



Limited English Proficiency Plan (LEP)

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Wichita Area Metropolitan Planning Organization Limited English Proficiency Plan

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INTRODUCTION

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be considered Limited English Proficient, or “LEP.” These individuals are entitled to language assistance under Title VI of the Civil Rights Act of 1964.

The Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” was issued to clarify Title VI of the Civil Rights Act and to ensure accessibility to programs and services to eligible persons who are not proficient in the English language. Executive Order 13166 requires all federal agencies that provide financial assistance, such as the US Department of Transportation (USDOT), to non-Federal entities such as WAMPO, to publish guidance on WAMPO provides meaningful access to LEP persons.

The guidance created by USDOT requires DOT recipients to take “reasonable steps to ensure meaningful access to their programs and activities by LEP persons.” The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others.

WAMPO is the metropolitan planning organization for the greater Wichita area. Following the guidance issued by the USDOT and the Kansas Department of Transportation (KDOT) WAMPO maintains this plan to document WAMPO’s provisions to comply with Title VI as an MPO and as a designated recipient of FTA funding programs

This document includes an analysis of the number of LEP individuals in the region, the extent to which LEP individuals participate in WAMPO’s processes, the resources available to WAMPO to provide language assistance services, and identification of the appropriate mix of LEP services that WAMPO can make available in order to provide meaningful access to the transportation planning process for people with a limited ability to speak English.

WAMPO’S LIMITED ENGLISH PROFICIENCY (LEP) POLICY

WAMPO strives to provide meaningful access to the agency’s programs and activities through its public participation process. The intent of WAMPO’s public participation process is to engage the public and local stakeholders, including those with limited English proficiency.

LIMITED ENGLISH PROFICIENCY (LEP) FOUR-FACTOR ANALYSIS

The USDOT recommends four factors that should be analyzed to determine the level and extent of language assistance required to sufficiently ensure meaningful access to programs, activities, and services within the MPO’s area of responsibility. These factors include:

1. the number and proportion of LEP persons served;
2. the frequency of contact with LEP persons;
3. the importance of programs and services to LEP persons; and
4. the resources available and overall costs of providing language services.

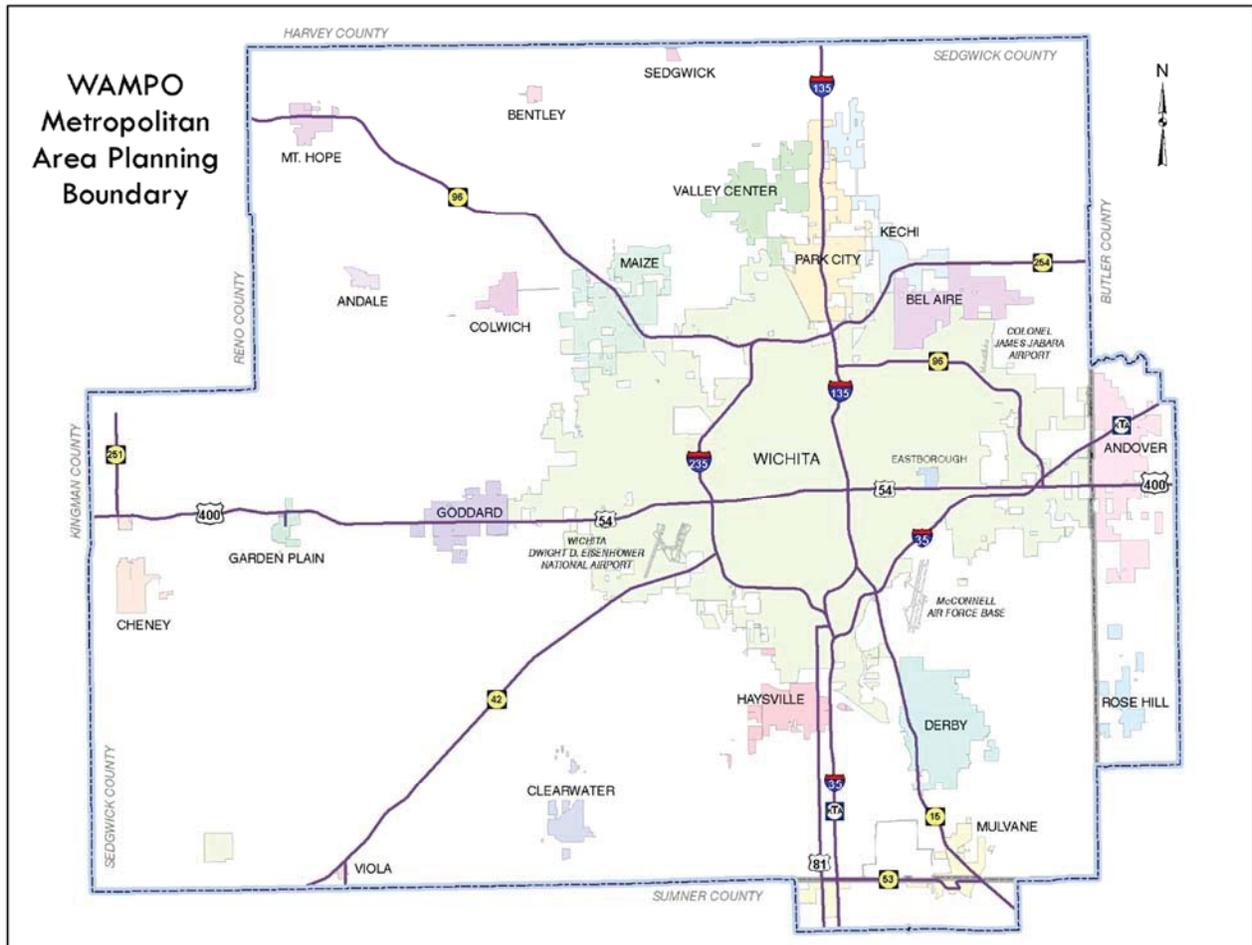
After conducting the four-factor analysis, the MPO is considered to be in a better position to implement a cost effective mix of proactive language assistance measures, target resources appropriately, and to respond to request for LEP assistance.

