Mississippi River Regional Planning Commission

Title VI Program /Limited English Proficiency Plan

June 11, 2014

Title VI Program / Limited English Proficiency Plan

CONTACTS

All questions, comments, or requests for documents and services may be directed via phone, fax, e-mail, or in person to:

Greg Flogstad Director Phone: 608.785.9396 Fax: 608.785.9394 E-mail: greg@mrrpc.com

OR

Peter Fletcher Transportation Planner Phone: 608.785.9396 E-mail: peter@mrrpc.com

At:

Mississippi River Regional Planning Commission 1707 Main St., Suite 435 La Crosse, WI 54601

Documents, meeting minutes and agendas, and other information may also be obtained on our website at:

www.mrrpc.com

This Title VI Plan and other MRRPC documents may be viewed and downloaded from our website at: <u>www.mrrpc.com</u>

Mississippi River Regional Planning Commission

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Purpose

Purpose for Title VI Program

As a subrecipient of federal funds administered by the Federal Transit Administration (FTA) and/or the Federal Highway Administration (FHWA) from the State of Wisconsin the Mississippi River Regional Planning Commission (MRRPC) is required to comply with *Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987*, and all related regulations and statutes.

In addition, the MRRPC is required to comply with *Title 49, Code of Federal Regulations,* U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation.

The purpose of these regulations is to assure that no person or groups of persons shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the MRRPC, regardless of whether those programs and activities are federally funded or not. In addition, that the MRRPC will provide meaningful access to services for persons with Limited English Proficiency.

Format of Title VI Program

This Title VI Program is formatted to the requirements found in FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

The next section addresses the requirements for chapters III and VI of the Circular as they pertain to requirements and guidelines for the MRRPC. Each "requirement" includes verbatim language from the Circular in italics followed by a discussion of how the MRRPC meets the requirement.

FTA Circular 4702.1B Title VI Requirements and Guidelines

Chapter III: General Requirements and Guidelines

2. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES

"In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations."

The MRRPC Title VI Assurances are included with this program in **Appendix A**.

3. REQUIREMENTS FOR FIRST-TIME APPLICANTS

Not applicable.

4. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM

"Title 49 CFR Section 21.9(b) requires recipients to 'keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule].' ... For all recipients (including subrecipents), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA....Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program.

MRRPC Title VI activities will be reported to MRRPC Commissioners annually at the December MRRPC Commission meeting and documented in meeting minutes. Annually, at the December Commission Meeting the MRRPC will self-certify compliance with Title VI requirements. Meeting minutes will be submitted to the Wisconsin Department of Transportation and will be available on the MRRPC website. A copy of the MRRPC Title VI Program is also available on the MRRPC website.

A copy of the MRRPC resolution approving this Title VI Program is included in **Appendix B**.

The requirements included in the "contents" part of this section (Section 4 Requirement to Prepare and Submit a Title VI Program) are also included and addressed in Sections 5 - 12 below, or are not applicable.

5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI

"Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that may include but are not limited to: posting a Title VI notice on the agency's Web site, at the agency's office, at stations or stops, and/or on transit vehicles."

The MRRPC Title VI notice is included in **Appendix C** and is posted on the MRRPC website and at the MRRPC office. The MRRPC does not provide transit services; other requirements of this section are not applicable.

6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM

"In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. Recipients must also develop a Title VI complaint form."

The MRRPC Title VI complaint procedures are in **Appendix D**, and the MRRPC Title VI complaint form is in **Appendix E**. The complaint procedure and complaint forms are posted on the MRRPC website and at the MRRPC office.

7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS.

"In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient."

A standard report for annual reporting of Title VI Investigations, Complaints, and Law suits i.e. is found in **Appendix F**. Annual reports will be placed on file at the MRRPC office as a means to track Title VI investigations, complaints and lawsuits.

There have been no Title VI investigations, complaints or lawsuits filed with the MRRPC.

8. PROMOTING INCLUSIVE PUBLIC INVOLVEMENT.

The MRRPC encourages inclusive public participation in preparation of all planning documents and programs. The following public participation plan identifies efforts the MRRPC utilizes to gain inclusive public involvement.

MRRPC Public Participation Plan

To promote inclusive public participation in its planning activities, the MRRPC employs the following strategies, as appropriate:

■Coordination & Consultation

-The MRRPC will consult with agencies and officials responsible for other planning activities within the planning area that are affected by transportation in the development of transportation plans/programs, including Indian Tribal governments and Federal land management agencies, if applicable.

-The MRRPC will coordinate public involvement and consultation processes with applicable statewide transportation planning activities/processes.

Accessibility & Information

-The MRRPC will hold public meetings at convenient and accessible locations and times.

