

# ARIZONA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS OFFICE

## TITLE VI NONDISCRIMINATION PROGRAM 2021 LIMITED ENGLISH PROFICIENCY PLAN



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# LIMITED ENGLISH PROFICIENCY (LEP) PLAN

The Arizona Department of Transportation (ADOT) in the course of routine business matters related to its programs and activities will make efforts to effectively communicate with all members of the public. Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. ADOT’s LEP Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibits recipients of Federal financial assistance from discrimination based on national origin.

## Authorities

The following matrix illustrates legal and policy considerations that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible persons
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons meaningful access to services using factor criteria under federally-funded programs
Annual Accomplishments and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA

## Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various ADOT Program Areas.

Each program area will be responsible for conducting a Four Factor Analysis and ensuring compliance with LEP requirements on a project by project basis. Quarterly, ADOT Program Area Title VI Liaisons will provide CRO documentation of Four Factor Analysis conducted on a project by project basis. The CRO will conduct a secondary examination to ensure accuracy and consistency of the application of the Four Factor analysis, and provide feedback when necessary or required. On a quarterly basis CRO will also analyze Four Factor results to identify potential disparate impacts to be addressed with the program

area. Lastly the CRO reviews all Title VI Meeting Summaries required to be submitted within two weeks by program areas who have convened a public meeting to ensure compliance with ADOT’s LEP Plan.

Activity	Responsibility ADOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis)	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

**Program Areas will use the below LEP Four Factor Analysis**

**Factor 1:** Identify the number or proportion of LEP persons eligible to be served or likely to be encountered by an ADOT Program/Project

**Factor 2:** Identify the frequency in which LEP persons encounter the ADOT Program/Project

**Factor 3:** Identify the nature and importance of program, activity or service provided by the ADOT Program/Project

**Factor 4:** Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the ADOT Program/Project

**AGENCY LEP FOUR-FACTOR ANALYSIS**

(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA’S RESPONSIBILITY TO CONDUCT THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)

In developing this plan; ADOT undertook a U.S. Department of Transportation LEP Four Factor Analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services.

Based on Arizona populations, Spanish and Navajo have been identified as the highest LEP languages and thus most likely to be encountered. The following chart identifies the languages by county that meet the Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

## State of Arizona Limited English Proficient Languages that meet the \*Safe Harbor Threshold by Counties

County	Language	Percent	Speak English less than "very well"	Total Population
Apache	Navajo	10.97%	7,289	66,467
Cochise	Spanish or Spanish Creole	8.56%	10,387	121,324
Coconino	Navajo	3.73%	4,792	128,315
Coconino	Spanish or Spanish Creole	2.04%	2,618	128,315
Gila	Spanish or Spanish Creole	2.32%	1,162	50,166
Graham	Spanish or Spanish Creole	4.05%	1,396	34,459
Greenlee	N/A	N/A	N/A	8,389
La Paz	Spanish or Spanish Creole	8.12%	1,575	19,403
Maricopa	Spanish or Spanish Creole	7.49%	280,415	3,745,433
Maricopa	Chinese	0.28%	10,653	3,745,433
Maricopa	Vietnamese	0.28%	10,582	3,745,433
Maricopa	Arabic	0.16%	5,890	3,745,433
Maricopa	Tagalog	0.13%	5,010	3,745,433
Maricopa	Other Asian languages	0.11%	4,225	3,745,433
Maricopa	African languages	0.11%	4,173	3,745,433
Maricopa	Korean	0.09%	3,388	3,745,433
Maricopa	Serbo-Croatian	0.08%	2,839	3,745,433
Maricopa	Other Indo-European languages	0.06%	2,367	3,745,433
Maricopa	Persian	0.06%	2,294	3,745,433
Maricopa	French	0.06%	2,137	3,745,433
Maricopa	Other Indic languages	0.06%	2,118	3,745,433
Maricopa	Other and unspecified languages	0.05%	1,932	3,745,433
Maricopa	Russian	0.04%	1,633	3,745,433
Maricopa	German	0.04%	1,624	3,745,433
Maricopa	Other Pacific Island languages	0.04%	1,456	3,745,433
Maricopa	Japanese	0.04%	1,314	3,745,433
Maricopa	Thai	0.03%	1,243	3,745,433
Maricopa	Polish	0.03%	1,124	3,745,433

County	Language	Percent	Speak English less than "very well"	Total Population
Maricopa	Hindi	0.03%	1,124	3,745,433
Maricopa	Navajo	0.03%	1,116	3,745,433
Mohave	Spanish or Spanish Creole	3.31%	6,410	193,644
Navajo	Navajo	6.36%	6,340	99,646
Navajo	Spanish or Spanish Creole	1.55%	1,549	99,646
Navajo	Other Native North American languages	1.29%	1,284	99,646
Pima	Spanish or Spanish Creole	6.77%	63,489	938,413
Pima	Chinese	0.30%	2,817	938,413
Pima	Vietnamese	0.18%	1,688	938,413
Pima	Arabic	0.13%	1,175	938,413
Pinal	Spanish or Spanish Creole	5.42%	19,739	364,260
Santa Cruz	Spanish or Spanish Creole	26.54%	11,576	43,619
Yavapai	Spanish or Spanish Creole	3.05%	6,300	206,720
Yuma	Spanish or Spanish Creole	22.75%	42,727	187,835

