

Melanie Greene

To: Debra Bouldin-Castro (Contractor)
Subject: RE: Workshop (ADA/Title VI deficiencies)

Below you will find the deficiencies frequently incomplete or omitted:

1. Limited English Proficiency Plan: Four Factor Analysis (The 4 Factor summary attached is a short version guide)

LEP PLAN SECTION:

<https://www.azdot.gov/docs/default-source/civil-rights-library/applying-the-four-factor-framework-section-ii.pdf?sfvrsn=4>

Directions to gather Census Data for their service area:

<https://www.azdot.gov/docs/default-source/civil-rights-library/factfinder.pdf?sfvrsn=2>

2. ADA/Title VI Training for LEP services: Most do not address how employees are trained on the agency's LEP plan.
3. Public Participation Plan: Samples are needed of current community outreach sample documents or screen shots of the public participation methods your agency uses now e.g. brochures, and fliers etc.

Thank you for assisting by providing this information in your workshop.

Thank you,
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U.S. Department
of Transportation
**Federal Transit
Administration**

Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons

A Handbook for Public Transportation Providers

Prepared by:
The Federal Transit Administration Office
of Civil Rights

April 13, 2007

SECTION II
APPLYING THE FOUR-FACTOR FRAMEWORK

Overview

This section provides grantees with step-by-step suggestions for conducting an LEP needs assessment based on the four-factor framework in Section V of the DOT LEP Guidance. After conducting the four-factor analysis transit agencies will be in a better position to implement a cost-effective mix of language assistance measures and to target resources appropriately.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population.

What the Guidance Says

“The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed (emphasis added). Ordinarily, persons ‘‘eligible to be served, or likely to be directly affected, by’’ a recipient’s programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient’s service area... When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.

Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries of recipients’ programs, activities, or services but may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.

The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly spoken languages other than English.” (DOT LEP Guidance Section V (1)).

Suggestions on Implementing this Guidance

Grantees should first examine their prior experiences with LEP individuals and then determine the number and proportion of LEP persons served or encountered within their service area. Agencies should strive to assess this number and proportion through a mix

of data sources, including the following: 1) data from the U.S. Census; 2) data from state and local government agencies; and 3) information from organizations that serve LEP persons.

Data from the 2000 Census provides statistics on the number of people who speak English less than well for every census tract in the recipients' service area. The Census can also provide data on households that are linguistically isolated.¹ State and local departments of education and school districts as well as other local sources may be able to provide additional statistics. Organizations that serve LEP persons may not be able to provide you with rigorous statistics, however these organizations should be able to help you confirm or identify gaps in the data you have obtained from the Census and other sources. These organizations may also be able to help you identify the specific languages spoken by the LEP population in your area.

Task 1, Step 1: Examine prior experiences with LEP individuals

This task involves reviewing the relevant benefits, services, and information provided by your agency and determining the extent to which LEP persons have come into contact with these functions. Your agency probably has come into contact or could come into contact with LEP persons through one or more of the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to your agency's customer service telephone line;
- Visits to your agency's headquarters;
- Access to your agency's website ;
- Attendance at community meetings or public hearings hosted by your agency;
- Contact with your agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

Agency staff may be able to provide you with relevant (if anecdotal) information on how frequently they come into contact with LEP persons. You may want to contact your agency's customer service representatives, vehicle operators, station managers, and community outreach staff to obtain this information and to find out if the staff person is able to identify the LEP persons' native language, how successful the agency has been in communicating with LEP persons, and common questions directed to the agency by LEP persons. Your agency may also want to review any available records on the number of hits it receives on its non-English web pages or requests for interpreters at public meetings or results of ridership surveys that capture the experiences of LEP persons.

¹ The U.S. Census classifies as "linguistically isolated" those households in which no person 14 years old and over speaks only English and no person 14 years old and over who speaks a language other than English speaks English "very well." Individuals in these households may face significant language barriers because they may not be able to rely on an adult relative who speaks English well to provide translation assistance.

Task 1, Step 2: Become familiar with data from The U.S. Census

Data from the 2000 Census and the Census Bureau's American Community Survey (ACS) is currently available at www.census.gov. The 2000 Census, which was designed to measure the count of the population and housing as of April 1, 2000, includes data on the number of persons who indicated that they spoke English "very well," "well," "less than well," and "not at all" which can be accessed at the national, state, county, census tract, census block group, and census block level. The 2005 American Community Survey produced a period estimate of the characteristics of the population and housing for the period from January through December of 2005. The ACS provides single-year estimates for geographic areas with populations of 65,000 or more and provides estimates for smaller geographic areas. Unlike the 2000 Census, the 2005 ACS does not include data at the census tract, block group, or block level. As of April, 2007, data on ability to speak English is available at the state level and for some counties. As future annual ACS surveys become available, data will become available at smaller geographic levels.

The ACS includes a table that divides the non-English speaking into the four major language categories ("very well," "well," "less than well," and "not at all") and an additional table that provides greater detail than the 2000 census on the specific languages of populations who speak English less than very well. The ACS also provides information on the age, place of birth, citizenship status, poverty status, and educational attainment of persons who do speak languages other than English at home..

Specific instructions on how to access Census data at www.census.gov and are included in Section V of this handbook. If you have difficulty accessing Census data, you can call the Census Bureau's regional office in your region.

Task 1, Step 2A: Identify the geographic boundaries of the area that your agency serves

In many cases, the geographic boundaries of a transit agency's service area are identical to the geographic boundaries of specific municipalities or counties. If this is the case for your agency, you can access census data on the LEP population at the county level.