-The MRRPC will make public information available in electronically accessible format and utilize social media (when applicable) in addition to other resources as a way to gain public involvement.

-The MRRPC will provide reasonable public access to technical and policy information used in the development of transportation plans/programs.

-The MRRPC will (when applicable) employ visualization techniques to describe transportation plans/programs.

∎Timeliness

-The MRRPC will provide timely information about transportation issues and processes to all concerned stakeholders, including affected public agencies, private providers of transportation, and other interested parties and segments of the community affected by transportation plans/programs.

-The MRRPC will provide adequate public notice of public involvement activities and time for public review and comment. Public notices of meetings will be placed on the MRRPC website, emailed to persons/agencies on the MRRPC's diversified contact list, and published in local newspapers (when applicable). Additional notification methods will be utilized as appropriate.

■Public Comment

-The MRRPC will demonstrate explicit consideration and response to public input received during the development of transportation plans/programs.

-The MRRPC will provide an additional opportunity for public comment if the final transportation plans/programs differs significantly from the versions that were initially made available for comment.

-The MRRPC will include as part of the final transportation plans/programs a summary on the disposition of significant written or oral comments received on draft plans and programs.

■Evaluation

-The MRRPC will review the effectiveness of the public participation activities so as to ensure a full and open participation process.

-Public outreach efforts at a minimum will be conducted bi-monthly (six times a year) as part of the MRRPC Commission meetings. In 2014 and beyond this will include MRRPC Commission meetings in February, April, June, August, October, and December.

-The MRRPC will document and maintain public outreach efforts on the following table.

Event Date	MRRPC Staffer(s) Event		Date Publicized and Communication Method (Public Notice, Posters, Social Media)	Outreach Method (Meeting, Focus Group, Survey, etc).	Notes ⁱ
2/12/2014	Entire MRRPC Staff	MRRPC Bimonthly Meeting	Mailing to news media, county clerks, legislators, etc.	Meeting	
4/09/14	Entire MRRPC Staff	MRRPC Bimonthly Meeting	Mailing to news media, county clerks, legislators, etc.	Meeting	
6/11/2014	Entire MRRPC Staff	MRRPC Bimonthly Meeting	Mailing to news media, county clerks, legislators, etc.	Meeting	

STAKEHOLDERS

To reach all interested parties, the MRRPC has identified the following stakeholder groups as important participants in the public participation process for MRRPC transportation plans/programs:

Minority Populations

Minorities are defined as non-white persons within the Race and Hispanic or Latino Origin variable of the decennial census or ACS when applicable. Block groups whose non-white population has been determined to be significantly greater than the planning area average will be identified as areas of potential disproportionate impact.

Within the minority community reside those who may have limited English proficiency.

Limited English Proficient (LEP)

President Clinton signed Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, in August of 2000. This order requires that any agency that receives federal funds to establish a means of including Limited English Proficiency (LEP) persons in the planning process. The Attorney General for Civil Rights subsequently issued the guidance document, *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency* [Department of Justice (DOJ) LEP Guidance], to assist agencies in "taking reasonable steps to ensure 'meaningful' access to the information and services they provide."

According to the DOJ LEP Guidance, "reasonable steps to ensure meaningful access" depend on a number of factors:

- The number or proportion of LEP persons that may be impacted by a project or program;
- > The frequency with which LEP persons come in contact with the project or program;
- > The importance of the service provided by the project or program; and
- > The resources available to the receiving agency.

Anyone in need of interpretive services may contact the MRRPC office at 608-785-9396.

9. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS.

"Taken together, Title VI of the Civil Rights Act of 1964, its implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," require recipients to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP)."

The MRRPC Limited English Proficiency Plan is included as **Appendix G**. The Limited English Proficiency Plan includes consideration of the Four Factor Analysis, Language Implementation Plan, and Safe Harbor Provision sections of Requirement 8.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES.

"Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar decision-making bodies must provide a table depicting the racial breakdown of the membership of those bodies, and a description of efforts made to encourage the participation of minorities on such decision-making bodies."

The MRRPC Commission is the sole decision-making body of the MRRPC. The Commission is comprised of three members from each of the nine counties in the MRRPC. MRRPC Commissioners are appointed to the commission by the Governor's Office and County Boards. MRRPC staff encourages participation by all groups by invitation to bi-monthly meetings, public information meetings, etc. as outlined in the Public Participation Plan. Contacts are maintained in e-mail distribution lists and mail address lists.