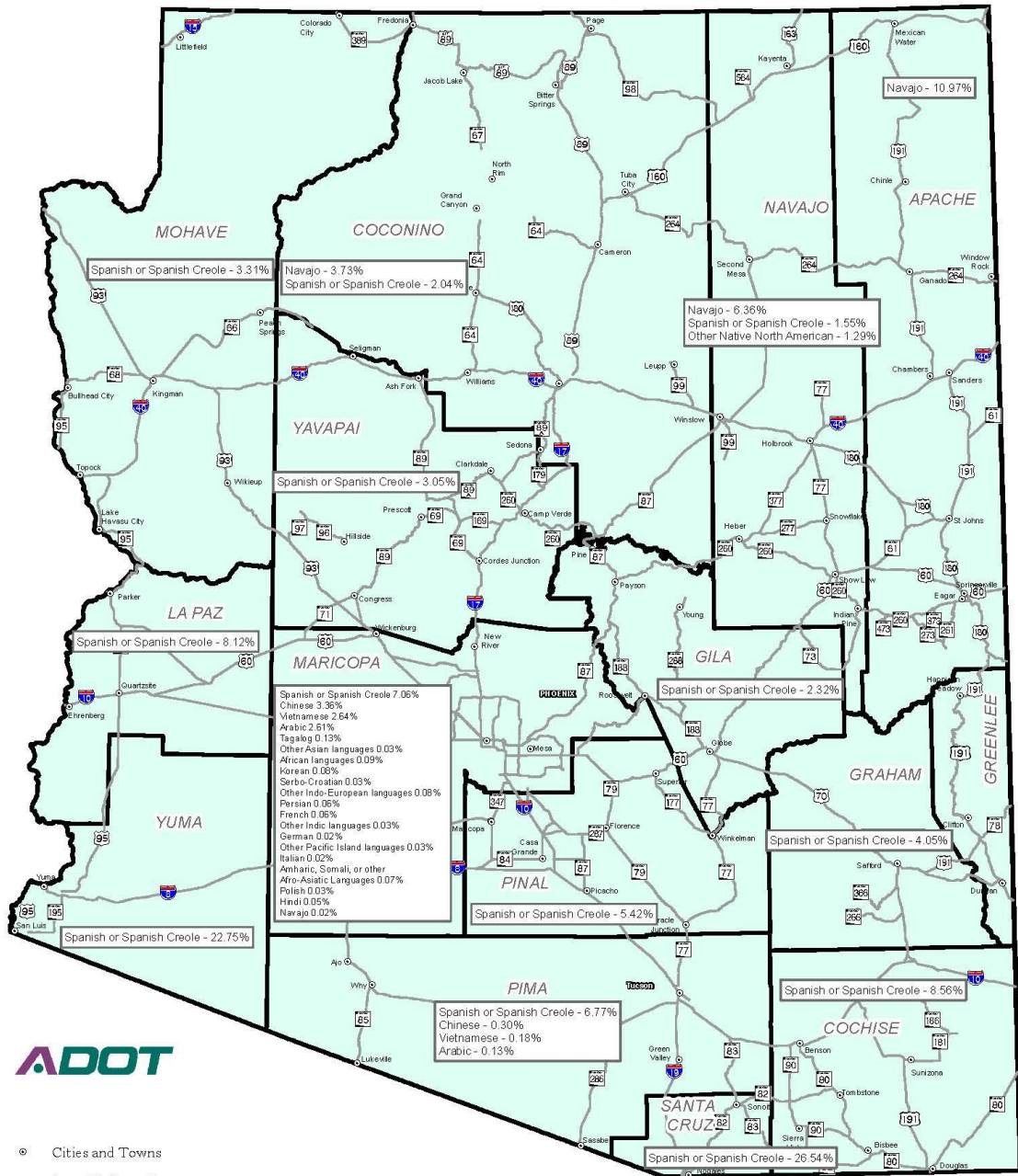
Source: U.S. Census Bureau (2015). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2011-2015 American Community Survey 5-Year estimates. Retrieved June 23, 2021 from:

<https://data.census.gov/cedsci/table?q=ACSDT1Y2018.B16001&g=0400000US04&tid=ACSDT5Y2015.B16001&hidePreview=true> .

