



# FY 2021 Limited English Proficiency Plan



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## *Title VI Notice to Beneficiaries*

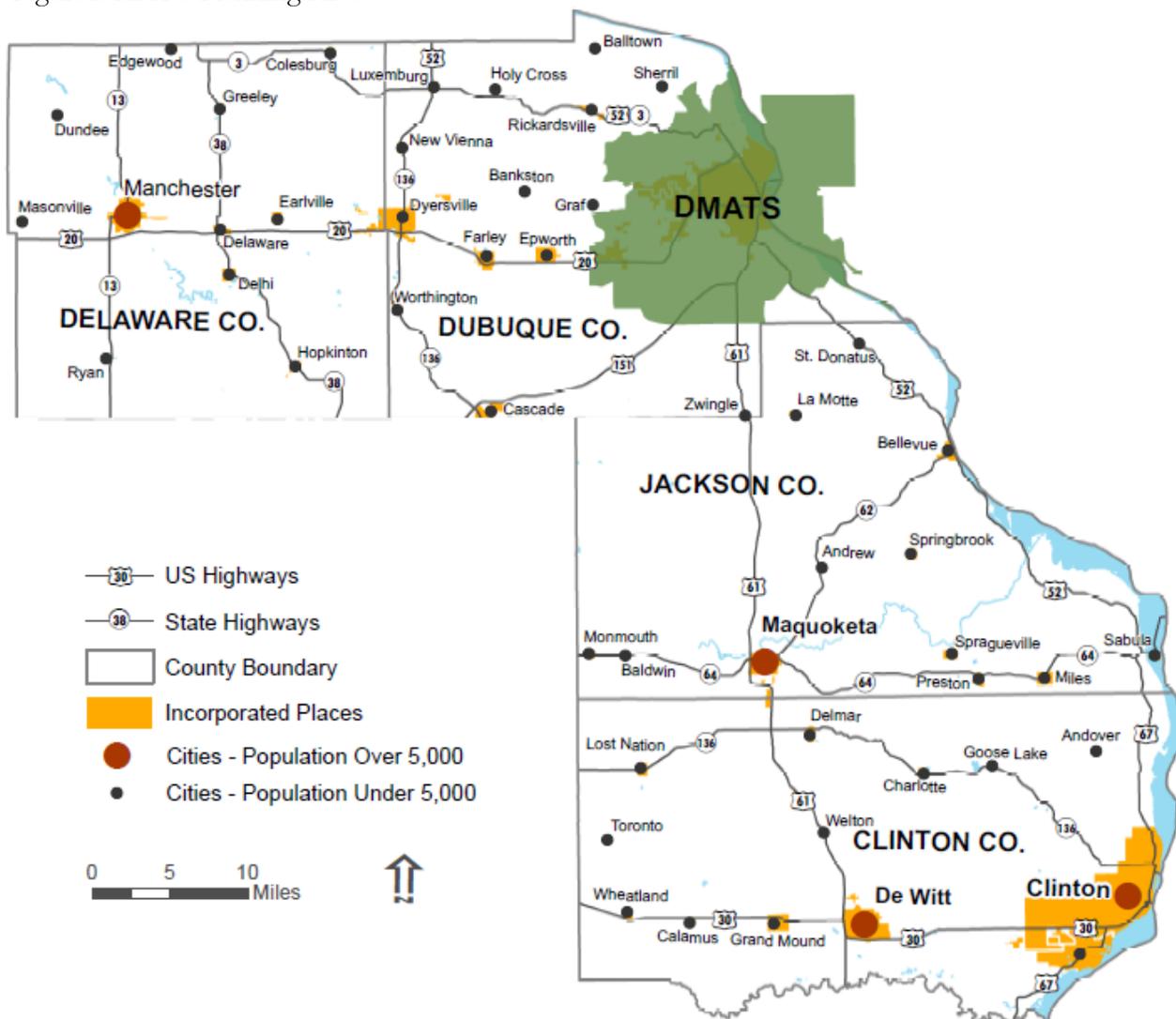
*The Regional Planning Affiliation 8 (RPA 8) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America 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 assistance. Related federal nondiscrimination laws administrated by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within RPA 8 Title VI Program consistent with federal interpretation and administration. Additionally RPA 8 provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.*

# THE REGIONAL PLANNING AFFILIATION 8 AREA

The Regional Planning Affiliation (RPA8) encompasses the eastern Iowa counties of Clinton, Delaware, Jackson, and Dubuque excluding the area of Dubuque County inside the Dubuque Metropolitan Area Transportation Study (DMATS) planning boundary. Three of the counties, Dubuque, Jackson and Clinton, are bordered on the eastern edges by the Mississippi River. In addition to the four Counties, the RPA8 services 57 cities. City populations range from Durango’s 24 to Clinton’s 27,772. This wide variation in community size gives the RPA8 a vast set of circumstances from which to work.

