

established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for PCDOT to be able to process it.

e. Allegations received by telephone will be transcribed and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to PCDOT for processing.

f. PCDOT will submit the complaint to ADOT's Civil Rights Office (CRO). Within 45 calendar days of the acceptance of the complaint, the ADOT investigator will prepare a draft investigative report for the review of the ADOT CRO Deputy Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

g. ADOT's final investigative report with the preliminary findings and a copy of the complaint will be forwarded by certified mail to either the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), or National Highway Traffic Safety Administration (NHTSA); within 60 calendar days of the acceptance of the complaint, per 23 CFR 200.9(b)(3).

## Limited English Proficiency (LEP) Program

As both the recipient of and programming agency for some types of federal funding, PCDOT has the responsibility to follow federal nondiscrimination laws and policies as well as assist with the compliance of recipients of the federal funding that are programmed through PCDOT's processes. The Civil Rights Act of 1964, as well as several issued Executive Orders, outlines these responsibilities.

Executive Order 13166, titled "Improving Access to Services to Persons with Limited English Proficiency," indicates that in some circumstances differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. This order applies to all state and local agencies which receive federal funding.

This Limited English Proficiency (LEP) Plan provides direction on how PCDOT will stay compliant with these provisions and it was prepared in accordance with Title VI of the Civil Rights Act of 1964.

It is the policy of PCDOT to ensure that its programs and activities are accessible to persons with Limited English Proficiency (LEP) and thus does not discriminate on the basis of national origin in violation of the Title VI prohibition against national origin discrimination. PCDOT will, to the maximum extent feasible, provide appropriate alternative non-English formats for persons with LEP to access PCDOT information and services in its official deliberations and communications, community outreach, and related notifications, if requested.

As previously outlined above, any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination may file a complaint, the process for which has also been defined above. The referring documents, along with the Discrimination Complaint Form, will be provided on the PCDOT website at [www.pima.gov/government/transportation](http://www.pima.gov/government/transportation).

## PLAN ASSESSMENT

As a recipient of federal funding, PCDOT pledges to take reasonable steps to ensure that all members of the community, regardless of their proficiency to understand English, have the opportunity for meaningful access to all of PCDOT’s planning and programming processes. The US Department of Transportation (US DOT) provides guidance on conducting a four-factor analysis to determine what language assistance is appropriate, the analysis of which has been conducted by the Pima Association of Governments (PAG), the regional Metropolitan Planning Organization (MPO) to which Pima County is a member jurisdiction. Due to the similarity in the service area between PAG and PCDOT, PCDOT will use the data compiled and analyzed by PAG in its own LEP Plan until it determines that such information is either no longer applicable or insufficient for PCDOT’s purposes or processes.

The factors recommended for analysis according to US DOT guidance include:

- Factor 1: The number or proportion of LEP persons served by the service area
- Factor 2: The frequency with which LEP individuals come in contact with the programs
- Factor 3: The importance of the service provided by programs
- Factor 4: The resources available and the overall cost

PAG and PCDOT’s combined analysis of the four factors is provided below:

### **Factor 1: The Number or Proportion of LEP Persons Served by the Service Area**

PAG reviewed U.S. Census Bureau data for the percentage of population in Pima County that indicated that they spoke English “less than very well.”

Languages Spoken at Home in Pima County by LEP Persons who Speak English "less than very well" (US Census Bureau's 2006-2010 American Community Survey)						
	Total Population	LEP Population	% Total Non-LEP Population	% Total LEP Population	% Total LEP Population that Speaks Spanish	% Total LEP Population that Speaks Language Other

						Than Spanish
Pima County	901,096	85,211	90.54%	9.46%	7.89%	1.57%
Tucson	482,208	59,212	87.72%	12.28%	10.43%	1.85%

Further, the data was analyzed to determine which language(s) were the primary languages spoken by those who spoke English "less than very well." Spanish was the predominant primary language in the PAG/PCDOT service area of those who indicated that they spoke English "less than very well."

Top Three Languages Spoken at Home in Pima County by LEP Persons who speak English "less than very well" (US Census Bureau's 2006-2010 American Community Survey)								
Population 5 years and older	Number of LEP Persons	Percent of Total that are LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak Chinese		LEP Persons who Speak Vietnamese	
			Total	Percent of Total	Total	Percent of Total	Total	Percent of Total
901,096	85,211	9.46%	71,079	7.89%	2,888	0.32%	1,826	0.20%

It was determined that it was not cost effective to take specific actions for languages of the LEP populations other than Spanish, all being less than 1 percent, unless a specific request was made for an accommodation, and PCDOT agrees with this assessment.

