Kanabec County
Timber Trails Public Transit

Language Assistance Plan

Ensuring Meaningful Access for Limited English Proficient Individuals

Effective:
October 4, 2022

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Purpose

The purpose of this Language Assistance Plan (hereinafter ”LAP”) is to meet Federal Transit Administration’s (FTA’s) requirements to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin.

> *“No person shall, on 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 assistance.”* - Civil Rights Act of 1964

As a subrecipient of FTA funds, Kanabec County - Timber Trails Public Transit’s transit system resolves to take reasonable steps to provide meaningful access to its public transit services for persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The FTA refers to these persons as Limited English Proficient (LEP) persons. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

The completion of this LAP for persons with Limited English Proficiency conforms to the requirements of the FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

The U.S. DOT’s FTA Office of Civil Rights’ publication “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons – A Handbook for Public Transportation Providers,” dated April 13, 2007, was used in the preparation of this plan.

The LAP provides guidance to Kanabec County - Timber Trails Public Transit staff who may interact directly with LEP individuals or whose work involves providing information or services to the public. The plan provides protocols for identifying LEP individuals, language assistance measures, and staff responsibilities and training related to ensuring meaningful access for LEP individuals.

The DOT LEP Guidance recommends that all recipients, especially those that serve large LEP populations, should develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance provides that to provide for effective implementation plans would typically include the following five elements:

1. Identifying LEP individuals who need language assistance (Four Factor Analysis)
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP individuals
5. Monitoring, evaluating, and updating the plan

For further questions regarding this plan, please contact:

Helen Pieper
Transit Director
Kanabec County – Timber Trails Public Transit
Direct Phone – (320) 364-1351
Email address – helen.pieper@co.kanabec.mn.us

Definitions

Disproportionate Burden: Refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

Four Factor Analysis: The assessment provided by federal regulation to help the Transit system determine the level of language assistance required for a program or activity.

Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Language Assistance Guide: Provides an itemized list of non-English languages and can be used as a tool to help an LEP individual identify their preferred language to the Transit system staff.

Language Assistance: Oral and written language services needed to help LEP individuals communicate effectively with staff and ensure meaningful access to, and equal opportunity to fully participate in, the programs and activities provided by the Transit system.

Limited English Proficient (LEP): Individuals whose primary language is a not English and who have a limited ability to read, speak, write, or understand English. Individuals may be proficient in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

Public Engagement: Any process that (1) involves the public in identifying and solving challenges and problems and uses public input to make sustainable decisions, (2) educates or informs the public about a topic or issue, or (3) seeks to build meaningful connections and trust with the public through communication and interaction.

Timely: Language assistance provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of undue burden on or delay in important rights, benefits, or services to LEP individuals.

Translation: The replacement of a word, phrase, or text in one language (source language) with an equivalent- meaning word, phrase, or text in another language (target language).

Vital Documents: Paper or electronic written material containing information that is (1) critical for accessing programs, services, benefits, or activities, (2) directly and substantially related to public safety, or (3) required by law.

Identification of LEP Individuals – the Four-Factor Analysis

Title VI and its regulations require subrecipients to take reasonable steps to ensure meaningful access to the transportation system's information and services. What constitutes reasonable steps to ensure meaningful access is contingent on a four-factor analysis established by the U.S. Department of Justice.[1] The four-factor analysis is an individualized assessment that should be applied to all transportation system programs and activities to determine what reasonable steps must be taken to ensure meaningful access for LEP individuals.

Kanabec County - Timber Trails Public Transit has completed the four-factor analysis attached as **Appendix A.** The Analysis is intended to assist in ensuring compliance with federal limited English proficiency guidance and Title VI of the Civil Rights Act of 1964. This analysis does not cover every situation, and compliance determinations are made on a case-by-case basis.

Safe Harbor for Written Translations

U.S. DOT LEP Guidance provides a "safe harbor" to help ensure greater clarity regarding whether a subrecipient is meeting its obligation to provide written translations. These provisions only apply to the translation of written documents and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language assistance services are needed and reasonable.

[1] Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency, effective August 11, 2000. Available here: https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf

A. Language Assistance Measures

Various language assistance services or protocols are necessary to ensure meaningful access to LEP individuals. Kanabec County - Timber Trails Public Transit has identified available language assistance services and operational measures where language assistance measures are needed based on the first two factors in the four-factor analysis.

Based on our analysis, Kanabec County - Timber Trails Public Transit has determined the importance of language assistance to our program(s), activity(ies), or service(s) as:

A. ☒ Low level (little to no LEP population)
B. ☐ Mid-Level (some LEP population)
C. ☐ High Level (significant LEP population)

Kanabec County - Timber Trails Public Transit has looked at differing considerations in communicating with LEP populations about transit services and information. The Transit Department (Timber Trails Public Transit) is branch of the Public Health department here in Kanabec County, and as such, has access to all of the resources included in the Kanabec County Limited English Proficiency Plan created and maintained by the county LEP Coordinator – Chuck Hurd. That plan was last reviewed and updated on 4/15/2022. It is listed in Appendix C of this document. Section 302 of the Kanabec County LEP plan details the use of CYRACOM

Language Solutions or Language Line services for Non-English language as necessary. Further, "the "notice of rights to language services" documents for persons with LEP as they are made available by the Department of Human Services."

Recording Use of Language Assistance Services

Kanabec County - Timber Trails Public Transit has the responsibility to document all interpretation and translation services provided proactively or upon request. A written log documenting all language assistance services provided must be maintained. A copy of the Language Service / Public Participation Log is attached as **Appendix E**.

Kanabec County - Timber Trails Public Transit provides language assistance services that would fulfill requests for interpretation and translation services in a timely manner. The following outlines how each of these services would be provided for:

Translation (written)*: Translation is the replacement of a word, phrase, or text in one language (source language) with an equivalent meaning word, phrase, or text in another language (target language).* The four-factor analysis completed for the preparation of this document revealed little/no need for a written translation. Should the need arise Timber Trails would work within the scope and resources of the Kanabec County LEP to meet the need by seeking oral language assistance (see below).