In some cases, a transit agency is authorized to provide service to portions of one or more jurisdiction(s) but not the entire jurisdiction. If this is the case, you will need to identify the census tracts that correspond to the geographic area(s) that your agency is authorized to serve. The total population and total LEP population of your agency's service area can be estimated by adding the populations of each census tract.

In general, it is useful for you to know the census tracts that are served by your agency. You can use the census website to identify the LEP population on a census tract-by-census tract basis, which will allow your agency to determine if LEP persons are concentrated in specific neighborhoods within your service area.

Task 1, Step 2B: Obtain Census data on the LEP population in your service area

Information from the 2000 Census and the American Community Survey can be found at the “American Fact Finder” link on the Census website, www.census.gov. The relevant table from the 2000 Census is QT-P17, “Population 5 years and Over by Language Spoken at Home and Ability to Speak English, 2000.” Below is an example of this table from the State of California:

| | | |
|--|-------------------|--------------|
| POPULATION 5 YEARS AND OVER BY LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH | | |
| Population 5 years and over | 31,416,629 | 100.0 |
| Speak only English | 19,014,873 | 60.5 |
| Speak a language other than English | 12,401,756 | 39.5 |
| Spanish | 8,105,505 | 100.0 |
| Speak English “very well” | 3,801,556 | 46.9 |
| Speak English “well” | 1,792,446 | 22.1 |
| Speak English “not well” | 1,561,403 | 19.3 |
| Speak English “not at all” | 950,100 | 11.7 |
| Other Indo-European languages | 1,335,332 | 100.0 |
| Speak English “very well” | 881,743 | 66.0 |
| Speak English “well” | 274,073 | 20.5 |
| Speak English “not well” | 136,822 | 10.2 |
| Speak English “not at all” | 42,694 | 3.2 |
| Asian and Pacific Island languages | 2,709,179 | 100.0 |
| Speak English “very well” | 1,270,591 | 46.9 |
| Speak English “well” | 801,472 | 29.6 |
| Speak English “not well” | 508,756 | 18.8 |
| Speak English “not at all” | 128,360 | 4.7 |
| All other languages | 251,740 | 100.0 |
| Speak English “very well” | 170,087 | 67.6 |
| Speak English “well” | 52,878 | 21.0 |
| Speak English “not well” | 20,817 | 8.3 |
| Speak English “not at all” | 7,958 | 3.2 |
| ABILITY TO SPEAK ENGLISH | | |
| Population 5 years and over | 31,416,629 | 100.0 |
| Speak a language other than English | 12,401,756 | 39.5 |
| 5 to 17 years | 2,879,695 | 9.2 |
| 18 to 64 years | 8,537,488 | 27.2 |
| 65 years and over | 984,573 | 3.1 |
| Speak English less than “very well” | 6,277,779 | 20.0 |
| 5 to 17 years | 1,111,387 | 3.5 |
| 18 to 64 years | 4,559,970 | 14.5 |
| 65 years and over | 606,422 | 1.9 |
| ABILITY TO SPEAK ENGLISH IN HOUSEHOLD | | |

| | | |
|--|-------------------|--------------|
| Linguistically isolated households ¹ | 1,107,222 | (X) |
| | | |
| Population 5 years and over in households | 30,601,299 | 100.0 |
| In linguistically isolated households ¹ | 3,472,270 | 11.3 |
| 5 to 17 years | 906,231 | 3.0 |
| 18 to 64 years | 2,261,448 | 7.4 |
| 65 years and over | 304,591 | 1.0 |

Information from the 2005 ACS provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Below is an example of ACS Data Set B16001, "Language Spoken at Home by Ability to Speak English for the Population Five Years or Older," for the state of California:

| | California | |
|-------------------------------------|------------|-----------------|
| | Estimate | Margin of Error |
| Total: | 32,599,457 | +/-3,023 |
| Speak only English | 18,808,277 | +/-59,716 |
| Spanish or Spanish Creole: | 9,192,012 | +/-46,687 |
| Speak English "very well" | 4,626,485 | +/-43,969 |
| Speak English less than "very well" | 4,565,527 | +/-47,849 |
| French (incl. Patois, Cajun): | 127,539 | +/-8,684 |
| Speak English "very well" | 107,163 | +/-8,268 |
| Speak English less than "very well" | 20,376 | +/-2,663 |
| French Creole: | 5,001 | +/-1,685 |
| Speak English "very well" | 4,501 | +/-1,646 |
| Speak English less than "very well" | 500 | +/-354 |
| Italian: | 64,991 | +/-5,275 |
| Speak English "very well" | 50,560 | +/-4,880 |
| Speak English less than "very well" | 14,431 | +/-2,158 |
| Portuguese or Portuguese Creole: | 73,130 | +/-7,681 |
| Speak English "very well" | 47,986 | +/-5,690 |
| Speak English less than "very well" | 25,144 | +/-4,181 |
| German: | 114,971 | +/-6,974 |
| Speak English "very well" | 98,405 | +/-6,363 |
| Speak English less than "very well" | 16,566 | +/-1,862 |
| Yiddish: | 3,594 | +/-997 |
| Speak English "very well" | 3,264 | +/-862 |
| Speak English less than "very well" | 330 | +/-471 |
| Other West Germanic languages: | 28,633 | +/-2,937 |
| Speak English "very well" | 24,479 | +/-2,893 |
| Speak English less than "very well" | 4,154 | +/-1,073 |
| Scandinavian languages: | 26,271 | +/-3,255 |
| Speak English "very well" | 23,087 | +/-3,267 |
| Speak English less than "very well" | 3,184 | +/-822 |
| Greek: | 22,712 | +/-3,227 |
| Speak English "very well" | 18,014 | +/-2,686 |
| Speak English less than "very well" | 4,698 | +/-1,252 |
| Russian: | 142,734 | +/-12,229 |
| Speak English "very well" | 70,957 | +/-6,883 |
| Speak English less than "very well" | 71,777 | +/-8,321 |
| Polish: | 18,378 | +/-3,101 |
| Speak English "very well" | 13,108 | +/-2,791 |
| Speak English less than "very well" | 5,270 | +/-1,154 |
| Serbo-Croatian: | 24,661 | +/-4,979 |
| Speak English "very well" | 15,915 | +/-3,653 |
| Speak English less than "very well" | 8,746 | +/-2,563 |