**Factor 2: The Frequency with which LEP Individuals Come in Contact with Programs**

Transportation planning is an area that affects everyone in Pima County. As such, PCDOT believes that an effort should be made to provide the Spanish speaking community an opportunity to participate in the planning process. See the "Language Assistance Measures" portion of this document for more detail on how Spanish is incorporated into PCDOT's community outreach and public involvement efforts.

**Factor 3: The Importance of the Service Provided by Programs**

The importance of the programs and services provided by PCDOT cannot be understated. Most PCDOT activities relate to identifying and planning funding for future projects; while also designing and implementing such projects where appropriate. Since PCDOT's activities bring it into continuous direct contact with the public, it is pivotal for PCDOT to ensure that LEP populations have input in the planning of future and current projects for the region. PCDOT strives to be inclusive in soliciting community participation for services and programs that it provides directly to the public.

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

PCDOT has limited staff and financial resources, which makes the translation of all materials cost prohibitive. Often, persons with a limited English proficiency have several trusted sources to interpret for them. PCDOT will work to provide sufficient bilingual information for the LEP population to understand which PCDOT services are available or what major planning activities are taking place so that they can ask for assistance from PAG or one of their trusted sources.

### **LANGUAGE ASSISTANCE MEASURES**

#### **Agency Training**

- All appropriate staff members will receive training regarding PCDOT's responsibilities for providing LEP services and the resources that PCDOT has available in fulfilling these responsibilities.
- Staff will receive instruction on what to do when individuals with Limited English Proficiency seek to participate in a PCDOT program, process, or service.
- PCDOT's Human Resource Officer shall maintain a list of PCDOT employees who speak or write additional languages other than English.

#### **Identification of Individuals who Require Language Assistance**

- PCDOT will adhere to the Census "Language Identification Flashcards" which PAG utilizes to identify potential future needs. These cards have been enhanced to include O'odham and Yaqui, as these are the predominate Native American languages spoken in the PCDOT service area.
- PCDOT will examine records to observe if requests for language assistance have been received in the past, either at meetings or over the phone, to determine the extent to which language assistance might be needed at future events.
- When PCDOT sponsors an event, there will be a staff person to greet participants as they arrive whenever possible. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
- Front-office staff and other staff members who speak directly with the general public will be surveyed annually on their experience concerning any contacts with LEP persons during the previous year.

#### **Outreach Techniques**

- PCDOT public meeting agendas will contain a footnote in English and Spanish which will state that translations are available upon request.

- The PCDOT website will provide a link to program summary materials translated into Spanish.
- Public notices and advertisements to public meetings will include a footnote, in Spanish, that translation will be made available upon request.
- The PCDOT service area is adjacent to the Pascua Yaqui Tribe and Tohono O’odham Nation. Some members of both the Tribe and the Nation have greater proficiency with their own tribal languages than with English. If and when PCDOT events take place on Tribal or Nation Lands, every effort will be made to work with the respective jurisdictional staff to make accommodations for cultural and language assistance as the hosting jurisdiction considers appropriate.

## MONITORING AND UPDATING THE LEP PLAN

The LEP Plan will be updated regularly as required by US DOT guidance and direction. At a minimum, the LEP Plan will be updated when new census data becomes available, in cooperation with the analytical work previously conducted by PAG. It is understood that the community profile of Pima County will undoubtedly continue to change over time. Not only will the four-factor analyses need to be revisited, but the appropriate language assistance measures may need to be improved to reflect community changes.

## CONTACT INFORMATION

PCDOT, through development of this LEP Plan, does not intend to exclude anyone from the participating in and PCDOT process or from taking advantage of PCDOT programs or services. PCDOT will make every reasonable effort to accommodate any special needs request. Questions or comments regarding this LEP Plan may be submitted to the PCDOT Title VI Coordinator:

Mandley Rust  
 PCDOT Title VI Coordinator  
 201 North Stone Avenue – 4<sup>th</sup> Floor  
 Tucson, AZ 85701  
 Telephone: (520) 724-6410  
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## Program Area Implementation of Title VI

### TRANSPORTATION PLANNING

PCDOT will develop maps showing the concentration distribution of “protected” classes (as defined by federal regulation) within its area of service, namely unincorporated Pima County.