The four factors were analyzed for the WAMPO region and used to help identify what specific steps WAMPO could take to ensure meaningful access to its programs.

Factor One: Number or Proportion of LEP persons Served/Encountered

The WAMPO planning area includes 22 cities and all or part of three counties located in south central Kansas as shown on the map below:

The U.S. Census Bureau, 2013 (American Community Survey 5-year estimates) data was analyzed to determine the number of LEP persons that live in the WAMPO region. Identifying the LEP population will assist our organization in determining the likelihood of encountering a person with limited capabilities to speak or read English during the metropolitan transportation planning process.



Data associated with the language spoken at home by ability to speak English was reviewed for the entire region to determine the proportion of the population ages 5 and older that are

considered to have LEP. The census categories ask how well an individual speaks English, with the possible answers of: “Very Well”, “Well”, “Not well” and “Not at all.” The additional category of “less than very well” captures all individuals except those who speak English “very well.” For the purposes of this analysis the “less than very well” category will be used to define the LEP populations in the WAMPO region.

Findings:

The U. S. Census Bureau data showed the top five language groups in the WAMPO region included English, Spanish, Vietnamese, Chinese and Laotian. Table 1 below highlights the language distribution of the LEP profile in comparison to English and all other languages spoken by people who report speaking English less than very well.

Table 1: WAMPO Region Limited English Proficiency (LEP) Profile

Language Category	Population ages 5 and older	Percent of Total
English Only	439,071	87.29%
*LEP	25,826	5.13%
All Languages	503,018	100.00%

U.S. Census Bureau, 2013 (American Community Survey 5-year estimates)

**Limited English Proficiency (LEP) is identified as the census category, “speaks English less than very well.”*

The following table highlights the top four non-English languages spoken in the WAMPO region:

Table 2: WAMPO Region LEP Categories

Language Category	Population ages 5 and older	Percent of Total
Spanish	15,845	3.15%
Vietnamese	5,388	1.07%
Chinese	964	0.19%
Laotian	482	0.10%

U.S. Census Bureau, 2013 (American Community Survey 5-year estimates)

Factor Two: Frequency of LEP Contact

The frequency with which LEP individuals come into contact during the WAMPO transportation planning process is low and reflects the relatively small percentage of LEP individuals in the region. The proportion of people with limited ability to speak English in the WAMPO region represents only 5.13% of the region’s population (Table 1).