Minority representation on MRRPC Commission is illustrated in Table 1. We recognize that the minority representation on our Commission is not reflective of the minority representation of our planning area, but members of minority groups are invited to attend commission meetings (i.e. Ho Chunk Nation, local chapter of the NAACP). MRRPC staff encourages participation by all groups by invitation to bi-monthly meetings and public information meetings. All Commission meetings are open to the public and meeting notices are posted on the MRRPC website and mailed to media outlets.

TABLE 1: Minority Composition of MRRPC

Non Hispanic White	Black or African American	American Indian/ Alaska Native	Asian	Native Hawaiian/ Pacific Islander	Hispanic or Latino	Some Other Race
94.1%	0%	5.9%	0%	0%	0%	0%

11. PROVIDING ASSISTANCE TO SUBRECIPIENTS.

Not applicable; MRRPC is a subrecipient.

12. MONITORING SUBRECIPIENTS.

Not applicable; MRRPC is a subrecipient.

Chapter VI: Requirements for Planning Organizations

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.

"For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. FTA will review and grant approval or conditional approval for Title VI Programs. Subrecipients, including MPOs that receive Federal planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, in order to assist the State in its compliance efforts."

A copy of the MRRPC resolution approving this Title VI Program is included in Appendix B:

In its regional transportation planning capacity, the MRRPC shall submit to the State, as a subrecipient:

(1) The information required under section 4 of chapter III (General Requirements) of this Circular (included above);

(2) A demographic profile of the Region that includes identification of the locations of minority populations as covered by Title VI:

The MRRPC uses the RACE AND HISPANIC OR LATINO ORIGIN variable from the U.S. Census to determine the distribution of minority and white populations as summarized in Table 2. Minorities are defined as Black or African American Alone, American Indian and Alaska Native Alone, Native Hawaiian or Other Pacific Islander Alone, Some Other Race Alone, and Two-or-more Races. Persons of Hispanic or Latino origin may be of any race.

County			Popu	lation			Minority Race ⁽¹⁾					
	Population	Non- Hispanic White	Hispanic	Total Minority ⁽²⁾	Non- Hispanic White	Total Minority ⁽²⁾	Black or African American Alone	American Indian or Alaskan Native Alone	Asian Alone	Native Hawaiian or Other Pacific Islander Alone	Some other race alone	Two or more races
		То	tal		Per	cent		Percen	t of Total	Population		
Region	317,068	295,006	7,064	22,062	93.0	7.0	1.0	0.8	1.8	0.0	0.1	1.1
Buffalo	13,587	13,135	237	452	96.7	3.3	0.3	0.3	0.2	0	0.2	0.7
Crawford	16,644	15,991	150	653	96.1	3.9	1.7	0.2	0.4	0	0	0.7
Jackson	20,449	17,987	519	2,462	88.0	12.0	1.9	5.9	0.2	0.1	0	1.3
La Crosse	114,638	104,417	1,741	10,221	91.1	8.9	1.4	0.4	4.1	0	0.1	1.4
Monroe	44,673	41,260	1,661	3,413	92.4	7.6	1.1	1	0.6	0.1	0	1.1
Pepin	7,469	7,305	72	164	97.8	2.2	0.2	0.2	0.2	0	0.1	0.5
Pierce	41,019	39,264	623	1,755	95.7	4.3	0.5	0.3	0.7	0	0.1	1.1
Trempealeau	28,816	26,774	1,667	2,042	92.9	7.1	0.2	0.2	0.4	0	0	0.5
Vernon	29,773	28,873	394	900	97.0	3.0	0.4	0.2	0.3	0	0	0.8

Table 2: MRRPC Region Race Data - 2010 Census Data

 Minority race categories include Black or African American Alone, American Indian or Alaska Native Alone, Asian, Native Hawaiian or Other Pacific Islander Alone, Some Other Race Alone, and Two or More Races. Persons of Hispanic or Latino origin may be of any race.
 Minority population includes all persons of minority races and the white race with Hispanic or Latino origin.

Source: 2010 Census Summary File 1, American FactFinder, U.S. Census Bureau, Profile of General Population and Housing Characteristics: 2010

(3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process:

The procedures by which the mobility needs of minority populations are identified and considered in the MRRPC planning process include 1) public outreach and 2) Statistical/Mapping analysis.

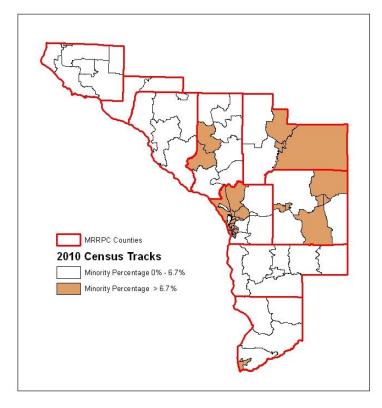
Public outreach involves inviting members of minority organizations to participate on our committees and in planning activities (i.e. public input meetings, focus groups). We maintain a distribution list of contacts that includes persons from the Ho Chunk Nation, the local chapter of the NAACP, the Hmong Mutual Assistance Association, etc. to name a few.

