

# Appendix 7: Limited English Efficiency Plan

MARC's Limited English Proficiency Plan, updated in October 2022, is available online at <https://www.marc.org/transportation/metropolitan-planning/equity-and-civil-rights> and on the following pages of this document.

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## Mid-America Regional Council Limited English Proficiency Plan

Greater Kansas City Metropolitan Planning Boundary  
Updated October 2022

### MARC's Limited English Proficiency Policy:

Engaging the diverse population within the Kansas City area is important. MARC is committed to providing quality services to all citizens, including those with limited English proficiency.

### Background and Analysis:

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 considered limited English proficient, or LEP. These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

According to the U.S. Department of Transportation's (USDOT) Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, "Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use the 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."

Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance. Recipients of USDOT assistance that are subject to LEP requirement include:

- State departments of transportation.
- Metropolitan planning organizations (MPOs).
- Regional transportation agencies.
- Regional, state and local transit operators.
- State and local agencies with emergency transportation responsibilities (e.g., transportation of supplies for natural disasters, planning for evacuations, quarantines, and other similar actions).

The Mid-America Regional Council (MARC) serves as the MPO for the Kansas City metropolitan area. LEP requirements extend to all MPO programs or activities, even if some activities are not funded by federal assistance. Subrecipients are also covered in cases when federal funds are passed through from a recipient to a subrecipient.

The USDOT recommends four factors that should be analyzed by federally assisted agencies and programs to determine the level and extent of language-assistance measures required to sufficiently ensure meaningful access to programs, activities, and services within the MPO's area of responsibility. After conducting the four-factor analysis, the MPO is

in a better position to implement a cost-effective mix of proactive language-assistance measures, target resources appropriately, and to respond to requests for LEP assistance from constituents.

**The four factors to be considered are:**

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency the LEP individuals come into contact with programs, activities, and services.
3. The importance of programs, activities and services, to LEP persons.
4. Resources available to the recipient and costs.

Which specific steps should be taken will depend on the information gathered from Census and other data, from fieldwork with LEP individuals and the organizations that serve them, and from analysis of agency resources and the costs of providing language assistance.

## **Meeting the requirements**

**Safe Harbor Stipulation:**

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A safe harbor means that as long as a recipient (in MARC’s case, the MPO) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis. Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

The safe harbor provision applies only to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters, where oral language services are needed and reasonable to provide.

**Providing Notice to LEP Persons:**

U.S. DOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Example methods for notification include:

1. Signage that indicates when free language assistance is available with advance notice;
2. Stating in outreach documents that language services are available;
3. Working with community-based organizations and other stakeholders to inform LEP individuals of MARC’s MPO services and the availability of language assistance;
4. Using automated telephone voice mail or menu to provide information about available language-assistance services;
5. Including notices in local newspapers in languages other than English;
6. Providing notices on nonEnglish-language radio and television about MARC’s MPO services and the availability of language assistance; and
7. Providing presentations and/or notices at schools and community-based organizations about available language services.

## Four-Factor Analysis:

### Factor 1: The Number and Proportion of LEP Persons in the Eligible Service Area

The first step in understanding the profile of individuals that could participate in the transportation-planning process is a review of U.S. Census data. Table 1 displays the primary language spoken and number of individuals that are LEP. For planning purposes, we are considering people that speak English “less than very well” and only the top three language groups are included in the analysis.

**Table 1 – Language Spoken at Home by the Ability to Speak English for the Population Age 5 and Over**

	Speak English Less than Very Well		Speak only English		Speak Spanish		Speak Indo-European Language		Speak Asian or Pacific Island Language		Speaks other Language		
	Population	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Missouri</b>													
Cass	98,474	1,053	1.1%	94,862	96.3%	2,430	2.5%	583	0.6%	503	0.5%	96	0.1%
Clay	230,568	5,837	2.5%	214,369	93.0%	6,681	2.9%	2,911	1.3%	3,745	1.6%	2,862	1.2%
Jackson	654,665	24,858	3.8%	592,602	90.5%	38,877	5.9%	7,738	1.2%	8,464	1.3%	6,984	1.1%
Platte	96,615	2,188	2.3%	88,879	92.0%	2,863	3.0%	1,416	1.5%	2,034	2.1%	1,423	1.5%
<b>Kansas</b>													
Johnson	559,817	24,496	4.4%	492,847	88.0%	28,228	5.0%	15,505	2.8%	16,228	2.9%	7,009	1.3%
Leavenworth	76,248	890	1.2%	72,754	95.4%	2,134	2.8%	586	0.8%	640	0.8%	134	0.2%
Miami	31,826	259	0.8%	30,981	97.3%	535	1.7%	137	0.4%	165	0.5%	8	0.03%
Wyandotte	152,300	21,699	14.2%	110,371	72.5%	33,362	21.9%	2,108	1.4%	5,337	3.5%	1,122	0.7%
<b>Total</b>	<b>1,900,513</b>	<b>81,280</b>	<b>4%</b>	<b>1,697,665</b>	<b>89%</b>	<b>115,110</b>	<b>6%</b>	<b>30,984</b>	<b>2%</b>	<b>37,116</b>	<b>2%</b>	<b>19,638</b>	<b>1%</b>

