

## **Language Access Plan for Limited English Proficiency (LEP)**

Limited English Proficient (LEP) are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes both people who reported to the U.S. Census that they do not speak English well and people who reported that they do not speak English at all. This language barrier may prevent individuals from accessing public services and benefits—including public transit services.

### **Federal Requirements**

Title VI of the Civil Rights Act of 1964 and Executive Order 13166 signed on August 11, 2000, is the federal legislation necessitating LEP plans from public agencies receiving federal funds.

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 U.S. Supreme Court has ruled that LEP is a component of the protected class of national origin.

Executive Order 13166, -Improving Access to Services with Limited English Proficiency, requires Federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Executive Order 13166 also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. The Executive Order applies to all federal agencies and all programs and operations of entities that receive funding from the federal government—including state agencies, local agencies and governments, private and non-profit entities, and sub-recipients such as public transit agencies.

The U.S. Department of Transportation (DOT) published revised LEP guidance for its recipients on December 14, 2005. The Federal Transit Administration (FTA) references the DOT LEP guidance in its Circular 4702.1A, -Title VI and Title VI-Dependent Guidelines for FTA Recipients, which was published on April 13, 2007. 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 sub-recipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance.

The City is a direct recipient of FTA funding and is required to develop and routinely update its LEP plan as part of its Title VI Program. The City's LEP plan is a critical component to best serving the transit needs of the diverse communities comprising its service area. Providing language assistance in a competent and effective manner will help ensure that the City's services are safe, reliable, convenient, and accessible to LEP persons in the service area. The Department of Transportation (DOT) LEP Guidance recommends that recipients develop an implementation

plan to address the needs of the LEP populations they serve.

The DOT LEP notes that effective implementation plans typically include the following five elements:

- 1) Identify the LEP individuals who need language assistance.
- 2) Provide verbal and written language assistance.
- 3) Train the appropriate staff.
- 4) Provide notice to LEP persons through advocacy organizations, PSA written and audio.
- 5) Monitor and update our LEP plan and procedures as appropriate.

Through a Memorandum of Understanding with the KCATA, we will utilize the KCATA Regional Call Center (RCC) and the language line (TeleLanguage) to provide customer assistance and travel information via telephone for those seeking to use the City's services.

## **XV. The "Four Factor Analysis"**

The DOT guidance outlines "four factors" recipients are to consider when assessing language needs and determining appropriate steps to ensure meaningful access to services for LEP services. Through conducting the "Four Factor Analysis," the city's staff is better positioned to formalize and implement a cost-effective and appropriate mix of proactive language assistance measures and to respond to requests for LEP assistance from constituents. The four factors are as follows:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- 2) The frequency with which LEP individuals come in contact with the program.
- 3) The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
- 4) The resources available to the recipient and the overall cost.

### **Factor 1: The proposed KC Streetcar Utilization and percentage of LEP Riders (Persons eligible to be served or likely to be encountered by the recipient).**

Potential riders of the Streetcar may come from any area within the greater Kansas City metropolitan area which encompasses fourteen counties including Caldwell, Cass, Clay, Clinton, Bates, Jackson, Johnson, Lafayette, Leavenworth, Linn, Miami, Platte, Ray and Wyandotte counties in the Greater Kansas City metropolitan area for Missouri and Kansas. However, the KC Streetcar service area was adjusted to examine the demographics of ten city municipalities that have a greater probability of utilizing the Streetcar. This area encompasses Kansas City, Kansas, Kansas City, Missouri, Riverside, Blue Springs, Lee's Summit, Raytown, Gladstone, Independence, Liberty, and N. Kansas City. As the most recent U.S. Census data is relatively outdated (2000-2010), we examined the 2010-2014 U.S. Census-American Community Survey 5-year estimates to determine the percentage of LEP riders in the Streetcar service area.

### **Demographics and Housing Estimates by percentage share**

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates-ACS Demographic and Housing Estimates

The Population Demographic and Diversity of population by percentage share for 2010-2014 is a total of 968,290 persons. Sixty-eight and four percent (68.4%) or 662,986 are White, 206,513 or 21.3% are Black, 110,187 persons or 11.3% are Hispanic (of any race), 22,037 or 2.2% are Asian, 4,733 or .48% are American Indian/Alaska Native and 2111 or .21% are Native Hawaiian/Pacific Islander. Three and two percent (3.2%) or 31,416 persons identified with two or more races and 38,494 or 3.9% were listed as some other race.

### **Review of Language spoken at Home and the ability to Speak English for Population Age 5 and Over according to 2010-2014 U.S. Census Data-American Community Survey 5-Year Estimates**

Examination of American Community Survey Estimates for 2010-2014 details the number of persons and the share of LEP persons for the total KC Streetcar Service area as 106,163 persons or 11.81%. This statistic illustrates that English is the dominant language with 88.18% or 792,101 persons over the age of five. Of the total population, the percentage share for Spanish is 7.82% or 70,262 persons, Asian/Pacific Islanders is 1.75% or 15,778 persons, Indo-European languages is 1.32% or 11,901 persons and .914% or 8,212 persons spoke “other languages” according to the data.

