

FARGO-MOORHEAD  
METROPOLITAN COUNCIL OF GOVERNMENTS

# LIMITED ENGLISH PROFICIENCY PLAN

PREPARED BY:  
FARGO-MOORHEAD METROPOLITAN  
COUNCIL OF GOVERNMENTS  
ADOPTON: January 16, 2020  
1 - 2nd Street N, Suite 232,  
 Fargo, ND 58102  
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# Fargo-Moorhead Metropolitan Council of Governments

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The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation or NDDOT.

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**Resolution No. 2020-R001**  
**Approving the Limited English Proficiency Plan**

**WHEREAS** Title VI of the Civil Rights Act of 1964 and U.S. Department of Transportation (USDOT) regulations to implement the law (49 CFR, Part 21) require all recipients and sub-recipients of Federal transportation funds such as the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) to establish and maintain a Title VI Program that carries out the regulations and integrates the activities and considerations outlined in the USDOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005) ; and

**WHEREAS** the Federal Transit Administration (FTA) issued Circular FTA 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, on October 12, 2012 providing further guidance and instructions necessary to carry the USDOT Title VI regulations and policy guidance related to LEP persons; and

**WHEREAS** a Title VI Non-Discrimination Program has been developed for the Metro COG as its administrative and fiscal agent, which aims to meet these requirements; and

**WHEREAS** the Title VI Program includes an updated Limited English Proficiency (LEP) Plan contained in Appendix F; and

**WHEREAS** Metro COG intends that no person shall, on the grounds of race, color, and/or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Metro COG program or activity, regardless of funding source; and

**WHEREAS** Metro COG as its agent intends that any agencies or firms with whom the MPO contracts will comply with the Title VI Program as appropriate and the Metro COG will take reasonable steps to ensure such compliance:


**NOW, THEREFORE, BE IT RESOLVED** that the Fargo-Moorhead Metropolitan Council of Governments as the designated Metropolitan Planning Organization (MPO) for the Fargo-Moorhead Metropolitan Area, approves the Limited English Proficiency Plan dated January 16, 2020 which reflects the draft document dated December 2019 without change; and

**BE IT FURTHER RESOLVED**, in accordance with 23 CFR 450.334(a) the Madison Area Transportation Board hereby certifies that the metropolitan transportation planning process is addressing major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303, and this subpart;
2. Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21;
3. 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Sections 1101(b) of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in the US DOT funded projects;
5. 23 CFR part 230, regarding the implementation of an equal employment opportunity

program on Federal and Federal-aid highway construction contracts;

6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of title 23, U.S.C regarding the prohibition of discrimination based on gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR 27 regarding discrimination against individuals with disabilities.

  
\_\_\_\_\_  
Brad Olson  
Chair, Metro COG Policy Board

1/16/2020  
Date

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# Introduction

## **Purpose**

Fargo-Moorhead Council of Governments (Metro COG) is the designated Metropolitan Planning Organization (MPO) responsible for ongoing, cooperative, comprehensive transportation planning and decision making in the Fargo-Moorhead metropolitan area. As a recipient of federal financial assistance, Metro COG is obligated under Title VI of the Civil Rights Act of 1964 and Executive Order 13166 to develop and implement a plan to ensure accessibility to its programs and services for persons who are not proficient in the English language.

The *Limited English Proficiency Plan* outlines the policies and procedures Metro COG uses to address the needs of individuals with limited English proficiency (LEP) that wish to access or participate in Metro COG's programs and planning activities. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin. This plan updates the previous one adopted in March 2017.

## **Statutory Authorities**

Executive Order 13166: *Improving Access to Services for Persons with Limited English Proficiency*, issued in 2000 clarified Title VI of the Civil Rights Act of 1964. It stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI in order to access public services or benefits for which they are eligible. It directed federal agencies to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons consistent with LEP guidelines. Recipients of federal financial assistance are also required to implement LEP plans in accordance with guidelines of the federal agency from which the funds are provided.

The U.S. Department of Transportation published guidance in December 2005 concerning recipients' responsibilities to LEP persons. The guidance specifically identifies MPOs as organizations that must follow the guidance. In October 2012, the Federal Transit Administration (FTA) published Title VI Requirements and Guidance for FTA Recipients in FTA Circular 4702.1B, which provides guidance and instructions for carrying out U.S. DOT Title VI regulations and integrating into FTA recipients' programs and activities (the considerations expressed in the U.S. DOT's 2005 policy guidance).

The Executive Order 13166 applies to all state and local agencies, which receive federal funds, including Metro COG and its jurisdictions receiving federal grant funds.

The following Limited English Proficiency (LEP) Plan was approved by the Metro COG on January 16, 2020.



## **Definitions**

The following are a selection of definitions applicable to the Title VI Program, which can be found in Chapter 1 of FTA Circular 4702.1B:

*Discrimination*: Refers to any action, or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

*Limited English Proficiency (LEP) Person*: Refers to person for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

*Low-Income Person*: a person whose median household income is at or below the [U.S. Department of Health and Human Service poverty guidelines](#) per FTA's Title VI circular

*Low-Income Population*: USDOT, FHWA, and FTA define a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

*Metropolitan Planning Organization (MPO)*: The transportation policy-making organization created and designated to carry out the federally required metropolitan transportation planning process.

*Minority Person*: Includes the following:

1. American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
3. Black, or African American, which refers to peoples having origins in any of the Black racial groups of Africa.
4. Hispanic, or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

## About Metro COG

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is both the designated Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo-Moorhead Metropolitan Area.

