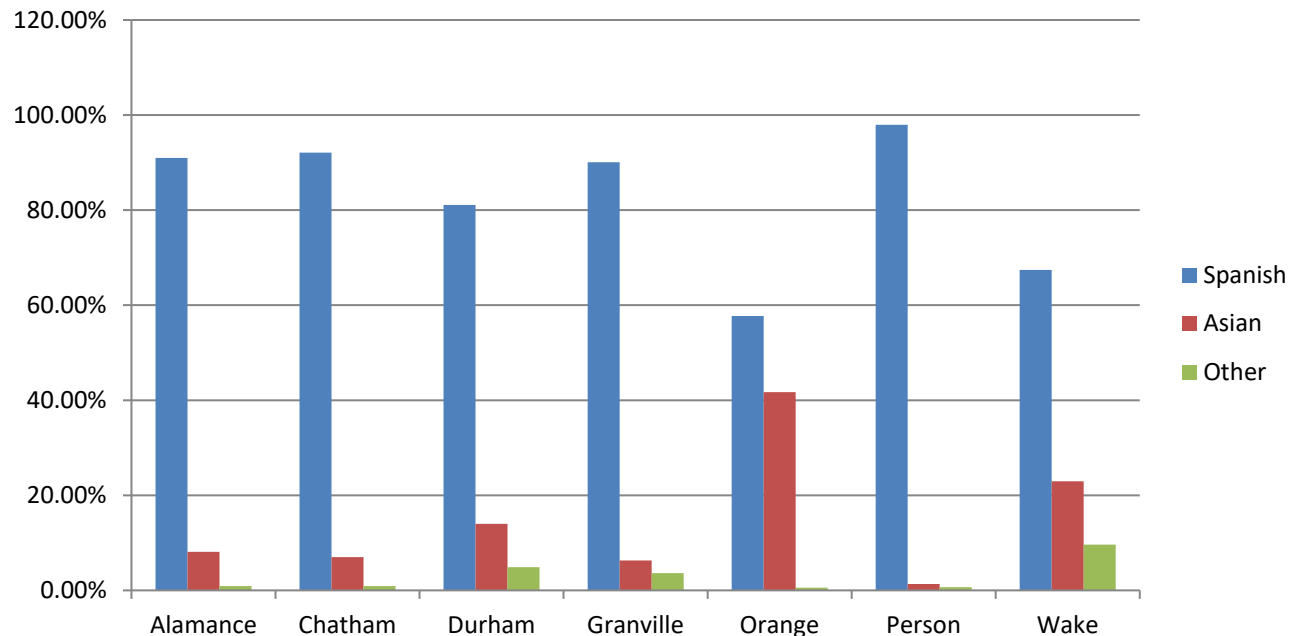
## ACS 5-Year Estimates 2015-2017: Limited English Proficiency, as % of LEP Population-Other

Other	2015			2016			2017		
	Total Pop	Total LEP	% of LEP	Total Pop	Total LEP	% of LEP	Total Pop	Total LEP	% of LEP
Chatham	63978	4196	1.31%	65414	3800	0.89%	64956	3739	0.91%
Durham	268210	22518	4.25%	274117	22686	4.26%	280356	23041	4.89%
Orange	132093	7972	1.08%	133137	7618	1.18%	135175	7470	0.58%

