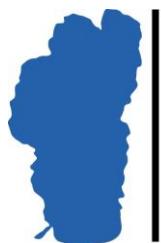




LIMITED ENGLISH PROFICIENCY PLAN



**TAHOE
REGIONAL
PLANNING
AGENCY**



Tahoe
Metropolitan
Planning
Organization

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LIMITED ENGLISH PROFICIENCY PLAN

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I. INTRODUCTION AND POLICY STATEMENT

A. PURPOSE OF A LEP PLAN

The Tahoe Regional Planning Agency (TRPA), acting as the Tahoe Metropolitan Planning Organization (TMPO) is a recipient of grants from the Federal Highway Administration (FHWA). TRPA will comply with Executive Order 13166-- Limited English Proficiency (LEP).

This TRPA/TMPO Limited English Proficiency (LEP) Plan is designed to assist the management and staff to understand their roles and responsibilities with respect to overcoming barriers for LEP individuals. The Plan will provide guidance to staff on translation, interpretation, and outreach services for LEP individuals seeking access to TRPA programs and services. Each office will ensure it follows the Plan to improve access for LEP individuals to its programs and services. The LEP Plan supplements the TRPA Title VI Program Plan and the Public Participation Plan.

TRPA utilized the FTA, Office of Civil Rights "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons" handbook and performed the Four-Factor analysis to develop the LEP Plan.

B. POLICY STATEMENT

TRPA, under Title VI of the Civil Rights Act of 1964, ensures that no person shall, on the basis 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 it administers.

As clarified by Executive Order 13166, TRPA shall examine the services it provides, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. TRPA's policy is to provide timely, reasonable, effective and meaningful access for LEP persons to all of its programs and activities. All staff shall provide free language assistance services to LEP individuals with whom they encounter or whenever an LEP person requests language assistance services. All staff are to ensure the public is treated with dignity and respect, identify the language needs for TRPA customers, and utilize available bilingual resources to assist customers, when needed.

TRPA will ensure the provisions of this policy and Plan also apply and will be incorporated into agreements with subgrantees and contractors as subrecipients of federal financial assistance.

II. AUTHORITY

A. FEDERAL AUTHORITIES

Section 601 of Title VI of the Civil Rights Act of 1964 provides that no person “on the ground 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.” The United States Supreme Court in *Lau v. Nichols* (1974) stated that one type of national origin discrimination is discrimination based on a person’s inability to speak, read, write, or understand English.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” – was signed by President Bill Clinton to “...improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English Proficiency....” This executive order is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of federal financial assistance from discrimination based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

III. SELF ASSESSMENT USING THE FOUR-FACTOR ANALYSIS

This section sets forth the Four-Factor analysis to determine the appropriate, reasonable, resource effective and meaningful access for LEP persons to its programs and activities. In determining “reasonable,” there are four factors to be considered:

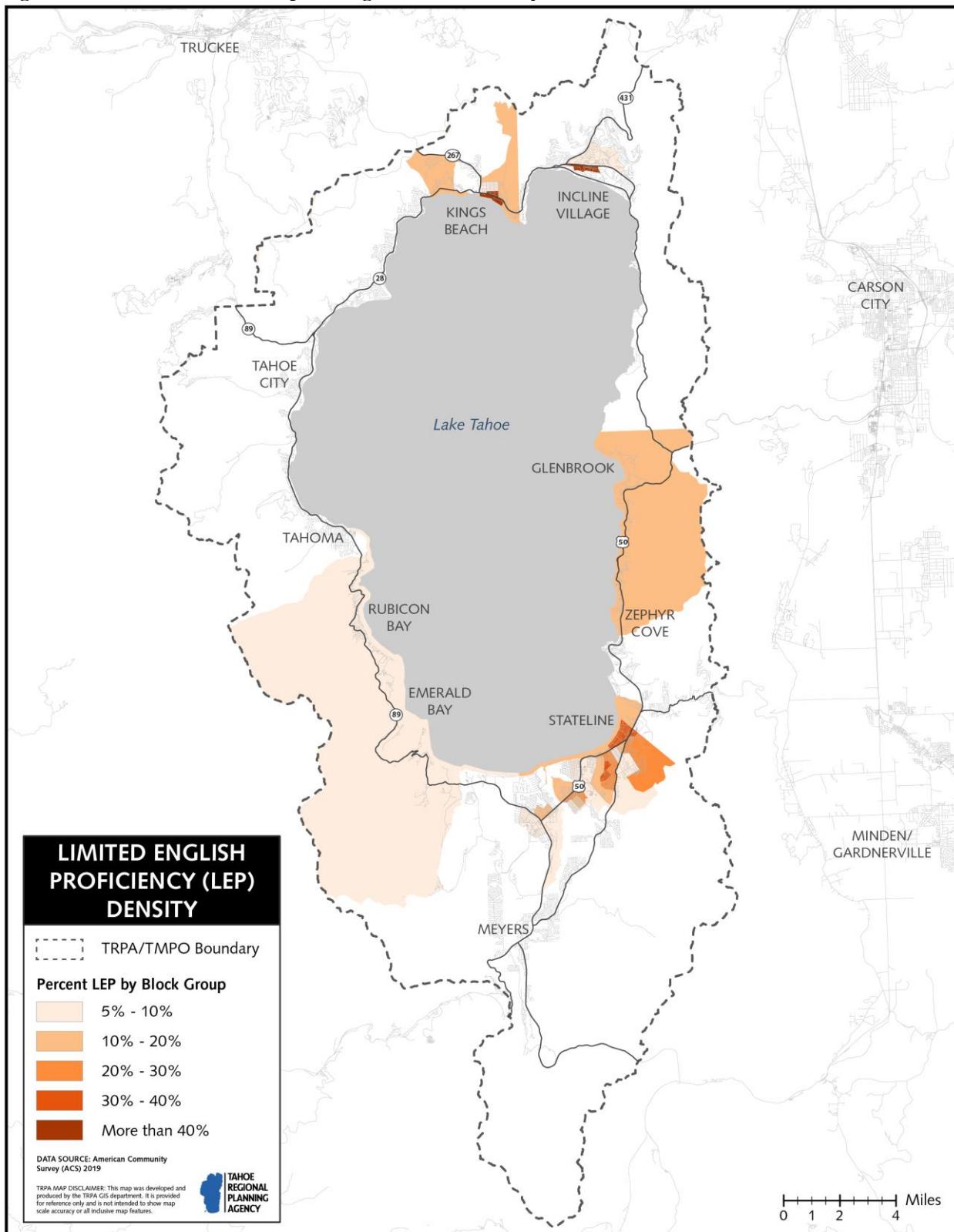
Four-Factor Analysis:

Factor 1 - The Number and Proportion of LEP Persons Served or Encountered in the TRPA Planning Area

TRPA has regional land use and transportation planning authority in the Lake Tahoe Basin. TRPA, serving as the TMPO, has a planning boundary that includes the city of South Lake Tahoe, portions of Placer and El Dorado counties in California and portions of Washoe and Douglas counties in Nevada.

TRPA used the 2015-2019 American Community Survey Five-Year Estimates to identify information on persons who speak languages other than English at home and who speak English less than very well. The geographic distribution of Tahoe residents who speak English less than very well is mapped in Figure 1.

Figure 1: Tahoe Residents who Speak English Less than Very Well



- 1) Census Bureau 2015-2019 American Community Survey Five-Year Estimates

Statistical Language Breakdown
Source: American Community Survey 2015-2019 Summary File (US Census)

Lake Tahoe Planning Area

Total Lake Tahoe Planning Area Population (5yrs and older)	Number who Speak English Less Than Very Well	% Who Speak English Less Than Very Well
57,434	4,377	7.6%

A review of the above Tables shows 7.6% of the total population speak English less than very well. Generally, identifying any community where the LEP population equals five percent or more in a given language automatically triggers providing language assistance services as a mandatory and normal part of the LEP program operation. Figure 1 shows all areas within TRPA/TMPO's planning boundary where five percent or more of the populations speaks English less than very well.

