



# YUMA METROPOLITAN PLANNING ORGANIZATION

## LIMITED ENGLISH PROFICIENCY (LEP) PLAN

July 1, 2011

502 S. Orange Avenue

Yuma, AZ 85364

928-783-8911

Fax: 928-329-1674

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

The Yuma Metropolitan Planning Organization (YMPO) is responsible for an on-going, cooperative and comprehensive transportation planning process in Yuma County. This planning process guides the use of federal and state dollars spent on existing and future transportation projects or programs, and the **Limited English Proficiency (LEP) Plan** plays an integral role in the process. This document will detail the LEP Plan, developed in conjunction with best practice standards for public involvement.

## **Introduction**

On August 11, 2000, President William J. Clinton signed an executive order, **Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency**, to clarify Title VI of the Civil Rights Act of 1964. Its purpose was to ensure accessibility to programs and services to eligible persons who are not proficient in the English language.

This executive order stated that the 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 of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. It reads in part,

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.

Not only do all federal agencies have to develop LEP Plans, as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. Title VI covers a recipient's entire program or activity. This means all components of a recipient's operations are covered. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order. The US Department of Transportation (DOT) published **Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient Person** in the December 14, 2005 Federal Register. The guidance explicitly identifies MPO's as organizations that must follow this guidance:

The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, **metropolitan planning organizations**, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation – not just the particular highway program or project – are covered by the DOT guidance.

The intent of this **Limited English Proficiency Plan** is to ensure access to the planning process and information published by the MPO where it is determined that a substantial number of residents in Yuma County do not speak or read English proficiently. The production of multilingual publications and documents and/or interpretation at meetings or events will be provided to the degree that funding permits, based on current laws and regulations.

**LAWS AND POLICIES GUIDING LIMITED ENGLISH PROFICIENCY PLANS**

As part of the Metropolitan Planning Organization certification by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the LEP Plan will be assessed and evaluated. The following matrix illustrates these laws, policies and considerations:

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal Law	Federal Policy
Enacted in 1964	Enacted in August 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin	Provides protection on the basis of national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using four factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA

**Who is an LEP individual?**

As defined in the 2000 United States Census, it is any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “not well” or “not at all”.

**Determining the Need**

As a recipient of federal funding, the YMPO must take reasonable steps to ensure meaningful access to the information and services it provides. As noticed in the **Federal Register/Volume 70,**

**Number 239/Wednesday, December 14, 2005/Notice**, there are four factors to consider in determining “reasonable steps”:

- Factor 1: The number and proportion of LEP persons in the eligible service area;
- Factor 2: The frequency with which LEP persons encounter YMPO programs;
- Factor 3: The importance of the service provided by YMPO programs;
- Factor 4: The resources available and overall cost to the YMPO.

The DOT Policy Guidelines gives recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The following is an assessment of need in Yuma County in relation to the four factors and the transportation planning process.

**LEP ASSESSMENT FOR THE YUMA METROPOLITAN PLANNING ORGANIZATION**

**Factor 1: The Number and Proportion of LEP persons in the YMPO Service Area**

The first step towards understanding the profile of individuals that could participate in the transportation planning process is a review of the 2010 Census Data. For planning purposes, YMPO is considering individuals that speak English “not well” or “not at all” and only the top three language groups are included in the analysis.

Table 1 is derived from the 2010 US Census and shows the percentage of persons that speak English, Spanish, or another language at home. The City of San Luis has the greatest concentration of LEP persons – over 94%. The second highest is the City of Somerton with 93.5%.