Interpretation (oral): *Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.*

Kanabec County - Timber Trails Public Transit will follow the Policies and Procedures (Section 300) of the Kanabec County LEP Plan:

300 – Policies and Procedures

301 – Agency Commitment – Kanabec County is committed to the spirit of the Civil Rights Act of 1964. It recognizes the importance of providing meaningful access to all persons, including persons with LEP to the various programs operated under the hubris of Kanabec County.

302- Range of Oral Language Assistance – Use of CYRACOM Language Solutions or Language Line services for non-English language will take place as necessary. Kanabec County will take advantage of the "notice of rights to language services" documents for persons with LEP as they are made available by the Department of Human Services.

303 – Uncommon Languages – There may be circumstances when customers present for services that use a language other than those most commonly used in Kanabec County. There may be languages such as Russian, Hmong, Vietnamese, Khymer/Cambodian, Lao, Somali and the like. Receptionist staff will refer all such cases to the Financial Services Supervisor, Social Services Supervisor or Director. These people will be responsible for trying to determine the customer's language or country of origin. Once determined, contact will be made with an appropriate CYRACOM Language Solutions or Language Line Services interpreter in the customary manner.

304 – Affirmative Action – The Kanabec County employee handling the case will inform either the customer or the interpreter once it has been determined that interpreter

services are needed, that there is no charge or fee for the service. This will be communicated in verbal form. At no time in the service delivery process will the customer incur any costs associated with LEP-directed interpreter services.

305 – Use of Family and Friends – Use of family and friends as interpreters is not the preferred method of providing interpreter services. But when the intake worker has determined that it is not feasible to use formalized interpreter services, a consultation will be made with that worker's immediate Supervisor or Director. Alternative methods of customer service will need to be discussed. If the worker has determined that a family member, friend or other responsible party can adequately perform the interpreter service, approval may be given. The worker needs to feel confident that the client's data privacy rights will be protected and that the quality of the interpreter services to be provided by the family member or friend will be acceptable. The worker will need to document in the case file the extenuating circumstances for use of family or friends, particularly that the family was offered other interpreter services and that the client insisted that a family member or friend be used. Under no circumstances may minor children be used for interpretive services.

306 – Competency Standards for Interpreters – Any interpreter used for LEP services must be bi-lingual: fluent in English and fluent in the language of the customer needing the service. When using well-recognized interpreter services provided from a recognized agency – such as CYRACOM Language Solutions or Language Line Services, competency is presumed. When using family friends or significant others, the intake worker must make a judgment as to the competency of the proposed interpreter. "Certification" as an interpreter is not a pre-requisite.

307 – Dissemination of LEP plan – Copies of the LEP Plan will be provided to the following: all employees who have direct customer contact, area Legal Aide office, Kanabec County Community Health and Kanabec County Courthouse. A copy of the main announcement, MS-1659, will be prominently displayed in the Agency reception area.

308 - Services to Illiterate –When confronted with a situation in which the customer may be illiterate – cannot read or write in his or her native language – it is incumbent that Kanabec County have a conversation with the person to identify areas that the person would like to receive assistance with. If necessary, KCFS will find a suitable interpreter, one who can assist the person in completion of necessary forms, documents and the like. A suitable interpreter can be any KCFS staff person. It may be necessary to schedule interviews when face-to-face interpreter services can be provided. Use of the ITV, faxing of forms, and over-the-phone services may be required on a case-by-case basis.

309 – Emergency Situation – When a determination has been made that an emergency exists and LEP considerations are identified as being present, KANABEC COUNTY may waive all proscriptions in order to insure that necessary emergency services are provided. Extraordinary efforts need to be put forth before circumvention of non-emergency procedures are followed. Consultation with a Supervisor or the Director are necessary before such action is taken.

310 – Access to and Costs of Interpreters – Under no circumstances will KANABEC COUNTY indicate – either verbally or in writing – that any applicant or client in need of

LEP services will be charged for interpreter or translation services. All such services shall be at no expense to the applicant or client. Such services will be provided during all normal business hours and when necessary, during non-business hours when an emergency has been determined to exist.

311 – Notice of Service Availability – LEP clientele will be informed of the availability of free interpreter and translation services at the point when it appears that the customer is not able to communicate in English. Notice of service availability will come from the MS-1659 document in the central reception area. Distribution of the LEP Plan to various parties cited above will help in putting those entities on notice that interpreter and translation services are available on a timely basis and free of charge. Use of material that has been translated will be used immediately when it has been determined that the person presenting for service is not able to understand English. Insofar as the Department of Human Services has translated many forms into multiple languages, Kanabec County will access these forms as necessary. Access to the Department's website at www.dhs.state.mn.us/forms will be made. Additionally, translated income maintenance forms located in Temp Manual 12.01.13 will be accessed as needed.

312 – County-Produced Materials – Insofar as the LEP census in Kanabec County is minimal, it is not anticipated that KCFS will develop their own documents as the primary source of translated materials. Rather, KCFS will rely on the state-produced documents as the primary source of translated materials. Downloading of documents from the DHS web-page will also be used as necessary. KCFS will follow DHS's translation numerical guidelines as required.

313 – Complaint Resolution Protocol – Any adverse action taken by Kanabec County with which an applicant or recipient disagrees is subject to complaint. Kanabec County has a formal complaint process that can be utilized to try to resolve any dispute. In the absence of local resolution, the person making the complaint will be informed in a language understandable to the grievant, of the process to follow in making a complaint to DHS or the Office of Civil Rights. The complaint procedure will conform in all respects to the existing procedure included in Civil Rights Compliance Requirements: Appropriate use of interpreter services with CYRACOM Language Services or Language Line to facilitate the dispute resolution process will take place. All such complaints can be made to any of the parties listed at the top of this LEP Plan.

314 – Posting – A copy of the Kanabec County LEP Plan will be posted on the main bulletin board in the Family Services and Community Health Resource Rooms. (Additionally the Transit Department has copies of the plan available at the Transit Facility and the on the Timber Trails' website)

Public Engagement/Participation

Kanabec County - Timber Trails Public Transit has incorporated Title VI and LEP considerations into an established public participation plan. The Public Participation Plan which outlines the steps our agency follows

is attached as **Appendix D**. The attached plan provides a clear process for engaging and involving the public, including minority and LEP populations. Consideration of LEP communities is documented by first using the results of the four-factor analysis that determines the level and type of language assistance necessary for a particular public engagement plan or activity.