The RPA8 is governed by a board of twelve elected officials from the member jurisdictions. The Policy Board is responsible for establishing overall policy, making decisions related to transportation planning, project funding priorities, project programming, and monitoring the direction of studies of transportation conditions in the region.

Figure1: RPA 8 Planning Area



As a Regional Planning Agency (RPA), the RPA 8 is directly responsible for making sure that any funds spent on existing and future transportation projects and programs is based on a continuing, cooperative, and comprehensive (otherwise known as the 3-C) planning process. All transportation projects and programs that receive federal funds go through this 3-C planning process. The RPA 8 also provides overall program management of an annual work program - the Transportation Planning Work Program (TPWP). In addition, RPA 8 also provides policy direction and oversight in the development of a federally mandated Long-Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP).

Funding for production of this document was provided principally by grants from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). The contents of the Limited English Proficiency Plan (LEP) were compiled by RPA 8, which is responsible for the accuracy of the facts and data presented herein.

## BACKGROUND

As a sub-recipient of federal funds, RPA 8 is obligated to comply with *Presidential Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency*, the purpose of which is to ensure accessibility to programs and services to eligible persons who are not proficient in the English language.

***Who is a LEP Individual? Individuals who do not speak English as their primary language AND who have a limited ability to read, speak, write or understand English.***

**Federal law:** *Presidential Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*, clarifies Title VI of the Civil Rights Act of 1964 with regards to national origin discrimination against persons with limited English proficiency.

Its purpose was to ensure accessibility to programs and services to eligible persons who are not proficient in the English language. This Executive Order states that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English 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. It reads in part,

***Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.***

Presidential Executive Order 13166 also required Federal departments and agencies to develop and make available guidance on how recipients of Federal funds should assess and address the needs of LEP individuals seeking assistance. The US Department of Transportation (USDOT) developed guidance titled *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*.<sup>1</sup> This guidance was issued to ensure that persons in the United States are not excluded from participation in DOT-assisted programs and activities simply because they face challenges communicating in English.

The intent of this plan is to ensure that where substantial numbers of residents of the region exist who do not speak or read English proficiently; there will be access to RPA 8 transportation planning process, plans and published information, and that public notification is provided in other languages. The production of multilingual publications and documents and/or interpretation at meetings/events will be provided to the degree requested and needed, and as funding permits based on current laws and regulations.

## FOUR FACTOR ANALYSES: DETERMINING THE NEED

As a sub-recipient of federal funding, RPA 8 must take reasonable steps to ensure meaningful access to the information and services it provides. In determining “reasonable steps” there are four factors to be considered:

1. The number and proportion of LEP persons in the eligible service area;
2. The frequency with which LEP persons come in contact with RPA 8;
3. The importance of the service provided by RPA 8; and
4. The resources available to the recipient.

The USDOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The following is an assessment of need in the RPA 8 area in relation to the transportation planning process.

### 1. The number and proportion of LEP persons in the eligible service area.

RPA 8 conducts its programs and activities within Clinton, Delaware, Dubuque and Jackson counties in Iowa. Staff used American Community Survey (ACS) neighborhood data to assess ability to speak English for the population 5 years and over.

According to 2011-2015 American Community Survey (ACS) Census data population that speak another language at home, a total of about 4,626 (2.72% of total population) reported they speak English less than very well and are therefore considered LEP. Table 1 illustrates that, Spanish is the most common (1.07% of total population), followed by German (0.41% of total population) and Other Pacific Island languages: (0.19% of total population).

Table 1: Most Prominent Non-English Languages Spoken by LEP Population within RPA 8 area.