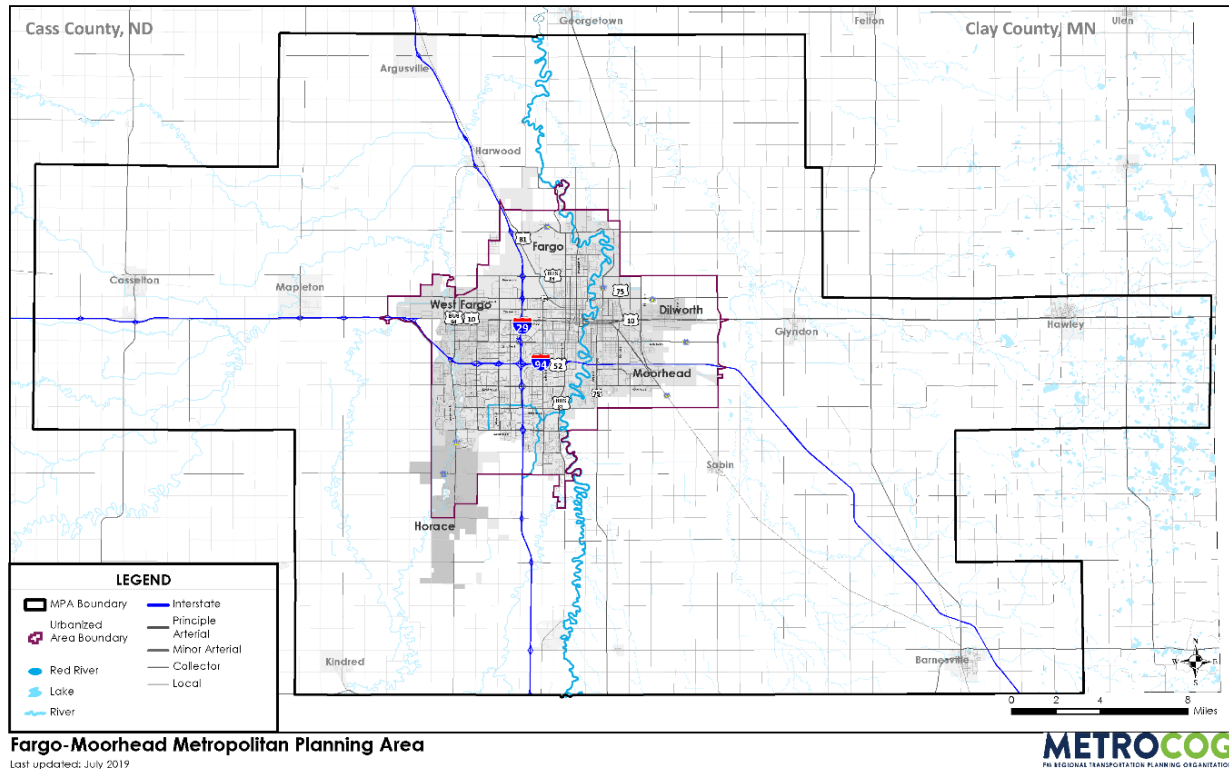
The Federal Surface Transportation Assistance Act of 1973 requires the formation of a MPO for any urbanized area with a population greater than 50,000. The Act also requires, as a condition for federal transportation financial assistance, that transportation projects be based upon a continuous, comprehensive, and cooperative (3-C) planning process for the Fargo-Moorhead Metropolitan Planning Area (MPA). MPOs help facilitate implementing agencies (including municipal public works departments, county highway departments, and state departments of transportation) prioritize their transportation investments in a coordinated way consistent with regional needs, as outlined in a long-range metropolitan transportation plan.

The core of an MPO is the urbanized area, which is initially identified and defined by the U.S. Census Bureau as part of the Decennial Census update. This boundary is adjusted by local officials and approved by the overseeing state Department of Transportation (DOT). The result of which is the official Adjusted Urban Area Boundary (known as the UZA). In Metro COG's case, the overseeing DOT is North Dakota Department of Transportation (NDDOT). The UZA boundary is used to determine the type of transportation funding programs potential projects may be eligible to receive.

In addition to the UZA, the MPO boundary includes any contiguous areas, which may become urbanized within a twenty-year forecast period. Collectively, this area is known as the Metropolitan Planning Area (MPA). Metro COG's MPA boundary was most recently expanded in 2013 and is currently comprised of approximately 1,073 square miles (687,000 acres), across 2 states, 2 counties, 14 cities, and 30 townships. The MPA boundary is effectively Metro COG's "study area" or area of influence respective to the metropolitan transportation planning program. These areas are significant not only as potential future population centers, but also due to their proximity to existing and future transportation assets of regional significance.

Map 1 provides an overview of these boundaries for the Fargo-Moorhead area, specifically depicting:

- a) The Metropolitan Planning Area Boundary;
- b) The Adjusted Urbanized Area boundary; and
- c) Cities within the MPA.



Map 1: Fargo-Moorhead Planning Boundaries

Metro COG serves a bi-state area. This area is unique that it covers 14 townships in Cass County, ND, and 16 townships in Clay County, MN.