The plan aims to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. Kanabec County - Timber Trails Public Transit's public participation strategy offers adequate notice of public participation activities, as well as early and continuous opportunities for public review and comments at key decision points to identify social, economic, and environmental impacts of proposed transportation decisions. The plan describes the proactive strategies, procedures, and projected outcomes that align with the public participation activities throughout the year(s). Every effort is made to involve minority and LEP populations in effective participation in our decision-making process. The following practices include, but are not limited to:

- Scheduling meeting at times and locations that are convenient and accessible for minority and LEP communities
- Employing different meeting sizes and formats
- Coordinating with community- and faith-based organizations, educations institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities
- Considering radio, television, newspaper, social media ads on stations, outlets, and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Preparing for public engagement activities by determining ways to provide language assistance when no interpreter is present or whether needed or not, providing written documents in other languages, if requested, including ethnic media, schools, and religious or community organizations to assist in providing information.

All language assistance services provided during public engagement or community outreach will be recorded on the Language Service / Public Participation Log is attached as **Appendix E**.

B. Staff Training

To ensure transit staff, and/or appropriate overall agency staff, understand the obligations to provide meaningful access to information and services for LEP individuals, all employees in public contact positions will be properly trained. This plan outlines the training provided on an annual, on-going and/or on-demand basis to implement the following:

- Staff have been trained and understand meaningful LEP policies and procedures
- New staff will have appropriate training as part of the orientation for new employees
- Staff who have contact with the public is trained to work effectively with in-person and telephone interpreters
- Management staff, even if they do not interact regularly with LEP individuals, will be fully aware of and understand the plan to reinforce the importance of the program and ensure it is implemented accordingly by/to staff

Kanabec County - Timber Trails Public Transit has developed standard presentations, resource connections and other language assistance trainings that provide for cost-effective and flexible opportunities for staff and management to understand the LAP Plan, the Public Participation Plan and responsibilities. Existing

employees, especially managers and those who work with the public will be offered re-training or new training sessions to keep up to date on their responsibilities to LEP individuals. The following outlines the information incorporated within the training provided annually, on-going or on-demand:

- Standard presentation provided to new, existing and management on the staff responsibility to LEP populations. Template is used at multiple agency trainings and is updated on a regular and as-needed basis
  - Consistent information will be included on transit agency's responsibilities to LEP populations
  - Summary of Language Assistance Plan
  - Demographic data about local LEP population
  - Frequency of contacts between LEP populations and the transit system's services, programs, and activities
  - The importance of community outreach and inclusion of activities for LEP populations
  - Description of the type of language assistance currently providing and instructions on how staff can access these products and services
  - Description of Kanabec County - Timber Trails Public Transit and/or overall agency's cultural sensitivity policies and practices
- Printed LEP resources: understanding the information, how to use information and method in presenting information to LEP populations
- Resources and methods in response to verbal requests for transit service in a foreign language
- responsibility to notify transit manager about any LEP persons' unmet needs

Kanabec County - Timber Trails Public Transit will follow the Kanabec County LEP Plan Section 400 Training guidance:

400 – Training

401 – Distribution of LEP Plan – All Kanabec County employees who have direct contact with customers will be provided a copy of the LEP Plan upon its adoption. If any changes are made in the document, a revised copy will also be provided to the same entities listed in # 307.

402 – Training of Staff – Initial – With approval of the LEP Plan, there will be initial training on the document. This training will take place for current staff in the context of an "All Staff" meeting. For any new employee affected by the LEP Plan, this document will be incorporated into that person's "generic orientation" protocol at the time of hire.

403 – Training of Staff – Ongoing – On at least an annual basis a review of the LEP Plan will take place.

Staff Training Program and Training Log

An outline of the training program, which includes the training title, type of resource (video, presentation, written documents, etc.) and training log (identifies training and training schedule (annually, orientation, on-going, and/or on-demand)) is attached as Staff Training Program and Training Log in **Appendix F**.

- "Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice." This video, which is available as a streaming video link on www.lep.gov, explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access

- "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision making," available at https://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm This report documents "best practices" in identifying and engaging low-literacy and LEP populations in transportation decision making. These "best practices" were collected during telephone interviews with individuals in 30 States.

C. Notice to LEP individuals

Based on the four-factor analysis, Kanabec County - Timber Trails Public Transit has determined that language services will be provided for the LEP populations identified as having a need. For those languages that meet the translation need for written documents threshold based on Safe Harbor guidance, notices will be in the language the LEP individual would understand. For languages that do not meet the written document requirement, based on the Safe Harbor guidance, Kanabec County - Timber Trails Public Transit will provide meaningful access to LEP individuals through competent oral interpreters where oral language assistance services are needed and reasonable. All notifications will provide that identified services are available free of charge to LEP individuals.

Examples of notification considered include:

- ☒ Transit intake areas, transfer stations, transit shelters, transit stops, or similar areas
  It is important that LEP individuals can identify how to access language services available to them at initial points of contact
- ☒ Signs on buses
- ☐ Brochures or Pamphlets
- ☐ Posters
- ☐ Targeted Community Outreach events or meetings
- ☐ Information provided to local organizations that work with LEP individuals
- ☐ Telephone messages
- ☐ Local ads (print, radio, TV, social media, billboards)
- ☒ Website notices
- ☐ Information tables/booths at local events, community businesses, schools, and churches
- ☐ Employee Outreach and Recruitment
- ☐ Other: Describe:

All facility(ies) where Kanabec County - Timber Trails Public Transit interacts with the public in-person will have a Public Notice of Rights Under Title VI posted clearly and conspicuously, including non-English versions of the notice, if deemed necessary after conducting a four-factor analysis. Notices in English, are attached as **Appendix G**. Staff will use, when necessary, a language guide tool or a process similar to interact with LEP individuals. All interactions with LEP individuals will be recorded on the Language Service / Public Participation Log as **Appendix E**.

