



**Title VI Limited English Proficiency (LEP)
Four Factor Analysis and
Implementation Plan**

**City of Tyler – Tyler Transit and
Tyler Area Metropolitan Planning Organization**

Title VI Coordinator
Rose Ray, Human Resources Manager
212 N Bonner, Tyler, TX 75702
(903) 531-1103

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Title VI Limited English Proficiency Four Factor Analysis for Tyler Transit and Tyler Area Metropolitan Planning Organization

Purpose

The purpose of this Language Assistance Implementation Plan (hereinafter “plan”) is to meet Federal Transit Administration’s (FTA) requirements to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. As a recipient of FTA funds, this transit system is pledged to take reasonable steps to provide meaningful access to its transit services for persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The FTA refers to these persons as Limited English Proficient (LEP) persons.

The U.S. Department of Transportation’s FTA Office of Civil Rights’ publication *“Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons – A Handbook for Public Transportation Providers”* was used in the preparation of this plan.

Contents

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- A. A needs assessment based on the four-factor analysis
- B. Implementation Plan
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A. LEP Needs Assessment – the Four-Factor Analysis

Factor 1. The number or proportion of LEP persons in our service area who may be served or are likely to encounter a transit program, activity, or service.

“The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons “eligible to be served, or likely to be directly affected, by” a recipient’s programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient’s service area...When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.

Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries of recipients’

programs, activities, or services but may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.

The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly spoken languages other than English.” (DOT LEP Guidance Section V (1)).

The Tyler Transit and Tyler Area Metropolitan Planning Organization (MPO) assessed the following information (as checked) about LEP persons to determine the number or proportion of LEP persons who might use or want to use transit services:

- U.S. Census Bureau, 2020 American Community Survey (ACS) 5-Year Estimates;
- Map showing City of Tyler with concentrations of LEP persons (e.g. Census Bureau’s Response Outreach Area Mapper (ROAM));
- Tyler 1st Comprehensive Plan, 20-year plan creating a strategic framework for future actions for the City of Tyler and serving as a roadmap for future growth;
- Rider Survey results (English/Spanish versions); and
- Reports from drivers, dispatchers, other about contact with LEP persons.

Demographic Review

According to the Census Bureau’s 2020 ACS 5-Year Estimates:

- The total eligible population in Tyler Transit’s service area (Tyler city limits) is 105,995;
- It is estimated that 20.2% of the population (approximately 19,904 people) speak a language other than English at home;
- Spanish
 - 17.2% (approximately 16,918 people) speak Spanish; and
 - 46.1% of Spanish speakers (approximately 7,805 people) speak English less than “very well”.
- Asian and Pacific Island languages
 - 1.5% (approximately 1,435 people) speak Asian and Pacific Island languages, and
 - 50.0% of Asian and Pacific Island speakers (approximately 718 people) speak English less than “very well”.
- Other Indo-European languages
 - 1.0% (approximately 1,020 people) speak other Indo-European languages; and
 - 34.8% of Indo-European speakers (approximately 355 people) speak English less than “very well”.

- Other Languages
 - 0.5% (approximately 531 people) speak other languages, and
 - 15.8% of this population (84 people) speak English less than “very well”.
- Using these estimates from the Census Bureau, the MPO estimates the total number of LEP persons in Tyler Transit’s service area to be 8,962 people.

On-Board Transit Passenger Survey

The on-board transit passenger survey was conducted during the fall of 2020 as part of a Transit Route Study. The survey was administered on-board by Tyler Transit drivers. The purpose of the survey was to gather input from riders regarding issues and opportunities relating to transit use and planning for Tyler. The survey was given to passengers as they boarded the bus; they then completed it while on-board and returned it as they exited the bus. The survey was administered in both English and Spanish versions, but results were not compiled separately. In order to reach out for more input from LEP persons, staff wrote a letter in Spanish with information about the purpose of the survey and encouraging participation.

Factor 2. The frequency with which LEP persons come in contact with transit programs, activities, or services.

“Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual’s program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.” (DOT LEP Guidance Section V (2)).

The LEP populations that Tyler Transit encounters primarily speak Spanish. The Spanish-speaking passengers are primarily located inside of Loop 323 within the city’s older neighborhoods. Spanish-speaking passengers are concentrated in neighborhoods north and east of downtown, particularly in the area east of North Broadway Avenue and north of East Front Street. These passengers use transit buses for work, school, medical appointments and retail needs. Tyler Transit’s bus drivers and office staff have frequent contact with both languages.

Transportation services provide an important link to the LEP population and their community.

Factor 3. The nature and importance of programs, activities, or services provided to the LEP population.

“The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual...” (DOT LEP Guidance Section V(3)).

“...providing public transportation access to LEP persons is crucial. An LEP person’s inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment.” (DOT LEP Guidance Section V (4)).

The MPO considers transit to be an important and essential service for many people living in the metropolitan planning area. The Tyler Transit does not track LEP passengers separately, but knows that public transportation is an important need especially during the school year and colder weather months for all passengers, including LEP persons. Workers rely on the system all year round.

Factor 4. The resources available to our transit system and the overall cost to provide language assistance.

“A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. (emphasis added). Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal agencies.” (Section V(4)).

Tyler Transit’s current budget for marketing to or communicating with all eligible passengers about transit services, including LEP persons, is \$5,500. This funds brochures, flyers, posters, newspaper ads, radio ads, website, etc. During 2021, Tyler Transit implemented a new route system and schedule with all new marketing materials in both English and Spanish. In addition to the marketing budget, staff resources provide assistance to LEP persons.

Tyler Transit’s website is available in Spanish which includes schedules, route maps as well as hours of operation and fares. Route/schedule maps and information about ADA paratransit services are available in both languages. In 2010, an updated Paratransit Plan was adopted which defines policies and procedures for ADA complementary service and has been translated into Spanish.

The agency employs several bus drivers that are fluent in Spanish and English that can assist with translation of new public documents and materials. The City of Tyler Communications Department provides access to translation services and the system also has access to Spanish translation through a cooperative agreement with the East Texas Council of Government GOBUS, the regional rural transit provider.

B. Implementation Plan

Task 1. Identifying LEP Individuals Who Need Language Assistance

“There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

One way to determine the language of communication is to use language identification cards (or “I speak cards”), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, “I speak Spanish” in both Spanish and English, or “I speak Vietnamese” in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau’s “I speak card” can be found and downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>.

When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.” (DOT LEP Guidance Section VII (1)).

In order to determine the language of communications, the Tyler Transit created basic written information that drivers and staff can provide to those with limited English proficiency. In addition, bus drivers carry “I Speak” language identification cards. These wallet cards assist people with limited English proficiency when they are traveling without an interpreter.

Task 2. Language Assistance Measures

“An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- *Types of language services available.*
- *How recipient staff can obtain those services.*
- *How to respond to LEP callers.*
- *How to respond to written communications from LEP persons.*
- *How to respond to LEP individuals who have in-person contact with recipient staff.*
- *How to ensure competency of interpreters and translation services.”(DOT LEP Guidance Section VII (2)).*

As the dominant alternate language is Spanish, Tyler Transit and the MPO make all materials and assistance available in Spanish as well as English. Language measures currently used to address the needs of LEP persons include the following:

- Making public information documents available in Spanish.
This includes:
 - Fixed route maps/schedules, paratransit brochures, and paratransit plan completed in FY 2011.
 - Paratransit eligibility application and notification letters completed in FY 2013.
- Tyler Transit and the MPO’s websites can be translated into Spanish by clicking the “En Español” icon at the top of each page.
- Arranging for availability of oral and written translators as needed by staff. Job postings encourage bilingual applicants and there are translators available in the City’s Police, Fire, Transit, MPO, Development Services and Water Departments.
- Posting notices in Spanish informing LEP persons of available services and upcoming public meetings.
- Working with community groups to verify the competency of interpreters and translations services.
- The City of Tyler also offers a bilingual certification program which encourages employees to become certified in Spanish.

