

## **Limited English Proficiency Plan**

### **Background**

On August 11, 2000, President William J. Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*, to clarify Title VI of the Civil Rights Act of 1964. It requires that Federal agencies work to ensure that the recipients of Federal financial assistance provide meaningful access to their Limited English Proficiency (LEP) applicants and beneficiaries

Per Executive Order 13166, agencies which receive Federal funding must examine their Federally-funded services and develop and implement processes that will allow LEP persons to meaningfully access said services. Executive Order 13166 also requires that agencies receiving Federal funding must establish guidance for providing meaningful access to LEPs, prepare a plan to overcome language barriers in Federally-funded programs and activities, and ensure that stakeholders have adequate opportunity to provide input.

As such, local agencies are required to ensure that Federally-funded programs and activities normally provided in English are accessible to LEP Persons. Each local agency shall perform an annual assessment to determine if modifications are needed to their programs and activities to ensure meaningful access by LEP persons. The assessment which is referred to as a “Four-Factor” analysis is based on the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered.
2. The frequency of LEP contacts.
3. The nature and importance of the programs, services, or activities provided by Mendocino County Department of Transportation.
4. The resources available for LEP persons.

### **Four-Factor Analysis**

1. The number or proportion of LEP persons eligible to be served or likely to be encountered.

As shown in Table 1 below, Mendocino County has approximately 85,822 residents. 7,067 (8.2%) of residents in Mendocino County are considered as a part of the LEP population, with the majority of those LEP persons primarily speaking Spanish (6,067, 85.8% of the LEP community). Other Indo-European Languages account for 250 people, 8.2% of LEP persons, and Asian and Pacific Island Languages account for 745 people, 10.5% of the LEP community.

DOT has adopted Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. *“The ‘Safe Harbor Provision’ as defined by Department of Justice, stipulates that if a recipient provides 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 encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.”* All language groups other than Spanish have estimated populations of less than 1,000 persons and 5% of the

total population. There are no languages that may approach the Safe Harbor Provision threshold in the foreseeable future. A further breakdown of languages spoken at home is included in Appendix A.

Table 1. Summary of Languages Spoken at Home for the Population 5 Years and Over from the 2023: ACS 5-Year Estimates (C16001). Source:

<https://data.census.gov/table/ACSDT5Y2023.C16001?t=Language+Spoken+at+Home&g=050XX00US06045>

Language Spoken	Group Population	Group’s Percentage of Total Population	Portion of Group that Speak English “Very Well” (% of Group Population)	Portion of Group that Speak English Less Than “Very Well” (% of Group Population)
English Only	67,313	78.4 %	-	-
Spanish	15,785	18.4 %	9718 (61.6 %)	6067 (38.4 %)
Other Indo-European Languages	1,192	1.4 %	942 (79.0 %)	250 (21.0 %)
Asian and Pacific Island Languages	1,370	1.6 %	642 (45.6 %)	745 (54.4 %)
Other Languages	162	0.2 %	157 (96.9 %)	5 (3.0 %)
Total Other than English	18,509	21.6 %	11,442 (61.8 %)	7,067 (38.2 %)
Total	85,822	-	11,442 (13.3 %)	7,067 (8.2 %)

2. The frequency of LEP contacts.

According to Census data, the largest concentration of LEP individuals in Mendocino County is Spanish speaking. MCDOT staff does not regularly receive requests for translation through Federally funded programs/projects, though the outreach components of said programs/projects do typically have multi-lingual resources. Further, if translation services are needed, staff will provide said translation in a timely manner.

Category	Statistic
Estimated number of translation and interpretation services provided	26
Number of tele-interpreter services provided	0
Number of languages interpreted to English	1

3. The nature and importance of programs, services, or activities provided by MCDOT.

All activities and programs are likely to affect some LEP individuals in Mendocino County.

4. The Resources Available for LEP persons.

MCDOT has assessed its available resources that could be used for providing LEP assistance. Interpretation and translation services in Spanish are available through certified staff. Language interpretation may be available for other languages in cooperation with other county resources and organizations such as the City of Ten Thousand Buddhas. More complex professional interpretation or translation services may be done on an as-needed basis.

### Results

As of the 2023 census data, 7,067 (8.2%) of residents in Mendocino County are considered as a part of the LEP population, with the majority of those LEP persons primarily speaking Spanish (6,067, 85.8% of the LEP community). Approximately 26 translation and interpretation services were utilized. It was found that the only translation services requested were in Spanish and were able to be addressed by qualified staff. In order to address the needs seen and given the number of requests and the current resources available, MCDOT will strive to update necessary documents into Spanish. A procedure to document the LEP contacts will be developed. A more detailed overview of future goals is identified in Appendix F.

### Language Assistance Plan

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to MCDOT's services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

In order to ensure compliance with Title VI, and Executive Order 13166, MCDOT will strive to offer the following measures:

### Language Assistance Measures

- Non-Discrimination Policy Statement shall be printed in English and Spanish. Said statement will be posted in MCDOT lobby in a highly visible location.
- Title VI Rights Poster shall be printed in English and Spanish. Said posters will be posted in MCDOT lobby in a highly visible location, and additional copies will be available for the public to review and take.
- Title VI Complaint Form shall be in MCDOT lobby in a highly visible location.
- I Speak Cards - I Speak Cards will be produced to easily identify translation services needed for English and Spanish. Said cards will be placed at all public counters and with the other Title VI information.
- Title VI Webpage on County's Website - All of the County's Title VI resources will be posted on the County's website at the following link:  
<https://www.mendocinocounty.gov/departments/transportation>
- Future Planning and Projects

- Public Works will ensure that all future projects and planning documents that are federally-funded utilize outreach methods that are compliant with Title VI and other related non-discriminatory assurances.
- Additionally, MCDOT will ensure that outreach materials are available in English and Spanish, and that translators are readily available as necessary for any LEP Persons that would like to contribute or participate.
- LEP Documentation - All MCDOT staff will fill out a form to document their experience concerning any contact with LEP persons.
- MCDOT staff will take reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty communicating in English.
- The Title VI Specialist will request an updated list of certified translators every six months and distribute said list to those who are likely to encounter LEP persons, such that a translator can be contacted the moment one is needed.
- The following resources will be available to accommodate LEP persons:
  - If an individual is a Spanish-speaker, interpretation and translation services are available through staff.
  - Language interpretation may be available for other languages in cooperation with Mendocino County Social Services and organizations such as the City of Ten Thousand Buddhas.

### Monitoring and Updating

MCDOT's Language Assistance Plan is designed to be easily updated. At a minimum, MCDOT will follow the Title VI Program update schedule of submission every 3 years.

Each update of the LEP Plan will examine plan components including, but not limited to:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether MCDOT fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.