| | | |
|-------------------------------------|---------|-----------|
| Other Slavic languages: | 35,373 | +/-7,022 |
| Speak English "very well" | 17,885 | +/-3,662 |
| Speak English less than "very well" | 17,488 | +/-4,415 |
| Armenian: | 161,221 | +/-14,696 |
| Speak English "very well" | 81,789 | +/-9,216 |
| Speak English less than "very well" | 79,432 | +/-8,617 |
| Persian: | 152,418 | +/-12,393 |
| Speak English "very well" | 92,487 | +/-8,862 |
| Speak English less than "very well" | 59,931 | +/-6,786 |
| Gujarathi: | 35,093 | +/-5,187 |
| Speak English "very well" | 26,088 | +/-4,083 |
| Speak English less than "very well" | 9,005 | +/-1,929 |
| Hindi: | 106,728 | +/-9,007 |
| Speak English "very well" | 86,499 | +/-8,239 |
| Speak English less than "very well" | 20,229 | +/-3,266 |
| Urdu: | 34,620 | +/-7,769 |
| Speak English "very well" | 21,897 | +/-4,564 |
| Speak English less than "very well" | 12,723 | +/-5,902 |
| Other Indic languages: | 160,408 | +/-14,944 |
| Speak English "very well" | 98,188 | +/-8,895 |
| Speak English less than "very well" | 62,220 | +/-8,487 |
| Other Indo-European languages: | 40,121 | +/-6,420 |
| Speak English "very well" | 26,362 | +/-5,047 |
| Speak English less than "very well" | 13,759 | +/-2,725 |
| Chinese: | 905,679 | +/-21,815 |
| Speak English "very well" | 388,506 | +/-12,302 |
| Speak English less than "very well" | 517,173 | +/-14,822 |
| Japanese: | 160,285 | +/-9,429 |
| Speak English "very well" | 82,839 | +/-6,231 |
| Speak English less than "very well" | 77,446 | +/-5,645 |
| Korean: | 333,539 | +/-16,439 |
| Speak English "very well" | 124,184 | +/-7,095 |
| Speak English less than "very well" | 209,355 | +/-13,799 |
| Mon-Khmer, Cambodian: | 71,630 | +/-9,587 |
| Speak English "very well" | 32,195 | +/-5,540 |
| Speak English less than "very well" | 39,435 | +/-6,012 |
| Hmong: | 60,017 | +/-8,140 |
| Speak English "very well" | 28,805 | +/-4,850 |
| Speak English less than "very well" | 31,212 | +/-6,034 |
| Thai: | 41,241 | +/-4,691 |
| Speak English "very well" | 15,926 | +/-2,747 |
| Speak English less than "very well" | 25,315 | +/-3,107 |
| Laotian: | 41,438 | +/-6,584 |
| Speak English "very well" | 19,636 | +/-4,378 |
| Speak English less than "very well" | 21,802 | +/-3,626 |
| Vietnamese: | 457,510 | +/-22,432 |
| Speak English "very well" | 180,465 | +/-13,122 |
| Speak English less than "very well" | 277,045 | +/-14,332 |
| Other Asian languages: | 97,800 | +/-8,520 |
| Speak English "very well" | 69,537 | +/-6,584 |
| Speak English less than "very well" | 28,263 | +/-3,840 |
| Tagalog: | 670,203 | +/-24,411 |
| Speak English "very well" | 436,269 | +/-17,310 |
| Speak English less than "very well" | 233,934 | +/-15,587 |
| Other Pacific Island languages: | 110,879 | +/-9,968 |
| Speak English "very well" | 70,635 | +/-7,564 |
| Speak English less than "very well" | 40,244 | +/-4,570 |
| Navajo: | 1,037 | +/-763 |
| Speak English "very well" | 1,037 | +/-763 |

| | | |
|--|---------|-----------|
| Speak English less than "very well" | 0 | +/-293 |
| Other Native North American languages: | 6,349 | +/-1,643 |
| Speak English "very well" | 5,715 | +/-1,624 |
| Speak English less than "very well" | 634 | +/-338 |
| Hungarian: | 16,905 | +/-3,868 |
| Speak English "very well" | 11,200 | +/-2,334 |
| Speak English less than "very well" | 5,705 | +/-2,474 |
| Arabic: | 127,603 | +/-12,157 |
| Speak English "very well" | 83,427 | +/-8,788 |
| Speak English less than "very well" | 44,176 | +/-5,485 |
| Hebrew: | 42,330 | +/-8,342 |
| Speak English "very well" | 35,049 | +/-7,332 |
| Speak English less than "very well" | 7,281 | +/-2,520 |
| African languages: | 52,123 | +/-6,707 |
| Speak English "very well" | 40,841 | +/-5,728 |
| Speak English less than "very well" | 11,282 | +/-2,287 |
| Other and unspecified languages: | 24,003 | +/-3,924 |
| Speak English "very well" | 14,993 | +/-2,991 |
| Speak English less than "very well" | 9,010 | +/-1,931 |

Task 1, Step 2C: Analyze the data you have collected

Once you have downloaded the Census data, you can determine the number and proportion of LEP persons in your agency's service area as well as the languages most frequently spoken by LEP persons.

