

# Limited English Proficiency Plan

Regional Transportation Authority of  
Pima County

Limited English Proficiency Plan

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The Regional Transportation Authority of Pima County has developed the following Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to the Regional Transportation Authority of Pima County's services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training to staff, notification to LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining the Regional Transportation Authority of Pima County's extent of obligation to provide LEP services, the Regional Transportation Authority of Pima County undertook a U.S. Department of Transportation four-factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in the Regional Transportation Authority of Pima County's service area who may be served or likely to encounter by the Regional Transportation Authority of Pima County's program, activities, or services;
- 2) The frequency with which LEP individuals come in contact with the Regional Transportation Authority of Pima County services;
- 3) The nature and importance of the program, activities or services provided by the Regional Transportation Authority of Pima County to the LEP population; and
- 4) The resources available to the Regional Transportation Authority of Pima County and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

### **Safe Harbor Provision**

The Regional Transportation Authority of Pima County complies with the Safe Harbor Provision, as evidenced by the number of documents available in the Spanish language. With respect to Title VI information, the following shall be made available in Spanish:

- (1) Title VI Notice
- (2) Complaint Procedures
- (3) Complaint Form

In addition, we will conduct our marketing (including using translated materials) in a manner that reaches each LEP group. Vital Documents include the following:

- (1) Notices of free language assistance for persons with LEP
- (2) Notice of Non-Discrimination and Reasonable Accommodation
- (3) Outreach Materials

- (4) Bus Schedules
- (5) Route Changes
- (6) Public Hearings

## **Introduction:**

The Regional Transportation Authority of Pima County (RTA) is a recipient of federal funds and as such has the responsibility to follow federal nondiscrimination laws and policies. The Civil Rights Act of 1964, as well as several Presidential Executive Orders, outlines these responsibilities.

Executive Order 13166, titled "Improving Access to Services to Persons with Limited English Proficiency," indicates that in some circumstances differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. This order applies to all state and local agencies which receive federal funding.

This Limited English Proficiency (LEP) Plan provides direction on how the RTA will stay compliant with these provisions and it was prepared in accordance with Title VI of the Civil Rights Act of 1964.

It is the policy of the Regional Transportation Authority of Pima County to ensure that its programs and activities are accessible to persons with Limited English Proficiency (LEP) and thus the RTA does not discriminate on the basis of national origin in violation of the Title VI prohibition against national origin discrimination. The RTA will, to the maximum extent feasible, provide appropriate alternative non-English formats for persons with LEP to access RTA information and services in its official deliberations and communications, community outreach and related notifications, if requested.

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination may file a complaint. The complaint must be based on unequal treatment related to race, color, national origin, gender, age and/or disability. A formal complaint must be filed within 180 calendar days of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct. The RTA's Title VI Plan and Non-Discrimination Policy clearly explain the complaint process. The documents, along with the Complaint Form, can be found on the RTA's website at [www.RTAmobility.com](http://www.RTAmobility.com)

**Plan Assessment:**

As a recipient of federal funding, the RTA needs to take reasonable steps to ensure that all members of the community, regardless of their proficiency to understand English, have the opportunity for meaningful access to the RTA planning/programming process. The U.S. Department of Transportation (U.S. DOT) provides guidance<sup>1</sup> on conducting a four-factor analysis to determine what language assistance is appropriate.

Factors to be analyzed are:

- Factor 1: The number or proportion of LEP persons served by the MPO service area.
- Factor 2: The frequency with which LEP individuals come in contact with the MPO programs.
- Factor 3: The importance of the service provided by MPO programs.
- Factor 4: The resources available and the overall cost to the MPO.

The RTA’s analysis of the four factors is provided below.

**Factor 1: Determining the Number and Proportion of LEP Persons Served or Encountered in the Service Area.**

The RTA reviewed U.S. Census Bureau data for the percentage of population in Pima County that indicated that they spoke English “less than very well.”

| Languages Spoken at Home in Pima County by LEP Persons who speak English "less than very well"<br>(US Census Bureau's 2014 American Community Survey) |                  |                |                            |                        |  |  |
|---|------------------|----------------|----------------------------|------------------------|--|--|
|   | Total Population | LEP Population | % Total Non-LEP Population | % Total LEP Population | % Total LEP Population that Speaks Spanish | % Total LEP Population that Speaks Language Other Than Spanish |
| Pima County   | 932,240          | 77,269         | 91.7%                      | 8.3%                   | 82.2%                                      | 17.8%  |
| Tucson  | 492,389          | 51,759         | 94.4%                      | 5.6%                   | 82.6%                                      | 17.4%  |

Further, the data was analyzed to determine which languages(s) were the primary languages spoken by those who spoke English "less than very well." Spanish was the predominant primary language in the RTA service area of those who indicated that they spoke English "less than very well."