2) Public Participation Plan—Community Survey

TRPA/TMPO adopted the most recent Public Participation Plan (PPP) in 2019. The PPP expresses the practices for fulfilling the inclusive public participation requirement. Due to the volume of the publication, a copy of the Public Participation Plan is found on the TRPA website at:

<https://www.trpa.gov/wp-content/uploads/documents/archive/2/2019-Public-Participation-Plan-FINAL.pdf>

The Public Participation Plan was completed through a comprehensive study to determine how, when, and how often specific public involvement measures should take place, and what specific measures are most appropriate. The study surveyed individuals, minority and low-income communities, special needs users, Native American Tribal Governments, Community Based Organizations, Faith-Based Communities, Minority Community Based Organization—League of United Latin American Citizens, and Spanish language media—Radio Azteca and Hispano de Tahoe.

The community outreach to organizations and the media that interact with LEP persons identified a need to have Spanish translators and translation services. The study also identified the following factors to effective public participation:

- Time, location, and accessibility of meetings.
- Reaching people within their own communities and during existing meeting schedules.
- Provision of food, childcare, and translation (LEP) at meetings.
- Presentations focused to specific interests of group.
- Placement of meeting announcements and flyers using different types of media.
- Cultural sensitivity for minority and Native American Tribal groups.

- Identified barriers to overcome public participation.

The Public Participation Plan describes and includes effective practices on:

- Coordinating with individuals, school districts, and organizations and implementing community-based public involvement strategies to reach out to members in the affected minority, LEP and/or low-income communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.
- Documenting all outreach efforts including the number of total participants and the number of participants who speak Spanish and need language assistance.

TRPA/TMPO's public participation process aims to give the public ample opportunities for early, meaningful, and continued involvement. Collecting diverse public input is important for determining the types of projects that meet public desire and ensures that public funds are directed to the areas of highest need. Transparency increases levels of participation, ensuring well-prepared and publicly supported planning documents. In 2016, TRPA/TMPO released a public participation survey in English and Spanish to collect data to identify residents and communities impacted by federal financial assisted projects or activities. The 2016 PPP established a methodology for documenting all public outreach and was carried forward in the updated 2019 PPP. The new methodology requires TRPA/TMPO staff to record the date, the type of outreach conducted, the number of participants, any groups or agencies present, and any Spanish speakers present. This will enable TRPA/TMPO to better determine how often LEP individuals come into contact with TRPA services.

Factor 2 - The Frequency with Which LEP Individuals Come into Contact with TRPA Services

TRPA does have interaction with LEP persons at various public workshops and community group presentations. TRPA can provide live translation services and translated materials in most instances and certainly when LEP persons are expected to participate. While TRPA's physical office does not have many visits from LEP persons. TRPA does have fluent Spanish speaking staff that can assist Spanish speaking individuals. Procedures will be in place to provide language assistance to LEP individuals as part of the standard business practices (see description below).

Factor 3 - Nature and Importance of the Services Provided

TRPA/TMPO assessed the nature and importance of the services provided to the public by the transportation planning program. It is apparent that regional transportation planning has the greatest consequence of interaction with the LEP individuals, so LEP services other than English will be needed. TRPA will not deny or delay information for the LEP individual. Procedures will be in place to provide language assistance to LEP individuals as

part of the standard business practices. The standard business practices to LEP individuals will include:

- Continued translation of vital planning documents and notices in Spanish.
- Appointment of Spanish translators at public participation events.
- Advise the public that TRPA can provide free LEP services to recipients of its programs and activities.

Factor 4 - Resources Available to TRPA to Assure Meaningful Access to the Services by LEP Persons

While TRPA's intent is to provide meaningful access to all participants and eligible persons, the availability of resources may limit the provision of language services in some instances. TRPA will explore the variety of tools that are available to provide efficient, effective and meaningful LEP services. TRPA will:

- Consider utilizing language software technology.
- Share language assistance materials and services among and between other transportation planning agencies and advocacy groups.
- Train bilingual staff to act as interpreters and translators.
- Share information through community groups who serve LEP persons.
- Use telephonic and video conferencing interpretation services.
- Pool resources among local agencies and standardize documents to reduce translation needs.
- Use qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs.
- Request and use qualified community volunteers in a formalized manner.