This Language Assistance Plan and the Notice are available on our website at http://timbertrailstransit.com/wp-content/uploads/2019/08/KC-TTPT-Title-VI-Complaint-Procedure-and-Form.pdf

D. Monitoring, Evaluating and Updating Plan

Kanabec County - Timber Trails Public Transit has developed a process for determining whether new documents, programs, services, and activities need to be made accessible for LEP individuals and will provide notice of any changes in services to the LEP public and to staff. The process includes an annual review to consider changes in demographics, types of services, or other needs that may require an annual reevaluation. Kanabec County - Timber Trails Public Transit will also seek feedback from LEP populations and community outreach programs with follow-up meetings, focus groups and/or with surveys.

The Language Assistance Plan considers the following five elements:

1. Identifying LEP individuals who need language assistance (Four Factor Analysis)
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP individuals
5. **Monitoring, evaluating, and updating the plan**

In addition to the five elements, the plan sets clear goals, management accountability, and opportunities for staff and community input and planning throughout the process.

Areas of consideration when monitoring, evaluating and updating include:

- Current LEP populations in the service area or population affected or encountered.
- Frequency of encounters with LEP language groups.
- Nature and importance of activities to LEP persons.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Whether existing assistance is meeting the needs of LEP persons.
- Whether staff knows and understands the LEP plan and how to implement it.
- Whether identified sources for assistance are still available and viable.
- Whether staff training is sufficient.
- Review any complaints from LEP individuals received during the past year.

Kanabec County - Timber Trails Public Transit is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, or national origin by Kanabec County - Timber Trails Public Transit, providing programs and services in the following *cities: Ogilvie, Mora, Grasston, and Quamba in Kanabec County*. Persons who allege that a violation to the Title VI requirements has been made may file a Title VI complaint by completing and submitting the Title VI Complaint Form to Kanabec County - Timber Trails Public Transit and/or to MnDOT Office of Transit and Active Transportation Attn: Compliance Coordinator. Kanabec County - Timber Trails Public Transit and/or MnDOT, will investigate complaints received no more than 180 days after the alleged incident. All complaints that are complete will be processed and responded to based on the Title VI Complaint Procedures attached as **Appendix H**.

Kanabec County - Timber Trails Public Transit has created and made available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form is available on Kanabec County - Timber Trails Public Transit's website http://timbertrailstransit.com/wp-content/uploads/2019/08/KC-TTPT-Title-VI-Complaint-Procedure-and-Form.pdfThe Title VI Complaint Form specifies the three classes protected by Title VI—race, color, and national origin—and allows the complainant to select one or more of those protected classes as the basis/bases for discrimination. The Title VI Complaint Form is a vital document. If a Limited English Proficient (LEP) populations in the Kanabec County - Timber Trails Public Transit area meets the Safe Harbor threshold, then the procedure is provided in English ***and*** in any other language(s) spoken by

LEP populations that meet the Safe Harbor Threshold. Attached as **Appendix I** is the Title VI Complaint Form.

E. Contact Information

Based on the feedback received from agency staff, community members, LEP populations, and other key stakeholders; incremental changes may be needed for the type of written and oral language assistance provided, along with any staff training and community outreach efforts.

This Language Assistance Plan will be reviewed by our transit system every other year, with any revisions being approved by the Board of Directors or Policy Board and dated. The next review will occur in September 2024

Questions or comments about this plan may be submitted to:

Kathy Burski
Transit Director
300 Industrial
Road Mora, MN
55051

Telephone: (320) 364-13651
E-mail address:
kathy.burski@kanabeccountymn.gov

Appendix A

Kanabec County

Timber Trails Public Transit

Limited English Proficiency Four-Factor Analysis

Date: 8 / 2 4 / 2 0 2 2 **Completed by/title: Helen Pieper, Transit Director**

Briefly describe the program or activity subject to analysis:
Title VI and its regulations require subrecipients to take reasonable steps to ensure meaningful access to the transportation system's information and services. The four-factor analysis is an individualized assessment that should be applied to all transportation system programs and activities to determine what reasonable steps must be taken to ensure meaningful access for LEP individuals. This population will be program-specific and includes people who are in the Transit system's geographic area.

Kanabec County Timber Trails Public Transit provides public transit service in the southern portion of Kanabec County, including the Cities of Ogilvie, Mora, Grasston and Quamba.

Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered through the program or activity?

The greater the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population, the more likely language assistance services are necessary. Ordinarily, "individuals eligible to be served or likely to be encountered" by a program or activity are those who are in fact, served or encountered in the eligible service population. This population will be program-specific and includes people who are in the Transit system's geographic area.

Kanabec County - Timber Trails Public Transit first examined prior experiences with LEP individuals and determined the number and proportion of LEP persons served or encountered within the service area. Included in our examination, a transit system staff survey was completed on 9/13/2022 and included questions to address experiences with LEP individuals and their language assistance service needs. Kanabec County - Timber Trails Public Transit also included LEP populations that are eligible to be served or likely to be affected or encountered.

To support the efforts of conducting the four-factor analyses, Kanabec County - Timber Trails Public Transit referred to the data compiled from the MnDOT's LEP Data Tool for our system's jurisdiction of services at the city and county-level attached as **Appendix B**.

Primary Languages for Transit System County Programs or Information

The data provided in **Appendix B** identified Spanish, Korean and Other Indo-Euro languages as the top three LEP groups in the jurisdiction providing service. A total of 82 LEP persons in all of Kanabec County. Our internal staff survey found no requests/incidents of LEP persons in the last year and only one such encounter in the history of the agency (since 2009)

1. Counties (City) served: *Kanabec County*
2. Total county/counties population: *16,025*
3. The total number of LEP individuals in our service area is: *82 for all of Kanabec County*
4. The total eligible population in our service area is: *16,025 (we only serve the southern part of the county – unable to break out population specific to service area)*
5. The proportion (percentage) of LEP population to the total eligible service population is: *0.5%*

Reliable External Data Sources for Identifying LEP Groups

Kanabec County - Timber Trails Public Transit used reliable external data sources to determine the number or proportion of individuals eligible to be served or likely to be affected or encountered based on the expected geographic area served (ie. city, county, regional area, etc.) Reliable external data sources included:

☒ MnDOT's LEP Data Tool: Allows subrecipients to identify LEP language groups by county city, and school district. Webpage includes further details about how to use the tool.

☐ American Community Survey: An annual survey conducted by the U.S. Census Bureau providing vital demographic information and is widely considered the most reliable source of detailed information about the United States population.