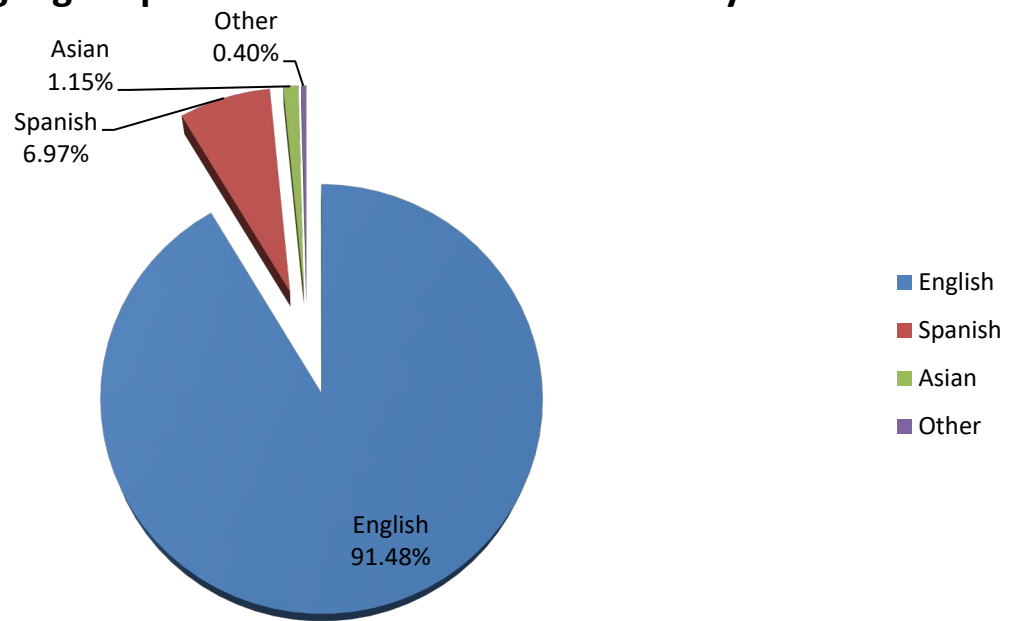
### Limited English Proficiency, as % of Total Population



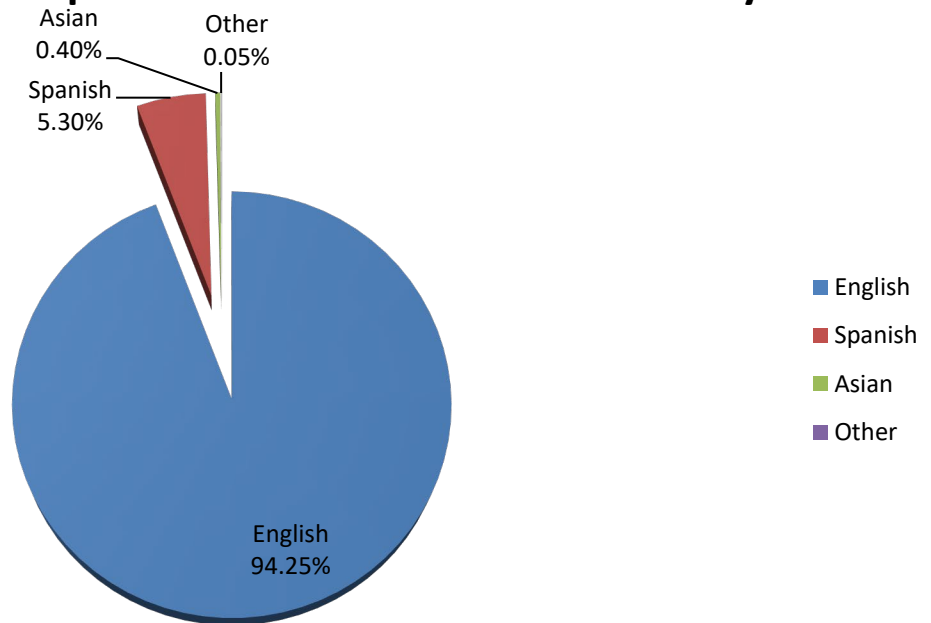
### Limited English Proficiency, as % of LEP Population