Cost for providing language assistance will not be passed on to the customer. TRPA will continue to evaluate the costs associated with providing LEP services and in future years, identify a budget for implementation of this Plan.

IV. HOW TRPA WILL PROVIDE LANGUAGE ASSISTANCE

A. PROVIDING NOTICE TO LEP INDIVIDUALS

Language assistance will be provided to LEP individuals through the translation of vital documents, as well as through oral language interpretation when necessary and possible. LEP individuals are not obligated to provide their own interpreter, although many do so.

The LEP Plan reflects the overall goal of improving and maintaining language access for TRPA customers. The intent is to achieve a balance that ensures meaningful access to programs and information while avoiding undue burdens on TRPA resources. It is important to inform LEP individuals that services are available in Spanish and they are free of charge. TRPA will continue to use existing resources to meet the requirements of Executive Order 13166. The most widely used LEP services will be translating oral and written communications. Other services include:

- Provide Spanish translator services at public meetings, as needed.

- State in outreach documents (brochures, booklets, pamphlets, and flyers) that free language services are available.
- Work with minority and low-income community-based organizations to inform LEP individuals of the programs, activities and language assistance availability.
- Include vital notices in local Spanish newspapers, as needed.
- Provide public service announcements on non-English language radio and television, as needed, about the availability of language assistance services for important events
- Offer a telephone voice menu prompt in Spanish, when necessary, as an alternate language for the caller

B. COMMUNICATING WITH LEP INDIVIDUALS

Based on the Four-Factor analysis, the frequency of contact with LEP individuals will most likely occur by in-person contact or telephone. To provide language assistance as needed for in-person contact with LEP individuals and unexpected out-of-country visitors, TRPA will use the *Language Identification I Speak Flashcard (or "I Speak" cards)*.

TRPA staff will use the following steps to orally communicate with LEP individuals:

WALK-IN SERVICE

Since the onset of the coronavirus pandemic in 2020, TPRA staff have reduced in-person hours, and walk-in services are currently unavailable. However, when walk-in services are reestablished in the future, TRPA will adhere to the following procedures:

1. Attempt to communicate in English first to determine if the customer can understand English sufficiently to be fully understood.
2. If customer cannot understand or effectively communicate in English, determine the language they are speaking, using the *Language Identification I Speak Flashcard* so the customer can point to his/her language.
3. Quickly determine if any of the employees working nearby speak the necessary language and are willing to interpret. If the volunteer cannot immediately come to the location of the LEP individual, use the telephone interpreting services for interpreting.
4. Determine the customer's needs, request, comment or complaint through the interpreter. Determine the appropriate contact to respond and have interpreter assist in providing a timely and quality response to the LEP individual.
5. Give the LEP person a Title VI brochure in their language, if available.
6. Make every effort to give the LEP customer the same level of service as an English-speaking customer.

PHONE-IN SERVICE

1. Attempt to communicate in English first. If not possible to effectively communicate in English, try to determine the language being spoken.
2. Quickly determine if an employee working nearby speaks the necessary language and ask them to interpret. If not possible, use the telephone interpreting services.

3. Determine the customer's need, request, comment, or complaint and relay it to the appropriate contact person to ensure a response is relayed to the LEP individual.
4. Make every effort to give the LEP individual the same level of service as an English-speaking customer.

V. ASSESSING LANGUAGE ASSISTANCE MEASURES

TRPA will continuously assess the type of language assistance available to provide meaningful access to TRPA services and activities. The language assistance measures include:

1. QUALITY STANDARDS FOR TRANSLATED DOCUMENTS

Ensure the translators of written documents are competent. Particularly where vital documents are being translated, competence can often be achieved by use of certified translators.

2. VITAL DOCUMENTS

It is important to make an assessment as to the population percentage and the frequency and importance of the contact while considering the potential for translating vital documents. The program areas most likely to encounter the need to translate vital documents are public involvement, public information, and transportation planning services.

