

RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION

RESOLUTION 2017-15

**RESOLUTION OF THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION
ADOPTING THE LIMITED ENGLISH PROFICIENCY ACCESS (LEP) PLAN**

WHEREAS, the River to Sea Transportation Planning Organization (TPO) is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for Volusia County and portions of Flagler County inclusive of the cities of Flagler Beach, Beverly Beach, and portions of Palm Coast and Bunnell; and

WHEREAS, Florida Statutes 339.175; 23 U.S.C. 134; and 49 U.S.C. 5303 require that the urbanized area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area; and

WHEREAS, the River to Sea TPO has developed the Limited English Proficiency (LEP) Access Plan, whose purpose is to ensure that the River to Sea TPO recognizes the needs of limited English proficient (LEP) members of the community, implements a plan to communicate effectively and ensures reasonable access to our processes, information and decision-making, and

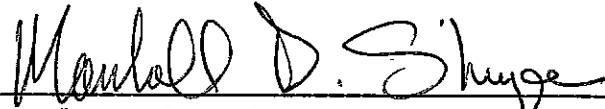
WHEREAS, the Limited English Proficiency Access Plan has been provided for review by the general public, the River to Sea TPO's Advisory Committees and the River to Sea TPO Board.

NOW, THEREFORE, BE IT RESOLVED, by the River to Sea TPO that the:

1. River to Sea TPO Board and advisory committees have reviewed and adopted the River to Sea TPO's Limited English Proficiency (LEP) Access Plan; and the
2. River to Sea Transportation Planning Organization's Limited English Proficiency (LEP) Access Plan is attached hereto as Attachment "A"; and the
4. Chairman of the TPO (or his designee) is hereby authorized and directed to provide a copy of this resolution along with the adopted Limited English Proficiency (LEP) Access Plan to:
 - a. the Florida Department of Transportation;
 - b. the Federal Highway Administration, via the Florida Department of Transportation; and the
 - c. the Federal Transit Administration, via the Florida Department of Transportation.

DONE AND RESOLVED at the regularly convened meeting of the River to Sea TPO held on the 24th day of May 2017.

RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION




**CITY OF FLAGLER BEACH COMMISSIONER MARSHALL SHUPE
CHAIRMAN, RIVER TO SEA TPO**

CERTIFICATE:

The undersigned duly qualified and acting Recording Secretary of the River to Sea TPO certified that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the River to Sea TPO held on May 24, 2017.

ATTEST:



**DEBBIE STEWART, RECORDING SECRETARY
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**



River to Sea Transportation Planning Organization

Limited English Proficiency Access Plan

I. Introduction

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. It has been recognized that one form of discrimination occurs through an inability to communicate due to a limited proficiency in the English language. This limitation is often the result of an individual's national origin. Title VI of the Civil Rights Act of 1964, Executive Order 13166 and various directives from the U.S. Department of Justice (DOJ) and U.S. Department of Transportation (DOT) require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English well.

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the River to Sea TPO's programs, services or activities;
2. The frequency with which LEP individuals come in contact with these programs, services or activities;
3. The nature and importance of the program, service, or activity to people's lives; and
4. The resources available and the overall cost to the River to Sea TPO.

The goal of the *River to Sea Transportation Planning Organization (R2CTPO) Limited English Proficiency (LEP) Access Plan* is to ensure that the River to Sea TPO recognizes the needs of limited English proficient (LEP) members of the community, implements a plan to communicate effectively and ensures reasonable access to our processes, information and decision-making.

Background

On August 11, 2000, the President issued Executive Order 13166, entitled "Improving Access to Services by Persons with Limited English Proficiency," 65 FR 50121 (August 16, 2000). On the same day, the Assistant Attorney General for Civil Rights at the U.S. Department of Justice (DOJ) issued a Policy Guidance Document, entitled "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency" (*hereinafter referred to as "DOJ LEP Guidance"*), reprinted at 65 FR 50123 (August 16, 2000). In addition, the U.S. Department of

Transportation (USDOT) issued a policy guidance document, titled "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," reprinted at 70 FR 74087, dated December 14, 2005.