When using the 2000 Census data, this total number of LEP persons can be obtained by totaling the number of persons who speak English "well," "not well," or "not at all" in the "Spanish," "Other Indo-European Language," "Asian-Pacific Island Language," and "All Other Language" categories.

For example, the above 2000 Census table for the state of California shows that 4,303,949 Spanish speakers also speak English either "well," "not well" or "not at all." In addition, 453,589 speakers of other Indo-European Languages, 1,438,588 speakers of Asian-Pacific Island Languages, and 81,653 speakers of other languages speak English in a category other than "very well." The total number of persons in California who reported to the 2000 Census that they speak English in a category other than "very well" is, 6,277,779 or 19.9% of the total population of persons 5 years and older.

The ACS data can also be used to provide a second estimate of the number and proportion of LEP persons. The above ACS table for the state of California gives a total population of 32,599,457. Of this population, the Census estimates that 6,585,792 people, or 20.2% of the state's population speak English "less than 'very well'". This represents the sum of the persons in each of the table's 38 language categories that are estimated to speak English less than "very well." Of these persons, 4,565,527 (or 69% of the LEP population) speak Spanish, 517,173 (7.8%) speak Chinese, 277,045 (4.2%) speak Vietnamese, 233,934 (3.5%) speak Tagalog and 209,355 (3.1%) speak Korean.

Task 1, Step 2D: Identify any concentrations of LEP persons within your service area

We recommend that agencies use 2000 Census data to identify specific census tracts where the proportion of LEP persons exceeds the proportion of LEP persons in the service area as a whole. This information should help agencies identify if their LEP population is concentrated around specific stations or transit routes. It may also help agencies determine if concentrations of LEP persons speaking different languages are concentrated around different stations or routes.

Agencies can identify LEP concentrations by highlighting those census tracts in their table where the proportion of LEP persons is higher than the service-area average. Agencies with access to Geographic Information System (GIS) mapping software can produce maps showing where the LEP population is concentrated. These maps can also display an agency's routes and facilities over the map highlighting concentrations of LEP persons.

Task 1, Step 3: Consult state and local sources of data

State Departments of Education may have a bilingual education office that collects LEP student enrollment data from all the school districts in a state and State bilingual education staff may be able to help you identify LEP populations and types of languages spoken in the area that your agency provides service.

In addition, school districts have a responsibility to identify those students who are LEP and whose primary language is other than English and provide assistance to these students. Newly registered students and parents complete Home Language Surveys that identify the primary language spoken by the student and his or her family.

The Department of Labor has sponsored a special tabulation of Census data on Limited English proficient (LEP) populations as a resource for One Stop Career Centers and other providers of employment and training services. Information is broken out for 39 Census languages and language clusters, and the tabulations are designed to match the service areas of states and local Workforce Investment Areas. (Local Workforce Investment Areas are jurisdictions comprised of one or more county within a state and these jurisdictions may match or overlap with your agency's transit service area). This data can be found at <http://www.doleta.gov/reports/CensusData/>.

Task 1, Step 4: Reach out to community organizations that serve LEP persons

Data from the U.S. Census as well as state and local agencies provide a good starting place for identifying individuals who are limited English proficient, but keep in mind that Census data includes the following drawbacks:

1. The Census Bureau's survey methodology may undercount the actual number of people who speak English less than very well;

2. The Census records people who report that they speak English less than very well, but does not contain information on the extent to which people read, write, or understand English, which are also elements of limited English proficiency;
3. The Census has limited information on what languages are spoken by LEP people at the census tract, block group, or block level;

Given these limitations, FTA recommends that your agency conduct community outreach to organizations that work with LEP populations. These may be able to provide you with information that is not included in the Census, such as information on specific languages spoken by the LEP population, population trends, and what services are most frequently sought by the LEP population.

The DOT LEP Guidance recommends that recipients consult data from the following entities:

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- Legal aid entities.

Given the time and resource constraints on you and your agency, and depending on the number and variety of community organizations in your service area, you may likely not be able to contact all of the relevant organizations in your jurisdiction. Your agency may want to focus its outreach on those organizations that are located in areas with high proportions of LEP persons, or you may want to contact organizations with which your agency has worked in the past, or develop a representative sample of organizations to contact.

Task 1, Step 4A: Identify community organizations

Your agency's previous outreach and marketing initiatives may have yielded a list of community organizations that serve populations with limited English proficiency.. Agencies that have not historically conducted outreach to organizations that serve or represent LEP persons can generate a list of potential community partners by reviewing information in the local phone directory or by obtaining referrals from local government agencies.

If LEP population is comprised of persons who speak one language but have immigrated from multiple nations or regions within nations, you may need to work with community organizations that serve people who speak the same language but who have arrived from different countries of origin to ensure that your outreach and assistance will resonate equally well among all nationalities and subcultures within the intended audience.

Task 1, Step 4B: Contact relevant community organizations

Once your agency has developed a list of community organizations that serve LEP persons, you should contact the organization to explain your agency's objectives and request information about the population served by the organization. You may want to place a phone call or transmit a letter to the organization that describes your agency's mission, discusses your attempt to improve the language services it provides, and invites the organization to partner with your agency. You may also want to clarify that you are not seeking information on specific individuals but are looking for general information on the area's LEP community in order to provide better transportation service. Although most community organizations include multilingual staff members or volunteers, your agency may want to translate the letter or have an interpreter present on a phone call.