The FTA guidelines regarding the LEP population includes individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be identified as Limited English Proficient, or “LEP.” The data is categorized by the language groups spoken by respondents: “Spanish,” “Indo-European,” “Asian or Pacific Islander,” or “Other Languages.”

The population that speaks English less than “very well,” was estimated by summing the Census responses for Speak English “well,” “not well,” and “not at all.” The study determined that approximately 7.67% or 68,911 of the 898,264 individuals over the age of 5 in the Kansas City Streetcar service area speaks English less than “very well” and is characterized as LEP. The majority of the LEP population 31,434 or 3.49% of the total 898,264 non English speaking persons speaks Spanish. The remaining non-English speaking individuals speak one or more of the Indo-European (3.00%), Asian/Pacific Islander (0.73%), or Other languages (0.43%). The City analyzed this remaining LEP of 4.16% with the Safe Harbor provision.

**Table 1, 2010-2014 American Community Survey 5-Year Estimates, "ABILITY TO SPEAK ENGLISH"**

<b>KC Streetcar Authority Service Area</b>	<b>Population +5</b>	<b>Speak only English</b>	<b>Spanish</b>	<b>Indo-European</b>	<b>Asian or Pacific Islander</b>	<b>Other Languages</b>	<b>Estimated Total LEP Population</b>
<b>Total Population</b>	898,264	792,101	70,262	11,901	15,778	8,212	106,153
<b>Percentage Share of Total Population</b>	100%	88.18%	7.82%	1.32%	1.75%	0.914%	11.80%
<b>Safe Harbor Provision Consideration</b>			<b>LEP</b>	<b>X</b>	<b>X</b>		
<b>KC Streetcar Service Area</b>	898,264	792,101	70,262	11,901	15,778	8,212	106,153

**Safe Harbor Provision**

The Department of Transportation has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding language barriers due to national origin. The Safe Harbor Provision requires the translation of written materials for Limited English Proficient persons. Considering the safe harbor provision, the City considers the translation of written material if the LEP language group constituted 5% or 1,000 persons or more of the total population likely to be served by the streetcar. The Asian or Pacific Islander and the Indo-European groups each have more than 1,000 persons that are LEP, even though their percentage share of the LEP population for the KC Streetcar service area is less than 5% at 0.73% and 3.00% respectively.

The City program staff will monitor actual rider usage, census data releases, and rider surveys to identify and locate significant and emerging LEP populations. City staff will continually monitor this demographic and assess if future language assistance is needed for this specific group.

**Factor 2: The frequency with which LEP individuals come into contact with the program**

The City’s staff will participate in public meetings, customer service interactions and ridership. This will help us monitor and track which LEP individuals come in contact with the system, the various language needs, and the frequency with which they do so. The City of Kansas City, Missouri operates an Action Call Center (311) to provide customer service and information assistance via telephone. The City will maintain the KC Streetcar Project Hotline 816-804-8882

and website [www.kcstreetcar.org](http://www.kcstreetcar.org) for public contact.

The 311 Call Center will forward all calls regarding Title VI complaints to the Title VI Coordinator for investigation. The Title VI Coordinator will collect, analyze, and track the customer satisfaction rider surveys to determine the number and frequency of LEP riders and need for additional languages. The Title VI Notice to Public will be posted on the City's website, in the vehicles, shelter stops, vehicle maintenance facility and City Hall.

### **Factor 3: The nature and importance of service to people's lives**

Access to public transportation is critical for minority and LEP individuals who may not have personal transportation. The City anticipates public transportation riders have multiple travel needs that include rides to work, school, job interviews, grocery and retail stores, medical appointments, community and social service agencies, and entertainment. The primary location of the Main Streetcar route is within the government district and major employers; federal, state, county, and city agencies, the Kansas City, Missouri School District administrative office, the U.S. Postal Service, the Internal Revenue office, DST Systems, Truman Medical Center, Children's Mercy Hospital, Hallmark Cards, Housing Authority, law offices, KC Public Library, Crown Center Shopping, and the KCATA connection hub.

Although the streetcar has a limited initial service area, it has the potential for being a connection point or the final destination point for people going to work, shopping, conducting business or entertainment. The City's Streetcar transportation system may significantly impact the quality of people's lives. Additionally, major entertainment districts and sports arena are located within blocks of the Main Streetcar route. We will monitor and survey riders to determine how many LEP persons utilize the KC Streetcar and what the affected population considers to be an essential service. We will also ascertain the most effective means to provide language assistance.

### **Factor 4: The resources available for LEP outreach and the costs associated with that outreach**

Language resources include: KCATA's Call Center and TeleLanguage Line, internal City staff, and all existing City of Kansas City, Missouri Communications and Marketing tools. Cost for the language translation services and Call Center have been incorporated into a Memorandum of Understanding with the KCATA and the City's operations budgets. Annual costs will be determined by actual usage and incorporated into future annual budgets.

