

Limited English Proficiency Plan
An addendum to the ITD EEO Title VI Program,
Limited English Proficiency Plan (Oct. 2006)

Approved V2 BTPO Policy Board March 4

□



Table of Contents

Policy Statement	1
Executive Order 13116	1
Other Legal Authorities	1
Plan Summary	1
Four Factor Analysis.....	1
The Plan	2
How to identify an LEP person who needs language assistance	3
Language Assistance Measures	3
BTPO Staff Training	3
Monitoring and Updates of the LEP Plan.....	4
Demographic Data	4
Appendix A Acronyms and Glossary	1

Policy Statement

Bannock Transportation Planning Organization (BTPO) is committed to compliance with Title VI of the Civil Rights Act of 1964 as amended and all related regulations. BTPO has a memorandum of understanding with the Idaho Transportation Department (ITD) to implement our Title VI requirements. BTPO's policy states that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any BTPO service, program, or activity.

The Limited English Proficiency Plan (LEP) is designed to be an addendum to ITD's LEP. BTPO has agreed to and will follow ITD's Title VI policies, but the LEP guidance from the U.S. Department of Transportation suggests each agency should conduct a self-evaluation of the needs in their specific service area. It is also the BTPO's policy that all employees and Policy Board members be familiar with the LEP plan.

Executive Order 13116

As stated in Federal Register Vol. 65, No. 159 Wednesday, August 16, 2000, The President Executive Order 13166 of August 11, 2000 Improving Access to Services for Persons With Limited English provides clarification of how federal agencies ensures persons are not discriminated against by national origin or language barrier. The goals of the executive order are established to ensure that federal agencies and agencies who receive federal assistance through these agencies review their programs and activities to ensure people with limited English proficiency are not denied service due to this fact.

Other Legal Authorities

The Department of Transportation issues a policy guidance concerning recipient's responsibilities to Limited English Proficient persons in the Federal Register dated December 14, 2005 (Volume 70, Number 239). In this guidance it was clear that BTPO, the Metropolitan Planning Organization is required to comply with the provision of the Department's guidance and develop an LEP plan.

Plan Summary

This LEP is an update of the 2010 Limited English Proficiency Plan which was based on Census 2000 and ACS 2006-2008. This LEP updates the demographics and revises procedures for language assistance.

BTPO has developed this plan to help identify the steps necessary to ensure the agency is making reasonable efforts to provide language assistance for LRP persons seeking access to BTPO's programs and activities. A limited English proficiency person is one who does not speak English as their primary language and who has a limited ability to read, write, or understand English.

This plan details how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training, and how to notify persons that assistance is available. In developing the plan, BTPO referred to ITD's LEP Plan and to the U.S. DOT guidance which outlines four factors an agency should use to determine the steps necessary to comply with LEP requirements. The factors are: 1. the number of or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient; 2. the frequency with which LRP individuals come in contact with the program; 3. The nature and importance of the program, activity, or service provided by the recipient to people's lives; and 4. The resources available to the recipient and the cost.

Four Factor Analysis

Number 1: the number or proportion of LEP persons eligible to be served or likely to encounter a BTPO program, activity, or service.



The ITD LEP plan looks at counties and areas where the percentage of persons who speak English less than very well is at five percent. In that analysis Bannock County, in the American Community Survey 2006-2010, 3.48% which is different than the Census 2000 number which was 1.61%. Considering only the BTPO urban area the percentage from the ACS2006 -2010 is 2.77%. The 2006-2008 three-year ACS had a people in the Pocatello MSA who spoke English less than very well at 2.51%. The census 2000 has the percentage of who spoke English less than very well at 1.61% In either case the number is very low. Table E-1 shows that for the BTPO area no one language group is over 1,000 persons which is another threshold for determining need for translation of documents.

Number 2: the frequency with which LEP individuals come in contact with A BTPO program, activity, or service.

Over the last six- years BTPO has placed notices of public meeting with the regional Spanish newspaper. Over this time the newspaper or BTPO staff has never received a request for service or for more information. The information at public meeting only includes English language, but to staff's knowledge the number who might have requested an LEP type service was very low.

Number 3: the nature and importance of the program, activity, or service provided by BTPO to people's lives.

