

Limited English Proficiency (LEP) Plan

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PALM BEACH
Transportation
Planning Agency

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Limited English Proficiency (LEP) Plan



Adopted February 15, 2018

by the

Governing Board

Palm Beach Transportation Planning Agency



Mayor Susan Haynie

TPA Governing Board Chair

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Hearing impaired individuals are requested to telephone the Florida Relay System at #711. For complaints, questions, or concerns about civil rights or nondiscrimination; to request special accommodations under the Americans with Disabilities Act (ADA); or to request translation services at least five business days prior to a meeting (free of charge), please contact:

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Introduction

The Palm Beach Transportation Planning Organization (TPA) is a transportation policy-making board responsible for planning and prioritizing transportation projects and funding allocations in Palm Beach County, Florida, and serves as the designated metropolitan planning organization. The TPA works with the public, planning organizations, government agencies, elected officials and community groups to develop transportation plans and programs through a continuing, cooperative, and comprehensive planning process. This planning process guides the use of federal and state dollars spent on existing and future transportation projects and programs. The Limited English Proficiency (LEP) Plan plays an important part in that process. It ensures individuals with limited English proficiency have meaningful access to the transportation planning process.

Background

The Limited English Proficiency (LEP) Plan addresses Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin. In 1974, the US Supreme Court affirmed that the failure to ensure a meaningful opportunity for national origin minorities, with limited-English proficiency, to participate in a federally funded program violates Title VI (Federal-Aid Recipient Programs & Activities) regulations. Additionally, requirements are outlined in Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency signed on August 11, 2000. Its purpose is to ensure accessibility to programs and services to eligible persons who have limited proficiency in the English language.

Furthermore, the US Department of Transportation (DOT) published Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons in the December 14, 2005 Federal Register Volume 70; Number 239. The guidance explicitly identifies Metropolitan Planning Organizations (MPOs) as organizations that must follow this guidance. The Limited English Proficiency (LEP) Plan must be consistent with the fundamental mission of the organization, though not unduly burdening the organization.

Who is a Limited English Proficient Person?

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are considered limited English proficient, or "LEP." The US Census Bureau does not define limited English proficiency or non-limited English proficient populations. It reports data based on the four categories of English speaking ability: very well, well, not well, and not at all.

Determining the Need for Limited English Proficiency Services

As a recipient of federal funds, the TPA must take reasonable steps to ensure meaningful access to the information and services it provides. As noted in the Federal Register, Volume 70; Number 239 on December 14, 2005, there are four factors to consider when determining "reasonable steps." This is known as "the four-factor analysis" and is outlined as follows:

- **Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the TPA's programs, services or activities.**
- **Factor 2: The frequency with which LEP individuals come in contact with these programs, services or activities.**
- **Factor 3: The nature and importance of the program, service or activity to people's lives.**
- **Factor 4: The resources available and the overall cost to the TPA.**

The Department of Transportation (DOT) policy guidance gives recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. Below is a self-assessment of needs in Palm Beach County in relation to the four factors and the transportation planning process.

Limited English Proficiency Self Assessment

The Palm Beach TPA has assessed its programs and services using the following four-factor analysis:



Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the TPA's programs, services or activities.

The first step was to collect demographic data on the number of LEP persons in Palm Beach County who are eligible to be served, likely to be served, or likely to be encountered by the TPA through participation in the transportation planning process.

Table 1 below is derived from the US Census Bureau's 2012-2016 American Community Survey, the most current data available regarding languages spoken at home and the ability to speak English. This table shows the number and percent of LEP persons, (defined as those who speak English "less than very well" or "not at all") 5 years and over, in total and by the top languages in Palm Beach County other than English.

Table 1: Top Languages Spoken at Home in Palm Beach County, FL by LEP Persons who speak English "not well" or "not at all" Source: US Census Bureau's 2012-2016 American Community Survey						
Population 5 Years and Over	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who speak Spanish		LEP Persons who speak Indo-European Languages	
			Total	Percent	Total	Percent
1,326,541	86,251	6.50%	61,282	4.62%	19,649	1.48%

Table 1 shows that of the LEP persons in Palm Beach County, 6.50% speak Spanish at home and define their ability to speak English as "not well" or "not at all," making this the most significant language group as a percentage of population. At a distant second, the next language group at 1.48% of the county's LEP population speaks Indo-European languages. All remaining LEP population groups total less than 1% each. The TPA will monitor the release of more current data as it becomes available from the US Census Bureau, and will adjust the implementation of this plan as needed.



