

2018

# Limited English Proficiency Plan



Adopted May 16, 2018

## *Title VI Note*

The Flint Hills Metropolitan Planning Organization (MPO) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the MPO receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the MPO. Any such complaint must be in writing and filed with the MPO's Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discriminatory Complaint Form, please see our website at [www.FlintHillsRegion.org/MPO](http://www.FlintHillsRegion.org/MPO).

## *Disclaimer*

The preparation of this document has been financed in part through funds from the Federal Highway Administration and Federal Transit Administration, U. S. Department of Transportation, under the Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

# Table of Contents

<b>INTRODUCTION .....</b>	<b>4</b>
WHAT IS THE FLINT HILLS MPO? .....	4
WHAT IS LIMITED ENGLISH PROFICIENCY? .....	5
WHAT IS TITLE VI? .....	5
<i>Title VI of the Civil Rights Act of 1964 .....</i>	<i>5</i>
<i>Civil Rights Restoration Act of 1987.....</i>	<i>5</i>
<i>Executive Order 12898.....</i>	<i>5</i>
<i>Executive Order 13166.....</i>	<i>6</i>
<b>MPO’S LIMITED ENGLISH PROFICIENCY (LEP) POLICY.....</b>	<b>6</b>
LEP FOUR-FACTOR ANALYSIS .....	6
<i>Factor 1: The number or proportion of LEP persons served or likely to be encountered by the program .....</i>	<i>6</i>
<i>Factor 2: The frequency of which LEP individuals come in contact with the program.....</i>	<i>8</i>
<i>Factor 3: The nature and importance of programs and services to LEP persons.....</i>	<i>8</i>
<i>Factor 4: The resources available and overall costs of providing language services .....</i>	<i>8</i>
SAFE HARBOR STIPULATION.....	9
<b>LEP IMPLEMENTATION PLAN .....</b>	<b>9</b>
<i>Identifying LEP Individuals .....</i>	<i>9</i>
<i>Language Assistance .....</i>	<i>9</i>
<i>MPO Staff Training .....</i>	<i>10</i>
<i>Dissemination .....</i>	<i>10</i>
<i>Complaint Process.....</i>	<i>10</i>
<i>Monitoring and Updating the LEP Plan .....</i>	<i>10</i>
<i>Updates Since the Last Plan .....</i>	<i>11</i>

