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DANIEL LANDON, Executive Director
 MICHAEL WOODMAN, Deputy Executive Director

Grass Valley • Nevada City

Nevada County • Truckee

File: 740.4

MEMORANDUM

TO: Nevada County Transportation Commission

FROM: Daniel B. Landon, Executive Director *Daniel B. Landon*

SUBJECT: Title VI Program and Language Assistance Plan, Resolution 20-38

DATE: October 7, 2020

RECOMMENDATION: Adopt Resolution 20-38 updating the Nevada County Transportation Commission Title VI Program and Language Assistance Plan (LAP).

BACKGROUND: Title VI is a Federal Statute that provides that no person shall, on grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title VI allows persons alleging discrimination by recipients of Federal Funds to file administrative complaints with Federal agencies that provide financial assistance.

The Title VI Program and Language Assistance Plan demonstrates how the recipient is complying with Title VI requirements. As a subrecipient, Nevada County Transportation Commission (NCTC) must submit a Title VI Program update every three years to the primary recipient, the California Department of Transportation (Caltrans), from whom NCTC receives funding. Caltrans includes this document in their Title VI Program submission to the Federal Transit Administration (FTA).

- How many Limited English Proficiency (LEP) persons were encountered annually? - None
- Were the needs of these LEP persons met? - Not Applicable
- What is the current LEP population in NCTC's service area? - 2,090
- Is a change needed in the types of language translation services provided? - No
- Is there still a need for continued language assistance for previously identified NCTC programs? - Yes
- Are there other programs that should be included? - No
- Have NCTC's available resources, such as technology, staff, and financial costs changed? - No
- Has NCTC fulfilled the goals of the LAP? - Yes
- Were any complaints received? - No

attachment

**RESOLUTION 20-38
OF THE
NEVADA COUNTY TRANSPORTATION COMMISSION**

**APPROVAL OF THE UPDATE OF THE NEVADA COUNTY TRANSPORTATION
COMMISSION (NCTC) TITLE VI PROGRAM AND LANGUAGE ASSISTANCE PLAN**

WHEREAS, the Nevada County Transportation Commission (NCTC), in its official capacity as the designated Regional Transportation Planning Agency, hereafter referred to as the RTPA, is responsible to comply with Title VI of the Civil Rights Act of 1964, including provisions detailed in the U.S. Department of Transportation's FTA Circular 4702.1B "Title VI Requirement and Guidelines for Federal Transit Administration Recipients," and

WHEREAS, NCTC wishes to authorize approval of the Title VI Program to comply with the necessary provisions of the Civil Rights Act, and

WHEREAS, NCTC, as a subrecipient of Federal funds, must submit a Title VI Program update every three years to the primary recipient, the California Department of Transportation (Caltrans), from whom NCTC receives funding.

NOW, THEREFORE, BE IT RESOLVED, that NCTC approves the update of the Nevada County Transportation Commission Title VI Program and Language Assistance Plan.

BE IT FURTHER RESOLVED, that the Executive Director of NCTC is authorized to implement components of the Title VI Program in order to meet federal requirements and to implement the policies that may be necessary to comply with subsequent revisions for interpretations of the Civil Rights Act.

PASSED AND ADOPTED by the Nevada County Transportation Commission on October 7, 2020 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Andrew Burton, Chair
Nevada County Transportation Commission

Attest: _____
Dale D. Sayles
Administrative Services Officer

Nevada County Transportation Commission Title VI Program and Language Assistance Plan

Adopted on October 7, 2020

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NCTC Title VI Program

Plan Statement:

The following program was developed to guide the Nevada County Transportation Commission (NCTC) in its administration and management of Title VI-related activities, and details how NCTC meets the requirements as set forth in FTA Circular 4702.1B.

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Policy:

NCTC is committed to ensuring that no person on the basis of race, color, or national origin will be excluded from participation or subjected to discrimination with regard to the transportation planning and programming activities conducted by NCTC’s employees, affiliates, and contractors.

Governing Board:

The governing board for NCTC is made up of seven members. Four members are appointed by the Nevada County Board of Supervisors and three are appointed by the incorporated municipalities in the county. The Board of Supervisors appoints two members from the Board, and two County at-large representatives. The municipalities appoint three city/town council members, one each from Nevada City, Grass Valley, and the Town of Truckee.

General Reporting Requirements:

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and sub-recipients of Federal Transit Administration (FTA) funding to ensure that their activities comply with Department of Transportation (DOT) Title VI regulations. Below are summaries of each requirement and how NCTC’s Title VI Program fulfills that requirement.

1. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.

NCTC annually submits its Certifications and Assurances to the California Department of Transportation.

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM

Sub-recipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

NCTC has approved the Title VI Program by resolution and submitted it to the California Department of Transportation. The effective date will be the date of the resolution, September 16, 2020.

3. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI

The Title VI Program shall include recipient's Title VI notice to the public that indicates the recipient complies with Title VI, informs members of the public of the protections against discrimination afforded to them by Title VI, and includes a list of locations where the notice is posted.

NCTC has developed a public Title VI Notice to Beneficiaries following the guidelines of Circular FTA C 4702.1B, Appendix B. A copy of the notice is found in Appendix 1 of this Title VI Program.

