
GIAMPO – Policy Board

Tuesday, November 23, 2021

Regular Session

Item E1

Approval of Final Draft Limited English Proficiency Plan

Staff Contact: Andres Gomez, MPO Program Manager

Policy Board Agenda Report
November 23rd, 2021

Agenda Item No. E1

ISSUE

VOTE: Draft Limited English Proficiency Plan

BACKGROUND

Title VI is a Federal statute that mandates that no person 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. The federally-required Title VI Plan is a comprehensive document that guides the Grand Island Area Metropolitan Planning Organization (GIAMPO) in the provision of information and services to the public.

POLICY CONSIDERATIONS/DISCUSSION

Title VI of the Civil Rights Act of 1964 is a federal statute that states the following: "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." As stated in the statute, Title VI prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates federal funding agencies to enforce statutory compliance.

Limited English Proficient (LEP) persons refer to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all. According to Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, LEP persons are entitled to language assistance under Title VI of the Civil Rights Act of 1964, and federal assistance recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities.

The Title VI Plan must comply with Federal Transit Administration on Circular 4702.1B. The Title VI Plan emphasizes the GIAMPO Title VI process and procedures, including the use of public outreach techniques and innovative strategies to specifically include Limited English Proficiency Populations within the region.

BUDGET CONSIDERATIONS

None

COMMITTEE ACTION

The Technical Advisory Committee approved the Draft LEP Plan on October 18th.

RECOMMENDATION

Approve Limited English Proficiency Plan.

STAFF CONTACT

Andres Gomez

Limited English Proficiency Plan



November 23, 2021

November 2021

Funding Note:

The preparation of this document was financed in part with funding from the United States Department of Transportation (USDOT), administered by the Nebraska Department of Transportation (NDOT). The opinions, findings, and conclusions expressed in this publication are those of the authors and do not necessarily represent USDOT or NDOT.

Title VI Notice:

Grand Island Area Metropolitan Planning Organization (GIAMPO) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI complaint form, call the Title VI coordinator which is the City of Grand Island Administrator at 308-385-5444.

Americans with Disabilities Act (ADA) Information:

Individuals requiring reasonable accommodations may request written materials in alternate formats which include interpreter services, large print, readers, hearing assistance or other reasonable accommodations by contacting the City of Grand Island at 308-385-5455.

Additional copies of this document may be obtained by contacting:

City of Grand Island
Public Works Department
City Hall
100 East First Street
Grand Island, NE. 68802

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Introduction

The Grand Island Area Metropolitan Planning Organization (GIAMPO) is responsible for multimodal transportation planning and administering Federal and state transportation funds within the urbanized area of Grand Island. As the formal transportation planning body for the Grand Island Urbanized Area, GIAMPO defines the region's shared vision for the multimodal system and sets the policy direction to achieve it. GIAMPO facilitates collaboration between member jurisdictions, including the Nebraska Department of Transportation (NDOT) and Federal agencies, and residents so that transportation resources can be allocated in the most efficient way possible.

In carrying out the regional transportation planning work program, GIAMPO has a responsibility to ensure that there are meaningful opportunities for members of the public to participate in the process, including those who do not speak English as their primary language or who are limited in their ability to understand, speak, read or write English. Those individuals are described as having limited English proficiency (LEP), which can impose barriers to accessing important benefits or services, understanding and exercising certain rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities. To address those barriers, GIAMPO takes reasonable steps to ensure that all people have meaningful access to its programs, services and information, and at no cost to them. To that end, GIAMPO has developed this Limited English Proficiency Plan.

Federal Laws and Policies Guiding Limited English Proficiency Plans

Title VI of the 1964 Civil Rights Act

This act 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 otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency

Clarifies the Title VI of the Civil Rights Act of 1964 with regards to accessibility of federal programs and services to persons who are not proficient in the English language. This executive order stated that individuals who do not speak, read, write, or understand English well are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter.

Determination of Need

The U.S. Department of Transportation has outlined a four factor LEP analysis to determine the need for language assistance measures. The four factors are:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP persons come into contact with GIAMPO programs, activities, or services.
3. The importance to LEP persons of GIAMPO's program, activities, and services.
4. The resources available to GIAMPO and overall cost to provide LEP assistance.