Task 1, Step 4C: Obtain information

Once you have made contact with the community organization, we recommend that you hold a meeting or phone call with its representatives in order to gather relevant information and also discuss the services your agency provides. You should seek feedback from the organization on the size of the population it serves, the transportation and other needs of the population, any demographic trends among this population, and effect ways to obtain input from this population. Section IV of this handbook contains a list of questions that you may want to ask organizations serving LEP persons.

Factor 2: The Frequency with Which LEP Individuals Come into Contact with your programs, activities, and services

What the Guidance Says

"Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed (emphasis added). The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups." (DOT LEP Guidance Section V (2)).

Suggestions on Implementing This Guidance

Although the Census includes some data on the extent to which recent immigrants use public transportation, the Census will not contain information on how frequently LEP persons inquire about, use, or are affected by the specific services your agency provides. Individuals within your agency, as well as the community organizations identified in Task 1 and LEP persons themselves will be the best sources of information on frequency of contact with your agency's programs, activities, and services.

Task 2, Step 1: Review the relevant programs, activities, and services you provide

Agencies conducting the review of their prior experiences with LEP persons, per the guidance in Task 1 Step 1 will have listed the programs, activities, and services with which LEP persons most frequently come in contact.

Task 2, Step 2: Review information obtained from community organizations

Your interviews with community organization representatives, per Task 1, Step 4, will likely yield information on how frequently LEP persons use transit service, and what modes of service or particular routes are used most frequently.

Task 2, Step 3: Consult directly with LEP persons

Another way to obtain relevant information is to hold face-to-face meetings, such as focus groups or individual interviews, with LEP individuals. In order to hold a successful meeting, your agency will likely need to partner with community organizations to advertise the event and hold meetings during times of day and at locations that are convenient and accessible to the LEP population. Oral language interpreters should be present at the meeting and any written material you distribute should be translated.

In addition to, or in lieu of holding face-to-face meetings, your agency may elect to conduct a survey of LEP persons. You will likely need to coordinate with community organizations to administer the survey and will need to translate the information in the survey. Section IV of this handbook contains a list of questions that your agency can consider using in focus groups and in questionnaires.

Agencies would be well advised to ask LEP persons whether they are aware of the types of language assistance the agency provides, which of these forms are most beneficial, and what, if any, additional language assistance measures would be most beneficial.

Factor 3: The Importance to LEP Persons of Your Program, Activities and Services

What the Guidance Says

"The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language

services are needed (emphasis added). The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual...” (DOT LEP Guidance Section V(3)).

“...providing public transportation access to LEP persons is crucial. An LEP person’s inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment.” (DOT LEP Guidance Section V (4)).

Suggestions on Implementing this Guidance

Task 3, Step 1: Identify your agency’s most critical services

Your agency should identify what programs or activities would have serious consequences to individuals if language barriers prevent a person from benefiting from the activity. Your agency should also determine the impact on actual and potential beneficiaries of delays in the provision of LEP services.

For example, your agency may provide emergency evacuation instructions in its stations and vehicles or may provide information to the public on security awareness or emergency preparedness. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to these individuals could be life threatening.

Task 3, Step 2: Review input from community organizations and LEP persons

Your agency’s contact with community organizations that serve LEP persons, as well as contact with LEP persons themselves, should provide information on the importance of the modes or types of service you provide to LEP populations. Depending on the results of your fieldwork, you may conclude that some particular routes or modes of transportation are of particular importance to the LEP population.

Factor 4: The Resources Available to the Recipient and Costs

This last step in the four-factor analysis will allow your agency to weigh the demand for language assistance against the agency’s current and projected financial and personnel resources. This analysis should help your agency determine if the language services it currently provides are cost effective and should also help agencies plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of agency resources.

What the Guidance Says

“A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. (emphasis added). Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ‘‘reasonable steps’’ may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal agencies.” (Section V(4)).

The DOT LEP Guidance also notes that, “large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining what language services would be limited based on resources or costs.” (Section V (4)).

Suggestions on Implementing this Guidance

Task 4, Step 1: Inventory language assistance measures currently being provided, along with associated costs.

As part of your agency’s evaluation of its past experience with LEP persons, you should have developed a record of language assistance services currently being provided. Your agency’s marketing, customer relations, and community outreach offices may be able to determine the costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures your agency is taking or plans to implement. It may also be helpful for your agency to estimate whether these costs have increased in recent years or are expected to increase.

In addition to estimating the financial cost of providing language assistance, agencies should estimate the number of staff and percentage of staff time that is associated with providing language assistance.

Task 4, Step 2: Determine what, if any, additional services are needed to provide meaningful access

Based on your analysis of demographic data and contact with community organizations and LEP persons, your agency may determine that information may need to be translated into additional languages, that additional oral or written language services should be provided, or that existing language assistance needs to be made available on a more

widespread basis. If this is the case, your agency should create a list of specific measures that it determines are needed to provide meaningful access to its programs and activities.

Task 4, Step 3: Analyze your budget

To the extent practicable, you should consider what percentage of the agency's capital and/or operating budget could be devoted to additional language assistance expenses, if needed, and whether the agency's budget for these expenses will remain stable over time or whether it may be subject to reduction. Your agency can estimate the cost of providing new or additional measures by getting price quotes from translating and interpreting firms or by consulting with similar transit agencies that have implemented the assistance measures in question.

Task 4, Step 4: Consider cost effective practices for providing language services

Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.

Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency will need to verify that they can provide competent interpretation service and train them on their role within the agency. Your agency may need to explain to volunteers any specialized terms and concepts (such as "vehicle headway," "span of service," or "bus rapid transit") that pertain to your agency's programs and activities. Section VI of the DOT LEP Guidance contains instructions on how to ensure competency in oral and written language services.