Within the MPA there are seven (7) member jurisdictions, which pay dues and have voting rights on the policy board and transportation technical committee. The following are the member jurisdictions:

- Cass County, ND
- Clay County, MN
- City of Fargo, ND
- City of Moorhead, MN
- City of West Fargo, ND
- City of Dilworth, MN
- City of Horace, ND

Additionally, there are Associate Jurisdictions located within the MPA. These towns have populations over 700, do not pay dues, and do not have voting rights on the policy board and transportation technical committee. In Minnesota, these include Barnesville, Glyndon, and Hawley; and in North Dakota include Casselton, Harwood, and Mapleton.

Additionally, there is a third designation of jurisdiction, which are non-member jurisdictions. These jurisdictions have populations under 700 and/or have chosen not to

participate in Metro COG. These include in Minnesota: Comstock and Sabin; and in North Dakota: Argusville, Briarwood, Frontier, Kindred, North River, Oxbow, Prairie Rose, and Reiles Acres.

The (14) Townships within the MPA in North Dakota include: Barnes, Berlin, Casselton, Durbin, Everest, Harmony, Harwood, Mapleton, Normanna, Pleasant, Raymond, Reed, Stanley, Warren.

The (16) Townships within the MPA in Minnesota include: Alliance, Barnesville, Eglon, Elkton, Elmwood, Glyndon, Hawley, Holy Cross, Humboldt, Kragnes, Kurtz, Moland, Moorhead, Morken, Oakport, Riverton.

Metro COG provides regional coordination and approves the use of federal transportation funds within the MPA, responsibility for the implementation of specific transportation projects lies with NDDOT, MnDOT, and the local units of government as transportation providers.

## **Governance and Organizational Structure**

Metro COG is governed by a 24-member Policy Board appointed by local units of government within the Metropolitan Planning Area, Minnesota Department of Transportation, and North Dakota Department of Transportation. Federal law requires that the Policy Board shall consist of:

- Elected officials;
- Officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and
- Appropriate State officials

Figure 1 provides an overview of Metro COG's organizational structure. The light blue branch are staff positions. The green branch are technical committees and subcommittees. The technical committees, executive committee, and staff provide recommendations to the Policy Board.

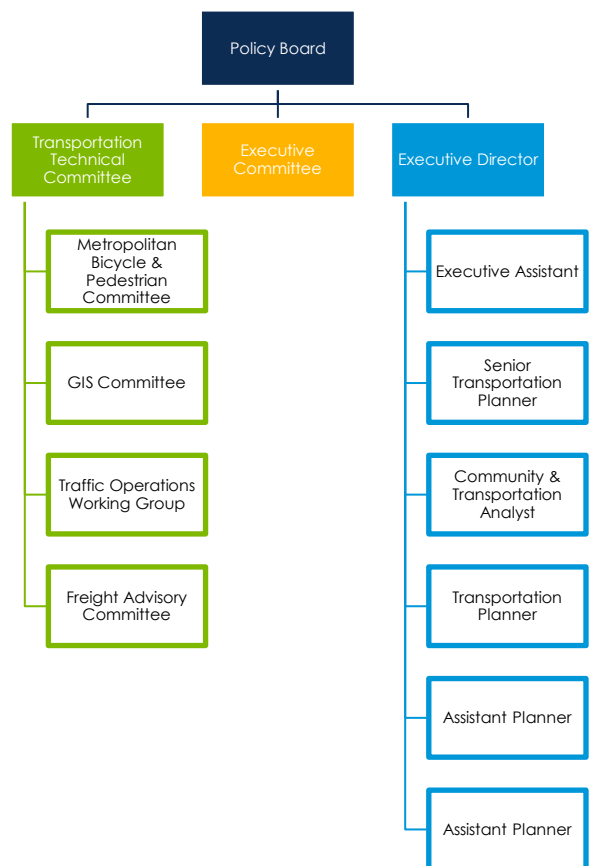


Figure 1: Fargo-Moorhead Metropolitan Council of Governments Organizational Chart

## Plan Summary

Metro COG seeks to ensure access to the regional transportation planning process, information published by Metro COG, and Metro COG's programs to area residents who do not speak or read English proficiently. It is Metro COG's policy to inform residents with LEP of the right to free language assistance and interpreter services at no cost to them. This plan outlines the procedures and practices Metro COG uses to provide meaningful access to its programs and activities for LEP populations within the Fargo-Moorhead Metropolitan Planning Area.

The plan outlines the following elements:

- Meaningful Access: Four Factor Analysis
  - a. LEP Assessment, which includes the results of the Four Factor Analysis
  - b. LEP populations in the Fargo-Moorhead Metropolitan Statistical Area
- Language Assistance
  - a. Language Assistance Services Provided
  - b. Translation of Documents
  - c. Public Outreach
  - d. Monitoring, Evaluating, and Updating the Language Assistance program
  - e. Staff Training

## Meaningful Access: Four-Factor Analysis

In order to prepare this plan, Metro COG used the four-factor LEP analysis, which considers the following factors:

### **Factor 1: Demography**

*The number or proportion of LEP persons in the service area who may be served by Metro COG.*

Metro COG staff have reviewed the 2013-2017 American Community Survey 5-year Estimates and determined that 5,486 individuals have limited English proficiency; that is that they speak English less than “very well” or “not at all.” This is 2.5% of the overall population over the age of 5 in the Fargo-Moorhead Metropolitan Statistical Area (MSA).

Table A presents the above data and compares it to the counties, states, and country jurisdictional population breakdowns that Metro COG’s MSA is located within.