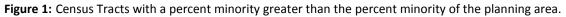
Statistical/Mapping analysis is used to identify the location(s) of minority persons.

Other requirements of Section 2 are not applicable for the MRRPC as a subrecipient.

(4) Demographic maps that overlay the percent minority and non-minority populations and charts that analyze the impacts of the distribution of State and Federal funds for public transportation purposes.

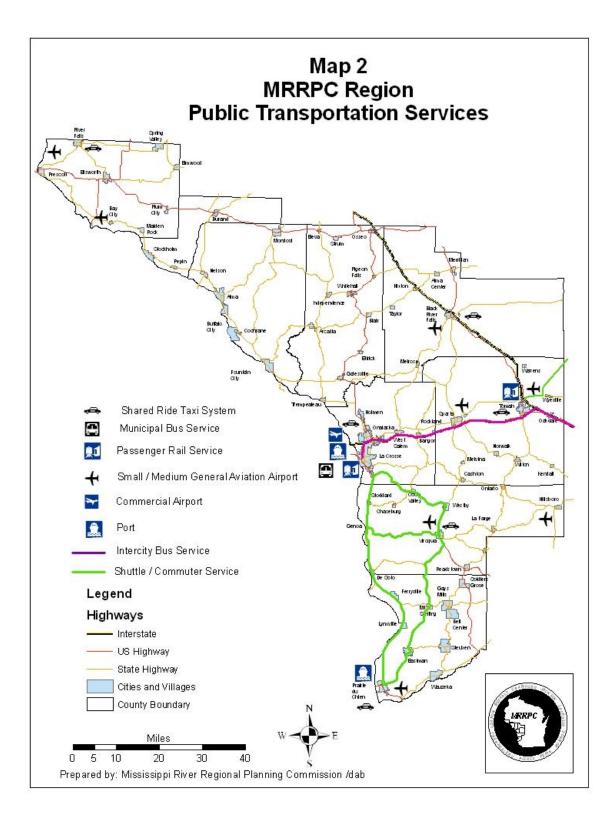
Figure 1 illustrates the census tracts in the planning area that have a percent minority higher than the percent minority of the planning area (6.7%). The MRRPC is a planning organization and does not operate a public transit system or have approval authority over transportation or transit related projects. As highlighted in the MRRPC Public Participation Plan, efforts are made to reach and notify all persons.





(5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

Taken in whole, publically funded transportation services provided in the MRRPC Region do not propose disproportionately high and adverse impacts on minority populations. The benefits of the transportation services and improvements provided are reasonably distributed as illustrated in Figure 2 to serve the needs of all populations in the area.



3. PLANNING.

"All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area."

U.S. Department of Transportation regulations provide for self-certification that the planning activities of the MRRPC are being carried out in conformance with these and other applicable requirements. This self-certification is included in the annual MRRPC Planning Work Program and certified in the Work Program's approval by the Wisconsin DOT and the MRRPC.

4. DESIGNATED RECIPIENT.

Not applicable; MRRPC is a subrecipient.

5. DIRECT RECIPIENT.

Not applicable; MRRPC is a subrecipient.

6. REQUIREMENTS FOR PROGRAM ADMINISTRATION.

Not applicable; MRRPC is a subrecipient.

Appendix A: MRRPC Title VI Assurances

TITLE VI ASSURANCES

The Mississippi River Regional Planning Commission (MRRPC), (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance through the Wisconsin Department of Transportation or the U.S. Department of Transportation; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway or Transit Programs:

- That the Recipient agrees that each "program" and each "facility," as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
- 2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations and made in connection with the Federal-Aid Highway or Transit Programs and, in adapted form, in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

- 3. That the Recipient shall insert the clauses of Appendix A in every contract subject to the Act and the Regulations.
- 4. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this assurance.
- 5. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal-Aid Highway or Transit Programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal-Aid Highway or Transit Programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

James Kuhn, MRRPC Chairperson

Greg Flogstad, Director

June 11, 2014 Date

June 11, 2014 Date

Appendix B: MRRPC Resolution Approving Title VI Program

RESOLUTION 6.11.14

Resolution committing to comply with the Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 and all regulations and statutes including a Limited English Proficiency Plan

WHEREAS, the United States Department of Transportation regulations require the MRRPC to establish and maintain a Title VI Program to carry out U.S. Department of Transportation Title VI regulations (49 CFR part 21) and to integrate into its programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (70 FR 74087, December 14, 2005).; and

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

WHEREAS, the MRRPC will affirmatively ensure that in any contract entered into, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award; and

NOW, THEREFORE, BE IT RESOLVED: that the MRRPC approves the Mississippi River Regional Planning Commission Title VI Program / Limited English Proficiency Plan.