Other potential cost saving measures, which are listed in Section V(4) of the DOT LEP Guidance, include telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.

Conclusion: Developing the Right Mix of LEP Services

Your agency's four-factor analysis should help you develop new language assistance services or alter the mix of services currently provided. What specific steps should be taken will depend on the information you have gathered from Census and other data, from fieldwork with LEP individuals and the organizations that serve them, and from your analysis of agency resources and the costs of providing language assistance. Section IV part 3 of this handbook contains a menu of written and oral language assistance measures that transit agencies have implemented.

ADOT Civil Rights Office

Applying the Four-Factor Framework

- ❖ **FACTOR 1 – Provide the number and proportion of LEP persons served or encountered within your service area.**

Insert a demographic chart from the US Census <http://www.census.gov/>. To get this number include sources of LEP data received from partnering community organizations, MPOs/COGs or from your staff.

(Example of LEP Chart)

| Persons with Limited English Proficiency (LEP) | Estimate | % of Persons 5 Yrs. & Over that speak English very well | % of Persons 5 Yrs. & Over that speak English less than very well |
|--|----------|---|---|
| Total Persons 5 years & Over | 122,361 | 89.9% | 10.1% |
| English Speaking Only | 88,467 | --- | --- |
| Limited English Proficiency | 33,857 | | |
| Spanish with LEP | 29,524 | 63.2% | 36.8% |
| Other Indo-European languages with LEP | 2,307 | 78.7% | 21.3% |
| Asian & Pacific Island languages with LEP | 1,693 | 45.2% | 54.8% |
| Other Languages with LEP | 333 | 96.1% | 3.9% |

- ❖ **FACTOR 2 – Provide the frequency or how often LEP individuals come into contact with your transit services.**

Feedback from community organizations, internal staff and LEP persons who use your services may help respond to the frequency of this contact.

- ❖ **FACTOR 3 – Identify the importance of your program's activities and transit routes to LEP individuals.**

First list critical routes e.g. hospitals, doctor Appointments etc. of where you are transporting LEP individuals. Include any other critical services your agency provides to LEP individuals.

- ❖ **FACTOR 4 – Provide the resources available to your agency and indicate costs.**

Upon request or if needed describe the resources your agency will use or currently has to provide LEP services, e.g. bilingual staff, webpage, fliers etc. Include what, if any additional services do you need to provide meaningful LEP access. What are the estimated costs to provide these additional services?

- ❖ **Need more information?**

Please review the webpage link provided below for specific detail assistance for the four-factor analysis section of your agency's Implementation Plan: <http://www.azdot.gov/docs/default-source/civil-rights-library/applying-the-four-factor-framework-section-ii.pdf?sfvrsn=4>.

Directions to gather Limited English Proficiency (LEP) data for the Four Factor Analysis using American FactFinder.

Step Go to American FactFinder:
1 <http://factfinder.census.gov>



Step Select "Advanced Search" located on the
2 top blue bar.

Step Under section 1 for "topic or
3 table name" enter "B16001" or "Language spoken at home by ability to speak English for the population 5 years and over".
 For "state, county or place" enter the city, state, or county you want to search.



Step Click "Go".
4

Step Choose the
5 Table that is right for your project. The differences between the tables is found under "Dataset".

Your Selections

Search using...

Search: b16001

County: Maricopa County, Arizona

[clear all selections and start a new search](#)

[load search](#) | [save search](#)

Search Results: 1-24 of 24 tables and other products match 'Your Selections'

Refine your search results:

☒ topics ☐ race/ancestry ☐ industries ☐ occupations

Selected:

Show results from: All available years | All available programs

| ID | Table, File or Document Title | Dataset |
|--------------------------|--|---------------------------|
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2015 ACS 1-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2014 ACS 5-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2014 ACS 1-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2013 ACS 5-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2013 ACS 3-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2013 ACS 1-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2012 ACS 5-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2012 ACS 3-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2012 ACS 1-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2011 ACS 5-year estimates |
| <input type="checkbox"/> | B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER | 2011 ACS 3-year estimates |

| 1-year estimates | 5-year estimates |
|--|---|
| 12 months of collected data | 60 months of collected data |
| Data for areas with populations of 65,000+ | Data for all areas |
| Less reliable than 3-year or 5-year | Most reliable |
| Most current data | Least current |
| Annually released: | Annually released: |
| Best used when | Best used when |
| Currency is more important than precision | Precision is more important than currency |
| Analyzing large populations | Analyzing very small populations |

*<http://www.census.gov/programs-surveys/acs/guidance/estimates.html>

Step 6 Review data. Paying attention to the rows that say "Speak English less than "very well"".

| Maricopa County, Arizona | | |
|-------------------------------------|-----------|-----------------|
| | Estimate | Margin of Error |
| Total: | 3,895,357 | ***** |
| Speak only English | 2,848,586 | +/-17,693 |
| Spanish or Spanish Creole: | 800,851 | +/-14,663 |
| Speak English "very well" | 532,710 | +/-11,086 |
| Speak English less than "very well" | 268,141 | +/-10,422 |
| French (incl. Patois, Cajun): | 11,912 | +/-1,828 |
| Speak English "very well" | 8,163 | +/-1,467 |
| Speak English less than "very well" | 3,749 | +/-1,216 |
| French Creole: | 737 | +/-607 |
| Speak English "very well" | 467 | +/-526 |
| Speak English less than "very well" | 270 | +/-306 |
| Italian: | 3,726 | +/-1,173 |
| Speak English "very well" | 2,801 | +/-972 |
| Speak English less than "very well" | 925 | +/-502 |
| Portuguese or Portuguese Creole: | 1,373 | +/-693 |
| Speak English "very well" | 1,023 | +/-599 |
| Speak English less than "very well" | 350 | +/-288 |
| German: | 10,686 | +/-1,644 |
| Speak English "very well" | 9,424 | +/-1,729 |
| Speak English less than "very well" | 1,262 | +/-465 |
| Yiddish: | 404 | +/-390 |
| Speak English "very well" | 161 | +/-189 |
| Speak English less than "very well" | 243 | +/-340 |
| Other West Germanic languages: | 654 | +/-309 |
| Speak English "very well" | 502 | +/-265 |
| Speak English less than "very well" | 152 | +/-167 |

Safe Harbor Threshold

For **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, by the program/activity **can be used as a guide of compliance**.