Non-English-Speaking languages	Estimated <i>LEP Population who Speak English less than "very well"</i>	% of Total RPA 8 population	% of LEP Population
Speak only English	164,807	96.74%	
Spanish or Spanish Creole:	1,831	1.07%	39.58%
German:	694	0.41%	15.00%

Other Pacific Island languages:	321	0.19%	6.94%
Chinese:	219	0.13%	4.73%
French (incl. Patois, Cajun):	191	0.11%	4.13%
Vietnamese:	172	0.10%	3.72%
Laotian:	137	0.08%	2.96%
Other Indic languages:	130	0.08%	2.81%
Tagalog:	110	0.06%	2.38%
Russian:	85	0.05%	1.84%
Other Asian languages:	80	0.05%	1.73%
Other West Germanic languages:	79	0.05%	1.71%
Korean:	77	0.05%	1.66%
African languages:	69	0.04%	1.49%
Other Indo-European languages:	59	0.03%	1.28%
Portuguese or Portuguese Creole:	47	0.03%	1.02%
Other and unspecified languages:	45	0.03%	0.97%
Hindi:	42	0.02%	0.91%
Japanese:	38	0.02%	0.82%
Serbo-Croatian:	31	0.02%	0.67%
Scandinavian languages:	31	0.02%	0.67%
Urdu:	29	0.02%	0.63%
Other Native North American languages:	29	0.02%	0.63%
Thai:	22	0.01%	0.48%
Persian:	15	0.01%	0.32%
Arabic:	14	0.01%	0.30%
Yiddish:	10	0.01%	0.22%
Greek:	10	0.01%	0.22%

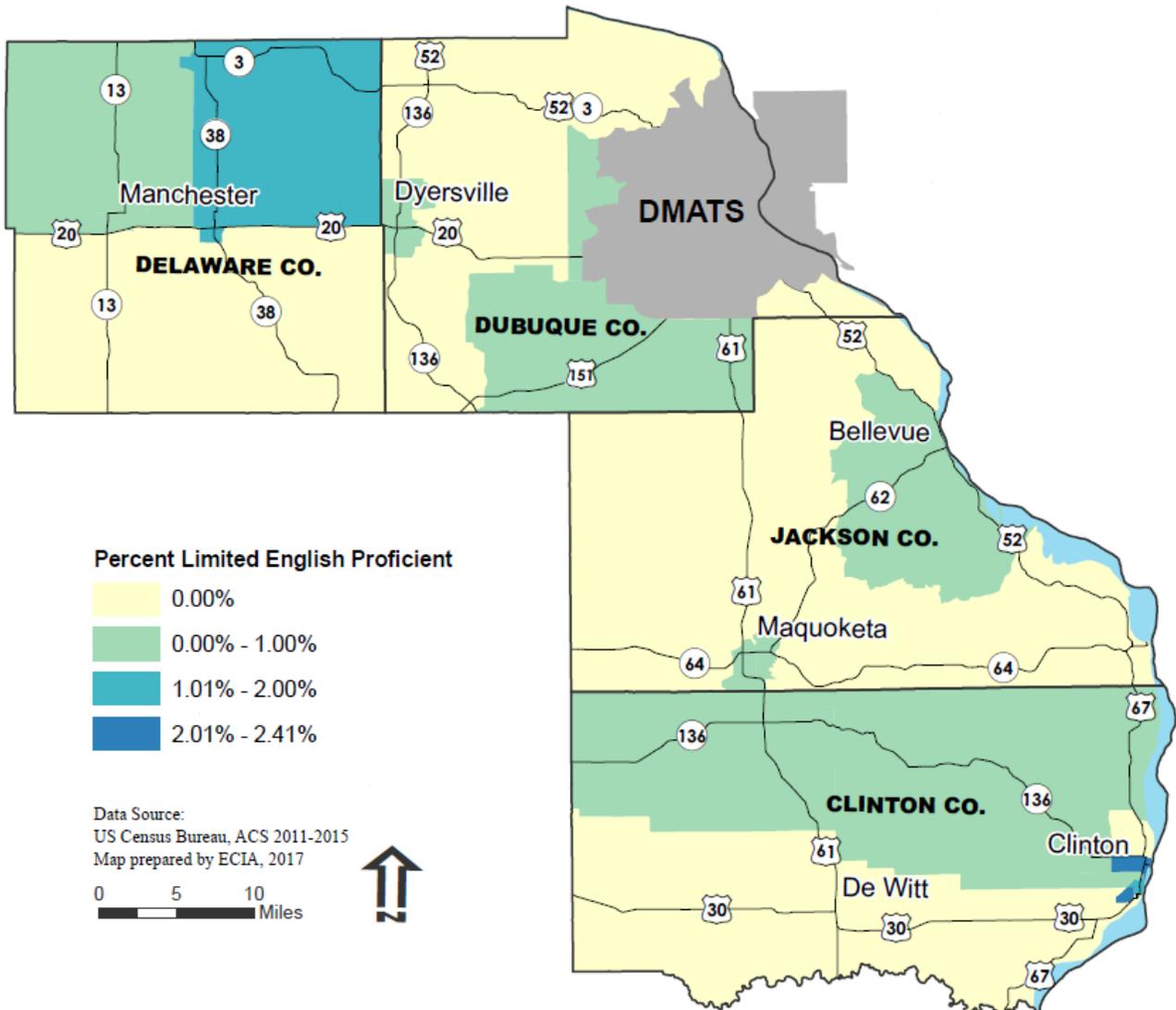
Polish:	5	0.00%	0.11%
Italian:	4	0.00%	0.09%
<b>TOTAL</b>	<b>170,352</b>		<b>2.72%**</b>