Source: U.S. Census Bureau, 2019 ACS 1-year Estimates

Language	Speak English less than “very well”	Percent of population in service area
Spanish	50,947	2.53%
French (including Cajun)	1,413	0.07%
Haitian	0	0.00%
Italian	367	0.02%
Portuguese	798	0.04%
German	629	0.03%
Yiddish, Pennsylvania Dutch or other West Germanic languages	128	0.01%
Greek	95	0.00%
Russian	634	0.03%
Polish	155	0.01%
Serbo-Croatian	293	0.01%
Ukrainian or other Slavic languages	333	0.02%
Armenian	0	0.00%
Persian (including Farsi and Dari)	1,495	0.07%
Gujarati	76	0.00%
Hindi	558	0.03%
Urdu	337	0.02%
Punjabi	269	0.01%
Bengali	254	0.01%
Nepali, Marathi, or other Indic languages	165	0.01%
Other Indo-European languages	0	0.00%
Telugu	514	0.03%
Tamil	0	0.00%
Malayalam, Kannada, or other Dravidian languages	267	0.01%
Chinese (including Mandarin and Cantonese)	4,661	0.23%
Japanese	265	0.01%
Korean	1,079	0.05%
Hmong	506	0.03%
Vietnamese	3,044	0.15%
Khmer	57	0.00%
Thai, Lao, or other Tai-Kadai languages	673	0.03%
Other languages of Asia	3,875	0.19%
Tagalog (including Filipino)	738	0.04%
Ilocano, Samoan, Hawaiian, or other Austronesian languages	790	0.04%
Arabic	3,452	0.17%
Hebrew	231	0.01%
Amharic, Somali, or other Afro-Asiatic languages	2,057	0.10%
Yoruba, Twi, Igbo, or other languages of Western Africa	308	0.02%

Source: U.S. Census 2019 ACS 1-year Estimates

Language	Speak English less than “very well”	Percent of population in service area
Swahili or other languages of Central, Eastern, and Southern Africa	2,473	0.12%
Navajo	0	0%
Other Native languages of North America	10	0%
Other and unspecified languages	56	0%
Total Speak English “less than very well”	84,002	4.16%
Total Service Population	2,017,248	

According to the 2020 U.S. Census and the 2019 American Community Survey approximately 4% of the population in the metropolitan area speaks English less than very well. Using language spoken at home as a surrogate for English proficiency data suggests that the majority of the non-English speaking persons would speak Spanish (approximately 61% or 51,000 of the 84,000 non English Speaking persons). The remaining non-English speaking persons would speak one of the Indo-European or Asian/Pacific Island languages. Data does not indicate that 5 percent or more of the population speak a specific language within one of these language categories other than Spanish. Conclusion: Spanish is the most dominant language spoken by LEP individuals in the MPO area, and should be the focus of any translation or language assistance activities.

Data suggest that Chinese and Arabic (approximately 5,000 Chinese and 3,500 Arabic but less than 0.4% percent of the service population) are growing populations within the MARC area of individuals who do not speak English very well. Data further suggest that these individuals do not frequently interact with MARC programs. Due to the infrequent contact and cost associated in translation services MARC elects not to translate its documents into Chinese or Arabic at this time. MARC will actively monitor the frequency, location and interaction with these populations and effectively provide translation services as warranted.

**Factor 2: The Frequency in which LEP Persons Encounter MPO Programs**

The analysis identified Spanish as the most prevalent language spoken by LEP individuals in MARC’s MPO service area. The analysis further reveals that LEP individuals comprise less than 5 percent of the region’s 1.8 million people, and their contact with the MPO is infrequent and generally not predictable. The small, but growing, size of the LEP population in the region will likely increase the probability of future contact with the MPO. However, to date, no requests for language-assistance services have been made by LEP individuals.