Task 3. Training Staff

“Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained. An effective LEP plan would likely include training to ensure that:

- *Staff knows about LEP policies and procedures.*
- *Staff having contact with the public (or those in a recipient’s custody) is trained to work effectively with in-person and telephone interpreters.*

Recipients may want to include this training as part of the orientation for new employees. Recipients have flexibility in deciding the manner in which the training is provided, and the more frequent the contact with LEP persons, the greater the need will be for in-depth training. However, management staff, even if they do not interact regularly with LEP persons, should be

fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.” (DOT LEP Guidance Section VII (3)).

To ensure effective implementation of this plan, Tyler Transit and the MPO will schedule training during orientations for new staff and for all relevant employees on an annual basis to review:

- The MPO’s Four Factor Analysis and Implementation Plan
- Demographic data about local LEP population
- Printed materials for LEP persons
- Procedures to handle verbal requests for transit service in a foreign language
- Responsibility to notify the Transit and MPO directors about any LEP persons’ unmet needs

Task 4. Providing Notice to LEP Persons

“Once an agency has decided, based on the four factors, that it will provide language services, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand. Examples of notification that recipients should consider include:

- *Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients*

For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at <http://www.ssa.gov/multilanguage/langlist1.htm>. DOT recipients could, for example, modify these signs for use in programs, activities, and services.

- *Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be “tagged” onto the front of common documents.*
- *Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.*
- *Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.*
- *Including notices in local newspapers in languages other than English.*

- *Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.*
- *Providing presentations and/or notices at schools and religious organizations.” (DOT LEP Guidance Section VII (4)).*

Tyler Transit and the MPO notify LEP persons in their own language about the language assistance available to them without cost by using the following methods:

- Signs on buses or at bus stops
- Brochures
- Posters or flyers for local organizations that work with LEP persons
- Investigate allowing telephone messages
- Website notices

Task 5. Monitoring and Updating the LEP Plan

“Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.

In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community.

In their reviews, recipients may want to consider assessing changes in:

- *Current LEP populations in the service area or population affected or encountered.*
- *Frequency of encounters with LEP language groups.*
- *Nature and importance of activities to LEP persons.*
- *Availability of resources, including technological advances and sources of additional resources, and the costs imposed.*
- *Whether existing assistance is meeting the needs of LEP persons.*
- *Whether staff knows and understands the LEP plan and how to implement it.*
- *Whether identified sources for assistance are still available and viable.*

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.”(DOT LEP Guidance Section VII (5)).

The Tyler Transit and the MPO will review this plan during its annual review with the TxDOT public transportation coordinator by:

- Assessing its effectiveness (e.g., comparing numbers of LEP persons served by year, number of requests for language assistance received during the year),
- Assessing the sufficiency of staff training and budget for language assistance,
- Reviewing current sources for assistance to ensure continuing availability, and
- Reviewing and evaluating response for any complaints from LEP persons about their needs that were received during the past year.

Revisions will be approved and dated accordingly.

Dissemination of Plan

This Four Factor Analysis and Implementation Plan will be available on the MPO's website at <https://www.tylerareampo.org/plans-and-projects/administrative-documents/title-vi>. It is also available upon request. If requested to be provided in Spanish and it is feasible to have it translated, it will be provided to the requester.

C. Contact Information

Questions or comments about this plan may be submitted to:

Tyler Transit

Name: Leroy Sparrow
Title: Interim Transit Manager
Address: 210 E. Oakwood, Tyler TX 75702
Telephone: 903-595-7231
E-mail address: lsparrow@tylertexas.com

Tyler Area MPO

Name: Michael Howell
Title: MPO Manager
Address: 423 W Ferguson St, Tyler TX 75702
Telephone: 903-531-1175
E-mail address: mhowell@tylertexas.com

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