Source: ACS 2011-2015 Table B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

\*\* None of the languages that make up this category exceed 5% or 1000 people of the total non-English speaking population.

The languages identified in Table 1 are all the Safe Harbor Provision languages determined by United States Department of Justice (USDOJ) and adopted by USDOT civil rights program practices. The Safe Harbor Provision addresses the provision of written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered. Figure 2 provides the highest concentrations of LEP populations within RPA 8 area.

Figure : 2 RPA 8s Limited English Proficient Population



**Safe Harbor Provision:** USDOT has adopted the USDOJ’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost. These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

## **2. The frequency with which LEP persons come in contact with RPA 8 Planning**

To date, RPA 8 staff has never received a request for language assistance services such as a request for translation services at a meeting or a request to have a document translated. RPA 8 staff is housed within ECIA and less than 5% of the RPA 8 area population are non-English speaking. The growing minority and LEP population in the RPA 8 area increase the probability of future contact with the RPA.

Agendas for all RPA 8 Policy Board meetings include a notice about the availability of an interpreter or materials in alternative formats if requested 48 hours in advance of the meeting. The RPA 8 has not had a request for interpreter services at any of its meetings and planning process.

## **3. The importance of the service provided by the program**

RPA 8 uses USDOT funds to plan for future transportation projects, and therefore does not include any service or program that requires vital, *immediate*, or emergency assistance such as medical treatment or services for basic needs (food, housing, education, etc.) or transportation services. RPA 8 does not conduct compulsory activities (applications, interviews, or other activities prior to participation in our programs and/or events). Public involvement with the RPA 8 or its committees is done entirely on a voluntary basis.

While RPA 8 does not provide an essential service, the RPA is committed to ensuring that all segments of the population, including LEP persons, are involved or at the very least have the opportunity to be involved in the transportation planning process. Special efforts are made to involve LEP persons and other traditionally under-represented populations in the planning process. The RPA also evaluates the impact of proposed transportation investments on under-served and under-represented population groups as part of the planning and programming process consistent with Title VI, Executive Order 12898, and other federal guidance.

## **4. The resources available to the recipient**

While the cost of translating transportation plans is high, RPA 8 will continue to monitor and adjust its resources as necessary to respond to LEP population needs. Furthermore, RPA 8 will make efforts to partner with state, local agencies, cities and towns with large LEP populations, to provide language translation and interpretation services when needed for agency lead hearings or public workshops.

The RPA will seek to identify any existing Spanish outreach materials from organizations such as federal, state, and local transportation agencies that can be effectively used as outreach tools to these communities. The RPA will also expand efforts to collaborate with state and local agencies and educational facilities to provide language translation and interpretation services when practical, in consideration of funding limitations.

## **MEETING THE REQUIREMENTS: RPA 8 LIMITED ENGLISH PROFICIENCY PLAN (LEP)**

Providing needed services to the diverse population within the RPA it is important and RPA 8 has completed the following assessment and plan for providing them to the LEP population. All language access activities detailed below will be coordinated by RPA 8 staff with assistance from the Title VI coordinator, Cities, Counties and other organizations within the RPA 8 area.