☐ Minnesota Compass: A Wilder Research project providing Minnesotans with credible, user-friendly data about their communities.

☒ EJSCREEN: A mapping tool created by the U.S. Environmental Protection Agency based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. The functions include automated demographic reporting for a geographic area around an identified project area.

☒ MN State Demographic Center: Provides data and reporting on various topics, including language and immigration.

In addition to identifying and examining prior experiences with LEP individuals and the external data sources outlined above, Kanabec County - Timber Trails Public Transit looked at local data resources to determine the number or proportion of LEP individuals who may be eligible to be served. These include:

☐ Survey results: *Results of all research show an extremely small number of LEP persons in Kanabec County (thus our service area).*

Describe:

☒ Locally Coordinated Human Services/Transit Plan

☒ Other Human Services data

☒ Area/Metropolitan Planning Organizations/Regional Development Commission data
☐ Information from local organizations (religious, legal, social service, etc.) about LEP persons in our service area
☒ Reports from drivers, dispatchers, and others about contact with LEP persons
☐ Other information:
Describe:

Safe Harbor for Written Translations

U.S. DOT LEP Guidance provides a "safe harbor" to help ensure greater clarity regarding whether Kanabec County - Timber Trails Public Transit is meeting its obligation to provide written translations. These provisions only apply to the translation of written documents and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language assistance services are needed and reasonable.

The following actions by Kanabec County - Timber Trails Public Transit are considered as meeting the compliance with the written-translation obligations:

(a) Providing written translations of vital documents for each eligible LEP language group that constitutes **5% or 1,000 people**, whichever is less, of the population of individuals eligible to be served or likely to be affected or encountered. Translation of non-vital documents, if needed, can be provided orally; or

(b) If there are fewer than 50 individuals in a language group that reaches the 5% trigger in (a), the vital written materials are not translated, but written notice of the right to receive free, competent oral interpretation of those vital written materials in the primary language of the LEP language group of is provided.

Failure to meet the actions provided does not mean there is noncompliance, but rather provide a resource to obtain greater certainty of compliance with a fact-intensive, four-factor analysis. Generally, it would not be necessary to translate vital documents when it would be so burdensome as to defeat the legitimate objectives of a program. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The findings from the graphs within Appendix B did not indicate any LEP language groups meet the safe harbor threshold. At this time, Kanabec County - Timber Trails Public Transit will not translate written documents. However, efforts will be made to reasonably accommodate any language access requests that may arise.

Factor #2: The expected frequency with which LEP individuals will interact with the program, activity, or service?

Kanabec County - Timber Trails Public Transit conducts an assessment process, as accurately as possible, to obtain
updated information on the frequency with which the Transit system would have or should have contact with LEP individuals from different language groups seeking assistance. The assessment is

completed on an annual basis, by survey and/or outreach efforts. In determining the needs, emphasis is placed on populations that will have frequent contacts for services, while less frequent or unpredictable service contact needs will require less intensified solutions. Less intensified solutions could be as simple as being prepared to use telephone interpretation services for immediate interpreter services or the use of staff person who can translate for the parties. At all times, Kanabec County - Timber Trails Public Transit will look for opportunities to increase their outreach efforts to all LEP language groups.

Kanabec County – Timber Trails Public Transit Internal LEP Survey

As a part of our Title VI program and plan, we need to examine those populations that have limited English capabilities. There will be several steps in this process, the first being a survey of all staff (management, dispatchers and drivers) detailing how many instances there have been of riders having limited English capabilities and needing assistance to gain knowledge of our transit system.

Please complete the following questions and return the survey to the Transit Director as soon as possible.

Have you encountered individuals with Limited English Capabilities and needing assistance to gain understanding about Timber Trails' services?

In the last six months? _____ *Yes* _100%_ *No*

In the last year? _____ *Yes* 100% *No*

At any time during your time with Timber Trails? _____ *Yes* 100% *No*

Has any agency (medical center, family service or social worker, school or employment agency etc.) made inquiries or requested assistance in their work with limited English populations?

_____ *Yes* 100% *No*

Do you have any knowledge of anyone in the community that needs/needed assistance gaining knowledge about Timber Trails because of limited English capabilities?

_____ *Yes* 100% *No*

My position at Timber Trails is:

__3_ *Dispatch*

__5__ *Driver*

__2_ *Management*

My experience with Timber Trails and the community includes _5-13__ years of service at Timber Trails.

LEP persons may interact in several ways other than for public transit trip opportunities, with Kanabec County - Timber Trails Public Transit including but not limited to:

- Public meetings
- Community events
- Project-specific meetings, events, and discussions
- Online engagement
- Walk-in requests for information
- Phone communications
- Customer service interactions
- Surveys for information

The conclusions drawn from examining this information about LEP persons seeking transit services are: ***there is little to no need for assistance to LEP individuals. The procedures for assisting LEP persons listed here and in the Kanabec County LEP are sufficient to meet the need.***

In conducting our most recent review in *September 2022* **Kanabec County - Timber Trails Public Transit has not had interactions with the following LEP language groups in the past 3 years:** *see staff survey results listed above.*

Kanabec County - Timber Trails Public Transit will document over the next 3-year period, the frequency in which LEP individuals from different language groups come into contact with Kanabec County - Timber Trails Public Transit programs, activities, or services.

Factor #3: The nature and importance of the program, activity, or service provided by the program to the people's lives?

The obligations to communicate rights to LEP individuals who need access to services or information is a priority in meaningful transportation. If there were LEP individuals that met the safe harbor threshold, Kanabec County - Timber Trails Public Transit would have identified programs or activities that would have serious consequences to individuals if language barriers would prevent a person from benefiting from the service.

Our transit system considers transit to be an important and essential service for many people living in our service area. Kanabec County - Timber Trails Public Transit would work with the community organizations to provide opportunities for access and information to public transit services.

Kanabec County - Timber Trails Public Transit has determined the impact on actual and potential beneficiaries of delays in the provision of LEP services to be minimal.

Within our analysis, Kanabec County - Timber Trails Public Transit will identify necessary language assistance measures, including the translation of vital documents into an identified LEP population that seeks services or information on a regular basis and is likely to be affected. Vital documents are paper or electronic written material that contains information that is 1) critical in accessing programs, services, benefits, or activities, 2) directly related to public safety, or 3) required by law. Determining whether a document or the information is "vital" may depend on the importance of the information or service involved and the consequences to the LEP individual if the information is neither accurate nor timely.

