



## NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

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# NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

TEAM ID #1571

## LIMITED ENGLISH PROFICIENCY PLAN

APPROVED BY THE RPC/POLICY COMMITTEE

MAY 6, 2015

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## INTRODUCTION

Excerpted from “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers” as prepared by the Federal Transit Administration Office of Civil Rights, dated April 13, 2007.

“Individuals, who have a limited ability to read, write, speak, or understand English are limited English proficient, or ‘LEP.’ According to the 2000 U.S. Census, more than 10 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 65 percent from 1990 to 2000. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Vietnamese, and Korean.”

“Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide 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 that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.”

“Executive Order 13166, ‘Improving Access to Services for Persons with Limited English Proficiency,’ reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.”

“The U.S. DOT published revised guidance for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.”

“The FTA references the DOT LEP guidance in its Circular 4702.1B, “Title VI and Title VI-Dependent Guidelines for FTA Recipients,” which was published on October 1, 2012. Chapter IV part 4 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and subrecipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance.”

The Northwest Arkansas Regional Transportation Commission (NWARPC) MPO is the federally designated planning organization that serves local units of governments in Benton, Madison, and Washington Counties, Arkansas and Pineville and a portion of McDonald County in Missouri. As well as being the regional planning organization, NWARPC serves as the region’s Metropolitan Planning Organization (MPO). Furthermore, the NWARPC is the Designated Recipient for FTA grant programs for the Fayetteville-Springdale-Rogers Urbanized Area.

The MPO serves as a forum for cooperative transportation decision-making by state and local governments, and regional transportation and planning agencies. MPO’s are charged with maintaining and conducting a “continuing, cooperative, and comprehensive” regional transportation planning and project programming process for the MPO’s study area.

The Northwest Arkansas Regional Transportation Study area (NARTS) is the cooperative effort by participating governmental units, Arkansas Highway and Transportation (AHTD), transportation and transit providers, and other interested parties to develop the long-range transportation plan for the metropolitan area.

Additionally, the region was designated as a Transportation Management Area (TMA) in 2013. The TMA includes Benton and Washington Counties and a portion of McDonald County, Missouri.

The NWARPC includes local elected and appointed officials from Benton and Washington Counties, Arkansas and McDonald County, Missouri and the cities of:

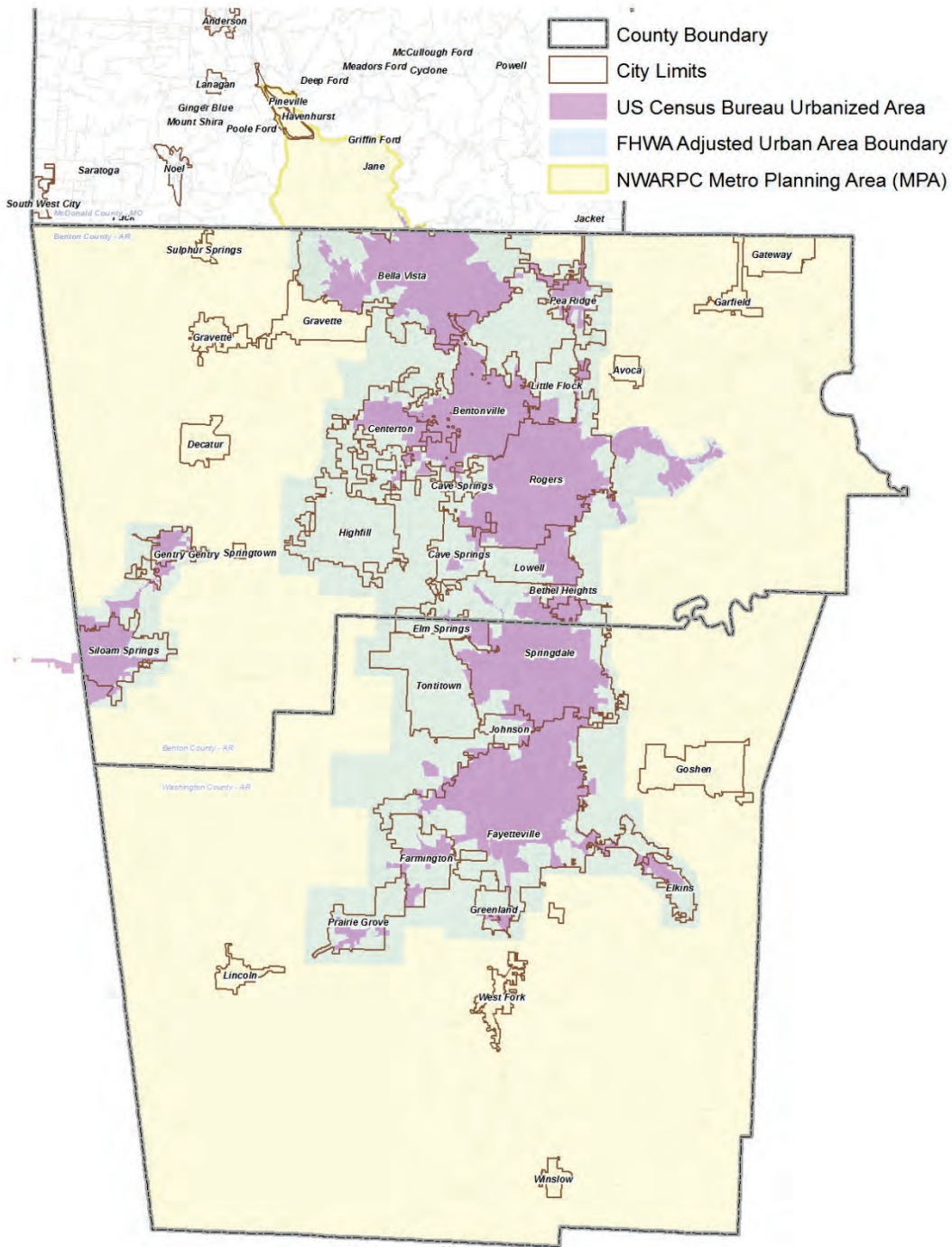
**Commission Member Jurisdictions in Arkansas**