Factor 1: Number and proportion of LEP persons in the service area

GIAMPO reviewed the American Community Survey data for people who speak English "less than very well" as Limited English Proficient persons. Table 1 shows the extent of limited English proficiency in the region.

Spanish is the largest non-English language group in the service area by a large margin and is the only LEP language group to exceed the Safe Harbor Threshold of 1,000 LEP persons or a 5% or greater proportion of LEP persons. Table 1 summarizes persons with limited English proficiency within the Grand Island planning area.

Table 1: Persons with Limited English Proficiency in the Region

	Total population age 5 and over		Limited English Proficiency									
			Persons with limited English proficiency		Language spoken at home other than or in addition to English							
					Spanish		Other Indo-European Languages		Asian and Pacific Island Languages		Other Languages	
	Estimate		Estimate	Percent	Estimate	Percent	Estimate	Percent	Estimate	Percent	Estimate	Percent
Grand Island Area	57,247		6,143	10.7%	5,300	9.3%	72	0.1%	232	0.4%	539	0.9%
Hall County	56,561		6,134	10.8%	5,291	9.4%	72	0.1%	232	0.4%	539	1.0%
Merrick County	686		9	1.3%	9	1.3%	0	0.0%	0	0.0%	0	0.0%

Source: 2015-2019 American Community Survey 5 Year Estimates.

Notes: The estimates represent an approximation of the Metropolitan Planning Area.

This table shows that of the 57,247 people that are 5 years and older living in the Grand Island Area, and 6,143 had Limited English Proficiency.

Factor 2: Frequency of LEP populations' contact with programs, activities, services

Contact between the region's LEP population and GIAMPO staff is more likely through the development of the Long Range Transportation Plan (LRTP). GIAMPO has worked through consulting firms to conduct targeted outreach, including holding focus meetings, which included minority and low-income community group members during the LRTP development process. Also, written translated materials in Spanish were developed and Spanish interpreters were available at the public open house as part of the LRTP outreach effort. Although, GIAMPO expended considerable resources to prepare for Spanish participants with limited English proficiency during the LRTP plan development process, very few participated.

Factor 3: Importance to LEP population of programs, services, activities

GIAMPO programs use federal funds to plan for future transportation projects, and therefore, do not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like for shelter). Further, involvement by any citizen with the GIAMPO or its committees is voluntary. However, the

GIAMPO must ensure that all segments of the population, including LEP persons, are involved to have had the opportunity to be consistent with the goal of the Federal Environmental Justice program and policies.

The impact of proposed transportation investments on underserved and under-represented population groups is part of the evaluation process in use of Federal funds in three major areas for the GIAMPO:

1. Unified Planning Work Program (UPWP),
2. Transportation Improvement Program (TIP),
3. Long Range Transportation Plan (LRTP), covering 20+ years

Inclusive public participation is a priority consideration in other GIAMPO plans, studies, and programs as well. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The GIAMPO is concerned with input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible.

As a result of the LRTP process, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies to ensure LEP individuals can participate in the process that shapes where, how and when a specific transportation project is implemented.

Factor 4: Resources available to GIAMPO and overall cost to provide LEP assistance

GIAMPO is committed to providing translation services to people who request them and translating its vital documents as needed to the region's Spanish LEP population. GIAMPO will seek creative, low-cost measures to assist LEP individuals and provide translation services when needed, particularly when GIAMPO is engaged in Title VI or Environmental Justice outreach as part of its major plan updates. GIAMPO will continue to monitor all requests for translation services and flexibly respond to such requests as they occur. GIAMPO will log and analyze all requests for translation services to more accurately budget for those services in subsequent LEP plans.

Language Assistance Measures

GIAMPO uses Language Assistance Measures to provide meaningful, early and continuous opportunities for all interested residents to participate in the dialogue that informs key decisions, regardless of language barriers.

These include:

Staff

The City of Grand Island has Spanish speaking staff that are tested every year for their language skills. These staff have agreed to be on call for assistance when immediate language needs arise.