Examples of vital documents in the U.S. DOT LEP Guidance include:

- Emergency transportation information
- Notices advising LEP individuals of free language assistance
- Instructions on how to participate in a program or activity or receive service

Because no languages were identified as meeting the safe harbor threshold for translating vital written materials, Kanabec County - Timber Trails Public Transit is not at this time providing a list of documents considered vital. Should future analysis indicate an LEP group meeting the safe harbor threshold, Kanabec County - Timber Trails Public Transit will evaluate its vital documents and provide translations in accordance with the analysis and federal guidance.

Factor #4: The resources available to the public for LEP outreach, as well as the costs associated with providing meaningful language access.

Kanabec County - Timber Trails Public Transit has weighed the demand for language assistance against the agency's current and projected financial and personnel resources. In our analysis we have determined if the language services, or lack of language services, currently provided is cost effective and to plan for future investments that will provide the most needed assistance to the greatest number of LEP individuals within our service jurisdiction. Kanabec County - Timber Trails Public Transit will determine on a case-by-case basis whether language assistance costs outweigh the benefits.

Our current annual budget for marketing to or communicating with LEP individuals or populations in their language about transit services that are available to them is $ 0.00 . The amount and efforts our agency have provided over the years has remained the same at $0.00 and include written records of efforts and resources provided for the past three years. Records indicate that our agency has remained the same at $0.00 in the number of staff and percentage of staff time that is associated with providing language assistance. This number and percentage will remain the same over the next three years.

Kanabec County - Timber Trails Public Transit has taken into consideration that “reasonable steps” may cease to be reasonable when the costs imposed substantially exceeds the benefits, and we have carefully explored the most cost-effective means of delivering competent and accurate language services before limiting services due to the resource concerns. Our efforts to be resourceful have considered the impact in utilizing technology advances, such as telephone and video conferencing interpretation services.

The range in services may be from using telephone-based interpretation services to provide in-person interpretation at a public event.

In all cases, however, Kanabec County - Timber Trails Public Transit will proactively identify how to provide language assistance services efficiently and cost-effectively while ensuring meaningful access to LEP individuals.

Based on our analysis of demographic data and contact with community organizations and LEP individuals, we have determined that we have consistently addressed the needs of the LEP populations and our efforts in determining information that needs to be translated into additional languages or additional oral or written language service are being met, and that additional language assistance needs are being addressed or more widespread.

Findings: What language assistance measures will you need to employ to ensure meaningful access to LEP individuals:

Based on the analysis above, how important will language assistance be to this program or activity?

- ☒ Not Important (little to no LEP population)
- ☐ Important (some LEP population)
- ☐ Very Important (significant LEP population)

What non-English languages are most prevalent in your service area? What are the numbers and percentages for each, based on total populations?

Korean	*12*	*.08%*
Other Indo-Euro	*10*	*.07%*
Spanish	*8*	*.1%*

Based on the findings of most prevalent non-English languages, will you need to translate documents for any or all of the identified populations? *No*

If so, what documents would need to be translated? *N/A*

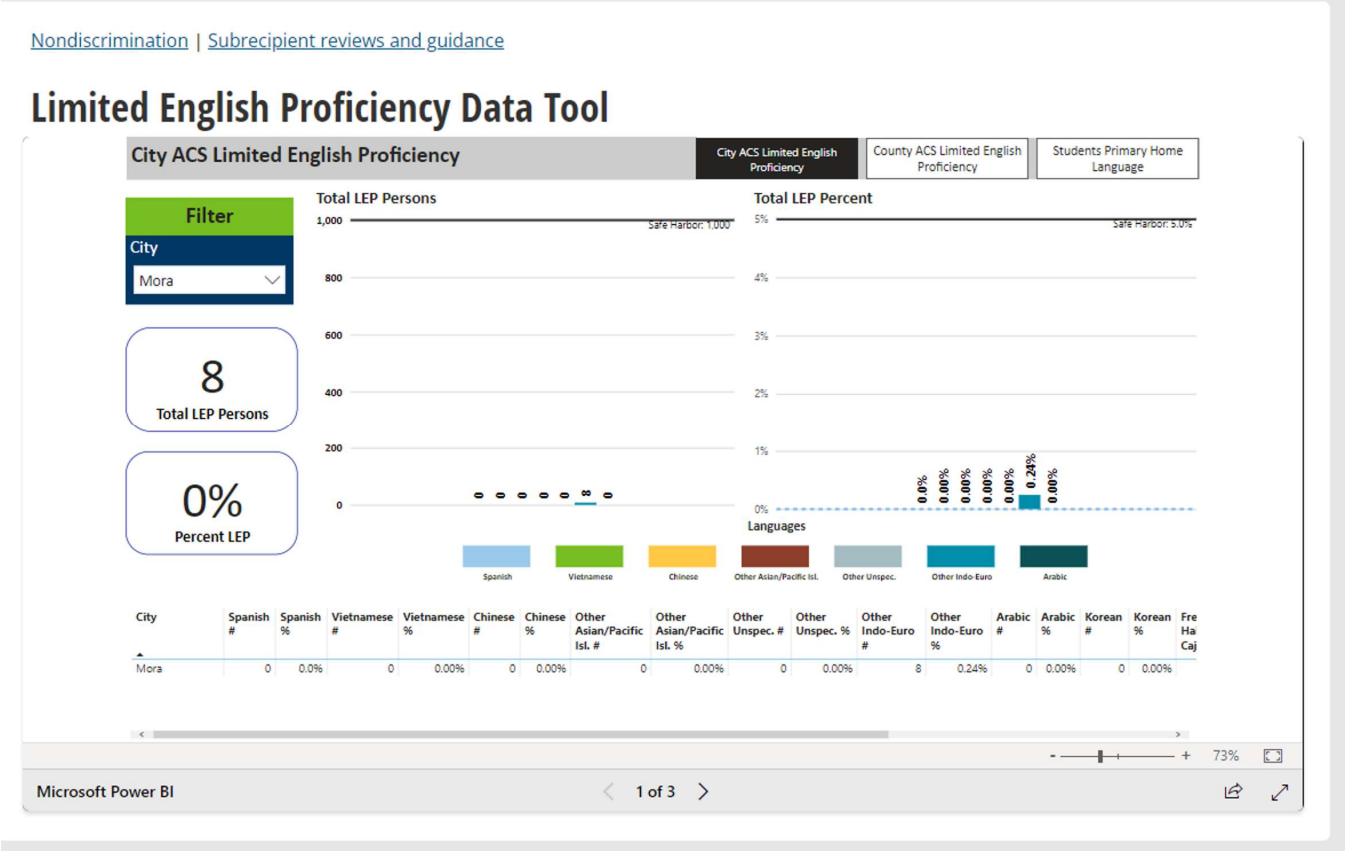
Will you need to provide interpreters for any public outreach or similar event(s)?