Executive Order 13166 requires federal agencies to: (1) examine services provided, (2) identify specific needs necessary to provide meaningful access for Limited English Proficiency (LEP) persons, and (3) implement a system to provide meaningful access to such services. The DOJ LEP Guidance advises each federal department or agency to "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services they provide." [DOJ LEP Guidance, 65 FR at 50124]. The DOJ LEP Guidance goes on to provide that:

What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered is the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the agency.

The DOJ LEP Guidance explains that the identification of "reasonable steps" to provide oral and written services in languages other than English is to be determined on a case-by-case basis through a balancing of all four factors. The DOJ LEP and USDOT Guidance focus principally on the obligation of federal departments and agencies extending federal financial assistance to clarify the long-standing legal obligation on the part of recipients of such assistance to address the language needs of their otherwise-eligible LEP beneficiaries. Executive Order 13166 applies this same obligation to programs and activities undertaken directly by a federal department or agency. Section 2 of the Executive Order directs each federal department or agency "to prepare a plan to improve access to . . . federally conducted programs and activities by eligible LEP persons . . . consistent with the standards set forth in the LEP Guidance . . ."

The River to Sea TPO's Limited English Proficiency Plan works in concert with its Public Participation Plan (PPP), which identifies specific tactics for outreach and involvement.

II. River to Sea TPO Four-Factor Analysis

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors. The following sections address each of these factors with respect to the River to Sea TPO planning area.

Factor 1: Review of LEP Populations

Understanding the needs of the community begins with identifying the number of Limited English Proficiency (LEP) persons eligible to be served, likely to be served or likely to be encountered by the River to Sea TPO through its programs, services or activities. In an effort to determine potential LEP needs within the River to Sea TPO planning area, TPO staff reviewed the data available through the U.S. Census Bureau American Fact Finder for the period of 2011 through 2015. Data collected for Volusia County indicated that 4.3% of households speak English "less than very well." A further breakdown of the data showed that 3.1% speak Spanish as the primary language. Other languages (other than

Spanish) spoken in households that speak English “less than very well” include Indo-European (9.0.7%), Asian and Pacific Islander (0.4%) and Other (0.2%) (see Table 1). This information led staff to review the Spanish speaking LEP group to identify whether this population was concentrated into specific communities.

Table 1: The Top Languages Spoken at Home in Volusia County

Table 1: The Top Five Languages Spoken at Home in Volusia County (US Census Bureau’s 2011-2015 American Community Survey)						
Population 5 years and older	Number of LEP Persons	Percent of Population over 5 years old that are LEP	LEP Persons who speak Spanish	LEP Persons who speak Indo-European Languages	LEP Persons who speak Asian and Pacific Islander Languages	LEP Persons who speak Other Languages
479,923	20,815	4.3%	3.01%	0.7%	0.4%	0.2%

After reviewing a breakdown of Volusia County Spanish LEP populations by city, (2011-2015 American Community Survey Five-Year Estimates), it became clear that much of the data was not statistically significant when viewed on a local level; however, the data did appear to indicate a slight concentration of Spanish speaking LEP persons in the city of Deltona (9.3%) and the town of Pierson (23.0%). Because the River to Sea TPO realizes that statistical data can be outdated or inaccurate, TPO staff worked with the local public transit provider, Votran, to confirm estimates of LEP populations. Under the Title VI program, Spanish was reported to be the prevalent LEP language and the geographic locations of those populations were consistent with the TPO analysis.

Table 2: The Top Languages Spoken at Home in Flagler County

Table 2: The Top Five Languages Spoken at Home in Flagler County (US Census Bureau’s 2011-2015 American Community Survey)						
Population 5 years and older	Number of LEP Persons	Percent of Population over 5 years old that are LEP	LEP Persons who speak Spanish	LEP Persons who speak Indo-European Languages	LEP Persons who speak Asian and Pacific Islander Languages	LEP Persons who speak Other Languages
96,414	6,465	6.7%	2.76 %	6.7%	1.6%	0.3%

Flagler County does not have a substantial population of people who rely solely on a language other than English; however, as Table 2 (above) shows, an estimated 6.7% of the population 5 years and over speak English “less than very well.” While a sizeable portion of that group is comprised of Spanish speakers (2.76%), 6.7% are those who speak Indo-European languages. This family of languages (other than Spanish) includes Russian, along with other major language groups such as Irish, Polish, French, German, Portuguese and Italian. Anecdotally, this has been attributed to a significant Russian-speaking population in Flagler County (See Table 2).