Among persons speaking English less than “very well,” the most common languages in the MSA are Indo-European languages, which includes:

- |  |   |   |
|--|---|---|
| – French (incl. Cajun)   | – Serbo-Croatian (Bosnian, Croatian, Serbian)                       | – Nepali, Marathi or other Indic languages  |
| – Haitian  | – Ukrainian or other Slavic languages (Bulgarian, Czech, Ukrainian) | – Other Indo-European languages (Albanian, Lithuanian, Pashto (Pushto), Romanian, Swedish, Norwegian) |
| – Italian, Sicilian  | – Armenian  | – Telugu  |
| – Portuguese, Kabuverdianu                                     | – Persian (incl. Farsi, Dari)                                       | – Tamil   |
| – German, Luxembourghish                                       | – Gujarati  | – Malayalam, Kannada, or other Dravidian language   |
| – Yiddish, Pennsylvania Dutch or other West Germanic languages | – Hindi   |   |
| – Greek  | – Urdu  |   |
| – Russian  | – Punjabi (Panjabi)   |   |
| – Polish   | – Bengali   |   |

Table A: LEP Populations by Community for the Fargo-Moorhead MSA

Geographic Area	2017 Total Population	# Who Speak English Less Than "Very Well"	% of Total Population	% of total population speaking			
				Spanish	Indo-European Languages	Asian-Pacific Island Languages	Other Languages
United States	301,150,892	25,654,421	8.5%	5.4%	1.2%	1.6%	0.3%
Minnesota	5,140,764	236,363	4.6%	1.6%	0.5%	1.6%	0.9%
North Dakota	693,709	11,266	1.6%	0.4%	0.6%	0.3%	0.3%
Clay County, MN	57,645	1,084	1.9%	0.3%	0.6%	0.4%	0.6%
Cass County, ND	158,535	4,402	2.8%	0.3%	1.2%	0.6%	0.7%
Fargo-Moorhead MSA	216,180	5,486	2.6%	0.3%	1.0%	0.6%	0.7%
Fargo-Moorhead UZA	181,567	3,194	1.7%	0.1%	0.7%	0.3%	0.6%

USDOT has adopted the Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision applies to eligible LEP language groups that constitute five percent (5%) or 1,000 persons, whichever is less of the total population of persons eligible to be served or likely to be affected or encountered.

**Based on the 1,000 person or 5% threshold, there is no individual language group that falls under the Safe Harbor Provision in the Fargo-Moorhead MSA.**

Discussions with the Language Services at Family Health Care Center in Fargo, ND led Metro COG staff to have a more complete understanding of the current (as of November 2019) Metropolitan Area LEP community. Family Health Care Center noted that there has been a consistent trend in illiteracy amongst individuals in the region that use their services, so translation services seem to be ineffective. Conversely, interpreter services are in high demand. The top four languages that are most requested and used at Family Health Care Center (which has a pulse on the LEP population in the Fargo-Moorhead region) from highest demand to less demand are Nepali, Somalian, Arabic, and then Kurdish. Interestingly, the demand for Vietnamese and Bosnian/Croatian language translations has decreased over the past few years, which Family Health Care Center staff attributed to the length of time first generation immigrants and their families have been within the United States.

This information is helpful to understand that if Metro COG is considering translating documents, that Nepali, Somalian, Arabic, and Kurdish may be the most needed, but also understanding that translation services may not be as valuable as interpretive services.

## **Factor 2: Frequency**

*The frequency with which LEP persons come in contact with Metro COG services.*

Metro COG staff reviewed the frequency with which its Policy Board, staff, and contractors have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, Metro COG has had no requests for interpreters and no requests for translated program documents. Metro COG staff, contractors, and the Policy Board have had very little contact with LEP persons.

Agendas for all Metro COG Policy Board meetings include the following notice:

*Metro COG is committed to ensuring all individuals, regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, and/or income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility-impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting*



*proceedings and related materials. Please contact Savanna Leach, Metro COG Executive Secretary, at 701-532-5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.*

Metro COG has not had a request for interpreter services at any of its meetings, but has flexibility in its budget each year for such services.

### **Factor 3: Importance**

*The nature and importance of services provided by Metro COG to the LEP population.*

Metro COG plans and programs the use of federal funds for future transportation projects. However, Metro COG does not provide a direct service or program that requires vital, immediate, or emergency assistance. Metro COG also does not conduct required activities, such as permit applications. Involvement by citizens with Metro COG or its committees is voluntary.

There is no large geographic concentration of any type of LEP individuals in the Fargo-Moorhead MSA. The majority of the population in the MSA, 92.8%, speak only English. Overall, 97.4% of the MSA population speaks either only English or speaks another language and English “very well”. As a result, few social, service, or professional and leadership organizations within the MSA focus on outreach to LEP individuals. The Policy Board, Metro COG staff, and Metro COG contractors or sub recipients are most likely to contact LEP individuals through public meetings and other general public involvement opportunities, which is voluntary.

While Metro COG does not provide an essential service, it is committed to ensuring that all segments of the population, including LEP persons, are involved or at the very least have the opportunity to be involved in the transportation planning process and benefit from programs. Special efforts are made to involve LEP persons and other traditionally under-represented populations in the planning process through a three-phase approach. The [Public Participation Plan \(PPP\)](#) further details Metro COG’s public involvement approach.

Metro COG also evaluates the impact of proposed transportation investments on underserved and under-represented population groups as part of the planning and programming process consistent with Title VI, Executive Order 12898, and other federal guidance.