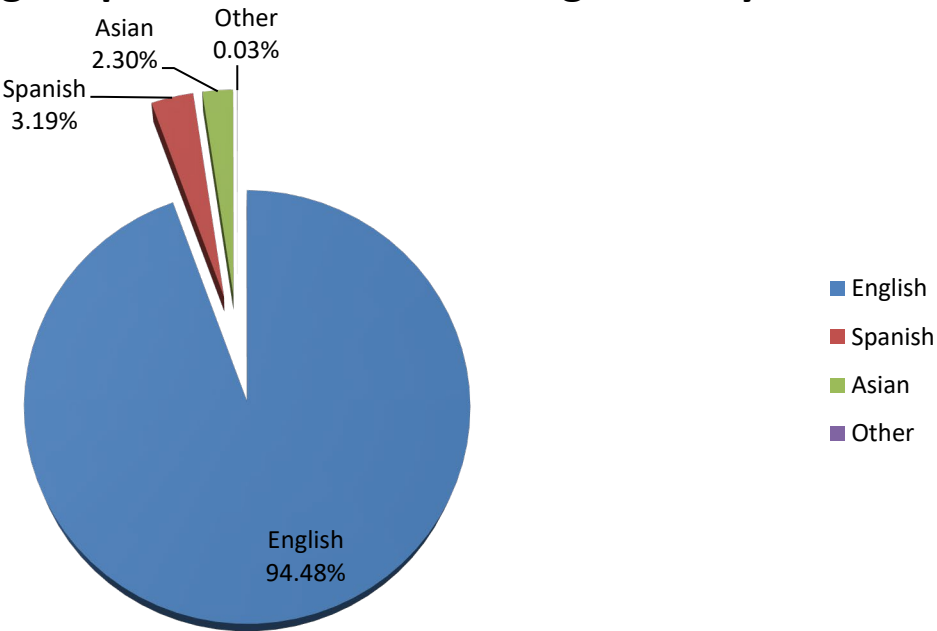
### Languages Spoken at Home in Durham County



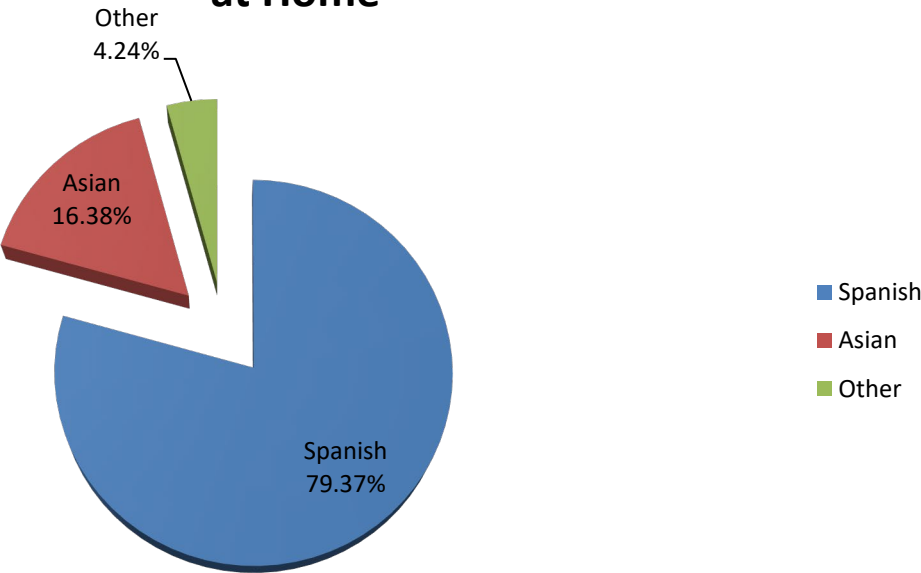
### Languages Spoken at Home in Chatham County