WAMPO uses the Census Bureau’s Language Identification Flashcards or “I SPEAK” cards at all WAMPO hosted meetings, public hearings, and open houses. Our organization relies on the info supplied to indicate the frequency with which LEP individuals come in contact with WAMPO. To date, these cards have not been completed at any WAMPO sponsored event. As a result, we have interpreted this as another indicator of the low frequency with which LEP individuals come into contact with WAMPO. Despite this, our organization is committed to exploring additional methods to be proactive and responsive to the accessibility needs of the local LEP population.

Factor Three: Nature/Importance of Program Provisions

WAMPO does not provide any direct services that require vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Rather, WAMPO sets up a process by which individuals have the opportunity to be involved in the transportation planning process. This involvement by any citizen is voluntary and does not require applications, interviews, or other activities prior to participation in WAMPO’s public and stakeholder activities. WAMPO encourages input from all stakeholders and every effort is taken to make the planning process as inclusive as possible.

The transportation planning process is designed to identify regional needs and plan for future multimodal transportation projects to address those needs. Transportation improvements resulting from these planning activities have an impact on all residents. The impact of proposed transportation investments on underserved population groups is evaluated in the Metropolitan Transportation Plan (the long range plan); and the Transportation Improvement Program (the short-range plan), as indicated in the Title VI. Once projects are selected for federal funding, the projects final planning, design, and construction fall under the responsibility of local jurisdictions or state transportation agencies.

Factor Four: Resources & Overall Cost

WAMPO contacted several translation services within the region to obtain an estimate on the cost of translating core documents. It is anticipated that the costs would higher than indicated below due to the technicality of the majority of these core documents. The estimated cost for full translation of the core documents (Spanish and Vietnamese) is approximately \$57,206.52. Table 3 below highlights the estimated costs associated with translating the core documents into both Spanish and Vietnamese.

Table 3: Estimated Document Translation Cost

Core Documents			TIP	MTP	Public Participation Plan	UPWP	Total
Approximate # of words			8,101	96,600	6,016	10,999	121,716
Cost per word	Spanish	0.15	\$1,215.15	\$14,490.00	\$902.40	\$1,649.85	\$18,257.40
	Vietnamese	0.32	\$2,592.32	\$30,912.00	\$1,925.12	\$3,519.68	\$38,949.12

Given the size of the LEP population in the WAMPO area and the potential financial constraints, full multi-language translations of large transportation plan documents is not considered warranted, or an effective way of communication at this time. However, as shown in the LEP Implementation Plan below, WAMPO is committed to engaging all residents in the transportation planning process.

SAFE HARBOR STIPULATION

Federal law provides a “safe harbor” stipulation so recipients of federal funding 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.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis.

Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected.

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

The overall percentage of limited English persons in the WAMPO region is 5.13%. Of that 5.13%, two language categories, Spanish (15,845 people or 3.15%) and Vietnamese (5,388 people or 1.07%), meet the Safe Harbor stipulation threshold for an eligible LEP language group (1,000 people or 5%, whichever is less).

The importance of accessible engagement of a diverse population within the region is a priority for our organization. Currently all WAMPO vital Title VI documentation are translated into Spanish. As a result of the findings in our most recent analysis all vital Title VI documents will be made available in Vietnamese as well. WAMPO vital Title VI documents include the following:

- Title VI Notice to the public
- Title VI Complaint Form
- Your Rights Under Title VI (brochure)
- WAMPO Citizens’ Guide

In addition to vital documents, WAMPO has committed to produce other written language translations based on the requested needs of the public as outlined in the WAMPO Public

Participation Plan and Title VI Program. Upon request WAMPO also makes translators available during public events and meetings.

The WAMPO implementation strategies for tracking and providing language assistance services to the LEP population in the region include identifying LEP individuals, providing language assistance upon request, and providing notice of available language services to LEP individuals. The specific strategies are elaborated below:

Identifying LEP Individuals

WAMPO staff use the language identification cards when first encountering an LEP individual at public meetings or events. These cards, developed by the U.S. Census Bureau, have the phrase “Mark this box if you read or speak [name of language],” which is translated into 38 different languages. These flashcards were developed by the Census Bureau and is used by governmental and non-governmental agencies to identify the primary language of LEP individuals during face to face contacts.