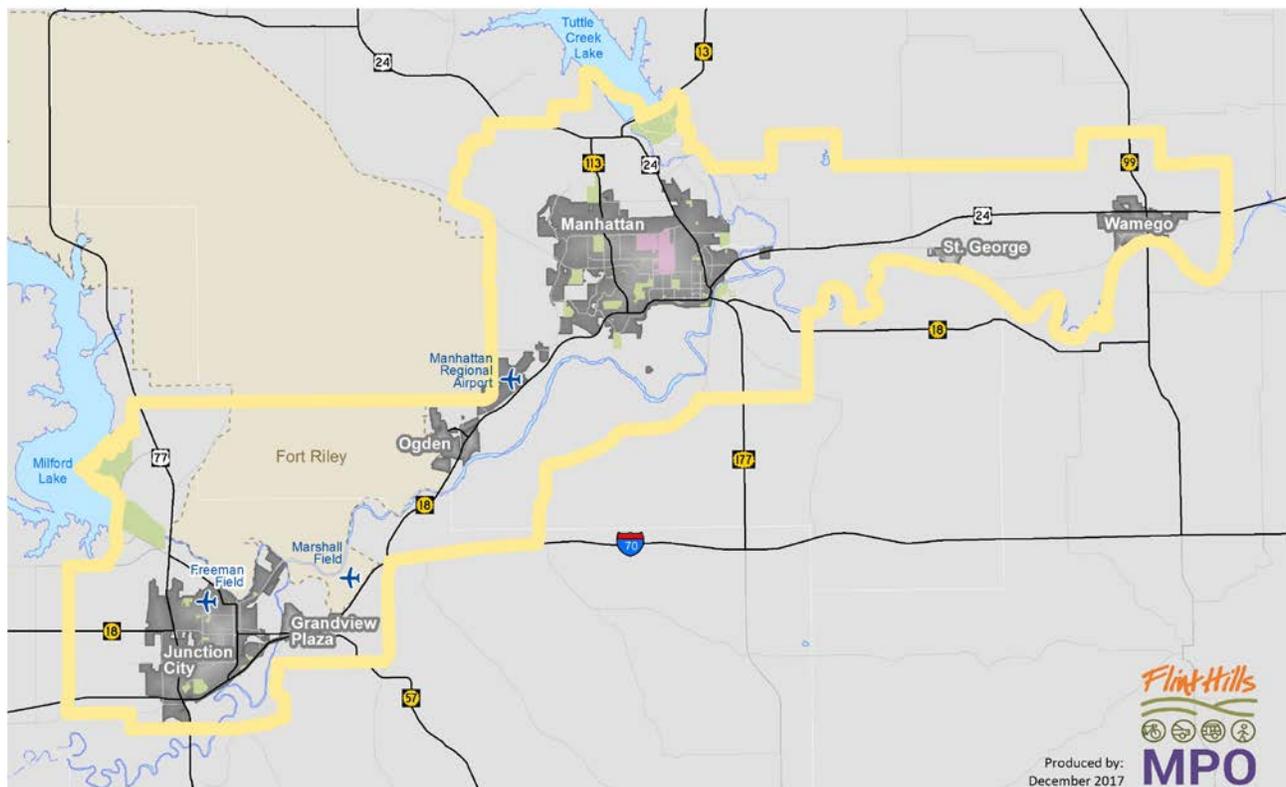
# Introduction

## *What is the Flint Hills MPO?*

Metropolitan Planning Organizations (MPOs) are responsible for carrying out the regional transportation planning process for urbanized areas with a population of 50,000 or more people. MPOs serve as the liaison between local communities, their citizens, and the state and federal departments of transportation.

The Flint Hills Metropolitan Planning Organization (MPO) was designated as the Metropolitan Planning Organization (MPO) for the Manhattan, Kansas Urbanized Area in February of 2013. The MPO planning boundary encompasses six cities, portions of three counties, and the southern portion of the Fort Riley Military Installation. A map of the MPO planning area is shown in the **Figure 1**.

Figure 1: Flint Hills MPO Planning Boundary



The MPO is governed by a Policy Board comprised of local elected officials and a Kansas Department of Transportation (KDOT) representative. The Policy Board is advised by the Technical Advisory Committee (TAC), a staff-level committee, providing technical support and recommendations to the MPO Policy Board.

The MPO is tasked with overseeing and coordinating the regional transportation process for the Flint Hills. The mission of the MPO is to:

*“Provide a regional forum to coordinate, encourage, and promote a safe, efficient, affordable, and integrated transportation system for all users in support of livable communities and economic competitiveness.”*

As a federally funded organization and the responsible party for the development of several key documents that guide the transportation planning and decision-making process, the MPO has a responsibility to provide all residents with an equal opportunity to be engaged.

### *What is Limited English Proficiency?*

Most people living in the United States are able to read, write, speak, and understand the English language; however, for some, English is not their primary language. If those persons have a limited ability to read, write, speak or understand English, they are defined as limited English proficient (LEP). Language barriers can inhibit (or prohibit) LEP persons from participating in and/or benefiting from the transportation planning process. The MPO recognizes the potential barrier language can create and has developed this *Limited English Proficiency (LEP) Plan* to outline the resources available to provide LEP persons with language assistance services to provide meaningful access to the transportation planning process.

### *What is Title VI?*

As a recipient of federal funds, the MPO must comply with Title VI of the 1964 Civil Rights Act, the Civil Rights Restoration Act of 1987, and all relevant Executive Orders.

#### **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Act of 1964 provides 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 otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

#### **Civil Rights Restoration Act of 1987**

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “program or activity” to include all programs or activities of federal aid recipients, sub-recipients, contractors and consultants, whether such programs and activities are federally assisted (Public Law 100259 [S. 557] March 22, 1988).

#### **Executive Order 12898**

“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was an Executive Order signed by President Clinton on February 11, 1994. The Order requires all federal agencies to make environmental justice (EJ) part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of programs, policies, and activities on minority and/or low-income populations. A map of the designated EJ areas are identified in the Transportation Improvement Program (TIP).