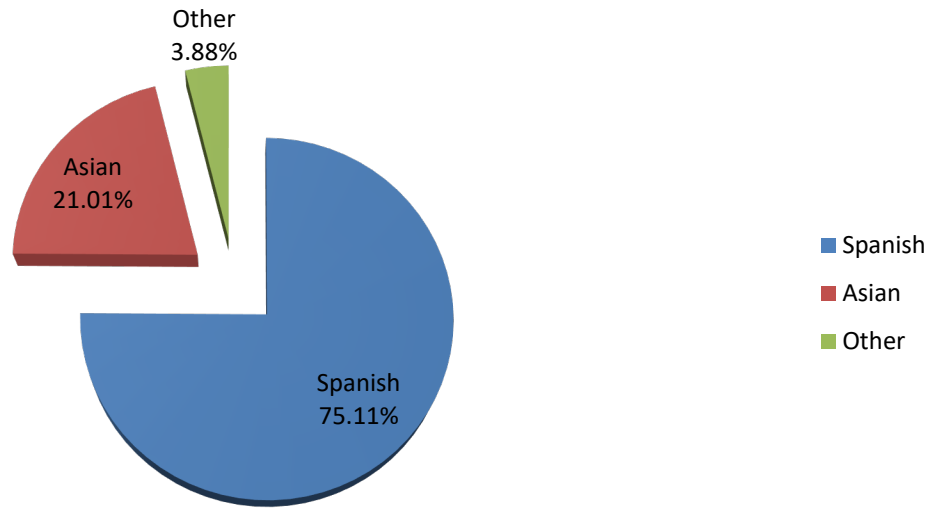
### Languages Spoken at Home in Orange County



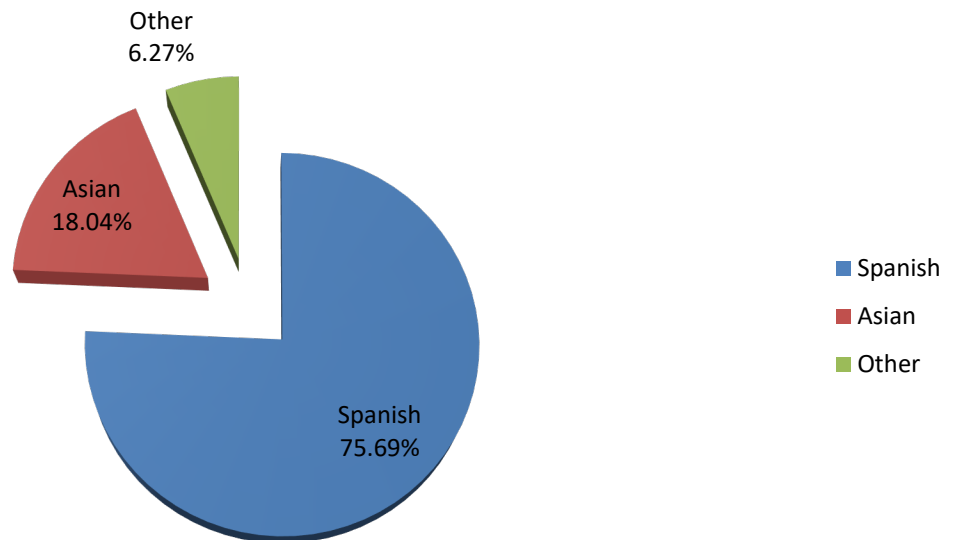
### LEP Speakers in North Carolina by Language Spoken at Home



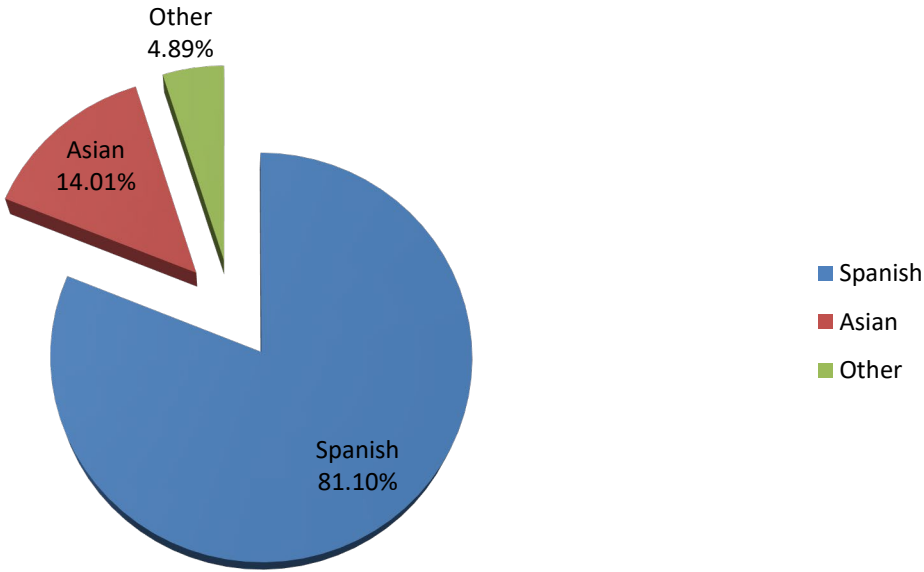
### LEP Speakers in DCHC MPO Region by Language Spoken at Home