Probably not, but if the need arises we have sufficient access through the Kanabec County LEP Plan resources.

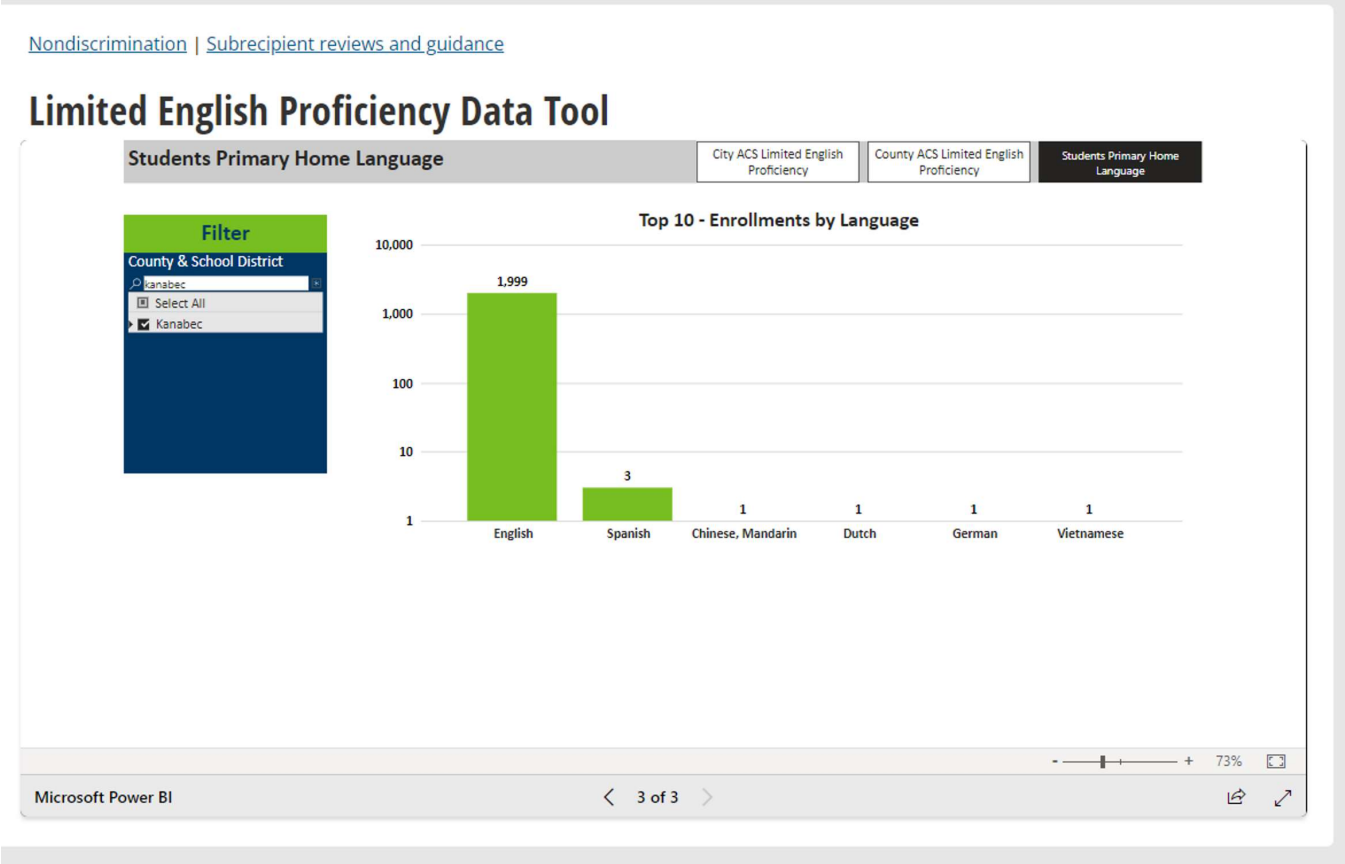
Appendix B

Limited English Proficiency (LEP) Data

American Community Survey (5-Year Estimate 2015-2019, Table ID C16001)