## **XVI. Implementing the KC Streetcar LEP**

### **Element 1: Identifying LEP individuals who need assistance**

U.S. Census 2010-2014 5-Year Estimates data indicates that Spanish-speaking LEP persons are the primary group requiring LEP assistance in the KC Streetcar service area. The KC Streetcar staff has and will provide and post written translation of major compliance and outreach documents for the Spanish speaking LEP group. The City will continue monitoring ridership to identify and locate emerging LEP populations.

Customer Satisfaction Survey: On an annual basis, in conjunction with other reporting requirements, the City will conduct a customer satisfaction survey which will be used to provide detailed information about passenger demographics and travel patterns. These customer satisfaction surveys will include LEP riders, their frequency and travel patterns, and route use. This important information will be helpful in future planning for schedules, peak capacity and understanding the needs of LEP riders.

Documenting Staff encounters with LEP at Public meetings: The City staff will interact with LEP persons at meetings and events to ascertain if their needs are being met, to proactively ensure we identify any language translation needs and address them.

## **Element 2: Providing language assistance measures**

Translation services: The City will provide written translated materials in Spanish for critical documents such as the City's Title VI Complaint Process, Complaint Forms and Notice to Public of Title VI Civil Rights. In addition, the 311 Call Center and KCATA's Regional Call Center will also provide oral translation services when needed.

Non-English Resources on websites: The City and Streetcar Authority staff will segment their websites ([www.kcmo.gov/humanrelations/about/](http://www.kcmo.gov/humanrelations/about/) and [www.kcstreetcar.org](http://www.kcstreetcar.org)) to provide critical links to translated documents, i.e. complaint procedures and forms, and other LEP matters. The City's staff will continue to develop this section of our website <http://www.kcstreetcar.org> and <http://www.kcmo.gov/humanrelations/about/>.

KC Streetcar Website translation: The City will use cost effective methods to provide translation services to the entire program website. Google translator is currently being used and researched for greater implementation.

Assisting LEP Persons on-board KC Streetcar vehicles: If an LEP passenger needs assistance while boarding a KC Streetcar vehicle, the operator will respond as best they can to the passengers' needs, seek assistance from a passenger who can translate or contact the 311 Call Center, KC Streetcar Project Hotline or the Regional Call Center for language assistance.

## **Element 3: Training staff**

In order to establish meaningful access to information and services for LEP individuals, the Title VI Coordinator will regularly interact with the riders, operators, and LEP general public and will arrange and/or conduct staff training for new and current employees as well as refresher courses when needed. Executive staff will be trained on the LEP plan to reinforce its importance and ensure its implementation. The Title VI Coordinator will train staff in the Human Relations Department, Communications, KC Streetcar Operations, and the KCMO ACTION Call Center regarding the LEP plan and the services and programs available to LEP customers.

## **Element 4: Providing notice to LEP persons of the availability of language assistance**

The City will provide notice to LEP residents that language assistance is available free of charge:

Websites and Streetcar Hotline:

LEP residents can access Kansas City, Missouri Human Relations website at <http://www.kcmo.gov/humanrelations/about/> and the KC Streetcar website at [www.kcstreetcar.org](http://www.kcstreetcar.org) for information about the Streetcars services. LEP individuals can also access KC Streetcar Project Hotline (816) 804-8882 for Streetcar information.

Local non-English newspapers: The City's staff will continue to issue media releases in local non-English newspapers, Dos Mundos, KC Hispanic News, and newspapers publicizing the language assistance offered.

Direct engagement with LEP populations and community organizations:

The Title VI Coordinator will seek to identify and engage LEP populations in the community by providing written materials describing the public transportation services and related language assistance services available utilizing religious organizations, advocacy and community groups, schools and other entities where large amounts of the LEP population can be accessed.

Any person or agency with Internet access will be able to access and download the LEP plan. Alternatively, any person or agency may request a copy of the complaint procedures, via telephone, email, fax, mail, or in person and a copy of shall be provided at no cost. Request for copies may also be directed to: Kansas City, Missouri, 414 East 12<sup>th</sup> St., 4th Fl., Human Relations Department Title VI Compliance Officer, Kansas City, Missouri 64106, 816-513-1836.

**Element 5: Monitoring and updating the plan**

The City's staff will review its LEP plan on an annual basis to ascertain whether the plan is meeting the needs of the LEP population. These needs will be determined through customer satisfaction surveys, feedback from public contact with the LEP population, and analysis of census data to acknowledge shifting demographics in the area served by the streetcar.

Anticipated updates include the incorporation of updated Census data, LEP ridership trends identified through our annual customer satisfaction surveys, public comments about the LEP Plan, and triennial Title VI program submissions.

As the direct recipient of Federal Transit Administration funds for the KC Streetcar the KCMO Human Relations Department staff is responsible for ensuring that it complies with Title VI general reporting requirements outlined in FTA's Circular 4702.1B.