<sup>1</sup> Federal Register Vol. 70, No. 239 Wednesday, December 14, 2005

| The Top Three Languages Spoken at Home in Pima County<br>by LEP Persons who speak English "less than very well"<br>(US Census Bureau's 2014 American Community Survey) |                             |   |                                  |                     |                                  |                     |                                     |                     |
|--|-----------------------------|---|----------------------------------|---------------------|----------------------------------|---------------------|-------------------------------------|---------------------|
| Population<br>5 years and<br>older   | Number<br>of LEP<br>Persons | Percent<br>of Total<br>that are<br>LEP<br>Persons | LEP Persons who<br>Speak Spanish |                     | LEP Persons who<br>Speak Chinese |                     | LEP Persons who Speak<br>Vietnamese |                     |
|  |                             |   | Total                            | Percent<br>of Total | Total                            | Percent<br>of Total | Total                               | Percent of<br>Total |
| 932,240  | 77,269                      | 8.3%  | 63,526                           | 6.8%                | 2,975                            | 0.3%                | 1,698                               | 0.2%                |

It was determined that it was not cost effective to take specific actions for languages of the LEP populations other than Spanish, all being less than 1 percent, unless a specific request was made for an accommodation.

**Factor 2: Determine the Frequency with Which LEP Individuals Come into Contact with the RTA Programs, Activities, and Services.**

Air and water quality and transportation planning are areas that touch everyone’s lives in Pima County. As such, the RTA believes that an effort should be made to provide the Spanish speaking community an opportunity to participate in the planning process. See the “Language Assistance Measures” portion of this document for more detail on how Spanish is incorporated into MPO community outreach and public involvement efforts.

**Factor 3: Determine the Importance to LEP Persons of Your Program Activities and Services.**

The importance of the programs and services provided by the RTA cannot be understated. Most RTA activities relate to identifying and planning funding for future projects; these projects are then designed and implemented by other jurisdictions (e.g. the City of Tucson provides transit service and builds roadways projects). While the jurisdictions’ activities bring them into more direct contact with the public, it is still important for the RTA to ensure that LEP populations have input in the planning of future projects for the region.

**Factor 4: Determine the Resource Available to the Recipient and Costs.**

The RTA has limited staff and financial resources, which makes the translation of all materials cost prohibitive. Often persons with a limited English proficiency have several trusted sources to interpret for them. The RTA works to provide enough bilingual information for the LEP population to understand which RTA services are available or what major planning activities are taking place so that they can ask for assistance from the RTA or one of their trusted sources.

## Language Assistance Measures

- Agency training
  - All staff members will receive training regarding the RTA's responsibilities for providing LEP services and the resources that the RTA has available in fulfilling these responsibilities.
  - Staff will receive instruction on what to do when individuals with limited English proficiency seek to participate in an RTA process or utilize an RTA service.
  - The RTA's Human Resource Director shall maintain a list of RTA employees who speak or write additional languages other than English.
  
- Identify individuals who need language assistance
  - The RTA utilizes the Census "Language Identification Flashcards" to identify potential future needs. These cards have been enhanced to include O'odham and Yaqui, as these are the predominate Native American languages spoken in the RTA region.
  - The RTA will examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine the extent to which language assistance might be needed at future events.
  - When the RTA sponsors an event, there will be a staff person to greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
  - Front-office staff and other staff members who speak directly with the general public will be surveyed annually on their experience concerning any contacts with LEP persons during the previous year.
  
- Outreach techniques
  - RTA agendas contain a footnote in English and Spanish that translations are available upon request.
    - *The Meeting Room is accessible to persons with handicaps. In compliance with the Americans with Disabilities Act (ADA), those requiring special assistance, such as large-type face print, sign language or other reasonable accommodations, may request those through the administrative offices at: 1 E. Broadway, Suite 401, Tucson, Arizona 85701 (520) 792-1093, at least twenty-four hours before the meeting. Si necesita ayuda con traducción, llame por favor al 792-1093 y comuníquese con Nathan Barrett.*
  - The RTA website provides a link to program summary materials translated into Spanish.
  - Public notices and advertisements to public meetings include a footnote, in Spanish, that translation is available upon request.
  - RTA member jurisdictions include the Pascua Yaqui Tribe and Tohono O'odham Nation. Some members of both the Tribe and the Nation have greater proficiency with their own tribal languages than with English. When RTA events take place on Tribal or Nation Lands, efforts are made to work with the

respective jurisdictional staff to make accommodations for cultural and language assistance as the hosting jurisdiction deems appropriate.

### **Monitoring and Updating the LEP Plan**

The LEP Plan will be updated as required by U.S. DOT guidance/direction. At a minimum, the LEP Plan will be updated when new census data becomes available. It is understood that the community profile of Pima County and the jurisdictions within the county will continue to change over time. Not only will the four-factor analyses need to be revisited, but the appropriate language assistance measures may need to be improved to reflect community changes.

### **Contact Information**

The RTA, through development of this LEP Plan, does not intend to exclude anyone from the participating in the RTA process or from taking advantage of RTA services. The RTA will make every reasonable effort to accommodate any special need request. Questions or comments regarding this LEP Plan may be submitted to the RTA Title VI Coordinator.

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