***Please note, if a safe harbor is not used, if written translation of a certain documents(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other means of translation can be considered (e.g. oral interpretation).**

Example

#1: Multiply "Total" Population (3,895,357) by 5% (0.05).

This equals 194,767.85

This number would be a clear baseline for meeting the Safe Harbor Threshold of 5% of a population.

Or

#2: Review all languages under section "Speak English less than "very well"" paying in particular attention to any languages that are over 1,000.

Below are circumstances that can provide a "safe harbor" for recipients regarding the requirements for translation of written materials

| Size of Language Group | Recommended Provision of Written Language Assistance |
|--|--|
| 1,000 or more in the eligible population in the market area or among current beneficiaries | Translated vital documents |
| More than 5% of the eligible population or beneficiaries and more than 50 in number | Translated vital documents |
| More than 5% of the eligible population or beneficiaries and 50 or less in number | Translated written notice of right to receive free oral interpretation of documents. |
| 5% or less of the eligible population or beneficiaries and less than 1,000 in number | No written translation is required. |

Step 7 Review and analyze data with the Four Factor Analysis.

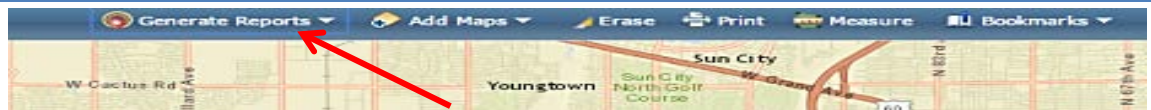
Directions to gather Limited English Proficiency (LEP) data for the Four Factor Analysis using EJScreen.

Step 1 Go to EPA EJScreen:
<https://www.epa.gov/ejscreen>

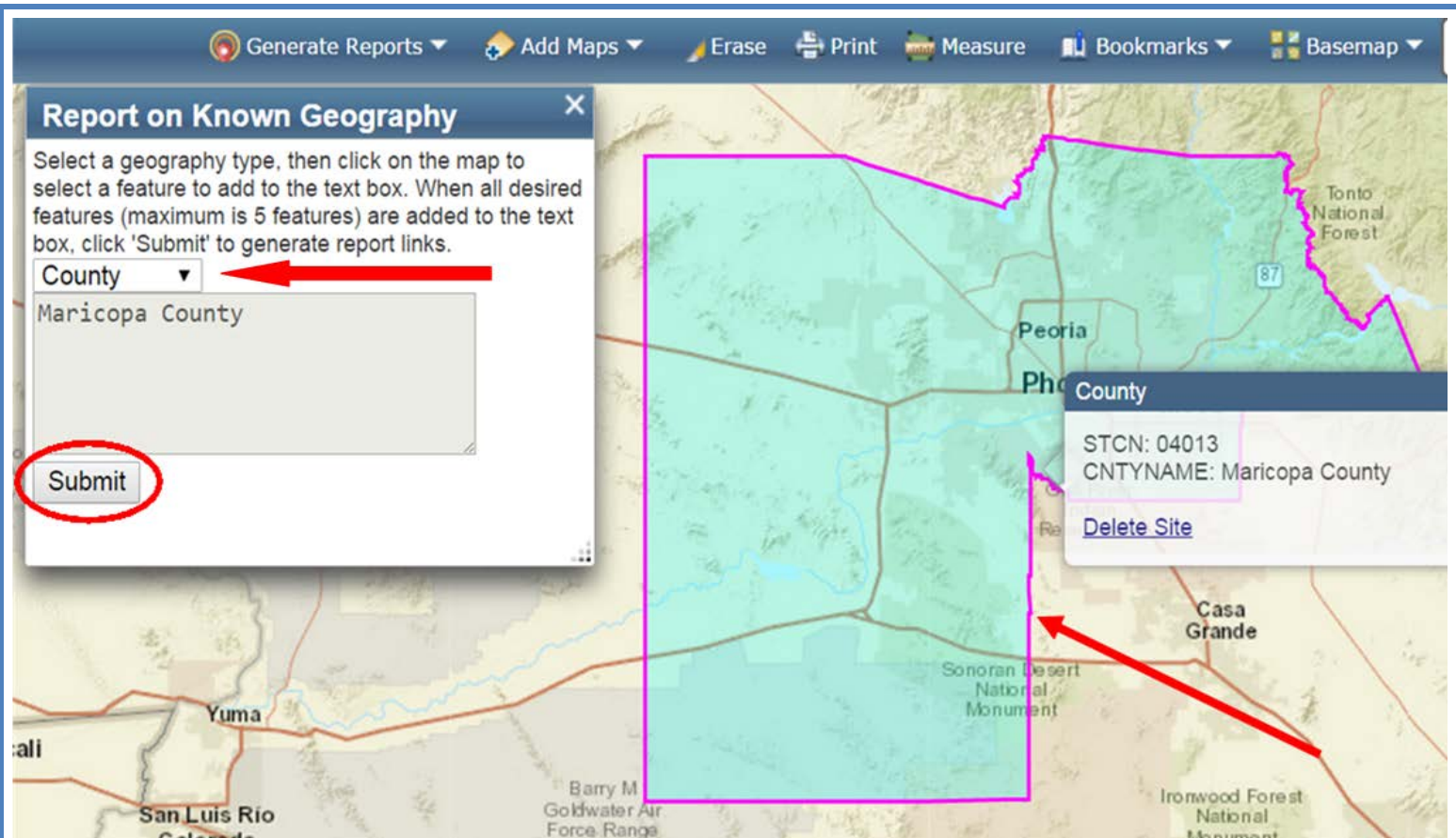
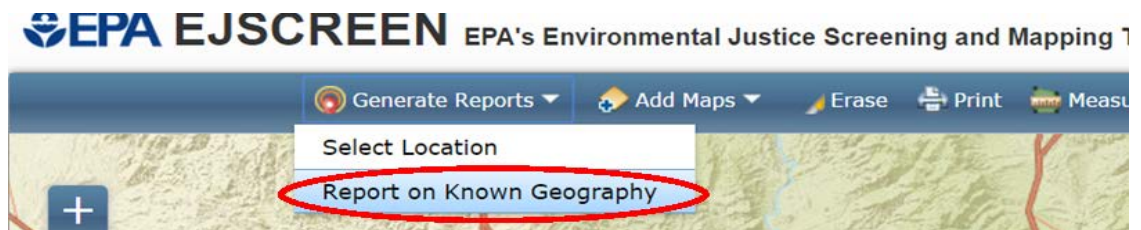
Step 2 Towards the bottom right of the screen you will see a section called "Launch the Tool". Click on the link underneath it titled "Launch the EJSCREEN Tool".