AHTD	AVOCA	BEAVER WATER DISTRICT
BELLA VISTA	BENTON COUNTY	BENTONVILLE
BETHEL HEIGHTS	CAVE SPRINGS	CENTERTON
DECATUR	ELKINS	ELM SPRINGS
FARMINGTON	FAYETTEVILLE	GARFIELD
GATEWAY	GENTRY	GOSHEN
GRAVETTE	GREENLAND	HIGHFILL
HINDSVILLE	HUNTSVILLE	JOHNSON
LINCOLN	LITTLE FLOCK	LOWELL
MADISON COUNTY	PEA RIDGE	PRAIRIE GROVE
ROGERS	SILOAM SPRINGS	SPRINGDALE
SPRINGTOWN	ST. PAUL	SULPHUR SPRINGS
TONTITOWN	WASHINGTON COUNTY	WEST FORK
WINSLOW		

**Commission Member Jurisdictions in Missouri**

PINEVILLE	PORTION OF McDONALD CO.	MoDOT
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In cooperation with: the U.S. DEPARTMENT OF TRANSPORTATION, the FEDERAL HIGHWAY ADMINISTRATION, and the FEDERAL TRANSIT ADMINISTRATION.



Northwest Arkansas Regional Planning Commission – Metropolitan Planning Area, FHWA Adjusted Urban Area Boundary and US Census Bureau Urbanized Area Boundaries Map

## FOUR FACTOR ANALYSIS

NWARPC MPO has conducted the following analysis to address the requirements under Title VI of the Civil Rights Act of 1964. The purpose is to ensure that no person on the grounds of race, color, or national origin, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance from the Federal Transit Administration (FTA).

NWARPC has implemented the following steps to determine if specific languages are coming into contact with NWARPC services and, if so, identify necessary steps needed to ensure meaningful access by LEP persons to its programs and services.

### **FACTOR 1: THE NUMBER OR PROPORTION OF LEP PERSONS ELIGIBLE TO BE SERVED OR LIKELY TO ENCOUNTER AN MPO PROGRAM, ACTIVITY, OR SERVICE.**

The NWARPC MPO has had very limited contact with LEP persons. In recent history, there has been no contact at meetings, through Commission or committee members, through phone contact, or by personal visit. Website access is unknown. Based upon the historical evidence of no language assistance requests, it is determined that NWARPC's programs and services directly serve very few LEP populations.