Factor 2: The frequency with which LEP individuals come in contact with these programs, services or activities.

The first factor identified Spanish as the most significant language spoken by the LEP population in Palm Beach County, FL, the area covered by the Palm Beach TPA. To date, no requests for language assistance services have been made by LEP individuals or groups. Any requests for language assistance will be monitored and considered in the TPA's outreach to these populations.

The TPA conducts regular Governing Board meetings, advisory committee meetings and other meetings and events throughout the year. The TPA's website and community outreach are the main sources of potential contact between the TPA and LEP persons. As a result, the frequency of contact is difficult to anticipate and monitor. The TPA's Public Participation Plan highlights the need for outreach opportunities that engage populations that have traditionally been underserved and lacked involvement in the transportation planning process.



Factor 3: The nature and importance of the program, service or activity to people's lives.

The TPA programs use federal funds to plan for future transportation projects and programs. The TPA does not provide any direct services or programs that require vital, immediate or emergency assistance, such as medical treatment or services for basic needs like food or shelter. Further, the TPA does not conduct activities such as applications or interviews prior to participation in its programs or events. Participation with the TPA in any manner is voluntary.

However, the TPA must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the Federal Environmental Justice program and the policy of the TPA.

The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three major areas for the TPA. These three areas are deemed to have the most widespread impact on the lives of people in Palm Beach County:

- The **Unified Planning Work Program (UPWP)**, a biennial business plan.
- The **Transportation Improvement Program (TIP)**, a 5-year staged program of funded projects for all modes of travel. The TIP is based on and reflects the Florida Department of Transportation's 5-year Work Program, and Palm Beach County's 5-year Road Program.
- The **Long Range Transportation Plan (LRTP)**, a minimum 20-year forecast of multimodal transportation needs. The LRTP includes goals, objectives and performance measures that lead the development of a safe, efficient, connected and multimodal transportation system. The LRTP identifies timeframes and costs for transportation projects to be implemented during the LRTP's timeframe.

Inclusive public participation is a priority consideration in other TPA plans, studies and programs as well. The impacts of transportation projects resulting from these planning activities have an effect on area residents. The TPA will place greatest emphasis on language assistance for educational materials and public input related to the three major programs and plans identified above. Related materials are often helpful with outreach for other TPA projects and studies.



Factor 4: The resources available and the overall cost to the TPA.

The TPA seeks input from all stakeholders, and makes every effort to ensure that the planning process is as inclusive as possible of LEP individuals and populations. The TPA considers the relatively small size of Palm Beach County's LEP population, which is primarily Spanish, and its available resources to responsibly allocate investments in outreach to LEP populations.

Meeting the Requirements and Implementation

Identifying LEP Individuals Who Need Language Assistance

When first encountering a LEP individual in a face-to-face situation, the TPA staff has made available Language Identification Flashcards developed by the US Census Bureau. These cards have the phrase, "Mark this box if you read or speak 'name of language'," translated into 38 languages. They were designed for use by government and non-government 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 LEP.gov/ISpeakCards2004.pdf. The TPA has made them available at the front desk of the TPA offices and for TPA public meetings. Once a language is identified, the Title VI - LEP Officer or relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

Language Assistance and Translation of Materials

Assistance will be provided for LEP individuals through language translations and/ or oral interpretations of some key materials, upon request or as deemed necessary for effective outreach.

Following are highlights of past and ongoing measures by the TPA to conduct outreach to LEP populations:

- **Website:** The 2015 redesign of the TPA's website, PalmBeachTPA.org, included the addition of the Google Translate feature, making written language translations of text into a wide variety of languages available at no cost, significantly expanding the ability for use of the TPA website by LEP individuals. The TPA also added the Google Translate feature to its SafeStreetsSummit.org website. Although an imperfect system, Google Translate can provide enough information for an LEP individual or group to gain some understanding of the TPA and to initiate contact.
- **Telephone:** TPA staff members including those primarily responsible for answering the main office telephone line are multi-lingual, and the TPA voicemail recording includes a greeting and instructions for Spanish speakers.
- **Funding Programs:** The TPA considers the impacts of proposed projects on LEP populations in its evaluation of competitive funding program applications.
- **Events and activities:** The TPA seeks to participate in outreach events and activities that typically attract LEP populations.
- **Newspaper advertising:** The TPA plans to continue its longstanding practice of purchasing translated ads in Spanish newspapers to provide notice of the availability of draft documents during public comment periods, as well as for important public meetings and activities.
- **Translated print materials:**
 - **2040 Long Range Transportation Plan (LRTP):** The TPA distributed both Spanish and French Creole translated brochures seeking public input, and made the print version of its public survey available in Spanish. Similarly, the TPA is committed to public outreach to LEP populations for its 2045 LRTP.

- 2040 Regional Transportation Plan (RTP): Working as regional partners of the Southeast Florida Transportation Council (SEFTC), the Palm Beach TPA joined the Broward MPO and Miami-Dade TPO to produce and distribute Spanish and French Creole translated outreach materials. Similarly, outreach will be conducted to southeast Florida's LEP populations for the 2045 RTP.
 - US One Multimodal Corridor Study: The TPA provided both Spanish and French Creole translated flyers to promote participation by LEP persons.
- Transportation document translations: Given the relatively small size of Palm Beach County's LEP population and current financial constraints, full language translations of complete transportation plan documents and maps is not considered warranted or cost feasible at this time. However, use of the Google Translate feature on the TPA website can adequately inform LEP users about the nature and purpose of each program, plan or study and seek their input which can be provided to the TPA in many forms and in any language.
 - Translated materials from other agencies: The TPA will continue to seek to identify and distribute appropriate translated materials from sources such as federal, state and local transportation agencies that can be used effectively to communicate with LEP populations.
 - Meeting translations: The TPA includes and widely distributes a statement on its website, in all newspaper ads, and on all meeting agendas to inform the public of the opportunity to request a free language translation in advance of any TPA public meeting.

Providing Notice to LEP Persons

It is important to notify LEP persons of services available free of charge in a language that would be understood. Where appropriate and feasible, the TPA will include the following language in English and Spanish, on meeting notifications and other information materials:

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services for a meeting (free of charge) should contact Melissa Murray at 561-725-0813 or MMurray@PalmBeachTPA.org at least five (5) business days in advance. Hearing impaired individuals are requested to telephone the Florida Relay System at #711.

Se solicita La participación del público, sin importar la raza, color, nacionalidad, edad, sexo, religión, incapacidad o estado familiar. Personas que requieran facilidades especiales bajo el Acta de Americanos con Discapacidad (Americans with Disabilities Act) o personas que requieren servicios de traducción (sin cargo alguno) deben contactar a Melissa Murray al teléfono 561-725-0813 o MMurray@PalmBeachTPA.org por lo menos cinco días antes de la reunión. Si tiene problemas de audición, llamar al teléfono 711.

Staff Training

In order to establish meaningful access to information and services for all, TPA staff members will be trained annually to assist LEP individuals in person and/or by telephone.

LEP Updates

The TPA will consider its most recently adopted LEP Plan as an appendix to its most recently adopted Public Participation Plan (PPP). The TPA understands that its community profile continues to change and that the four-factor analysis may reveal the need for additional or modified LEP services in the future. As such, the TPA will annually examine its LEP Plan to ensure that it remains responsive to the community's needs.

Administrative updates may be made annually or as needed without Governing Board approval if they do not alter the commitments of the TPA's LEP Plan in any meaningful way.

CONTACT INFORMATION

The TPA does not intend that its LEP Plan exclude anyone requiring language assistance and will make every reasonable effort to accommodate requests. Anyone who requires special language services should contact the following TPA staff member:

Melissa Murray
Public Relations Director/ Title VI & ADA Officer
Palm Beach Transportation Planning Agency (TPA)
301 Datura Street
West Palm Beach, FL 33401
Telephone: 561-725-0813
Email: MMurray@PalmBeachTPA.org

Website: PalmBeachTPA.org

Note: Deaf, Hard of Hearing, Deaf/Blind or Speech Impaired (English/ Spanish):
Please contact the Palm Beach TPA by calling toll-free to the Florida Relay Service, 7-1-1.



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