The impacts of federally funded transportation investments in the Fargo-Moorhead area are monitored and assessed annually in its [Transportation Improvement Program](#). As noted in Part 3: Demographic Profile, the upcoming four-year program of projects will have no significant or disproportionate negative impacts and are expected, instead, to provide positive transportation improvements for community members in proximity to those projects. See Title VI Non-Discrimination Plan, Part 3: Demographic Profile for further information.

## **Factor 4: Resources**

*The resources available to Metro COG and overall costs to provide LEP assistance.*

As noted in Factor 1 and Factor 3, there is no large geographic concentration of any type of LEP individuals in Metro COG's planning area. The majority (97.4%) of the population speaks English only or another language and English "very well".

Given the small size of the LEP population (2.6%) and our financial constraints, full multi-language translations of our planning and meeting documents are not warranted at this time, but can be made available on a case-by-case basis and upon request.

Metro COG has reviewed its available resources that can be used for providing LEP assistance. Currently, there are no less than seven resources within the Fargo-Moorhead region to assist Metro COG with interpretive services should the need arise. Metro COG keeps a list of these services updated and on file. The list can also be viewed in Appendix A: Interpretive Services.

## Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Metro COG programs and services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

After applying the four-factor analysis, Metro COG has examined the following language assistance options and identified which methods will provide Metro COG with an effective LEP Plan.

The following are measures Metro COG staff may use to notify and identify a LEP person:

1. Post a notice in a conspicuous and accessible place in the Metro COG office of the LEP Plan and of the availability of interpretation or translation services free of charge in languages LEP persons would understand.
2. Post the LEP on Metro COG's website
3. Greet participants as they arrive at Metro COG - sponsored informational meetings or events. By informally engaging participants in conversation or by using language identification flashcards (next bullet point), it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event, it will help identify the need for future events.
4. Make language identification flashcards (see Appendix B) available at public meetings and other community input events.
5. Survey Metro COG staff periodically on their experience concerning any contacts with LEP persons during the previous year.

## **Language Assistance Measures**

Although there is a very low percentage of LEP individuals in the Metro COG planning area, that is, persons who speak English less than "very well" or "not at all", Metro COG will strive to offer the following measures:

1. Metro COG staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP persons:
  - a. Interpretative services, within reason, will be provided for public meetings, if advance notice is provided to Metro COG and such services are readily available;
  - b. Metro COG will make translated versions (or provide for the interpretation of relevant sections) of all documents/publications available upon request, within a reasonable time period and as resources permit.

Additionally, Metro COG includes the following disclaimer on all public meeting notifications:

*"Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact the Metro COG Executive Assistant at 701.532.5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in this meeting."*

## **Staff Training**

Metro COG will take steps to insure staff has appropriate training and resources available to assist LEP individuals. These steps are completed annually and in coordination with employee orientation:

1. Provide staff with information on the Title VI Policy and LEP responsibilities
2. Provide staff with information on the use of language identification cards
3. Provide staff with information on language assistance services available and offered to the public
4. Train staff on how to document language assistance requests
5. Train staff on how to handle potential Title VI / LEP complaints

Appendix C identifies the LEP Training and Certificate of Completion and is amended annually in February. Appendix D identifies the LEP Training Log, which is amended annually in February.

## **Contractors / Consultants**

All contractors or subcontractors performing work for Metro COG will be required to follow Title VI / LEP guidelines. Such assurance is made at the time the contract is established.

## **Translation of Documents**

Metro COG staff weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, Metro COG will consider the translation of documents (or portions thereof) on a case-by-case basis, as requested.

Translation resources have been identified (see Appendix A) and are kept on file by Metro COG.

As an interim tool, Metro COG can use Google's Translate program, located at <http://translate.google.com>, to provide users with HTML content in other languages. This resource is an imperfect system, but has a potential to provide enough information for a LEP individual or group to gain an initial understanding of Metro COG documents in response to an initial contact. Outside of that service, because Metro COG staff level is small and does not possess in-house translation capabilities or expertise, Metro COG staff can only assist LEP persons, but cannot accurately assess or guarantee the accuracy of translation services provided by others.

## **Monitoring, Evaluating, and Updating the Plan**

Metro COG will update the LEP Plan annually with its self-certification procedure per 23 CFR 450.334. An annual review and update will include the following:

1. Completion of Appendix E: Language Assistance Requests
  - a. Document the number of LEP person contacts encountered in the previous calendar year, if any
  - b. Document how the needs of LEP persons that were encountered were addressed, if any
2. Completion of Appendix F: LEP Annual Assessment
  - a. Current LEP population in the service area; subject to available Census data
  - b. Assessment and determination whether:
    - i. The need for translation services has changed
    - ii. Local language assistance programs have been effective and sufficient to meet the need
    - iii. Staff training is sufficient
    - iv. Metro COG's financial resources are sufficient to fund language assistance resources needed
    - v. Metro COG fully complies with the goals of this LEP Plan

- c. Document the complaints that have been received concerning the agency's failure to meet the needs of LEP individuals. These are recorded and maintained in the Title VI complaint log, which includes LEP to determine issues and basis of complaints (see Title VI Non-Discrimination Plan Appendix D and E for Complaint Forms and Logs).

