



STAFF REPORT/RESOLUTION

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director 
DATE: April 29, 2014
SUBJECT: **Title VI Plan Update and Limited English Proficiency Plan
Resolution 05-14-08**

AT A GLANCE - ACTION

The action requested is adoption of Resolution 05-14-08 to adopt the Title VI Plan Update and the Limited English Proficiency Plan. As a recipient of federal funds, RTC is required to comply with Title VI of the Civil Rights Act of 1964 and all other federal and state discrimination laws. The Title VI Plan has been updated to address the needs of limited English proficient(LEP) persons. RTC staff developed a separate Limited English Proficiency Plan to meet this requirement.

INTRODUCTION

Title VI issues and environmental justice are an integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. The commitment to Title VI has, and continues to be, reflected in the Southwest Washington Regional Transportation Council's (RTC) work program, publications, communications, and public involvement efforts. RTC's *Title VI Plan* establishes a framework for efforts that will be taken by RTC to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice. In a continuing effort to meet the requirement of federal law and follow best practices, RTC has updated the agency's *Title VI Plan* and developed a *Limited English Proficiency Plan*.

TITLE VI PLAN UPDATE

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally assisted (Public Law 100-259 [S. 557] March 22, 1988).

To help meet federal requirements, RTC adopted its first *Title VI Plan* in 2002 and updated that original plan in 2006. The main objectives of the plan are:

- To ensure the RTC's compliance with Title VI (including compliance by RTC's consultants, contractors and subrecipients) and to assign responsibilities for ensuring compliance.
- To ensure that all persons are able to participate in and receive the benefits of RTC's programs and activities.
- To ensure that limited English proficient (LEP) persons are provided meaningful access to RTC's programs and activities.
- To establish clear procedures for filing, investigating and successfully resolving complaints in a timely manner and at the lowest level possible.

The plan outlines the organization of RTC's governing bodies and provides a Title VI policy statement. The main body of the plan identifies who is responsible for RTC's Title VI compliance and establishes compliance responsibilities by program area, including:

- Communications and Public Involvement
- Planning and Programing
- Consultant Contracts
- Education and Training

Title VI assurances, nondiscrimination contract language and complaint procedures are included in the plan appendices. RTC has also produced an *Environmental Justice Demographic Profile for Clark County* that provides demographic information with regard to minority, low-income and other Title VI protected populations, including those with limited English proficiency.

LIMITED ENGLISH PROFICIENCY PLAN

The main update to the *Title VI Plan* is the inclusion of the responsibility of RTC to ensure that LEP persons are provided meaningful access to RTC's programs and activities. On August 11, 2000, President Clinton issued Executive Order 13166, Improving Access to Service for Persons with Limited English Proficiency. The order requires each federal agency, and those that receive federal funding, to examine their programs and activities and to develop and implement plans so LEP persons can meaningfully access those programs and activities. RTC has developed a separate *Limited English Proficiency Plan* to meet this requirement.

The plan assesses the need to provide language assistance measures to LEP persons based on a four factor analysis that includes:

1. The number or proportion of LEP persons served or encountered in the eligible service population of the RTC region

2. The frequency with which LEP individuals come in contact with RTC programs, activities, or services
3. The nature and importance of the program, activity, or service provided by RTC
4. The resources available to RTC and costs of providing language assistance

The assessment found that within the RTC planning area there are a significant number of people who do not speak English very well and that they are most likely to speak Spanish or Russian. The plan addresses means to identify LEP persons and measures that will be taken to provide appropriate language assistance, including written and oral communications.

POLICY IMPLICATION

The updated *Title VI Plan* and *Limited English Proficiency Plan* represent RTC's commitment to nondiscrimination in all of its programs and activities. These plans help to ensure that all persons have meaningful access to all of RTC's work and planning activities. Periodic update of the *Title VI Plan* is a requirement for all Metropolitan Planning Organizations. The updated *Title VI Plan* and *Limited English Proficiency Plan* cover both federal and state requirements for ensuring compliance with federal and state discrimination laws.

BUDGET IMPLICATION

The ongoing administration of Title VI and LEP activities are programmed within the Regional Transportation Program Coordination and Management element of RTC's Unified Planning Work Program (UPWP). Revenue sources for this element are a combination of Federal Highway Administration and Federal Transit Administration planning funds together with local matching funds and state Regional Transportation Planning Organization funds. A one-time cost for the translation of the notice of nondiscrimination and Title VI complaint procedures is included in RTC annual budget.

ACTION REQUESTED

Adoption of Resolution 05-14-08, "Title VI Plan Update and Limited English Proficiency Plan".

ADOPTED this _____ day of _____ 2014,
by the Southwest Washington Regional Transportation Council.

SOUTHWEST WASHINGTON
REGIONAL TRANSPORTATION COUNCIL

ATTEST:

Jack Burkman
Chair of the Board

Matt Ransom
Executive Director

- ATTACHMENTS:** 2014 Title VI Plan Draft Document (April 18, 2014)
2014 LEP Plan Draft Document (April 18, 2014)
2012 Environmental Justice Demographic Profile – Clark County