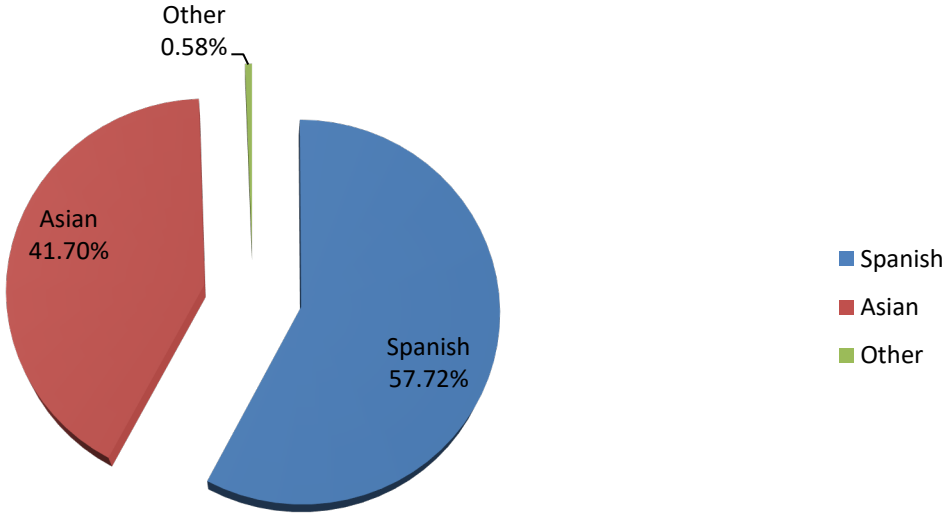
### LEP Speakers in Triangle Region by Language Spoken at Home



**LEP Speakers in Durham County by Language Spoken at Home**

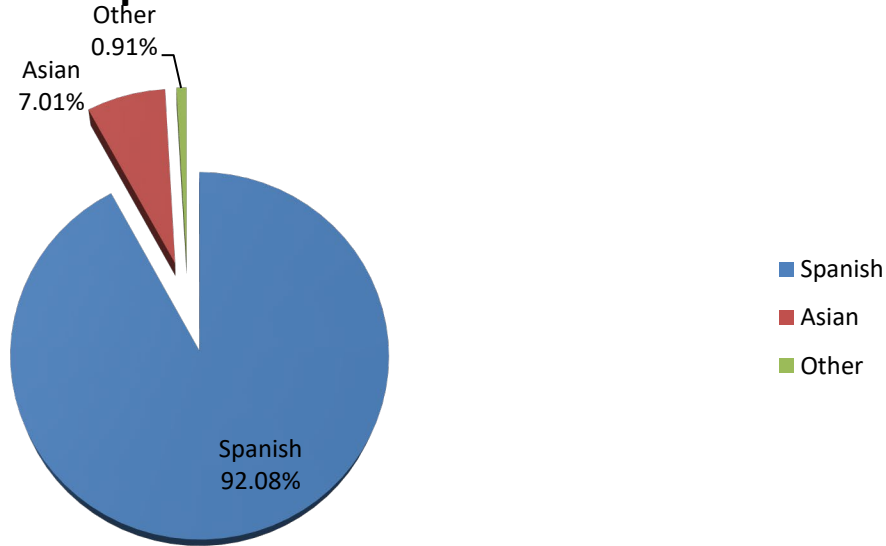


**LEP Speakers in Orange County by Language Spoken at Home**





### LEP Speakers in Chatham County by Language Spoken at Home



### Share of LEP Speakers