### **Dissemination of Metro COG's LEP Plan**

Metro COG will make good faith efforts to notify the public that a LEP Plan and language assistance is available through the following means:

1. Post a notice in a conspicuous and accessible place in the Metro COG office of the LEP Plan and of the availability of interpretation or translation services free of charge in languages LEP persons would understand
2. Post the LEP on the Metro COG website
3. Include as part of public notices and related materials that LEP person needing interpretative service need to contact Metro COG. The following disclaimer is on all public meeting notifications:

*"Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact the Metro COG Executive Assistant at 701.532.5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in this meeting."*

# Appendices

## **Appendix A: Interpretive Services**

### FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

## INTERPRETIVE SERVICES AVAILABLE FOR PUBLICATIONS AND MATERIALS

### Services Available

- Local Translation
- Document Translation
- Website Translation

### Resources

#### **Cultural Diversity Resources**

112 N University Drive #305

Fargo, ND 58102

701-526-3000

[www.culturaldiversityresources.org](http://www.culturaldiversityresources.org)

#### **Minnesota Translations**

19 8<sup>th</sup> Street South #103

Fargo, ND 58103

701-353-7686

[www.minnesotatranslations.com](http://www.minnesotatranslations.com)

#### **Lutheran Social Services of North Dakota**

3911 20<sup>th</sup> Avenue South

Fargo, ND 58103

701-235-7341

[www.lssnd.org](http://www.lssnd.org)

#### **North Dakota Assistive**

3240 15<sup>th</sup> Street South

Fargo, ND 58104

701-365-4728

[www.ndipat.org](http://www.ndipat.org)

#### **Language Services**

##### **Family Health Care Center**

301 NP Avenue

Fargo, ND 58102

701-271-6369

[www.famhealthcare.org](http://www.famhealthcare.org)

#### **North Dakota State Contracted Services**

##### **Telephone Based Interpreter Services**

Contract Administrator: 701-328-2690

<https://apps.nd.gov/csd/spo/services/bi-dder/listCurrentContracts.htm>

- Linguistica 801-617-1958
- Language Link 360-823-2287
- Humble Translations



## **Appendix B: Language Index Cards**

To be able to communicate with LEP persons, Metro COG staff will make the following language identification flashcards available at public meetings and other community input events.

Developed by the U.S. Census Bureau, these cards have the phrase, "Mark this box if you read or speak 'name of language'", translated into 38 languages. They were designed for use by government and nongovernment agencies to identify the primary language of LEP individuals during face-to-face contacts.

Once a language is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

Language Index Cards are on the following pages.

- |                          |   |                        |
|--------------------------|---|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                           | 1. Arabic              |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞ս, կ՞արեա՞րք այս քառակուսում,<br>եթե խոսում կամ կարդում եք հայերեն: | 2. Armenian            |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।                          | 3. Bengali             |
| <input type="checkbox"/> | ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។                           | 4. Cambodian           |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.    | 5. Chamorro            |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。  | 6. Simplified Chinese  |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。  | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                 | 8. Croatian            |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                          | 9. Czech               |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                     | 10. Dutch              |
| <input type="checkbox"/> | Mark this box if you read or speak English.                                     | 11. English            |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.                    | 12. Farsi              |

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

## **Appendix C: LEP Training and Certificate of Completion**

Form is on the following page.

## 2020 LIMITED ENGLISH PROFICIENCY (LEP) TRAINING AND CERTIFICATE OF COMPLETION

As a direct recipient of federal assistance, the North Dakota Department of Transportation (NDDOT) is required to comply with Title VI laws, related statutes, and regulations. It is necessary that any agency receiving federal and/or state financial assistance from NDDOT receive training on U.S. Department of Transportation (DOT) and Federal Highway Administration (FHWA) Limited English Proficiency laws and regulations on an annual basis.

As a sub-recipient of NDDOT's federal funds, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is required to comply with Title VI and related nondiscrimination laws and regulations, which includes Limited English Proficiency assistance. Employees of Metro COG are required to complete one hour of Title VI training each year.

Metro COG employees shall review the following module in order to fulfill their LEP training requirements for 2020:

- **MODULE I – Communicating Effectively with Limited English Proficient Members of the Public** (50 minutes):

<https://www.youtube.com/watch?v=vv3IBZkUgwg&feature=youtu.be>

This video training series, in production since 2013, is part of a training toolkit designed to educate federal personnel on interacting with limited English proficient individuals. It was developed in response to the Attorney General's February 2011 memorandum to all federal agencies, calling upon them to ensure that limited English proficient individuals can access federal government programs and services under Executive Order 13166. The training series is intended to help establish consistent and legally sound practices across the government when engaging in communications with limited English proficient individuals.

More information can be found at [www.LEP.gov](http://www.LEP.gov)

**Declaration of Employee:** I have completed annual LEP training on \_\_\_\_\_ (date) as required by the Fargo-Moorhead Metropolitan Council of Governments and the North Dakota Department of Transportation. I have also received information on:

- Title VI Policy and LEP responsibilities;
- The use and location of language identification cards;
- Language assistance services available and where the resources can be found;
- How to document language assistance requests; and
- How to handle potential Title VI / LEP complaints.

Printed Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix D: LEP Training Log

[illegible]

## **Appendix E: Language Assistance Requests**

A blank form is on the following page.

For each calendar year, a new form is amended into this plan and added subsequently to this Appendix. This amendment shall occur no later than February of the year following the calendar year that is assessed.



## Language Assistance Requests

The first line of the table, shaded in yellow, is an example of how to fill in the table when / if a request is received.