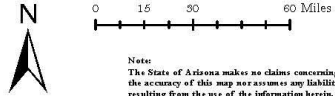
*\*Safe Harbor Threshold for written translations only: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.*

# Limited English Proficient (LEP) -

Percent of Population of Arizona Counties That Speak English Less Than "Very Well"



- ⊙ Cities and Towns
- State Highway System
- County
- Language and percentage of population in the county that speak English less than "very well"



\*Language Spoken at Home by ability to speak English for the population 5 years and over in Arizona Counties 2011-2015 American Community Survey 5-Year Estimates  
 \*\*Source: U.S. Census Bureau (2016). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2011-2016. American Community Survey 5-Year estimates. Retrieved July 7, 2018 from [https://factfinder.census.gov/aces/data/profiles/www.html?tid=ACSL15\\_5YR\\_E16001&prodType=table](https://factfinder.census.gov/aces/data/profiles/www.html?tid=ACSL15_5YR_E16001&prodType=table).  
 \*Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

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2) The frequency with which LEP individuals come in contact with ADOT programs and services.

ADOT program areas identified to have the highest public interactions are listed below:

- Motor Vehicle Division
  - Customer Service Program
  - Specialty Registration and Licensing Program
  - Division Operational Support Services
  - Commercial Licensing Program
  - Regulatory  
(Third Party Program)
- Communications
  - Community Relations
  - Public Information
- Enforcement and Compliance Division
  - Office of Inspector General
  - Enforcement Services Program
- Executive Hearing Office
- Business Operations
  - Civil Rights Office
  - Human Resources
  - Employee and Business Development Office
  - Audit and Analysis
  - Administrative Services Division
    - Procurement
    - Grand Canyon National Park Airport
- Infrastructure Delivery and Operations Division (IDO)
  - Engineering Consultant Section
  - Construction Group and Materials
  - Contracts and Specifications
  - Local Public Agency
  - Joint Project Agreement Section
  - Environmental Planning Group
  - Right of Way
  - Project Management Group
  - Public Private Partnership (P3) Initiatives
  - Multimodal Planning Division
    - Aeronautics
    - Transit
    - Major Projects

- Grant Coordination
- Research
- Transportation Analysis
- Planning and Programming
- Tribal Planning and Coordination
- Safety
- Administrative Functions
- Transportation Systems Management and Operations (TSMO)
  - Systems Maintenance
  - Emergency Management
  - Traffic Maintenance
  - Geospatial Analysis

3) The nature and importance of the program, activities or services provided by ADOT to LEP persons.

All of ADOT’s programs are important; however, ADOT has identified those related to safety, public transit, ROW, environmental planning, community relations and public information are among the most important and likely to have the highest LEP interactions.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to continue to provide alternative and meaningful language formats to all LEP persons. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

4) The resources available to ADOT and overall cost to provide LEP assistance.

ADOT makes every effort to make its programs, services and activities accessible to LEP individuals. ADOT displays Title VI Nondiscrimination Notices in both English and Spanish in conspicuous locations within its facilities, public rest areas, and at public meetings both in-person or virtual. Additionally, Title VI/ADA Complaint Procedures, and Title VI Informational brochures are distributed by program areas that come into contact with the public in both English and Spanish. Nondiscrimination language in both English and Spanish is also displayed on external notices/communications to the public to request language assistance. ADOT will continue to use available resources, both internal and external, to accommodate reasonable requests for translation and interpretation services free of cost, regardless of the language, when requested within reasonable notice.

ADOT has identified the following resources for LEP:

- 1) List containing direct contact information for ADOT staff who have volunteered to assist as interpreters and/or translators if needed. Lists will be verified and updated annually for each program area by the Title VI Liaison and will be published on the



ADOTNet under the “FHWA Title VI Liaison Resources” tab as an internal employee resource.

- 2) Program areas that have contact with the public will use the US Census “I Speak” language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- 3) Use of web based translation and telephonic interpretation services under contract with ADOT, when required.
- 4) Each program area maintains a list of translation and interpretation services for use, when required.
- 5) All ADOT program areas procure interpretation and or translation services through the Arizona Procurement Portal (APP) which lists ADOT “on-contract” interpretation and or translation vendors.

ADOT CRO makes the below Title VI information, available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public
- 2) Complaint Procedures
- 3) Complaint Form
- 4) Title VI Informational Brochures
- 5) Self-Identification Cards to voluntarily collect demographic data
- 6) Outgoing voice message for CRO’s main phone line

### **DOT Safe Harbor Stipulation**

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “Speaks English less than very well” by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less, of the population to be served) ADOT must provide translation of vital documents (e.g., Notice of Nondiscrimination, Complaint Procedure and Complaint Form) in written format for LEP persons.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analysis. For example, if a language does not meet the Safe Harbor Threshold, and a document is not considered "vital", then a written translation would not be necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong 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% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

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

#### **CONCLUSION:**

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the ADOT's commitment to nondiscrimination or to request additional information about LEP services, contact Felicia Beltran, Title VI Nondiscrimination Program Coordinator at [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov), 602-712-8946.

#### **LEP Guidance and Resources**

The guidance documents and the resources listed below are provided to assist ADOT's program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- [The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.](#)
- [The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000](#)
- [U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001](#)
- [United States Census 2010 Language Identification Flashcard](#)
- [LEP.gov website](#)