Online Translation

GIAMPO uses Google Translate tools for its website. This tool will prompt anyone looking at GIAMPO's website from a computer that is not set to English that the translation tool is available.

Visualization Techniques

GIAMPO uses visualization techniques such as maps, charts, graphs, illustrations, presentations at the meetings and in all types of print materials to explain concepts behind actions and decision-making. Visualization techniques can be helpful when communicating with LEP or low-literacy persons. GIAMPO may also use handouts and posters to display visual information. GIAMPO will hire a consulting firm to translate handouts in Spanish during the LRTP public involvement process, which is updated every five years.

Notification Techniques

GIAMPO notifies the media when there are opportunities for public comment or new information is available. This includes non-English media sources.

Agendas

The agendas for all GIAMPO board meetings include instruction on how to get materials in alternative formats. The notification reads:

Special Accommodations: Please notify the City of Grand Island at 308-385-5444 if you require special accommodations to attend this meeting (i.e., interpreter services, large print, reader, hearing assistance). Para asistencia en español, por favor enviar un correo electrónico a giampo@grand-island.com

Mailing List Improvements

GIAMPO continuously updates its mailing lists and databases to maintain and initiate contact with interested parties, targeting those traditionally underserved and/or gaps in existing databases. GIAMPO's mailing lists include community groups, Title VI relevant populations, businesses, membership, and local governments. To join GIAMPO's mailing list, contact the MPO Program Manager at 308-389-0273.

Focus Groups

GIAMPO convenes project-specific public information sessions to solicit input from members of the community. At all GIAMPO public outreach events, comment forms in Spanish will be available. Additionally, based on the nature of the project or the specific location of the public information session, where it can reasonably be expected that members of the Spanish LEP community might be in attendance, GIAMPO will provide a Spanish interpreter for the meeting. The reasonableness of an LEP population to attend a public meeting is tied to the American Community Survey (ACS) data for project location, or to potential project effects to LEP persons.

Monitoring and Updating the Language Assistance Plan

GIAMPO will monitor requests for translations and adjust practices to meet demand and will periodically update this plan as needed to reflect changes.

GIAMPO RESOLUTION NO. 2021-06

Grand Island Area Metropolitan Planning Organization

A Resolution Approving Limited English Proficiency (LEP) Plan

WHEREAS, Title VI of the Civil Rights Act of 1964 and U.S. Department of Transportation (USDOT) regulations to implement the law (49 CFR, Part 21) require all recipients and sub-recipients of Federal transportation funds such as the Grand Island Area Metropolitan Planning Organization (GIAMPO) to establish and maintain a Title VI Implementation Plan that carries out the regulations and integrates the activities and considerations outlined in the USDOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005) ; and

WHEREAS, the Federal Transit Administration (FTA) issued Circular FTA 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, on October 12, 2012 providing further guidance and instructions necessary to carry the USDOT Title VI regulations and policy guidance related to LEP persons; and

WHEREAS, a Title VI Non-Discrimination Implementation Plan has been developed for the GIAMPO, which aims to meet these requirements; and

WHEREAS, the GIAMPO intends that no person shall, on the grounds of race, color, and/or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any GIAMPO program or activity, regardless of funding source; and

WHEREAS, the GIAMPO intends that any agencies or firms with whom the city contracts on behalf of the MPO will comply with the Title VI Implementation Plan as appropriate and the GIAMPO will take reasonable steps to ensure such compliance:

NOW, THEREFORE BE IT RESOLVED, that the Policy Board of the Grand Island Area Metropolitan Planning Organization approves and adopts the Limited English Proficiency Plan.

BE IT FURTHER RESOLVED, that the Chairperson is hereby authorized and directed to execute such agreement on behalf of the Grand Island Metropolitan Planning Organization.

Certification:

The foregoing resolution was approved by the Grand Island Area Metropolitan Planning Organization Policy Board at a regularly scheduled meeting held on November 23rd, 2021.

By:

Attest:

Roger Steele, Mayor / Chairperson

John Collins, Public Works Director