The nature of BTPO's activities and programs is to plan for medium and long term transportation needs. In everyday activities transportation is very important to people's lives; however the planning of these services is less important than the projects and recommendations which come out of the planning process. These projects all undergo additional public comment and review prior to the implementation of the project. BTPO's planning activities might not directly affect people's lives today but the long range vision for the regional transportation system can have an affect over the long term. This long term impact does elevate the importance of planning.

Number 4: The resources available to BTPO and overall cost.

BTPO is located in a small urban area with a limited non-English speaking population; therefore the availability of certified translators is small. In addition, BTPO has a two person staff, both of whom are not bilingual. The BTPO staff has identified additional resources with partner agencies such as SICO (Southeast Idaho Council of Governments), the City of Pocatello, and the City of Chubbuck. These partners have bilingual staff willing to assist with calls as needed. For translation of documents BTPO will continue to use Idaho Unido, a local Spanish newspaper, to complete any translation into Spanish which might be needed. No other translation services have been identified.

Other paid services like Language Line, a phone based interpreter service, are available but the cost and our current no calls make the service expensive, but available.

The Plan

After review of the four factors it was determined that the organization need for LEP services is low to nonexistent, however the number of non-English speaking persons is on the rise over the last six to eight years. In addition, the intent of the Executive Order is to have agencies be prepared to ensure no person is denied the ability to participate in the process due to a language barrier.



BTPO has developed a plan which recognizes the need and ability to provide translation services which is limited in the service area, while understanding the need can become real in a short period of time. The plan establishes a current plan and monitoring procedures to assist BTPO to track and change the plan over time.

How to identify an LEP person who needs language assistance

As identified in the four factors the number of LEP persons is low and our ability to identify them is equally low. To begin the process, the following tools will be used to help identify those with language assistance needs.

- Develop a request for language assistance card to be displayed at all public meetings and on public notices placed in alternate languages.
- Have the Census Bureau's "I speak Cards" at public meetings. While this will not help during the first occurrence it can establish a need and allow staff to prepare for future meetings.

Language Assistance Measures

This section will establish the way language assistance can be provided by BTPO staff. For each situation a procedure for staff to follow is identified. The following language assistance is for Spanish language. This language is the predominate language other than English in the region and the one we are preparing for. For additional languages the Language Line web site will be used.

Language service needed at office during normal business hours

Staff can obtain LEP services during normal business hours by contacting one of our member agencies for a qualified translator.

How to respond to LEP individual at meetings or other public areas

If no prior notice is given by the individual requesting language service and that request is for Spanish, then staff will follow the procedure outlined above.

How to respond to callers who need language services

Staff will be trained to answer phone calls with a pre written speech to request a number and time to call back and explain that we will provide a translator. Staff will then contact a translator to make the phone call.

How to respond to a request for translation services

No formal process is established for this type of request. The only translation currently completed is for public notices. The request will be handled on a case by case basis. After receiving a request staff should evaluate the nature and length of the document to be translated. Member agency staff or Idaho Unido will be contracted to translate the document for the person making the request.

BTPO Staff Training

All BTPO staff will be provided with training and educated on the procedures and services available. Training topics are listed below:

- Understand the agency LEP responsibilities;
- What language services are available;
- How to access the interpreter and translator services;
- How to set up meeting rooms; and
- How to answer the phone with a person requesting language assistance.

In addition, BPTO will encourage staff to take courses to become proficient in additional languages.



Provide notice to LEP Persons

- Include a statement when running a general public meeting notice. Statement should include “Persons who require special accommodation under American with Disability Act or Persons who require translation services (free of charge) should contact (staff member name) at least two working days prior to meeting date”.
- Post a sign at the reception area of the BTPO office indicating interpreter services available upon request.

Monitoring and Updates of the LEP Plan

This plan is designed to be flexible to provide the staff with tools and the public the accommodations necessary to fully participate in the BTPO planning process. The plan update is an ongoing effort.

The ongoing update should include:

- More requests for the language service taking place
- Is the staff encountering a need for an interpreter during a public meeting? This can be accomplished by having a family member act as translator.
- Have there been changes to BTPO staff or language service provider.

Each completed update should examine all plan components such as:

- Staff knowledge of LEP plan and ability to respond to a request;
- How many requests for language services were encountered;
- Has the LEP population changed; and
- Have technology changes improved the delivery of LEP services.

