

# Limited English Proficiency Plan



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Most people living in the United States read, write, speak, and understand English. There are many people, however, in which English is not their primary language. If those persons have a limited ability to read, write, speak or understand English, they are limited English proficient (LEP). Language barriers often inhibit or prohibit LEP persons from accessing benefits and services, understanding and exercising rights, fulfilling responsibilities and obligations, and understanding information provided to them regarding federally funded programs, activities, and services.

In an effort to provide continuing, cooperative, and comprehensive transportation planning for residents of the region, the Wasatch Front Regional Council (WFRC) has developed this LEP Plan. The LEP Plan outlines how to identify people who may need language assistance, the ways in which assistance

may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. The goal of the LEP Plan is to ensure that all residents of the Wasatch Front region can, to the fullest extent practicable, participate in the transportation planning and decision-making process.

## **Title VI and Environmental Justice**

As mentioned in WFRC's Public Participation Plan, which is available on its website, WFRC is committed to full compliance with the requirements of Title VI of the Civil Rights Act of 1964 and Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." During the public participation process, minority populations, including but not limited to low-income, minority, persons with disabilities, and senior citizen groups, that have been traditionally underserved by existing transportation systems, shall be sought out in order to obtain their input relative to transportation needs.

Title VI states that "no person in the United States, shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." WFRC has developed and adopted a comprehensive Title VI Plan, which is available on its website. Included in the Title VI Plan is a complaint procedure, which outlines how an individual may submit a complaint, how the complaint will be investigated, and the potential resolution scenarios.

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide meaningful access to those with LEP. Meaningful access is consistent with, and without unduly burdening, the fundamental mission of WFRC. The Executive Order also requires that the federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

**Four-Factor Analysis**

The US Department of Transportation provides guidance that outlines four factors that WFRC uses to assess language needs and decides what reasonable steps should be taken to ensure meaningful access for LEP persons. The four-factor analysis considers:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP 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.
4. The resources available to the recipient and costs.

**Factor 1 Analysis: The Number or Proportion of LEP Persons in WFRC’s Service Area.**

WFRC serves the five-county region of Davis, Morgan, Salt Lake, Tooele, and Weber, as well as Brigham City, Perry City, and Willard City in Box Elder County.

The latest Census Bureau data was reviewed in order to analyze the profile of the region’s population. For the purposes of the LEP Plan, persons that identified themselves as speaking English less than “very well” were considered LEP persons.

The following table is reflective of those languages for which the persons five years of age and older speak English less than “very well” and meet the Safe Harbor Provision. The Safe Harbor Provision states that federal agencies are considered to have strong evidence of

compliance if they have translated vital documents into the languages for LEP groups numbering 5% of the population or 1,000 persons, whichever is less. There are seven languages that meet the Safe Harbor threshold: Spanish, Vietnamese, Chinese, Serbo-Croatian, Tagalog, Korean, and Russian. The table categorizes each person with LEP by their native language.

**Factor 2 Analysis: The Frequency with Which LEP Individuals Come in Contact with WFRC**

The Wasatch Front region is an area with a rapidly growing population. Although the interaction with LEP persons has been limited among WFRC staff to date, it is anticipated that the interaction between LEP populations and staff may grow in the future.

A survey was administered to WFRC staff members to document the frequency with which LEP persons have been encountered in job-related activities in the last four years. Of those who responded to the survey, no staff members (zero percent of the total staff) have, to the best of their knowledge, encountered a person or persons with LEP.

**Factor 3 Analysis: The Importance of the Service Provided by WFRC**

WFRC programs use federal funds to plan for future transportation projects, and therefore does not include any direct service or program that requires vital, immediate, or emergency assistance, such as medical treatment or services for basic needs such as food or shelter. Furthermore, WFRC does not conduct activities, such

**Languages for which Safe Harbor Provisions are Achieved in the Wasatch Front Region**

	Persons Speaking English Less Than “Very Well” (LEP)	% of Total Pop	% of LEP
<b>Total Regional Population</b>	<b>1,613,656</b>	<b>100.00%</b>	<b>-</b>
<b>Total Limited English Proficiency (LEP)</b>	<b>93,653</b>	<b>5.80%</b>	<b>100.00%</b>
Spanish	64,852	4.02%	69.25%
Vietnamese	4,128	0.26%	4.41%
Chinese	4,008	0.25%	4.28%
Serbo-Croatian	1,396	0.09%	1.49%
Tagalog	1,145	0.07%	1.22%
Korean	1,103	0.07%	1.18%
Russian	1,075	0.07%	1.15%
Other Pacific Island languages	2,157	0.13%	2.30%
Other Indic languages	1,654	0.10%	1.77%
Other Asian languages	1,632	0.10%	1.74%
African languages	1,076	0.07%	1.15%

Source: U.S. Census Bureau; American Community Survey, 2011-2015 5-Year Estimates, Table B16001; generated by WFRC using American Factfinder; <http://factfinder2.census.gov/>; (24 September 2018).

as applications or interviews prior to participation in its programs or events. Involvement by any citizen with WFRC or its committees is voluntary. However, WFRC will ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process.