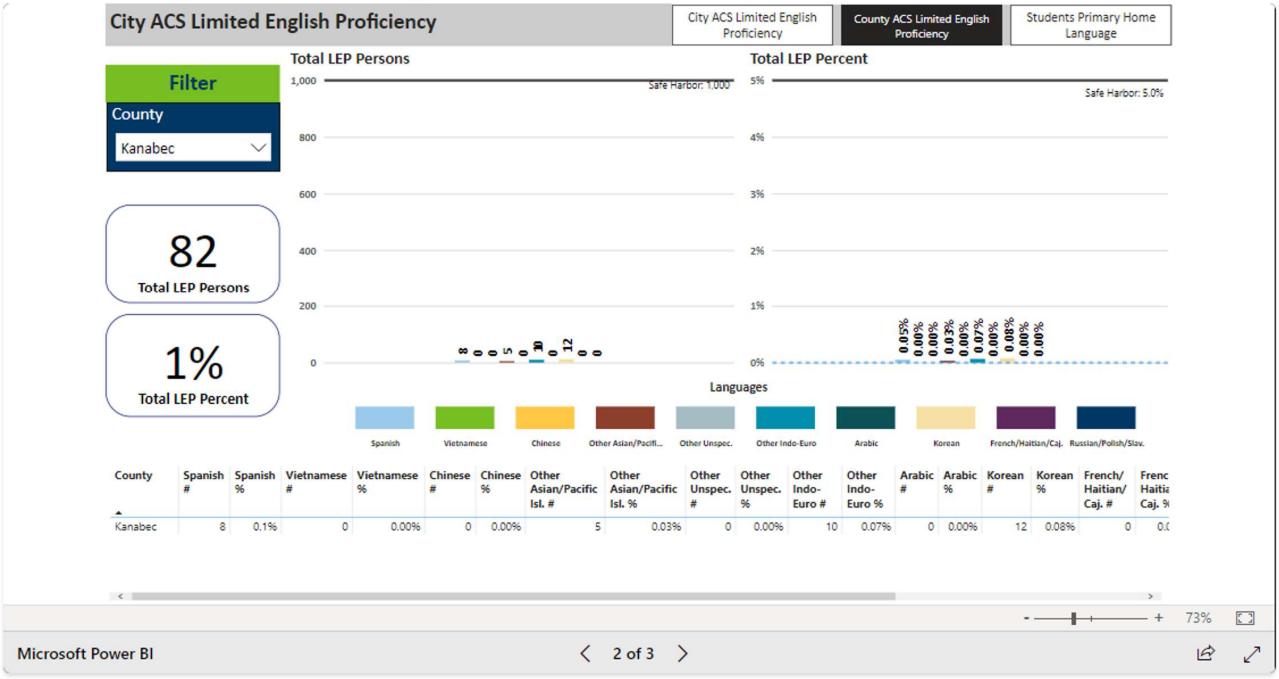


Minnesota Department of Education: Primary Home Language for Students



Nondiscrimination | Subrecipient reviews and guidance

Limited English Proficiency Data Tool



County	Spanish #	Spanish %	Vietnamese #	Vietnamese %	Chinese #	Chinese %	Other Asian/Pacific Isl. #	Other Asian/Pacific Isl. %	Other Unspec. #	Other Unspec. %	Other Indo-Euro #	Other Indo-Euro %	Arabic #	Arabic %	Korean #	Korean %	French/ Haitian/ Caj. #	Frenc Haiti Caj. %
Kanabec	8	0.1%	0	0.00%	0	0.00%	5	0.03%	0	0.00%	10	0.07%	0	0.00%	12	0.08%	0	0.0

Appendix C

Language Identification

One way to determine the language of communication is to use language identification cards (or ``I speak cards''), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, ``I speak Spanish'' in both Spanish and English, or ``I speak Vietnamese'' in both English and Vietnamese

Kanabec County LEP; Section 311 & 312

311 – Notice of Service Availability – LEP clientele will be informed of the availability of free interpreter and translation services at the point when it appears that the customer is not able to communicate in English. Notice of service availability will come from the MS-1659 document in the central reception area. Distribution of the LEP Plan to various parties cited above will help in putting those entities on notice that interpreter and translation services are available on a timely basis and free of charge. Use of material that has been translated will be used immediately when it has been determined that the person presenting for service is not able to understand English. Insofar as the Department of Human Services has translated many forms into multiple languages, Kanabec County will access these forms as necessary. Access to the Department's website at www.dhs.state.mn.us/forms will be made. Additionally, translated income maintenance forms located in Temp Manual 12.01.13 will be accessed as needed.

312 – County-Produced Materials – Insofar as the LEP census in Kanabec County is minimal, it is not anticipated that KCFS will develop their own documents as the primary source of translated materials. Rather, KCFS will rely on the state-produced documents as the primary source of translated materials. Downloading of documents from the DHS web-page will also be used as necessary. KCFS will follow DHS's translation numerical guidelines as required.

Language Identification Cards
Side 1 of 2

Instructions: Place a check by the language spoken. ☑

☐ Mark this box if you read or speak English.	***English***
☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	***Arabic***
☐ Խնդրում ենք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք Հայերեն:	***Armenian***
☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	***Bengali***
☐ ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	***Cambodian***
☐ Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	***Chamorro***
☐ 如果你能读中文或讲中文，请选择此框。	***Simplified Chinese***
☐ 如果你能讀中文或講中文，請選擇此框。	***Traditional Chinese***
☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	***Croatian***
☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	***Czech***
☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	***Dutch***
☐ اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.	***Farsi***

Appendix E

Language Service / Public Participation Log

Staff Instructions

Kanabec County - Timber Trails Public Transit staff should make an effort to track all language services requested or proactively provided throughout the year. Kanabec County - Timber Trails Public Transit has designated the following staff position to be primarily responsible for ensuring the log is consistently utilized: Helen Pieper, Transit Director (email: helen.pieper@co.kanabec.mn.us ; direct phone line (320) 364-1351)

Date of Service: This is the date the translation or interpretation service was available to the public. For instance, the date of service for a translated service brochure would be the date of its first distribution to the public. If the same brochure is used multiple times, that can be noted in the Additional Comments column.

Request or Proactive: Select "Proactive" if Kanabec County - Timber Trails Public Transit proactively determined the language services was necessary. Select "Request" if a member of the public requested the language service be provided.

Translation or Interpretation: Translation refers to converting written materials from one language to another and interpretation refers to converting spoken word from one language to another.

Description of Service Provided: The description should include an associated public engagement reference or product title and brief details explaining the service provided (i.e. what was translated, what event/meeting, particular audience, etc.)

Vital Document: A "vital document" is a paper or electronic written material that contains information that is critical for accessing programs, services, benefits, or activities; directly and substantially related to public safety; or required by law. It is at the designated staff discretion to determine whether a document is deemed a vital document.

Service Provider: The name of the qualified language services provider that completed the request through service provider or in-house.

Type of Service Provider: Note whether you used specified staff person, a collaborative partner, or an outreach consultant to complete the language services request. Use the "other" option was used or for unique situations (i.e. bilingual staff providing assistance) and make a note explaining further in the Additional Comments column.

Kanabec County – Timber Trails Public Transit

Language Service/Public Participation Log

Date of Service	Request or Proactive	Translation, Interpretation or other service	Description of Service Provided	Vital Document	Language(s)	Service Provider	Type of Service Provider	Comments.
2022	None	None	N/A	N/A	N/A	N/A	N/A	

**There are no specific Language Service activities planned in 2023 – though we will be at the County Fair with all of our information and materials.