3. TRANSLATING WRITTEN DOCUMENTS

TRPA will make every attempt to provide adequate and timely written translations of correspondence received through the following means:

- Determine the language the received document is written in.
- Once the language has been identified, contact an interpreter or translator to translate the entire document.
- Determine what the LEP individual requested and determine who should respond. Inform the appropriate contact person that the document has been received and relay the importance of a timely and quality response required by Title VI and related statutes.
- Translate the response and return to addressee. Include a phone number in the document in order to provide better service and be able to use the telephone interpreting services for oral translations, if appropriate.
- Make every effort to give the LEP individual the same level of service as an English-speaking customer.
- Consider US DOT Safe Harbor provision identified in FTA Circular 4702.1B.

VI. LANGUAGE ASSISTANCE RESOURCES

TRPA will continuously refer to language assistance tools to improve upon its existing LEP services. TRPA's program budget is one consideration on which additional tools may be used, however, and efforts will be made to provide effective and efficient LEP language services using the following resources:

- Bilingual Staffing

- “I Speak” Cards or Language Identification Flashcards to Identify Languages
- Qualified Interpreters
- Telephone Interpretation
- Language Assistance Volunteers
- Community Volunteers

VII. TRAINING

Training staff on the procedures of providing language assistance and how to determine whether and what type of language services a customer needs is essential to bridging the gap between policies or procedures and actual practices. Training will include how to obtain language assistance services and how to communicate needs to interpreters and translators. Providing language assistance in some program areas may also mean avoiding acronyms or industry jargon.

The TRPA Title VI Coordinator will be responsible to ensure TRPA staff obtains LEP training on a triennial basis, or more often as necessary. The Title VI Coordinator will maintain records of staff who participated in the training.

The staff training will include discussions on how to assess the appropriate LEP service to provide to a LEP individual.

VIII. COMPLAINT PROCESS

The LEP complaint procedures mirror the complaint procedures as referenced in the TRPA Title VI Program Plan—Section 4, Procedures for Filing a Title VI Complaint.

IX. MONITORING AND UPDATING THE LEP PLAN

The Title VI Coordinator shall monitor implementation of the LEP Plan, making revisions to policies and procedures as may be required periodically. In monitoring compliance, an assessment will be made whether the program’s procedures allow LEP individuals to overcome language barriers and participate in a meaningful way in the program activities and services.

Monitoring shall consider information from the following sources and criteria, as well as other factors as may be appropriate:

- Changes in demographics including new language groups, types of services and other activities.
- Frequency of encounters with LEP persons.
- Whether existing LEP language services are adequate.
- Availability of new resources, including technology.

Full review of the LEP Plan will occur with each triennial Title VI program submission.

X. DEFINITIONS

- **Bilingual** – The ability to speak two languages fluently and to communicate directly and accurately in both English and another language.
- **Interpretation** – Interpretation - The act of listening to spoken words in one language (the source) and orally translating into another language (the target).
- **Limited English Proficient Person** – Any individual who does not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.” Such person or persons may be entitled to language assistance at no cost to themselves with respect to a particular type or service, benefit, or encounter.
- **Linguistically Isolated** – This term is described in the census as the percentage of person in the households in which no one over the age of 14 speaks English well, and is used as a direct measure of those persons with a severe language barrier, as a distinct from those of foreign origin who speak English well. Those who are linguistically isolated may also be unable to benefit from transportation services and the services of other DOT recipients and, therefore, should receive attention from recipients as a high priority.
- **Primary Language** – The Language in which an individual is most effectively able to communicate.
- **Qualified Interpreter**– Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary.
- **Substantial number of non- or limited-English speaking people** – Members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise of five percent or more of the people service by any local office or facility of a State agency.
- **Translation** – The replacement of written text from one language into an equivalent written text in another language. It is noted that some LEP persons cannot read in their own language and back-up oral interpretation services may be needed for written documents.
- **Vital Documents** – Documents that convey information that critically affects the ability of the recipient/customer to make decisions about his or her participation in the program. Examples of vital documents include but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance, and outreach and community education materials, and notices advising LEP person of the availability of free language services.