**Table 1: Limited English Proficiency Persons in the YMPO Planning Area and Local entities**

	<b>CITY OF YUMA</b>	<b>SOMERTON</b>	<b>SAN LUIS</b>	<b>WELLTON</b>	<b>YUMA COUNTY</b>	<b>GADSDEN</b>	<b>DATELAND</b>	<b>TACNA</b>
LANGUAGE SPOKEN AT HOME								
ENGLISH	64.70%	5.60%	3.70%	55.30%	39.20%	48.40%	31%	46.40%
SPANISH	27.40%	93.50%	94.20%	38.30%	55.70%	49.30%	69%	49.50%
OTHER LANGUAGE	7.90%	0.90%	2.10%	6.40%	5.10%	2.30%		4.10%

**Factor 2: The Frequency in which LEP Persons Encounter YMPO Programs**

The growing size of the LEP population in this region will likely increase the probability of future contact with the YMPO. There have been several requests in the past to provide publications in Spanish as well as an interpreter for public meetings.

### **Factor 3: The Importance of Services Provided by YMPO Programs**

The YMPO programs utilize federal funds to plan for future transportation project and therefore do not include any direct service or program that requires vital, immediate or emergency assistance such as medical treatment or services for basic needs (e.g., housing or food).

However, the YMPO must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the Federal Environmental Justice program and policy.

The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three (3) major areas for the YMPO:

- The annual Unified Work Program and Budget
- The four year Transportation Improvement Program
- The Regional Transportation Plan, covering 30 years

Inclusive public participation is a priority consideration in other MPO plans, studies and programs as well. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The YMPO is concerned with input from all stakeholders and every effort is taken to make the planning process as inclusive as possible.

As a result of the Transportation Improvement Program and Regional Transportation Plan, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These local and state organizations have their own policies to ensure LEP individuals can participate in the process that shapes where, how and when a specific transportation project is implemented.

### **Factor 4: The Resources Available and Overall YMPO Cost**

Due to current financial constraints, translation of the large plan documents and maps are considered not warranted at this time. However, because of continued growth of the YMPO area and its LEP population, YMPO will create an inventory of language assistance measures that are currently provided and determine what additional services are needed to provide meaningful access to the LEP population. The YMPO will continue its efforts to collaborate with state and local agencies to provide language translation and interpretation services when practical and in consideration of available funding.

### **MEETING THE REQUIREMENTS**

Engaging the diverse population within the YMPO service area is important. The YMPO is committed to providing quality services to all entities and citizens, including those with limited English proficiency. Spanish is the most dominant language spoken by LEP individuals in the YMPO service area. All language access activities detailed below will be coordinated in collaboration with the YMPO Executive Board and staff.

### **Safe Harbor Stipulation**

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with a greater certainty. A “safe harbor” means that as long as YMPO has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI. However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis.

Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

### **Providing Notice to LEP Persons**

US DOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Methods for notification may include:

1. Signage that indicates when free language assistance is available with advance notice;
2. Stating in outreach documents that language services are available;]
3. Working with community-based organizations and other stakeholders to inform LEP individuals of YMPO services and the availability of language assistance;
4. Using automated telephone voicemail or menu to provide information about available language assistance services;
5. Including notices in local newspapers in languages other than English;
6. Providing notices on non-English-language radio and television about YMPO services and the availability of language assistance; and
7. Providing presentation and/or notices at schools and community-based organizations.

The YMPO will provide Spanish interpreter services, free of charge, at YMPO Executive Board meetings, workshops, public meeting, or events which will be noticed on the YMPO website, if notified seven (7) days prior to needed services. The YMPO defines an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and transfers the meaning of written text from one language into another.

The YMPO can advertise public meeting notices in the Bajo Del Sol newspaper that serves the Hispanic community throughout Yuma County.

**Language Assistance**

A goal of the YMPO Public Participation Plan is to provide user-friendly materials that will be appealing and easy to understand.

**YMPO Staff Training**

The YMPO will incorporate the **LEP Plan** into the **Public Participation Plan** at the next update. In order to establish meaningful access to information and services for LEP individuals, the YMPO will properly train its employees to assist in person and/or by telephone, LEP individuals who request assistance. YMPO Executive Board members will receive a copy of the **LEP Plan**, and have access to training, which will assure that they are fully aware of and understand the plan and its implementation.