Factor 2: Assessing Frequency of Contact with LEP Persons

The results of the Census data indicate that Spanish is the most prevalent language spoken by the LEP population in the area covered by the River to Sea TPO. To date, the TPO has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language. The TPO has translated and distributed a Spanish language version of the “Tell the TPO” transportation survey and four were returned to the TPO. The TPO has not, for the most part, had any LEP attendees at public events.

Factor 3: Assessing the Importance of TPO Programs

All of the River to Sea TPO programs are important; however, those related to safety, public transit, right-of-way, the environment, nondiscrimination and public involvement are among the most important. The TPO 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.

Factor 4: Determining Available Resources

When planning any activity, it is imperative that an organization assess the resources available to conduct the activity in a way that is meaningful and balances those efforts with the overall cost to the organization. Given the size of the Spanish LEP population in the River to Sea TPO planning area and current financial constraints, full language translations of plan documents are not considered warranted or cost feasible at this time; however, the River to Sea TPO is fortunate to house within its jurisdiction a number of institutions of higher education and military facilities, both of which have extensive language services. The TPO will continue to evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

The analyses of these four factors suggest that, although the costs for providing access are reasonable, the need is limited and extensive LEP services are not required at this time. Nevertheless, the River to Sea TPO believes that Spanish language assistance is necessary for certain activities in order to provide broad access by members of the public.

III. Language Access Implementation Plan and Procedures

A limited English proficiency plan helps management and staff members understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. It is a management roadmap that outlines how the agency defines tasks, assigns responsibilities and allocates the resources necessary to come into, or maintain compliance with, language access requirements. It describes how the agency will meet the service delivery standards delineated in the policy directives, provide notice of language assistance services, provide staff training and conduct ongoing monitoring and evaluation. The following sections outline the activities that are being undertaken by the River to Sea TPO to comply with LEP needs.

Administer LEP services by:

1. Assigning a staff member to oversee the LEP program; this includes the development and implementation of this plan and annually examining the LEP plan to ensure that it remains reflective of the community's needs.
2. Documenting the number and type of contacts by LEP persons and activities and events requiring LEP assistance.
3. Ensuring that the River to Sea TPO staff is familiar with the requirements and resources for LEP persons.

Provide verbal translation as follows:

1. The Census Bureau's "I Speak" language cards are available at the TPO's reception desk and TPO staff is able to identify language needs in order to match them with available services.
2. A list of support contacts who competently speak Spanish and who are willing to provide translation and/or interpretation services is maintained. The resource list has been distributed to TPO staff.
3. Agreements have been made with local agencies, colleges, universities and community partners to provide oral and written LEP services with reasonable notification.
4. Events and activities that may require a translator to ensure meaningful access by LEP persons have been identified and will be periodically updated.

Provide written translation as follows:

1. Meeting notifications are provided in English and Spanish, where appropriate.
2. Outreach documents include a notice that language services are available free of charge in a language LEP persons can understand: "Persons who require translation services, which are provided at no cost, should contact the River to Sea TPO at (386) 226-0422 or by email at PBlankenship@r2ctpo.org at least five (5) business days prior to the event."
3. Spanish language outreach materials from other organizations including federal, state and local transportation agencies are provided whenever possible.
4. Documents that will be provided in Spanish language format have been, and will continue to be, identified.

LEP Services Required

Given the four-factor analysis, the River to Sea TPO has identified the following documents for translation into Spanish language format:

- The Walk and Ride Bicycle & Pedestrian Safety Video
- The *Tell the TPO Survey*, which is issued biannually
- Spanish, as well as other language formats, have been made available on the TPO website using Google Translate

The TPO has also identified the following events and activities that will require a Spanish language translator:

- Univision Telefutura Health Fair
- Public outreach events in Northwest Volusia

For questions or concerns regarding the River to Sea TPO's commitment to nondiscrimination or to request LEP services, contact Pamela Blankenship, Title VI Coordinator, at (386) 226-0422 ext. 20416 or by email at PBlankenship@r2ctpo.org.