**Environmental Justice**  
*The fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income.*

MPOs are required to incorporate EJ into the overall transportation planning process. The Federal Transit Administration’s (FTA) “Environmental Justice Policy Guidance for FTA Recipients” provides recipients of FTA financial assistance with guidance in order to incorporate environmental justice principles into plans, projects, and activities that receive FTA funding. The guiding EJ principles as defined by the US Department of Transportation (US DOT) and followed by the MPO are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects of our programs, policies, and activities, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the unwarranted denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### Executive Order 13166

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 Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to federally conducted and federally assisted programs. It is expected that agency and program plans, as stipulated by the Executive Order, will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The U.S. Department of Justice's Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency" (LEP Guidance), sets the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities provided in English are accessible to LEP persons as not to discriminate on the basis of national origin.

## MPO's Limited English Proficiency (LEP) Policy

The MPO strives to provide meaningful access to the agency's program and activities through its public participation process. The public participation process is intended to engage the public and local stakeholders, including those with limited English proficiency.

### LEP Four-Factor Analysis

The US Department of Transportation recommends four factors that should be analyzed to determine the level and extent of language assistance required to provide meaningful access to program, activities, and services within the MPO planning area. The factors include:

1. The number or proportion of LEP persons served or likely to be encountered by the program;
2. The frequency of which LEP individuals come in contact with the program;
3. The nature and importance of programs and services to LEP persons; and
4. The resources available and overall costs of providing language services.

After conducting the four-factor analysis, the MPO is in a better position to implement a cost-effective mix of proactive language assistance measures, target resources appropriately, and to respond to requests for LEP assistance.

### Factor 1: The number or proportion of LEP persons served or likely to be encountered by the program

To determine the number of LEP persons residing in the MPO region, 2012-2016 American Community Survey block group data was used. Limited English Proficiency (LEP) was identified as census category "Speak English less than well". **Table 1** shows the total population in the MPO area compared to the

individuals that speak English less than well. **Table 2** provides a comparison of national, state, county and city data compared to the MPO region.

*Table 1: Language Spoken and English Proficiency for the Flint Hills MPO Region*

<b>Flint Hills MPO Region</b>			
<b>Language Spoken</b>	<b>Total Population: 5 years &amp; older</b>	<b>Speak English less than well</b>	<b>% of total population that speak English less than well</b>
<b>English Only</b>	<b>89,536</b>	---	---
<b>Language other than English</b>	<b>11,387</b>	<b>1,541</b>	<b>1.5%</b>
Spanish	4,988	788	0.9%
Other Indo-Eurpoean	1,788	116	0.1%
Asian/Pacific Island	3,586	520	0.6%
Other languages	1,025	117	0.1%

Source: 2012-2016 American Community Survey

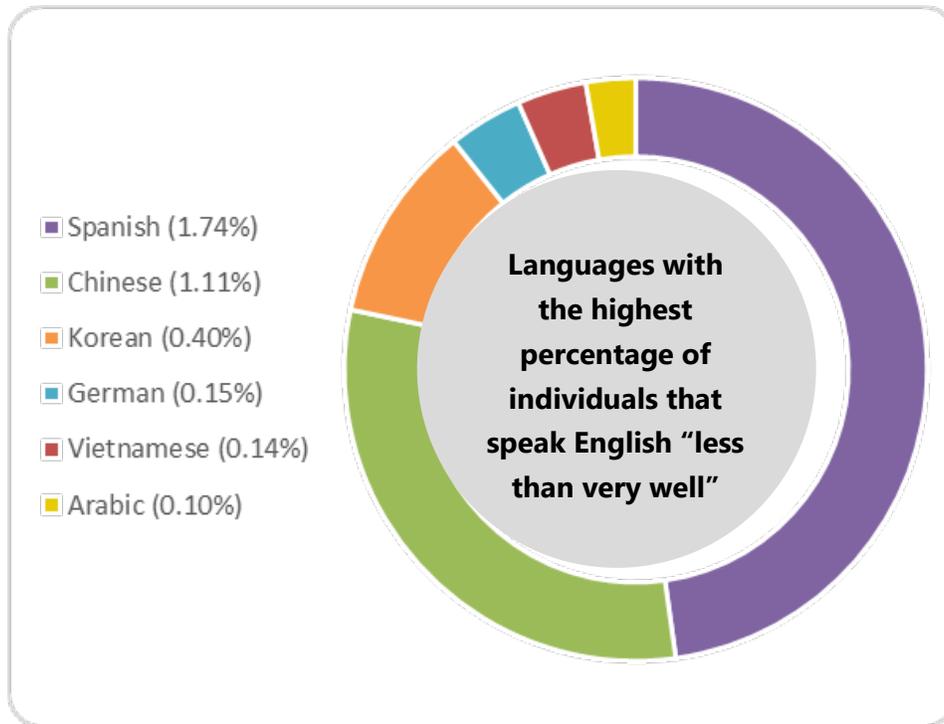
*Table 2: Language Spoken and Proficiency by Jurisdiction*