EXAMPLE

EXAMPLE	Name of Requester	Date Requested		Language Requested	Type of Service Requested	Comments about Request	Metro COG Response		Date Request Completed
	First Name, Last Name Address Phone Email	Year	Month/ Day				Action	Service Used	
	John Doe 1234 This Town Rd Small Town, XX #####  xxx-xxx-xxxx xxxxxx@blahblah.com	YYYY	MM/DD	Nepali	Document Translation	Requested the entire 2045 MTP be translated from English to Nepali.	Translated document in entirety	NDDOT Linguistica	MM/DD/YYYY

\*As of December 2019, no language assistance requests have been received.

## **Appendix F: LEP Annual Assessment**

A blank form is on the following page.

For each calendar year, a new form is amended into this plan and added subsequently to this Appendix. This amendment shall occur no later than February of the year following the calendar year that is assessed.

## **LEP Annual Assessment**

Per the Limited English Proficiency (LEP) Plan, Metro COG needs review annually the following:

1. Current LEP population in the service area, which is subject to available Census data
2. Assess and determination whether:
  - a. The need for translation services has changed
  - b. Local language assistance programs have been effective and sufficient to meet the need
  - c. Staff training is sufficient
  - d. Metro COG's financial resources are sufficient to fund language assistance resources needed
  - e. Metro COG fully complies with the goals of this LEP Plan

Every January, Metro COG staff will review the previous calendar year's Unified Plan Work Program activities and the interactions staff, consultants, and contractors had with LEP individuals. The information noted above in items 1 and 2 are reviewed and noted in the following form. Once the form is completed in January, it will be brought to the Transportation Technical Committee and Policy Board for adoption and amendment into the current LEP Plan.

## Meaningful Access: Four-Factor Analysis

### 2021 Update

In order to prepare this plan, Metro COG used the four-factor LEP analysis, which considers the following factors:

#### **Factor 1: Demography**

*The number or proportion of LEP persons in the service area who may be served by Metro COG.*

Metro COG staff have reviewed the 2015-2019 American Community Survey 5-year Estimates and determined that 5,650 individuals have limited English proficiency; that is that they speak English less than “very well” or “not at all.” This is 2.5% of the overall population over the age of 5 in the Fargo-Moorhead Metropolitan Statistical Area (MSA).

Table A presents the above data and compares it to the counties, states, and country jurisdictional population breakdowns that Metro COG's MSA is located within.

Among persons speaking English less than “very well,” the most common languages in the MSA are Indo-European languages, which includes:

- French (incl. Cajun)
- Haitian
- Italian, Sicilian
- Portuguese, Kabuverdianu
- German, Luxembourgish
- Yiddish, Pennsylvania Dutch or other West Germanic languages
- Greek
- Russian
- Polish
- Serbo-Croatian (Bosnian, Croatian, Serbian)
- Ukrainian or other Slavic languages (Bulgarian, Czech, Ukrainian)
- Armenian
- Persian (incl. Farsi, Dari)
- Gujarati
- Hindi
- Urdu
- Punjabi (Panjabi)
- Bengali
- Nepali, Marathi or other Indic languages
- Other Indo-European languages (Albanian, Lithuanian, Pashto (Pushto), Romanian, Swedish, Norwegian)
- Telugu
- Tamil
- Malayalam, Kannada, or other Dravidian language

## LEP Annual Assessment Form

### 1. CURRENT LEP POPULATION IN SERVICE AREA (METROPOLITAN STATISTICAL AREA)

DATE RETRIEVED: July 20, 2021

SOURCE: 2015-2019 American Community Survey

COMMENTS REGARDING DATA: Overall, the population numbers shown are lower than those shown previously as the data is calculated for members of the population five years old or older. The numbers shown do not include residents four years old and under. The percentages of the population who speak English less than "very well" has remained the same.

Table A: LEP Populations by Community for the Fargo-Moorhead MSA

Geographic Area	2019 Total Population*	# Who Speak English Less Than "Very Well"	% of Total Population	% of Total Population Speaking**			
				Spanish	Indo-European Languages	Asian-Pacific Island Languages	Other Languages
United States	304,930,125	25,615,365	8.4%	5.3%	1.1%	1.6%	0.3%
Minnesota	690,707	12,795	1.9%	0.5%	0.7%	0.3%	0.3%
North Dakota	5,211,714	243,660	4.7%	1.6%	0.5%	1.6%	1.0%
Clay County, MN	164,457	4,541	2.8%	0.3%	1.3%	0.5%	0.7%
Cass County, ND	58,915	1,109	1.9%	0.3%	0.6%	0.4%	0.5%
Fargo-Moorhead MSA	223,372	5,650	2.5%	0.3%	1.1%	0.5%	0.6%
Fargo-Moorhead UZA	193,468	5,514	2.9%	0.3%	1.3%	0.5%	0.7%

\* Population 5 years and over

\*\*Languages spoken by population who speak English less than "very well"

## 2. ASSESSMENT & DETERMINATION

DATE OF ASSESSMENT: July 21, 2021

### A. HAS THE NEED FOR TRANSLATION SERVICES CHANGED:

☐ YES ☒ NO

RATIONAL: The percentage of the population within the MSA who speaks English less than "very well" remains very low, at 2.5% and among those who do speak English less than "very well", there is no single language that approaches the threshold where our vital documents need to be translated.

### B. WERE LOCAL LANGUAGE ASSISTANCE PROGRAMS USED IN THE PREVIOUS CALENDAR YEAR:

☐ YES ☒ NO

If yes, which programs and type of assistance were used: \_\_\_\_\_

If yes, which languages were requested for translation or interpretation: \_\_\_\_\_

### BASED ON THE ABOVE ASSESSMENT, WERE THE LOCAL LANGUAGE ASSISTANCE PROGRAMS EFFECTIVE AND SUFFICIENT TO MEET THE NEEDS?