“SAFE HARBOR” – The FTA has established a “safe harbor” regarding the responsibility to provide translation of vital documents for LEP populations. This safe harbor is based upon the number and percentages of the service area-eligible population that are LEP. According to the safe harbor rule, FTA expects translation of vital documents to be provided when the eligible LEP population in the service area exceeds 1,000 people or if it exceeds 5 percent of the eligible population. Vital documents include complaint procedures and forms, notice of a person's rights under Title VI, public notification of meetings and events. The Spanish speaking population is the largest LEP population in Benton and Washington Counties, Arkansas and McDonald County, Missouri, at 13% from the total population.

**Oral language and translation of vital information/documents will be provided at no cost to any one that requests translation.** (See B. LANGUAGE ASSISTANCE MEASURES/STAFF TRAINING below.)

Note: The U.S. Census Bureau information from the 2013 American Community Survey (ACS) was used in the analysis of NWARPC area LEP persons.

Table 1 below identifies the language spoken at home by ability to speak English for the population 5 years and over by ACS estimates for the 2009-2013 5-year periods. The data summarizes totals from Washington and Benton County, Arkansas and Pineville city, McDonald County, Missouri. The population of Pineville, Missouri represents approximately 45% of the total population of the MPA area in McDonald County. Data for the remaining area is not available at this geography level and detail; therefore, the household language by household limited English speaking status table (Table 2) was utilized to infer more information for the language spoken at home for the entire MPA area population.

Geography	Benton County, Arkansas	Washington County, Arkansas	Pineville City, Missouri	Total	Percent
<b>Estimate; Total:</b>	209,849	192,358	808	<b>403,015</b>	<b>100%</b>
<b>Estimate; Total: - Speak only English</b>	177,405	157,692	768	<b>335,865</b>	<b>83%</b>
<b>Estimate; Total: - Spanish or Spanish Creole:</b>	25,588	25,562	4	<b>51,154</b>	<b>13%</b>
<b>Estimate; Total: - Spanish or Spanish Creole: - Speak English less than "very well"</b>	12,739	14,474	2	<b>27,215</b>	<b>7%</b>
<b>Estimate; Total: - Spanish or Spanish Creole: - Speak English "very well"</b>	12,849	11,088	0	<b>23,937</b>	<b>6%</b>
<b>Estimate; Total: - Other Pacific Island languages:</b>	431	3,498	0	<b>3,929</b>	<b>1%</b>
<b>Estimate; Total: - Other Pacific Island languages: - Speak English less than "very well"</b>	213	2,383	0	<b>2,596</b>	<b>1%</b>
<b>Estimate; Total: - Other Pacific Island languages: - Speak English "very well"</b>	218	1,115	0	<b>1,333</b>	<b>0%</b>
<b>Estimate; Total: - Chinese:</b>	473	716	0	<b>1,189</b>	<b>0%</b>
<b>Estimate; Total: - Other Asian languages:</b>	988	72	0	<b>1,060</b>	<b>0%</b>
<b>Estimate; Total: - Laotian:</b>	339	720	0	<b>1,059</b>	<b>0%</b>
<b>Estimate; Total: - Portuguese or Portuguese Creole:</b>	80	345	21	<b>446</b>	<b>0%</b>
<b>Estimate; Total: - Portuguese or Portuguese Creole: - Speak English "very well"</b>	80	264	21	<b>365</b>	<b>0%</b>

Table 1: Language spoken at home for population 5 years and over

Table 2 below describes the household language by household limited English speaking status from the ACS 2009-2013 5- year estimates. A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group. Previous Census Bureau data products have referred to these households as "linguistically isolated" and "Households in which no one 14 and over speaks English only or speaks a language other than English at home and speaks English 'very well'." This table was used because it is the one with the same geography and level of detail for the MPA portion of McDonald County, Missouri (Block Groups) and can be utilized to incorporate into the MPA study area and be summarized at the same level as the Washington and Benton Counties data.