### **Identifying LEP Individuals Who Need Language Assistance**

US Census American Community Survey indicates that the probability of encounters with Spanish LEP residents is the most likely scenario. Data will continue to be collected from the U.S. Census to monitor the changing language demographics within the state. A record will be kept of staff contacts and other interactions with LEP persons and or groups. This office will maintain a list of the points of contact where a LEP person interacts with the organization. At this time, it is anticipated that the key points of contact for LEP individuals are during public workshops and hearings. As interaction with LEP individuals increases, additional points of contact will be identified. Data and language needs will continue to be identified through our public outreach and participation efforts.

### **Outreach to Community Organizations that Serve LEP Persons**

RPA 8 staff will work with local social services agencies like Lantern Center in Dubuque (mission: Lantern Center is designed to offer hospitality, educational opportunities and advocacy to adult immigrants, especially women, who are striving to better their lives) to disseminate information to the LEP population and to collect information regarding the unmet needs.

### **Language Assistance Measures**

RPA 8 utilizes several measures to aid the LEP populations when needed. Translation services will be offered upon request. When RPA 8 posts a notice for a public hearing or workshop, a *minimum* 48-hour notice for oral language interpretation service is requested for those who require such services. Regular meetings of the RPA 8 and all of its standing committees contain a note on their meeting notices that interpreters can be provided on request and such request should be made to our office as soon as possible.

RPA 8 will provide interpreters as needed in Spanish, German, and any other language requested through the Iowa International Center's Interpretation and Translation Services, local community college and Loras collage.

### **Staff Training**

In order to establish meaningful access to information and services for LEP individuals, employees in public contact positions and those who will serve as translators or interpreters should be properly trained. Such training, when available, will ensure that staff is fully aware of LEP policies and procedures and are effectively able to work in person and/or by telephone with LEP individuals.

Although RPA 8 staff have had never been contacted by a with LEP individuals, staff and management have attended Title VI and Environmental Justice Training on Environmental Justice.

### **Monitoring, Updating, and Performance Measures for the LEP Plan**

RPA 8 will periodically determine whether new documents, programs, services, and activities need to be made accessible for LEP individuals and will conduct further assessment and work to meet the following goals, objectives, and actions from this plan to gauge progress:

- Stay knowledgeable of the current LEP population in RPA 8 area. Staff will monitor changing population levels and the language needs of LEP individuals in the state (U.S. Census data).
- Monitor the frequency of contact with LEP groups and keep records of any LEP services provided both in-office and in public venues.
- Requirements for addition language translation services will be determined by change in LEP population. Updates to policies and procedures will be made if such guidance is directed by the RPA 8 Board.

## Title VI Notice and Provisions for Complaint Access by LEP Populations

### Notice to Beneficiaries

RPA 8 operates its programs, services, and activities in compliance with federal nondiscrimination laws including [Title VI of the Civil Rights Act of 1964](#), the [Civil Rights Restoration Act of 1987](#), and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the [Federal Highway Administration](#), the [Federal Transit Administration](#), or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within the SPP's Title VI Program consistent with federal interpretation and administration. Additionally, the SPP provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with [US Department of Transportation](#) policy and guidance on federal [Executive Order 13166](#).

### Title VI and LEP Complaint Procedure

As a sub-recipient of USDOT financial assistance, the RPA 8 has in place the following Title VI complaint procedure and will follow this complaint procedure and process that meets Title VI requirements.

**Submit complaint:** Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, from the Division of RPA 8 during the administration of federally funded programs, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint form. Complaints may be submitted in writing to the Title VI Coordinator.

A complainant may file a complaint directly with the following agencies:

Federal Transit Administration (FTA) by filing a complaint with the Office of Civil Rights, Attention Civil Rights Officer, Region VII, FTA, 901 Locust Street, Room 404, Kansas City, MO 64106.

Iowa Civil Rights Commission, Attention: Title VI Program Coordinator, 400 East 14th Street, Des Moines, IA 50319.

Iowa Department of Transportation (IADOT) by filing a complaint with the Office of Employee Services, Attention: Civil Rights Section, 800 Lincoln Way, Ames, Iowa 50010

A Title VI complaint may be filed by completing and submitting the complaint **form** below or by sending an email or letter with the necessary information to:

East Central Intergovernmental Association  
Attn: Title VI Complaint  
Lisa Weinhold  
Director of Finance and HR  
7600 Commerce Park  
Dubuque, IA 52002