This is to certify that the foregoing is a true and correct copy of resolution number 06.11.2014 duly and legally adopted by the Mississippi River Regional Planning Commission on the <u>11th</u> day of June, 2014

Chairman

Certified

Vicki Burke, Secretary-Treasurer

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Appendix C: MRRPC Title VI Notice

The Mississippi River Regional Planning Commission's Notice to the Public is as follows:



The **Mississippi River Regional Planning Commission's** Notice to the Public is posted in the following locations: (*check all that apply*)

- Agency website [*www.mrrpc.com*]
- □ Public areas of the agency office (common area, public meeting rooms, etc.)
- □ Inside vehicles
- □ Rider Guides/Schedules
- □ Transit shelters and stations
- □ Other, _____

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Appendix D: MRRPC Title VI Complaint Procedures

The scope of Title VI covers all external MRRPC activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with MRRPC for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

Formal Title VI Complaint Procedure

The Mississippi River Regional Planning Commission's Title VI Complaint Procedure is made available in the following locations: (*check all that apply*)

- Agency website, <u>www.mrrpc.com</u>, either as a reference in the Notice to Public or in its entirety
- □ Hard copy in the central office
- □ Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.
- Other, _____

The MRRPC Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by MRRPC, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

MRRPC uses the following procedures for prompt processing of all Title VI complaints received directly by it. These procedures include but are not limited to:

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Mississippi River Regional Planning Commission may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The Mississippi River Regional Planning Commission investigates complaints received no more than 180 days after the alleged incident. The Mississippi River Regional Planning Commission will process complaints that are complete.

Once the complaint is received, the Mississippi River Regional Planning Commission will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Mississippi River Regional Planning Commission (MRRPC) has 60 days to investigate the complaint. If more information is needed to resolve the case, the city may contact the complainant.

The complainant has 15 business days from the date of the letter to send requested information to the investigator assigned to the case.

If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, the MRRPC can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A <u>closure letter</u> summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- ✓ A <u>letter of finding (LOF)</u> summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 15 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact 608-785-9396. Si se necesita informacion en otro idioma de contacto, 608-785-9396. Yog tias cov ntaub ntawv uas yuav tsum tau ua lwm hom lus, hu rau, 608-785-9396.

Appendix E: MRRPC Title VI Complaint Form

Title VI Complaint Form

The Mississippi River Regional Planning Commission's Title VI Complaint Procedure is made available in the following locations: (*check all that apply*)

- □ Agency website, either as a reference in the Notice to Public or in its entirety
- □ Hard copy in the central office
- □ Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.
- □ Other, _____

Section I:									
Name:									
Address:									
Telephone (Home): Telephone (Work):									
Electronic Mail Address:		·							
Accessible Format	Large Print		Audio Tape						
Requirements?	TDD		Other						
Section II:									
Are you filing this complaint on ye	Yes*	No							
*If you answered "yes" to this que	estion, go to Section III.								
If not, please supply the name and relationship of the person for whom you are complaining:									
Please explain why you have file	d for a third party:								
Please confirm that you have obt party if you are filing on behalf of		aggrieved	Yes	No					
Section III:									
I believe the discrimination I expe	erienced was based on (cheo	k all that apply):							
[]Race []Co	lor	[] National Or	igin						
Date of Alleged Discrimination (N	/lonth, Day, Year):								
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.									
				_					
Section IV									
Have you previously filed a Title	VI complaint with this agency	?	Yes	No					

Section V	
Have you filed this complaint with any other Federal, Sta	ate, or local agency, or with any Federal or State court?
[]Yes []No	
If yes, check all that apply:	
[] Federal Agency:	
[] Federal Court	[] State Agency
[] State Court	[] Local Agency
Please provide information about a contact person at the	e agency/court where the complaint was filed.
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Attn: Title VI Coordinator Mississippi River Regional Planning Commission 1707 Main Street, Suite 435 La Crosse, State 54601

INSTRUCTIONS

- 1. Under Title VI of the Civil Rights Act of 1964 and the related statutes and regulations, no person or groups(s) of persons shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the MRRPC. Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
- 2. Instructions provided within this form are not meant to be all inclusive. Complainants are responsible for all procedural requirements.
- 3. Complainants **must** include all required information and **must** meet all timeframes as defined in the MRRPC Title VI Complaint Procedure. (NOTE: The complaint **must** be filed in writing no later than 180 days after the date of the alleged discrimination.)
- 4. Legible copies of all available pertinent documentation should be attached to this form.
- 5. All inquiries should be directed to MRRPC, attn: Greg Flogstad, Director, 1707 Main St., Suite 435, La Crosse, WI, 54601.