The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process for the use of federal funds in three of WFRC's major work products.

- Transportation Improvement Program (TIP)
- Regional Transportation Plan (RTP)
- Unified Planning Work Program (UPWP)

Inclusive public participation is a priority consideration in other WFRC plans and programs as well. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement is encouraged throughout the process.

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

The fourth and final factor of the analysis weighs the preceding three factors to assess the needs of LEP persons within the region against the resources available to WFRC and the costs to provide access.

To provide technical, subject-matter expertise to local governments and other stakeholders, WFRC manages content for and regular updates to its responsive and accessible website. Utilizing a plugin, real-time translation into Spanish, Vietnamese, Chinese (Simplified), Serbian, Croatian, Korean, Filipino, and Russian languages is available.

Historical, general, policy, committee, vision, plan, program, public involvement, and contact information, as well as maps, data, and studies are available on the website. Additionally, specific meeting information, including agendas, informational packets, recordings, minutes, and presentations, are available for each committee meeting during the current and previous three years. WFRC's public meeting notices and agendas include a statement that lists contact information in English and Spanish and states that translation services are available if a request is made at least 72 hours prior to the meeting.

WFRC staff fields inquiries from the public regarding transportation projects and is available to address community organizations, as requested. WFRC outlines ways in which the public can become involved in the planning and decision-making process in its Public Participation Plan, which is available on its website.

Given the high percentage of Spanish-speaking people who speak English less than "very well," WFRC will translate all vital documents into Spanish. Vital documents, as defined by the Federal Transit Administration (FTA), are those documents that provide access to essential services. Examples include a Title VI complaint form and notice of a person's rights under Title VI. All vital documents translated into Spanish will be available via WFRC's website, by mail, or in-person at WFRC's office.

Due to budget constraints, WFRC is unable to translate all vital documents into all languages identified in Safe Harbor analysis. However, WFRC is committed to providing free oral language translation services at any time requested, as long as an appropriate amount of time is allowed to acquire translation services. WFRC will consider requests for translation of other, non-vital, written documents on a case-by-case basis.

#### **Identifying LEP Individuals Who Need Language Assistance**

When first encountering a LEP individual in a face-to-face situation, WFRC will use language identification flashcards developed by the US Census Bureau. These cards have the phrase, "Mark this box if you read or speak 'name of language,'" translated into 38 languages. They were designed for use by government and non-government agencies to identify the primary language of LEP individuals. The Census Bureau's language identification flashcard can be downloaded at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf). WFRC may make them available at public meetings and other community input events. Once a language is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

#### **Types of Language Services Available**

In the event that WFRC should receive a request for assistance in a language other than English, staff members will obtain the name and contact information of the person. Initially, WFRC will use a free online translation service website. Recognizing that the free online translation service website used for this may not be completely accurate, WFRC will provide free oral language translation assistance, if requested. Within its budget and capabilities, WFRC will, to the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning and decision-making process.

#### **WFRC Staff Training**

Current staff members and incoming staff members will be briefed on the LEP Plan and how to assist LEP persons. They will also be instructed to keep a record of language assistance requests so that needs may be accurately assessed in the future.

### Monitoring and Updating the LEP Plan

This LEP Plan is designed to be flexible and one that can be easily updated. At a minimum, the LEP Plan will be reviewed and updated as needed every four years and in association with the cycle of the RTP and the Public Participation Plan. WFRC understands that its community profile continues to change and that the four-factor analysis may reveal the need for additional LEP services in the future.

WFRC will consider the following components on a regular basis.

- How many LEP persons were encountered? Were their needs met?
- What is the current LEP population in the WFRC planning area?
- Has there been a change in the types of languages where translation services are needed?
- Has WFRC's available resources, such as technology, staff, and financial costs, changed?
- Has the WFRC fulfilled the goals of the LEP Plan?
- Were there any complaints received?
- Have new federal or state regulations concerning LEP Plans been approved that necessitate changes to the current LEP Plan or WFRC process for addressing LEP persons?
- Are there new methods or opportunities to conduct outreach to LEP populations?

### Providing Notice to LEP Persons

It is important to notify LEP persons that oral translation services are available, free of charge, in a language that would be understood. Where appropriate and feasible, WFRC will include the following language in English and Spanish in agenda packages.

*Public participation is solicited without regard to age, sex, disability, race, color or national origin. Persons who require translation for a meeting should contact the WFRC's Title VI Administrator at 801-363-4250 or [apearson@wfr.org](mailto:apearson@wfr.org) at least 72 hours in advance.*

*Se solicita la participación del público, sin importar la edad, el sexo, la discapacidad, la raza, color o nacionalidad. Personas que requieren servicios de traducción deben contactar a WFRC's Administrador de Título VI al teléfono 801-363-4250 o [apearson@wfr.org](mailto:apearson@wfr.org) por lo menos 72 horas antes de la reunión.*

### Dissemination of the WFRC Limited English Proficiency Plan

The LEP Plan will be posted on the WFRC's website and will be provided to the Utah Department of Transportation (UDOT), the Federal Highway Administration (FHWA), FTA, and/or any person or agency requesting a copy.

Any questions or comments regarding this plan should be directed to:

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