Demographic Data

TABLE D- 1: DEMOGRAPHIC DATA

Language	Percentage Does not Speak English Well'	
	Bannock County	BTPO Area
Spanish	874	506
Indo-European languages:	140	130
Asian and Pacific Island languages:	251	251
Speak other languages	17	-
Total other languages	1,282	887
Total Persons who does not Speak English Very Well	2,564	1,774
Total Percentage who does not Speak English Very Well	3.48%	2.77%
Source: American Community Survey Table B16005 2006- 2010. Bannock County is those areas of the County outside the BTPO area.		



Appendix A *Acronyms and Glossary*

Acronyms

- AADT – Annual Average Daily Traffic
- ADA - Americans with Disabilities Act
- ADT – Annual Daily Traffic
- BTPO – Bannock Transportation Planning Organization
- CFR - Code of Federal Regulations
- CMAQ - Congestion Mitigation and Air Quality program
- CTPP - Census Transportation Planning Package
- DOT - Department of Transportation
- FTA - Federal Transit Administration
- FHWA - Federal Highway Administration
- GIS - Geographic Information System
- ITD – Idaho Transportation Department
- LEP – Limited English Proficiency
- MAP-21 – Moving Ahead for Progress in the 21st Century
- MPO - Metropolitan Planning Organization
- MSA - Metropolitan Statistical Area
- MSP – Master Street Plan
- MTP – Metropolitan Transportation Plan
- NAAQNA - National Ambient Air Quality Nonattainment Area
- NAAQS - National Ambient Air Quality Standards
- PRT – Pocatello Regional Transit
- SAFETEA-LU - Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users
- TEA-21 - Transportation Efficiency Act for the 21st Century
- TIP - Transportation Improvement Program



Glossary

Americans with Disabilities Act (ADA) – Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

Average Daily Traffic (ADT) – The total amount of traffic observed, counted or estimated during a single, 24-hour period. Number is determined by averaging a two or three day period.

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.

Disparate impact – refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

Federal Transit Administration (FTA) – FTA is one of 11 operating administrations within the U.S. Department of Transportation with over 500 employees located in Washington, DC and 10 regional offices across the nation.

Federal Highway Administration (FHWA) – is a division of the United States Department of Transportation that specializes in highway transportation. The agency's major activities are grouped into two "programs," the Federal-aid Highway Program and the Federal Lands Highway Program.

Geographic Information System (GIS) – is any system that captures, stores, analyzes, manages, and presents data that are linked to location. In the simplest terms, GIS is the merging of cartography, statistical analysis, and database technology. GIS systems are used in cartography, remote sensing, land surveying, public utility management, natural resource management, photogrammetry, geography, urban planning, emergency management, navigation, and localized search engines.

Idaho Transportation Department (ITD) – ITD is the transportation department for the State of Idaho.

Limited English Proficient (LEP) – refers to persons 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 – means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Moving Ahead for Progress in the 21st Century (MAP-21) - "Moving Ahead for Progress in the 21st Century Act" (MAP-21) was passed in the Congress on June 29, 2012 and signed into law (Public Law No:112-141) by the President on July 6. The Act extends federal highway and transit funding through federal fiscal year 2014.



Metropolitan Planning Organization (MPO) – The Metropolitan Planning Organization (MPO) of urban areas with a central city of 50,000 or more population is responsible for “...plans and programs which lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods”.

Metropolitan Statistical Area (MSA) – A U.S. Government classification for a free-standing urban population center with a population in the urban center of at least 50,000 and a total MSA population of 100,000 or more.

Metropolitan Transportation Plan (MTP) – means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

Technical Advisory Committee – The Technical Advisory Committee (TAC) is an advisory committee to the BTPO Policy Board. The committee is comprised of engineers, planners, and others who have expertise related to transportation, planning, or environment.

Minority persons – include the following:

- American Indian and Alaska Native, which refers to people having origins in any of the original people of North and South America and who maintain tribal affiliation or community attachment.
- Asian, which refers to people having origins in any of the original peoples of Far east, Southeast Asia, or the Indian Subcontinent, including but not limited to Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, Northern Mariana Islands, India, Pakistan or Bangladesh.
- Black or African, which refers to people having origins in any of the Black racial groups of Africa.
- Hispanic or Latino, which includes persons of Cuba, Central or South America, Mexico, Puerto Rican, regardless of race.

National Origin - means the particular nation in which a person was born, or where the person’s parents or ancestors were born.

Title VI Program - refers to a document developed by an recipient of Federal funds to demonstrate how the recipient is complying with Title VI requirements.

