

Volusia 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 US Department of Justice (DOJ) and US 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 Volusia 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.
4. The resources available and the overall cost to the Volusia TPO.

The goal of the *Volusia Transportation Planning Organization (TPO) Limited English Proficiency (LEP) Access Plan* is to ensure that the Volusia TPO recognizes the needs of limited English proficient (LEP) members of the community and implements a plan to communicate effectively and ensure 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 assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. The DOJ LEP Guidance, in turn, 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:

[W]hat 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 . . ."

II. Volusia TPO 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 with respect to the Volusia 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 Volusia TPO through its programs, services or activities. In an effort to determine potential LEP needs in the Volusia TPO planning area, staff reviewed data available through the U.S. Census Bureau American Fact Finder for the period of 2006 through 2011. Data collected for Volusia County indicated that 4.6% of households speak English "less than very well". A further breakdown of the data showed that 3.0% speak Spanish as the primary language. Other languages spoken in households that speak English "less than very well" include Indo-European (0.9%), 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 2006-2010 American Community Survey)						
Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	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
496,053	21,576	4.6%	3.0%	0.9%	0.4%	0.2%

After reviewing a breakdown of Volusia County Spanish LEP populations by city, (2006 – 2010 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 (8.6%) and the town of Pierson (12.8%). Because the Volusia 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 TPO analysis.

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 Volusia 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 also translated and distributed a Spanish language version of a transportation survey during the development of its 2035 Long Range Transportation Plan (LRTP), and none were returned to the TPO. The TPO has not had any LEP attendees at public events. One exception, however, is the annual participation in the Univision Telefutura Fair, which is attended predominantly by Spanish speaking people. Informal estimates are that more than half of the encounters at this event are LEP.

Factor 3: Assessing the Importance of TPO Programs

All of the Volusia 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 Volusia TPO area and current financial

constraints, full language translations of plan documents are not considered warranted or cost feasible at this time. However, the Volusia 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. In addition, the TPO maintains cordial relationships with a number of faith-based and community organizations that offer competent language services at no cost to the TPO. The TPO will continually 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 Volusia 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 responsibility 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 to be taken by the Volusia TPO to comply with LEP needs.

Administer LEP services by:

1. Assign 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. Document the number and type of contacts by LEP persons and activities and events requiring LEP assistance.
3. Ensure Volusia 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 will be available at the TPOs reception desk and staff will be able to identify language needs in order to match them with available services.
2. Maintain a list of support contacts who competently speak Spanish and who are willing to provide translation and/or interpretation services. The resource list will be distributed to TPO staff.
3. Develop agreements with local agencies, colleges/universities and community partners to provide oral and written LEP services with reasonable notification.

4. Identify events and activities that may require a translator to ensure meaningful access by LEP persons.

Provide written translation as follows:

1. Provide meeting notifications in English and Spanish, where appropriate.
2. State in outreach documents that language services are available free of charge in a language LEP persons can understand.
3. Provide Spanish language outreach materials from other organizations including federal, state and local transportation agencies when possible.
4. Identify documents that will be provided in Spanish language format.

LEP Services Required

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

- The 2035 Long Range Transportation Plan (LRTP) Summary Report
- The Walk and Ride Bicycle & Pedestrian Safety Video
- Spanish language format will be made available on the TPO website

The TPO has also identified the following events and activities requiring a Spanish language translator:

- Univision Telefutera
- Public outreach events in Northwest Volusia

For questions or concerns regarding the Volusia TPOs commitment to nondiscrimination or to request LEP services, contact Pamela Blankenship, Title VI Coordinator, at (386) 226-0422 ext. 21 or by e-mail PBlankenship@volusiatpo.org.

ADOPTED AND RESOLVED by the Volusia Transportation Planning Organization at their regularly scheduled meeting held on the 28th day of February 2012.

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION



**City of DeLand, Mayor Pro -Tem Leigh Matusick
Chairperson, Volusia TPO**