The Census Bureau’s Language Identification Flashcard can be downloaded for free at the following web address: <http://www.lep.gov/ISpeakCards2004.pdf>.

The Language Identification flashcards are made available in the office and at all WAMPO public meetings. Once a language is identified, the Title VI coordinator or relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

Language Assistance

Language assistance will be provided for LEP individuals through the translation of some key materials, as well as through oral interpretation when necessary and possible.

The City of Wichita currently provides WAMPO with administrative support services, thus WAMPO has access to some services that the city provides, which includes in house translation and interpretation. The City of Wichita maintains an internal list of employees that can provide limited assistance in the form of translation of documents and oral interpretation in the following languages: Spanish, Vietnamese, Cantonese, Mandarin Chinese, and German. However, the core activities within the City of Wichita have a higher priority over any translation services that WAMPO may need.

Translation of Written Materials

WAMPO will work to translate the following documents into Vietnamese:

- Title VI Notice to the public
- Title VI Complaint Procedures
- Title VI Complaint Form
- Your Rights Under Title VI (brochure)
- WAMPO Citizens’ Guide

Oral Language Services

WAMPO will work to provide, upon request, oral interpretation services for LEP individuals when possible based on the availability of City of Wichita staff interpreters.

In the event that WAMPO receives a request for translated materials or oral interpretation that cannot be met by the City of Wichita resources, WAMPO will exploring alternatives to supplement these services.

Providing Notice of Available Language Service to LEP Persons

WAMPO is committed to implementing and/or maintaining the following strategies to notify the public of language assistance services:

- The Spanish translated vital documents listed above are all currently available via that www.wampo.org website. These documents are also available in the reception area of the WAMPO office and routinely distributed to WAMPO region libraries and neighborhood city halls located in targeted areas.
- WAMPO will post the Vietnamese translated vital documents as listed above and post/distribute under that same terms as the Spanish translations.
- WAMPO will collaborate with community based organizations and other stakeholders to inform LEP individuals of these available documents and language assistance services.

WAMPO Staff Training

In order to establish meaningful access to information and services for LEP individuals, staff that regularly interact with the public will be briefed on the WAMPO LEP plan and how to assist LEP persons; specifically how to use the language identification cards and how to access the services that are provided by the City of Wichita. Training will ensure that staff members are effectively able to work in person and/or by telephone with LEP individuals as well as how to handle a Title VI complaint. WAMPO management staff will be included in this training, even if they do not interact regularly with LEP persons, to ensure that they fully understand the plan, so they can reinforce its importance and ensure its implementation by staff.

Monitoring and Updating the LEP Plan

It is likely this LEP Plan, along with other public involvement documents, will be reviewed and updated as needed on a schedule similar to the updates of the Metropolitan Transportation Plan (every four to five years). Each update should consider the following components:

- Annual data analysis suggesting that LEP populations have significantly changed, either in terms of total numbers, proportion, or geographic location.
- The number of encounters between WAMPO and LEP persons
- How effective the plan has been to LEP persons
- Review and inclusion of complaints submitted to WAMPO about LEP procedures
- Federal or state guidance requiring an update to the LEP plan

Any future update to this LEP plan shall include, to the extent practical:

- Reassessment of the four-factor analysis.
- Documentation of the number of LEP persons encountered annually
- Documentation of complaints received from LEP populations, and documentation of actions taken, if necessary, to address such complaints
- General assessment of how the needs of LEP persons have been addressed

Complaint Process

To file a complaint regarding LEP activities, please fill out the Title VI complaint form that is available electronically at <http://www.wampo.org/Pages/Legal.aspx> or located in both English and Spanish in Appendix A of this plan.

Hard copies of the Title VI complaint procedures and form are available in the WAMPO office located at 455 N. Main – 10th floor, Wichita, KS 67203 or can be mailed upon request by contacting 316-268-4315.

Should an LEP complaint be filed, the Title VI review process will be followed. More information on filing an LEP complaint with the Department of Justice can be found at <http://www.justice.gov/crt/about/cor/complaint.php>.