PART I : Complete all information in this section.

PART II: Complete required information in this section.

PART III: Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories. State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

PART IV: Answer "Yes" or "No" to this question.

PART V: Complete required information in this section.

PART VI: Complete all information in this section.

Sign and Date the Form.

Complaints filed with U. S. Department of Transportation

Discrimination complaints based on race, color sex, age, national origin, disability/handicap, and income status may be filed with the Secretary, U.S. Department of Transportation, Room 4132, 400 Seventh Street, Southwest, Washington, D.C. 20590. The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U.S. Department of Transportation.

Title VI Program / Limited English Proficiency Plan

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Appendix F: MRRPC Annual Report of title VI Investigations, Complaints and Lawsuits

List of Transit Related Title VI Investigations, Complaints and Lawsuits

Subrecipient:	Mississippi River Regior	ississippi River Regional Planning Commission					
Contact Person:	Greg Flogstad	Signature:	Date:	August 1, 2014			

Check One:

X There have been <u>no</u> investigations, complaint and/or lawsuits filed against us during the report period.

There have been investigations, complaints and/or lawsuits filed against us. See list below. Attach additional information as needed.

	Date (Month, Day, Year)	Complainant's Name/Address	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations					
1.					
2.					
Lawsuits					
1.					
2.					
Complaints					
1.					
2.					

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Appendix G: MRRPC Limited English Proficiency Plan

Plan Summary

This *Limited English Proficiency Plan* has been prepared to address MRRPC's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. 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.

Executive Order 13166 titled, *Improving Access to Services for Persons with Limited English Proficiency,* indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

MRRPC has developed its *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

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

- 1. The number or proportion of LEP persons in the MRRPC Region who may be served by the MRRPC.
- 2. The frequency with which LEP persons come in contact with MRRPC programs or services.
- 3. The nature and importance of programs or services provided by MRRPC to the LEP population.
- 4. The interpretation services available to MRRPC and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

Meaningful Access: Four-Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to require MRRPC services.

The MRRPC staff obtained data from the 2008-2012 American Community Survey 5-year estimates for LANGUAGE SPOKEN AT HOME for each county in the MRRPC Region. Table G1 below shows the number and percent of population in the Spanish and Hmong population groups that speak English "Less than very well" by county in the region. As illustrated in La Crosse County the Hmong population meets the Safe Harbor Threshold (over 1,000) and the MRRPC will provide translation of vital documents in written formats as applicable.

			Speak English "Less than Very Well"						
	Total Population	Speak only English	Spanish	%	Hmong	%			
Buffalo County	12,776	12,397	127	0.99	0	0.00			
Crawford County	15,747	15,304	33	0.21	0	0.00			
Jackson County	19,178	17,789	109	0.57	0	0.00			
La Crosse County	108,045	101,336	419	0.39	1,661	0.02			
Monroe County	41,486	37,896	673	1.62	0	0.00			
Pepin County	6,994	6,584	29	0.41	0	0.00			
Pierce County	38,492	37,207	168	0.44	14	0.00			
Trempealeau County	26,932	24,915	742	2.76	6	0.00			
Vernon County	27,732	24,640	185	0.67	0	0.00			

Table G1 - LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over

Source: 2008-2012 American Community Survey 5-Year Estimates

Note: Less than 1% of all other population groups speak English "Less than Very Well". No other population group other than the Hmong population in La Crosse County exceeds the 1,000 population threshold for speaking English "Less Than Very Well".

2. The frequency with which LEP persons come in contact with MRRPC services or programs.

MRRPC staff reviewed the frequency with which it's Commission, staff, and contractors have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the MRRPC has had no requests for interpreters and no requests for translated program documents. The MRRPC Commission and staff have had very little contact with LEP persons.

3. The nature and importance of services and programs provided by MRRPC to the LEP population.

The overwhelming majority of the population 5 years and over in the MRRPC Region, 93.5%, speaks only English. As a result, there are few social services or professional and leadership

organizations in the MRRPC Region that focus on outreach to LEP individuals. MRRPC Commissioners and staff are most likely to contact LEP individuals through public meetings and other general public involvement opportunities.

4. The resources available to MRRPC and overall costs to provide LEP assistance.

MRRPC has reviewed its available resources that could be used for providing LEP assistance. The resources include access to Hmong language assistance through the La Crosse County Aging Unit and access to additional interpretive services through member County agencies.