Geography	Benton County, Arkansas	Washington County, Arkansas	McDonald County, Missouri (MPA portion)	Total	Percent
<b>Total</b>	<b>82,150</b>	<b>79,214</b>	<b>2,509</b>	<b>166,382</b>	<b>100%</b>
<b>English only</b>	70,494	66,647	2294	<b>141,729</b>	<b>85%</b>
<b>Spanish</b>	8,097	8,986	135	<b>17,353</b>	<b>10%</b>
<b>Spanish: - Limited English speaking household</b>	1,954	3,100	50	<b>5,154</b>	<b>3%</b>
<b>Spanish: - Not a limited English speaking household</b>	6,143	5,886	85	<b>12,199</b>	<b>7%</b>
<b>Other Indo-European languages:</b>	1,790	1,238	64	<b>3,156</b>	<b>2%</b>
<b>Other Indo-European languages: - Limited English speaking household</b>	123	228	14	<b>379</b>	<b>0%</b>
<b>Other Indo-European languages: - Not a limited English speaking household</b>	1,667	1,010	50	<b>2,777</b>	<b>2%</b>
<b>Asian and Pacific Island languages:</b>	1,561	1,984	16	<b>3,577</b>	<b>2%</b>
<b>Estimate; Total: - Asian and Pacific Island languages: - Limited English speaking household</b>	321	784	0	<b>1,105</b>	<b>1%</b>
<b>Asian and Pacific Island languages: - Not a limited English speaking household</b>	1,240	1,200	16	<b>2,472</b>	<b>1%</b>
<b>Other languages:</b>	208	359	0	<b>567</b>	<b>0%</b>
<b>Other languages: - Limited English speaking household</b>	12	154	0	<b>166</b>	<b>0%</b>
<b>Other languages: - Not a limited English speaking household</b>	196	205	0	<b>401</b>	<b>0%</b>

Table 2: Household language by household limited English speaking status (population 14 and older)



## **FACTOR 2: THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME INTO CONTACT WITH AN MPO PROGRAM, ACTIVITY, OR SERVICE.**

NWARPC MPO does not have any knowledge, documented or otherwise, of LEP persons coming into contact with a NWAPRC program, activity, or service, outside of the 2010 Long Range Plan Survey, which was printed in Spanish and completed by 114 persons. The survey was made available on the NWARPC webpage and as hard copies distributed throughout the region via public libraries, city halls, health care clinics, civic centers and at all public input meetings. Beginning in fall 2014 the 2040 Metropolitan Transportation Plan public opinion survey was published on the web site in both English and Spanish and also distributed at all NWARPC project public input meetings, ribbon cutting events, public libraries, transit agencies, city halls and civic centers.

## **FACTOR 3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY THE MPO TO LEP COMMUNITY.**

NWARPC MPO has three main planning documents which identify and direct NWARPC MPO's transportation activities in the region:

- The Metropolitan Transportation Plan (MTP), which provides direction for transportation investments twenty years in the future.
  - While NWARPC MPO has not directly solicited LEP community input on the nature and importance of the program, activity or service provided by the MPO to the LEP community, completed Spanish language public opinion surveys aid in identifying which types of transportation alternatives recommended in the MTP have value to the LEP community.
- The Transportation Improvement Program (TIP) is a schedule of short-range transportation investments and activities intended to be implemented through a combination of state, federal, and local funding.
- The Unified Planning Work Program (UPWP) outlines planning tasks and the budget for each fiscal year.

## **FACTOR 4: THE RESOURCES AVAILABLE TO THE MPO AND OVERALL COSTS**

NWARPC MPO has assessed its available resources that could be used for providing LEP assistance. This includes identifying what staff and volunteer language interpreters are readily available, which documents should be translated, taking an inventory of available organizations that NWAPRC could partner with for outreach and translation efforts, examining which financial and in-kind sources could be used to provide assistance, and what level of staff training is needed.

# PLAN FOR ASSISTING PERSONS OF LIMITED ENGLISH PROFICIENCY

NWARPC MPO developed the plan outlined in the following section for assisting persons of limited English proficiency. **NWARPC MPO will assist any persons with language translation free of charge,** given a reasonable amount of time.

## A. HOW TO IDENTIFY A LEP PERSON WHO NEEDS LANGUAGE ASSISTANCE

Tools to help identify persons who may need language assistance:

- Staff will have on hand the “I speak” card printed from the following website:  
<http://www.lep.gov/ISpeakCards2004.pdf>;
- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When NWARPC MPO sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee’s ability to speak and understand English, staff will ask a question that requires a full sentence reply;
- Though language needs may not be met at the current meeting or event, an inventory of those needs will help staff plan for language needs at a future meeting;
- Post a notice of available language assistance in the NWARPC MPO reception area.

