

# Bannock Transportation Planning Organization

## Title VI Program

# Limited English Proficiency Plan

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

Approved BTPO Policy Board February 1, 2010



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## 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

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



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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, which includes the planning boundaries of BTPO has an LEP percentage of 1.6%. If we look closer at the Pocatello Metropolitan Statistical Area (MSA), which is in the planning boundary, the percentage from the 2000 census was 1.61% or roughly the same as the county. In the American Community Survey conducted by the census for 2006-2008 the percentage of people in the Pocatello MSA who spoke English less than very well increased to 2.51%.

### NUMBER 2: THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME IN CONTACT WITH A BTPO PROGRAM, ACTIVITY, OR SERVICE.

Over the last four or more 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 does not include the ability to understand or speak English, 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



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SICOG (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 call 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 Josue Perez at Southeast Idaho Council of Governments (SICOG) who is a qualified translator. Each staff member will have Jose's contact information available.



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## **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 Josue 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. SICOG 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.



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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

| Total Persons | 2000 Census | English speaking | English Speaking Less than very well | Percentage below very well |
|---------------|-------------|------------------|--------------------------------------|----------------------------|
| 2000 Census   | 69,452      | 68,332           | 1120                                 | 1.61%                      |
| 2006-2008 ACS | 80,005      | 77,997           | 2,008                                | 2.51%                      |

Source: US Census Bureau 200 Census SF 3 and 2006-2008 American Community Survey