☐ YES ☐ NO ☒ N/A

If no, what changes need to be made in the next year: \_\_\_\_\_

If no, the changes listed above shall be amended into the LEP Plan with the amendment of this assessment.





**C. IS STAFF TRAINING SUFFICIENT:**

☒ **YES**      ☐ **NO**

RATIONAL: All staff participated in training provided by MnDOT during one of the Minnesota MPO Directors Quarterly meetings.

\_\_\_\_\_  
\_\_\_\_\_

**D. ARE METRO COG'S FINANCIAL RESOURCES SUFFICIENT TO FUND THE NEEDED LANGUAGE ASSISTANCE: X** ☒ **YES**      ☐ **NO**

RATIONAL: Yes, but at this time, we do not budget for it, because we have never needed to provide it, so when the time comes when need to provide it, we will need to adjust our budget accordingly.

\_\_\_\_\_  
\_\_\_\_\_

**E. DOES METRO COG FULLY COMPLY WITH THE GOALS OF THE CURRENT ADOPTED LEP:**

X ☒ **YES**      ☐ **NO**

If no, what amendments need to occur, to bring Metro COG into compliance: We comply, but missed our desired time frame of February, 2021 for updating the LEP data. Next year's update has been added to our 2022 calendar.

When will these amendments occur: February, 2022

**CERTIFICATE**

I, Cynthia R Gray, represent Metro COG as the Title VI, limited English proficiency, and Americans with Disabilities Act Coordinator, and warrant the answers that have been made to each and all of the foregoing questions are full and true to the best of my knowledge and belief.



Signature of Metro COG Executive Director,  
Title VI - limited English proficiency – Americans with Disabilities Act Coordinator

Date: 7/21/2021

## LEP Annual Assessment Form

### 1. CURRENT LEP POPULATION IN SERVICE AREA (METROPOLITAN STATISTICAL AREA)

DATE RETRIEVED \_\_\_\_\_ SOURCE: \_\_\_\_\_

COMMENTS REGARDING DATA: Note changes that have occurred since previous calendar year; note any data limitations

Table A: LEP Populations by Community for the Fargo-Moorhead MSA

Geographic Area	20XX Total Population	# Who Speak English Less Than "Very Well"	% of Total Population	% of total population speaking			
				Spanish	Indo-European Languages	Asian-Pacific Island Languages	Other Languages
United States	301,150,892	25,654,421	8.5%	5.4%	1.2%	1.6%	0.3%
Minnesota	5,140,764	236,363	4.6%	1.6%	0.5%	1.6%	0.9%
North Dakota	693,709	11,266	1.6%	0.4%	0.6%	0.3%	0.3%
Clay County, MN	57,645	1,084	1.9%	0.3%	0.6%	0.4%	0.6%
Cass County, ND	158,535	4,402	2.8%	0.3%	1.2%	0.6%	0.7%
Fargo-Moorhead MSA	216,180	5,486	2.6%	0.3%	1.0%	0.6%	0.7%
Fargo-Moorhead UZA	181,567	3,194	1.7%	0.1%	0.7%	0.3%	0.6%

Replace data in the table as it becomes available. This is the same information listed in Factor 1: Demography of the LEP Plan.



**2. ASSESSMENT & DETERMINATION**

DATE OF ASSESSMENT: \_\_\_\_\_

**A. HAS THE NEED FOR TRANSLATION SERVICES CHANGED:**

\_\_\_\_\_ YES \_\_\_\_\_ NO

RATIONAL: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**B. WERE LOCAL LANGUAGE ASSISTANCE PROGRAMS USED IN THE PREVIOUS CALENDAR YEAR:**

\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, which programs and type of assistance were used: \_\_\_\_\_  
\_\_\_\_\_If yes, which languages were requested for translation or interpretation: \_\_\_\_\_  
\_\_\_\_\_**BASED ON THE ABOVE ASSESSMENT, WERE THE LOCAL LANGUAGE ASSISTANCE PROGRAMS EFFECTIVE AND SUFFICIENT TO MEET THE NEEDS?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

If no, what changes need to be made in the next year: \_\_\_\_\_  
\_\_\_\_\_

If no, the changes listed above shall be amended into the LEP Plan with the amendment of this assessment.



**C. IS STAFF TRAINING SUFFICIENT:**

\_\_\_\_ YES \_\_\_\_ NO

RATIONAL: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. ARE METRO COG'S FINANCIAL RESOURCES SUFFICIENT TO FUND THE NEEDED LANGUAGE ASSISTANCE:**

\_\_\_\_ YES \_\_\_\_ NO

RATIONAL: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. DOES METRO COG FULLY COMPLY WITH THE GOALS OF THE CURRENT ADOPTED LEP:**

\_\_\_\_ YES \_\_\_\_ NO

If no, what amendments need to occur, to bring Metro COG into compliance: \_\_\_\_\_  
\_\_\_\_\_

When will these amendments occur: \_\_\_\_\_

**CERTIFICATE**

I, \_\_\_\_\_, represent Metro COG as the Title VI, limited English proficiency, and Americans with Disabilities Act Coordinator, and warrant the answers that have been made to each and all of the foregoing questions are full and true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Metro COG Executive Director,  
whom is the Title VI - limited English proficiency – Americans with Disabilities Act Coordinator

Date: \_\_\_\_\_