Step 3 Select "Generate Reports".



Step 4 Choose "Report on Known Geography" if you want to search by county.



Step 5 On top of the map on the upper left a window titled "Report on Known Geography" will pop-up. On the drop down choose "County".

Step 6 Click on the map anywhere the county is located (EX. for Maricopa you could click on Phoenix on the map). Then the county should highlight on the map.

Step 7 Once highlighted, the county name should show up on the pop-up window. Click "Submit".

Step 8 Another pop-up window will appear on the map area. Click on "Get 2010-2015 ACS report...".



Step 9 Review and analyze data with the Four Factor Analysis. Look up "Households" # and the "Linguistically Isolated Households" section. For further language breakdown refer to Table "B16001/Language spoken at home by ability to speak English for the population 5 years and over" on American FactFinder.

| Summary of ACS Estimates | | 2010 - 2014 |
|--------------------------------------|--|-------------|
| Population | | 3,947,382 |
| Population Density (per sq. mile) | | 429 |
| Minority Population | | 1,666,248 |
| % Minority | | 42% |
| Households | | 1,424,244 |
| Housing Units | | 1,657,753 |
| Housing Units Built Before 1950 | | 42,207 |
| Per Capita Income | | 27,477 |
| Land Area (sq. miles) (Source: SF1) | | 9,199.42 |
| % Land Area | | 100% |
| Water Area (sq. miles) (Source: SF1) | | 0.00 |
| % Water Area | | 0% |

| Population Age 5+ Years by Ability to Speak English | | | |
|--|-----------|------|-------|
| Total | 3,672,140 | 100% | 0 |
| Speak only English | 2,706,725 | 74% | 6,760 |
| Non-English at Home ¹⁺²⁺³⁺⁴ | 965,415 | 26% | 6,622 |
| ¹ Speak English "very well" | 607,949 | 17% | 6,121 |
| ² Speak English "well" | 152,011 | 4% | 3,492 |
| ³ Speak English "not well" | 131,192 | 4% | 3,035 |
| ⁴ Speak English "not at all" | 74,263 | 2% | 2,691 |
| ³⁺⁴ Speak English "less than well" | 205,455 | 6% | 4,056 |
| ²⁺³⁺⁴ Speak English "less than very well" | 357,466 | 10% | 5,352 |

| Linguistically Isolated Households | | | |
|--------------------------------------|--------|------|-------|
| Total | 69,189 | 100% | 1,902 |
| Speak Spanish | 53,359 | 77% | 1,649 |
| Speak Other Indo-European Languages | 4,708 | 7% | 498 |
| Speak Asian-Pacific Island Languages | 7,892 | 11% | 698 |
| Speak Other Languages | 3,230 | 5% | 404 |

| Households by Household Income | | | |
|--------------------------------|-----------|------|-------|
| Household Income Base | 1,424,244 | 100% | 5,177 |
| < \$15,000 | 162,973 | 11% | 2,896 |
| \$15,000 - \$25,000 | 145,865 | 10% | 2,653 |

Methods of classifying data.

| | |
|---|---|
| * | <p data-bbox="116 214 341 254">Equal Interval</p> <p data-bbox="373 254 1557 367">Equal interval divides the range of attribute values into equal-sized subranges. EX. For example, if you specify three classes for a field whose values range from 0 to 300, the application will create three classes with ranges of 0–100, 101–200, and 201–300.</p> |
| * | <p data-bbox="116 415 251 455">Quantile</p> <p data-bbox="373 455 1557 583">Each class contains an equal number of features. EX. Quantile assigns the same number of data values to each class. There are no empty classes or classes with too few or too many values.</p> |
| * | <p data-bbox="116 583 349 623">Natural Breaks</p> <p data-bbox="373 623 1557 751">Natural breaks classes are based on natural groupings inherent in the data. EX. The features are divided into classes whose boundaries are set where there are relatively big differences in the data values.</p> |