## B. LANGUAGE ASSISTANCE MEASURES/STAFF TRAINING

NWARPC MPO:

- Currently, no substantive documents are available in a language other than English; the NWARPC website may be translated into a number of different languages using Google Translate.
- Has translated the following into Spanish –
  - Title VI Notice to the Public.
  - Title VI Complaint Procedures and Form.
  - Notice in every document that interpretation is available.
- No staff member speaks Spanish; other resources for interpreters include –
  - A local translation service that can provide an on-demand translation service as needed for a fee.
  - ORT has several Spanish interpreters and Pacific Islanders that are available for NWARPC MPO use.
  - There are a number of Universities and Colleges in the area that have foreign language departments. These can be used as a resource if need be.
  - Arkansas Relay, a telephone connection serve, offers a Spanish Relay service. Relay users can type in Spanish and the conversations will be relayed in Spanish.
    - Para llamadas en español, marque el 866-656-1842.
    - Para llamadas en ingles, marque el 711 o directamente al 800-285-1131.
- Training – All NWARPC staff will be provided with the LEP plan and will be educated on procedures and services available. Annual training will take place in July of every new fiscal year. This information will also be part of the new hire orientation process. Training topics may include –
  - Understanding the Title VI LEP responsibilities;
  - What language assistance NWARPC MPO offers;

- How to access an interpreter;
- Documentation of language assistance requests;
- How to handle a complaint;
- The importance of educating sub-recipients on NWARPC MPO's LEP program responsibilities and their obligation to provide language assistance.
- Outside these measures, NWARPC MPO has limited resources and will, to the extent possible, ensure LEP individuals have the opportunity to participate in transportation planning. **All translation is free.**

### **C. PROVIDING NOTICE OF AVAILABLE LANGUAGE SERVICE TO LEP PERSONS**

NWARPC MPO will post signs that language assistance is available in public areas such as the reception area or public notice bulletin board, as well as the web site.

### **D. OUTREACH TECHNIQUES**

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP person, staff will have meeting notices, fliers, advertisements, and agendas contain a notice, in Spanish, of language service availability with notification in advance of the meeting.
- When running a general public meeting notice, the phrase "Si necesita informacion en otro idioma, comuniquese Celia Scott-Silkwood, [cscott-silkwood@nwarpc.org](mailto:cscott-silkwood@nwarpc.org) or 479-751-7125, cuando menos 48 horas antes de la junta", which asks persons if information is needed in another language to make arrangements with NWARPC MPO within two days of the meeting date.

### **E. MONITORING AND UPDATING THE LEP PLAN**

This plan is designed to be flexible and is one that can be easily updated. At a minimum, NWARPC MPO will follow the Title VI program update schedule for the LEP plan.

Updates should examine plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in the region?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified NWARPC MPO programs?
- Are there other programs that should be included?
- Has NWARPC MPO's available resources, such as technology, staff, and financial cost, changed?
- Has NWARPC MPO fulfilled the goals of the LEP plan?
- Were there any complaints received?
- Were any comments or requests from the public participation process made that would impact the LEP plan?

## **F. DISSEMINATION OF THE NWARPC MPO LIMITED ENGLISH PROFICIENCY PLAN**

NWARPC MPO will post the LEP plan on its website <http://nwarpc.org>

Anyone with internet access will be able to access the plan. For those without personal internet access, all area libraries offer free internet access. Copies of the LEP plan will be provided to the Arkansas State Highway and Transportation Department, the Missouri Department of Transportation, the Federal Highway Administration, the Federal Transit Administration, and any person or agency requesting a copy. NWARPC members will be provided a copy of the LEP plan. A hard copy of the plan will be available in the office. An LEP person may obtain copies of the plan upon request.

Any questions or comments regarding this plan should be directed to:

NWARPC Title VI Coordinator

Phone: 479-751-7125

Fax: 479-751-7150

Northwest Arkansas Regional Planning Commission,  
1311 Clayton Street, Springdale, AR 72762

Email: [cscott-silkwood@nwarpc.org](mailto:cscott-silkwood@nwarpc.org)

<http://nwarpc.org>