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 MRRPC's 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.

How MRRPC staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- MRRPC staff will be provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- MRRPC staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- A notice will be posted on the MRRPC website and at the MRRPC office specifying that special needs related to offering a translator (LEP) or interpreter (sign language for hearing impaired individuals) will be available when MRRPC sponsors an informational meeting or event. Additionally, a staff person may greet participants as they arrive. By informally engaging participants in conversation 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.

Language Assistance Measures

Although there is a low percentage in the MRRPC Region of LEP individuals, that is, persons who speak English "less than very well" MRRPC will strive to offer the following measures:

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

Staff Training

The following training will be provided to all MRRPC staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the "I Speak" cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

Translation of Documents

MRRPC 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, MRRPC will consider the translation of documents (or portions thereof) on a case by case basis, as requested.

When and if the need arises for LEP outreach related to MRRPC's programs and services, it will coordinate with the municipalities in the MRRPC Region to determine an appropriate course of action in regard to existing interpretive and outreach resources available.

Monitoring

MRRPC will review the LEP Plan annually with its self-certification procedure per 23 CFR 450.334. An annual review and update (if appropriate) will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.

- Determination of the current LEP population in the service area.
- Determination whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether MRRPC's financial resources are sufficient to fund language assistance resources needed.
- Determine whether MRRPC fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

Notice of MRRPC'S LEP Plan

The MRRPC will provide notice of the LEP Plan by:

- Posting notice of the LEP Plan signs at conspicuous and accessible locations in the MRRPC's office notifying LEP persons of the LEP Plan and how to access language services.
- Including as part of public notices and related materials on the MRRPC website that LEP persons needing interpretative service may contact the MRRPC.
- Posting the LEP Plan on the MRRPC website.

Title VI Program / Limited English Proficiency Plan

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Appendix H: Language Spoken at Home by Ability to Speak English

	Buffalo	Crawford	Jackson	La Crosse	Monroe	Pepin	Pierce	Trempealeau	Vernon
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Total:	12,776	15,747	19,178	108,045	41,486	6,994	38,492	26,932	27,732
Speak only English	12,397	15,304	17,789	101,336	37,896	6,584	37,207	24,915	24,640
Spanish or Spanish Creole:	200	156	326	1,287	1,314	108	512	1,188	474
Speak English "very well"	73	123	217	868		79	344	446	289
Speak English less than "very well"	127	33	109	419	673	29	168	742	185
French (incl. Patois, Cajun):	17	23	8	259	34	6	61	39	50
Speak English "very well"	16	15	6	240	34	6	61	33	34
Speak English less than "very well"	1	8	2	19	0	0	0	6	16
French Creole:	0	4	0	15	0	0	0	0	4
Speak English "very well"	0	4	0	15	0	0	0	0	4
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Italian:	5	3	6	100	5	2	6	3	10
Speak English "very well"	5	3	6	100	5	2	6	0	10
Speak English less than "very well"	0	0	0	0	0	0	0	3	0
Portuguese or Portuguese Creole:	0	2	0	18	14	0	3	0	0
Speak English "very well"	0	2	0	18	14	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	3	0	0
German:	61	85	336	538	1,308	141	216	516	993
Speak English "very well"	29	72	242	450	1,123	131	175	435	792
Speak English less than "very well"	32	13	94	88	185	10	41	81	201
Yiddish:	0	0	0	9	0	0	0	0	0
Speak English "very well"	0	0	0	9	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Other West Germanic languages:	78	26	206	0	589	127	29	20	1,093
Speak English "very well"	65	26	126	0	407	90	25	14	856
Speak English less than "very well"	13	0	80	0	182	37	4	6	237
Scandinavian languages:	6	13	54	137	11	6	41	126	297
Speak English "very well"	6	11	31	126	11	6	28	100	289
Speak English less than "very well"	0	2	23	11	0	0	13	26	8
Greek:	0	0	0	6	2	0	0	0	3
Speak English "very well"	0	0	0	6	2	0	0	0	3
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Russian:	0	10	2	74	49	0	21	4	11
Speak English "very well"	0	10	2	74	0	0	19	0	11
Speak English less than "very well"	0	0	0	0	49	0	2	4	0
Polish:	4	3	4	48	22	0	8	57	0
Speak English "very well"	3	3	2	41	16	0	8	39	0
Speak English less than "very well"	1	0	2	7	6	0	0	18	0
Serbo-Croatian:	0	22	-	-	-	0	0	0	11
Speak English "very well"	0	22	0	46			0	0	11
Speak English less than "very well"	0	0	0	0	2	0	0	0	0
Other Slavic languages:	0	13	13	24	44	0		3	13
Speak English "very well"	0	10	10	16	44	0	39	3	8
Speak English less than "very well"	0	3	3	8	0	0	3	0	5
Armenian:	0	0	0		-	0	0	0	-
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Persian:	0	0	0	0	6	0	0	0	0
Speak English "very well"	0	0	0	0	6	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0