<b>Jurisdiction</b>	<b>Total Population: 5 years &amp; older</b>	<b>Speak English less than well</b>	<b>% of total population that speak English less than well</b>
United States	298,691,202	13,400,003	4.5%
Kansas	2,699,377	58,955	2.2%
<b>Flint Hills MPO Region</b>	<b>100,923</b>	<b>1,541</b>	<b>1.5%</b>
Geary County	32,289	576	1.8%
Pottawatomie County	21,011	203	1.0%
Riley County	70,146	852	1.2%
Fort Riley	5,717	10	0.2%
Grandview Plaza	2,026	59	2.9%
Junction City	22,187	409	1.8%
Manhattan	53,023	749	1.4%
Ogden	1,647	7	0.4%
St. George	782	-	0.0%
Wamego	4,255	42	1.0%

Source: 2012-2016 American Community Survey

The MPO has identified the languages with the highest population of individuals that speak English "less than very well". **Figure 2** provides the percentage of those individuals.

Figure 2: Highest Population of Individuals Speaking English "Less than Very Well" by Language



Source: 2011-2015 American Community Survey

### **Factor 2: The frequency of which LEP individuals come in contact with the program**

The MPO has not received any requests for translated materials or for interpretation services at public meetings. Although the proportion of people with a limited ability to speak English in the MPO region is relatively low, the MPO has developed an LEP Implementation Plan to outline the strategies identified to engage LEP individuals in the MPO process.

### **Factor 3: The nature and importance of programs and services to LEP persons**

The MPO does not provide any direct services that require vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (i.e. food or shelter). The MPO is responsible for managing the transportation planning process by which individuals have the opportunity to be involved in shaping the transportation system in the region. Citizens are encouraged to become involved in the MPO's activities and processes as the transportation goals and improvements resulting from these planning activities have an impact on all residents. The MPO recognizes the importance of involving all segments of the population and evaluates the impact of transportation decisions on traditionally underserved or underrepresented groups, including LEP persons. This evaluation occurs during the development of two major documents, the Flint Hills Transportation Plan (long-range plan) and the Transportation Improvement Program (short-range programming document); and is further defined in the Title VI Program Guidance.

### **Factor 4: The resources available and overall costs of providing language services**

The last step of the four-factor analysis is to assess the needs of LEP persons within the MPO planning area against the resources available and the cost of those services. As described previously, the LEP population in the MPO region is a small segment of the total the population and does not appear to warrant the translation of MPO documents. Further, given the conservative budget the MPO must work

with, translating documents would be extremely cost prohibitive. However, as described in the LEP Implementation Plan below, the MPO is committed to engaging all residents in the transportation planning process and will continue to monitor the methods used to engage LEP persons.

### ***Safe Harbor Stipulation***

Federal law provides a “safe harbor” stipulation so recipients of federal funds can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that as long as a recipient (the MPO) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

Failure to provide written translations, however, does not necessarily mean that there is noncompliance. In certain situations where it may be too burdensome or cost prohibitive to translate a document, then written translation would not be required. In such cases, other ways of providing meaningful access, such as effective oral interpretation of certain documents, may suffice.

Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each LEP language group that constitutes 5% or 1,000 persons, whichever is less. Oral translation of non-vital documents is deemed sufficient under the “safe harbor” provision to meet the requirements of Title VI.

The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

## **LEP Implementation Plan**

Based on the four-factor analysis and the overall percentage of limited English proficiency (LEP) persons in the MPO region, translating documents to other languages is not warranted, nor cost effective. While the translation of documents is not feasible, the MPO is committed to engaging the region’s diverse population in the transportation planning process and has identified implementation strategies for providing LEP persons with language assistance services. These strategies are further described in the paragraphs below.

### **Identifying LEP Individuals**

The U.S. Census Bureau has created language identification cards that have translated “Mark this box if you read or speak [name of language]” into 38 different languages. The MPO will make those cards available on the MPO website and at all public meetings. Once an individual’s language has been identified, the MPO will evaluate the feasibility of providing written translation service and/or oral interpretation assistance.

The Census Bureau’s language identification cards can be downloaded for free at: [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf).

### **Language Assistance**

The MPO is a small governmental entity and does not have the in-house expertise or capacity to provide translation services. If the translation of a document is requested, the MPO will utilize a free online written translator website, a local volunteer (if one is available), or working with one of the

language departments at Kansas State University. If the required language is not available in written form and formal interpretation is required, staff will use the telephone interpreter service, Language Line, at 1-800-752-6096, or seek assistance from Kansas State University.

The MPO cannot accurately assess or guarantee the accuracy of translation services provided by others. Although working within the confines of a limited budget and capabilities, the MPO pledges that it 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.

### **MPO Staff Training**

Current MPO staff members and incoming staff members will be briefed on the MPO LEP Plan, how to assist LEP persons, and will be encouraged to attend any relevant training offered. New staff members will also be instructed to keep a record of language assistance requests so that needs may be accurately assessed in the future.

### **Dissemination**

The MPO will post this LEP Plan on its website under the “Plans & Programs” tab and then under the “Public Involvement” dropdown at: [www.FlintHillsMPO.org](http://www.FlintHillsMPO.org). Any person or agency requesting a copy of the LEP Plan will be provided one. To request a copy, call 785-845-9050, email [FHMPO@FlintHillsMPO.org](mailto:FHMPO@FlintHillsMPO.org), or visit the Flint Hills Area Transportation Agency at 5815 Marlatt Avenue, Manhattan, KS 66503.

### **Complaint Process**

To file a complaint regarding LEP activities, please fill out the Title VI Complaint Form, available in PDF format on the Flint Hills MPO’s website under the “Plans & Programs” tab by selecting the “Public Involvement” dropdown. Should an LEP complaint be filed, the Title VI review process will be followed. Hard copies of the Title VI Complaint Form are available upon request.

The MPO maintains a list of complaints filed alleging discrimination on the basis of race, color, or national origin. This list includes the date the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken in response to the investigation, lawsuit or complaint.

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

This LEP Plan, along with other public involvement documents, will be reviewed and updated as needed on a schedule that coincides with the Flint Hills Transportation Plan updates.

Each update will consider the following components:

- Current LEP population in the MPO area
- Number of LEP persons engaged in the MPO process and record of if their needs were met
- Record of complaints received
- Review any complaints received
- Changes in resources, such as technology, staff, and financial resources changed
- Review of any applicable federal and state regulations regarding LEP plans

## Updates Since the Last Plan

The current LEP population for the MPO area has been updated since the 2016 LEP Plan due to expanding the MPO boundary. The percentage of LEP individuals has increased by 0.4%, which is likely due to the boundary expansion.

The MPO recently worked with the local transit agency to develop a new fixed-route system for the City of Manhattan. During the public engagement process, the MPO solicited a survey in both Spanish and English. There were approximately 270 survey responses, no respondents used the Spanish version.

Since the last update, our website provider, Wix.com, no longer supports outside translation services and currently doesn't offer one themselves. If someone were to need a document or text on the website translated, they could do so using Google Translate by copying and pasting the text within Google Translate.

To date, the MPO has not received any requests from LEP individuals for translation services; nor have any complaints been filed.