Participation with MPO services by ethnicity									
White or Caucasian	Black or African American	Hispanic/ Latinx	Asian or Pacific Islander	American Indian or Alaska Native	Another race	More than one race	Prefer not to say	LEP	Total
663	31	28	15	0	8	15	56	0	<b>816</b>

Source: 2019 Connected KC 2050 public meeting surveys

**Factor 3: The Importance of the Service Provided by the MPO Program**

MARC’s MPO programs use federal funds to plan for future transportation projects, but do not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Further, the MPO does not conduct required activities such as applications, interviews or other activities prior to participation in its programs or events. Involvement by any citizen with the MPO or its committees is voluntary.

However, the MPO must ensure that all segments of the population, including LEP persons, have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the federal environmental justice program and policy. The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three major areas for the MPO:

- The annual Unified Planning Work Program (UPWP)
- Five-year Transportation Improvement Program (TIP)

- Four-year Long-Range Transportation Plan (LRTP)

Inclusive public participation is a priority consideration in other MPO plans, studies and programs as well. Transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The MPO encourages input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible.

As a result of the long-range transportation planning process, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies to ensure LEP individuals can participate in the process that shapes where, how and when a specific transportation project is implemented.

**Factor 4: The Resources Available and Overall MPO Cost**

The MPO has traditionally budgeted between \$2,500 to \$3,500 annually for printing product documents, brochures and other public participation material. Estimated cost for full translation services ranges from \$15,200 to \$28,800 almost eight times the average printing budget and a tenth of the MPO’s overall administrative budget.

**Estimated Document Translation Cost**

Vital Documents		TIP	MTP	Public Participation Plan	UPWP	Total
Number of Words		26,477	99,459	4,748	22,216	
Cost per word	0.19	\$5,030.63	\$18,897.21	\$902.12	\$4,221.04	\$29,051.00
	0.14	\$3,706.78	\$9,945.90	\$664.72	\$3,110.25	\$17,427.35

Source: 2020 document translation services proposals

Considering the size of the LEP population in MARC’s MPO area and current financial constraints, full multilanguage translations of large transportation-planning documents and maps is not warranted at this time. However, continued growth of the MPO area and its Spanish-speaking population makes offering Spanish translations a sound community investment.

**Implementation**

Based on the current low levels of residents with limited English proficiency in the MARC MPO area and the limited interaction with MARC, a full LEP plan is not necessary at this time. However, engaging the diverse population within the region is important and therefore MARC has completed the following Limited English Proficiency Plan for providing limited language-assistance services to the LEP population in the MARC region.

All language assistance activities detailed below will be coordinated by MARC’s LEP Coordinator in collaboration with MARC staff.

**Training and Identifying LEP Individuals Who Need Language Assistance**

Key staff at MARC offices uses language identification cards when first encountering an LEP individual. These cards, developed by the U.S. Census Bureau, have the phrase “Mark this box if you read or speak [name of language]” translated into 38 different languages. It was developed by the Census Bureau and is used by government and non-government agencies to identify the primary language of LEP individuals during face to face contacts. The Census Bureau’s Language Identification Flashcard can be downloaded for free at <https://www.lep.gov/translation#toc-language-identification-and-i-speak-cards>

The Language Identification flashcards are made available at public meetings and the front desk of the MARC offices. Once a language is identified, the LEP coordinator or relevant point of contact is notified to assess feasible translation or oral interpretation assistance.

**Language Assistance Measures:**

Language assistance will be provided for LEP individuals through the translation of some key materials, as well as through oral interpretation when necessary and possible.

**Translation of Written Materials:**

Translation of all MARC MPO plans and materials is not possible due to cost restrictions, and the fact that current

population levels do not warrant such translations. However, MARC will provide the following translated materials:

- Key Documents' executive summaries for the following identified key documents will be made available in Spanish:
  - (a) Long-range transportation plan
  - (b) Transportation Improvement Program
  - (c) Unified Planning Work Program
- Notices of official actions and opportunity for public comment – Spanish-language translations will continue to be provided for newspaper advertisements notifying the public of opportunities to comment on proposed changes to the MPO's long-range transportation plan, Transportation Improvement Program, Unified Planning Work Program, and Public Participation Plan. These translations are published in local circulation newspapers that target Spanish-speaking persons.
- Outreach materials – Spanish-language outreach materials from organizations such as federal, state and local transportation agencies will be made available, when possible. The LEP coordinator will keep a list of such materials.
- Current MARC outreach materials will be translated on a case-by-case basis. However, MARC will consider requests to provide key outreach materials in Spanish as new materials are developed. Documents that are in Spanish are:
  - Public Participation Plan
  - Title VI Brochure
  - Citizen's Guide to Transportation Decision Making
- MARC website – MARC is currently assessing cost and infrastructure needs to efficiently modify MARC's website to allow translation services, such as the Google Translate program (<http://translate.google.com>) that will allow users to view HTML content in other languages.