MRRPC REGION - LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over

MRRPC REGION - LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over

	Buffalo	Crawford	Jackson	La Crosse	Monroe	Pepin	Pierce	Trempealeau	Vernon
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Gujarati:									
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Hindi:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Urdu:	0	0	0	20	0	0	0	0	0
Speak English "very well"	0	0	0	20	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Other Indic languages:	5	0	0	42	0	0	61	0	-
Speak English "very well"	5	0	0	42	0	0	57	0	0
Speak English less than "very well"	0	0	0	0	0	0	4	0	0
Other Indo-European languages:	0	3	0	23	2	0	3	0	2
Speak English "very well"	0	3	0	15	2	0	3	0	2
Speak English less than "very well"	0	0	0	8	0	0	0	0	-
Chinese:	0	0	3	205	5	2	55	9	-
Speak English "very well"	0	0	3	98	5	0	32	9	-
Speak English less than "very well"	0	0	0	107	0	2	23	0	17
Japanese:	0	1	4	28	13	0	9	0	16
Speak English "very well"	0	1	4	0	9	0	9	0	
Speak English less than "very well"	0	0	0	28	4	0	0	0	14
Korean:	0	5	0	78	25	12	22	13	0
Speak English "very well"	0	5	0	7	15	0	20	3	
Speak English less than "very well"	0	0	0	71	10	12	2	10	0
Mon-Khmer, Cambodian:	0	7	26	8	0	0	0	0	0
Speak English "very well"	0	7	26	0	0	0	0		-
Speak English less than "very well"	0	0	0	8	0	0	0	-	-
Hmong:	0	12	29	3,257	14	0	134	16	
Speak English "very well"	0	12	29	1,596	14	0	120	10	30
Speak English less than "very well"	0	0	0	<mark>1,661</mark>	0	0	14	6	0
Thai:	0	0	8	27	12	0	0	4	0
Speak English "very well"	0	0	6	27	12	0	0		
Speak English less than "very well"	0	0	2	0	0	0	0	_	
Laotian:	0	1	0	46	0	0	0		-
Speak English "very well"	0	1	0	9	0	0	0	0	-
Speak English less than "very well"	0	0	-	37	0	0	0	-	
Vietnamese:	0	0	-	60	0	0	0	0	-
Speak English "very well"	0	0		42	0	0	0	-	-
Speak English less than "very well"	0	0	4	18	0	0	0	0	0
Other Asian languages:	0	1		39	0				
Speak English "very well"	0	1	0	39	0	0	17	0	
Speak English less than "very well"	0	0	-	0	0	0		-	-
Tagalog:	0	3		24	47	1	18		
Speak English "very well"	0			24	29	1	15		
Speak English less than "very well"	0	3	-	0	18		3		
Other Pacific Island languages:	0	0	-	0	0	5	25		
Speak English "very well"	0	0		0	0	5			
Speak English less than "very well"	0	0		0	0	0			
Navajo:	0	0	-	0	0	0	-	-	-
Speak English "very well"	0	0	-	0	0	0	0	-	-
Speak English less than "very well"	0	0	-	0	0	0		-	
Other Native North American languages:	3			65	69	0	0		
Speak English "very well"	2	0	_	65	57	0			
Speak English less than "very well"	1	24	32	0	12	0	0	0	0

MRRPC REGION - LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over

	Buffalo	Crawford	Jackson	La Crosse	Monroe	Pepin	Pierce	Trempealeau	Vernon
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Hungarian:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Arabic:	0	2	12	170	0	0	0	0	0
Speak English "very well"	0	2	12	85	0	0	0	0	0
Speak English less than "very well"	0	0	0	85	0	0	0	0	0
Hebrew:	0	5	0	0	0	0	0	0	5
Speak English "very well"	0	5	0	0	0	0	0	0	5
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
African languages:	0	17	5	44	0	0	0	0	4
Speak English "very well"	0	17	0	44	0	0	0	0	2
Speak English less than "very well"	0	0	5	0	0	0	0	0	2
Other and unspecified languages:	0	2	0	12	0	0	2	8	0
Speak English "very well"	0	2	0	0	0	0	2	0	0
Speak English less than "very well"	0	0	0	12	0	0	0	8	0

Source: 2008-2012 American Community Survey 5-Year Estimates