### **Oral Language Services:**

MARC will provide some oral interpretation services to Spanish-speaking LEP individuals. In order to provide these services, the LEP coordinator should do the following:

- Maintain a list of points of contact where a LEP person interacts with the organization.
  - Currently the anticipated key points of contact for LEP individuals are the front-desk receptionist and the LEP coordinator. As interaction with LEP individuals increases, additional points of contact should be identified.
- Identify, by language spoken, employees who fluently speak and/or write a language other than English. Detail which of these employees are also able to act as interpreters.
  - An inventory of staff language capabilities has been established and is maintained by the LEP coordinator.
- Create a list of outside sources that can provide oral translation services (including both paid and unpaid services). Outline the cost of these services. Identify budget and personnel limitations.
  - A list of paid and unpaid translation services, as well as associated costs, is being developed and will be updated and expanded on an annual basis.

### **Staff Training:**

In order to establish meaningful access to information and services for LEP individuals, staff that regularly interacts with the public, and those who will serve as translators or interpreters, are trained yearly on MARC's LEP policies and procedures as outline above in the "Training and Identifying LEP Individuals Who Need Language Assistance" section. Yearly training ensures that staff members are effectively able to work in person and/or by telephone with LEP individuals. MARC management staff is included in this training, even if they do not interact regularly with LEP persons, to ensure that they fully understand the plan, so they can reinforce its importance and ensure its implementation by staff.

### **Providing Notice of Available Language Service to LEP Persons:**

MARC has established the following methods to inform Spanish-speaking LEP individuals, supporting organizations, as well as the general public, of available no-fee LEP services.

- Posting information – MARC should post information at the front-desk reception area to notify LEP individuals of any available services to translate MARC MPO oral or written program material, and how to obtain these services.

- Outreach documents — Key outreach documents should include a notice that some language assistance services are available. This notice will be listed in Spanish and English.
- Community organizations — MARC should notify area community-based organizations and other stakeholders of available language-assistance services.
- Public notices — MARC should periodically issue notices, in Spanish and English, about available LEP services to translate MPO oral or written program material in local Spanish-language newspapers in the region.

Current budget and staff limitations preclude MARC from implementing all available notification techniques. However, in the future, MARC may consider additional notification methods, such as:

- Automated telephone voice mail attendant or menu system – provides information about available language-assistance services and how LEP individuals can obtain access.
- Radio announcements – provide notices on area Spanish-language radio stations about available language-assistance services and how to obtain access.
- Community presentations – provide presentations and/or notices in Spanish at schools and religious organizations.

### **Monitoring and Updating the LEP Plan:**

MARC monitors changing population levels and the language needs of LEP individuals in the region. An annual review of this LEP plan coincides with the annual evaluation of the public participation activity and the Title VI program. Evaluation results and recommended changes are shared with MARC's Total Transportation Policy Committee (TTPC). The LEP Coordinator keeps a record of any LEP services provided and makes this information available during the annual review process.

In the connection with updates to MARC's Title VI Program and Public Participation Plan, MARC may use some of the following tools to conduct further assessment:

1. Conduct surveys or focus groups.
2. Develop an evaluation process to assess LEP service provision.
3. Establish a tracking system to collect primary-language data for individuals that participate in programs and activities.

MARC will determine the appropriate mix of written and oral language communications for LEP individuals — to include but not limited to — translations, on paper, over the Internet, interpreter assistance, or by working with local organizations that serve LEP persons in the Kansas City metropolitan region.

### **Contact:**

MARC will respond to reasonable requests for LEP consideration in its programs and activities.

In order to request assistance or to discuss LEP issues, please contact:

Limited English Proficiency Coordinator  
 Mid-America Regional Council  
 600 Broadway, Suite 200  
 Kansas City, Missouri 64105  
 Phone: 816-474-4240  
 Fax: 816-421-7758

To file a complaint regarding LEP activities, please fill out the Title VI complaint form available at <https://www.marc.org/title-vi-complaint-form>

Should an LEP complaint be filed, the Title VI review process will be followed.

More information on filing an LEP complaint with the Department of Justice can be found at <https://www.justice.gov/crt/how-file-complaint>.