4. REQUIREMENT TO HAVE TITLE VI COMPLAINT PROCEDURES AND A COMPLAINT FORM

All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

NCTC has developed a Title VI complaint procedure and form. In this Title VI Program, Appendix 2 outlines NCTC's Title VI Complaint Procedures, and Appendix 3 is a copy of NCTC's Title VI Complaint form.

The complaint procedures and form are available in English on NCTC's website, www.nctc.ca.gov. Individuals who do not have access to the internet may request that NCTC mail them a paper copy of the procedures and form.

5. REQUIREMENT TO RECORD AND REPORT TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

NCTC will maintain a list of all investigations, lawsuits and complaints naming NCTC according to the guidelines of Circular FTA C 4702.1B, Appendix E. A copy of this list is provided in Appendix 4 of this Title VI Program. In addition, NCTC will maintain permanent records of all related documents. NCTC has not received any Title VI complaints of discrimination and therefore does not have any investigations or lawsuits to report; however, the processes are in place in the event that complaints are made.

6. REQUIREMENT TO PROMOTE INCLUSIVE PUBLIC PARTICIPATION

The content and considerations of Title VI, the Executive Order on Limited English Proficiency (LEP), and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities).

NCTC's Public Participation Policy is shown in Appendix 5 of this Title VI Program. NCTC ensures that minority and LEP populations, as with all members of the public, will be empowered to participate in decisions involved with NCTC's transportation planning and programming activities.

7. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).

Please see NCTC Language Assistance Plan attached to this Title VI Program. NCTC's Four Factor Analysis and Action Plan are contained therein.

8. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transportation-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

Appendix 6 shows NCTC's Table Depicting Minority Representation on Committees and Councils Selected by NCTC.

9. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST

FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

NCTC will fully cooperate with any FTA investigation of discrimination complaints to the extent required by Title VI regulations.

Appendix 1: Title VI Notice to Beneficiaries

The Nevada County Transportation Commission (NCTC) operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with NCTC.

For more information on NCTC's Civil Rights Program and the procedures to file a complaint, contact (530) 265-3202; go online at www.nctc.ca.gov; or visit our administrative office at 101 Providence Mine Road, Suite 102, Nevada City, CA 95959.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

This notice is posted in the NCTC office, 101 Providence Mine Road, Suite 102, Nevada City, CA and on the NCTC website: www.nctc.ca.gov.

Appendix 2: Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Nevada County Transportation Commission (hereinafter referred to as "NCTC") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. NCTC investigates complaints received no more than 180 days after the alleged incident. NCTC will process complaints that are complete.

Complaints must be in writing and signed by the complainant on the form provided. Complaints must include the complainant's name, address, and phone number and be detailed to specify all issues and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color or national origin. Title VI Complaints of Discrimination may be filed with:

Nevada County Transportation Commission
Attn: Title VI Coordinator
101 Providence Mine Road, Suite 102
Nevada City, CA 95959

Once the complaint is received, NCTC will review it to determine if its office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by NCTC.

NCTC has 30 days to investigate the complaint. If more information is needed to resolve the case, NCTC may contact the complainant. The complainant has 15 business days from the date of the letter to send requested information to NCTC. If NCTC is not contacted by the complainant or does not receive the additional information within 15 business days, NCTC can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After NCTC reviews the complaint, it will issue one of two letters to the complainant: a closure letter or a Letter of Finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

Appendix 3: Title VI Complaint Form

Section 601, under Title VI of the Civil Rights Act of 1964, states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." **If you feel you have been discriminated against, please provide the following information in order to assist NCTC in processing your complaint.**

SECTION 1 (Please print clearly):

Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____ (Home) _____ (Work)
Accessible format requirements? ____ (Large print) ____ (Audiotape) ____ (TDD) ____ (Other)

SECTION 2

Are you filing this complaint on your own behalf? ____ (Yes) ____ (No)

If you answered yes to this question, go to Section 3.

If not, please supply the name and relationship of the person for whom you are complaining:

Name: _____ Relationship: _____

Please explain why you have filed for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of the third party. ____ (Yes) ____ (No)

SECTION 3

I believe the discrimination I experienced was based on (check all that apply):

____ Race ____ Color ____ National Origin

Date and Place of Occurrence: _____

Name(s) and Title(s) of the person(s) who I believe discriminated against me:

The action or decision which caused me to believe I was discriminated against is as follows:
(Please include a description of what happened and how your benefits were denied, delayed or affected):

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

SECTION 4

Have you previously filed a Title VI complaint with this agency? ____ (Yes) ____ (No)

SECTION 5

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court? ____ (Yes) ____ (No)

If yes, check all that apply:

Federal Agency ____ Federal Court ____ State Agency ____ State Court ____ Local Agency ____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____ Title: _____

Agency: _____

Address: _____

Telephone Number: _____

You may attach any written materials or other information that you think is relevant to your complaint.

I believe the above information is true and correct to the best of my knowledge.

Signature and date required below:

Signature

Printed Name

Date

Please submit this form in person at the address below or mail this form to:

Nevada County Transportation Commission
Title VI Coordinator
101 Providence Mine Road, Suite 102
Nevada City, CA 95959

Appendix 4: List of Transit-Related Title VI Investigations, Complaints, and Lawsuits

Per FTA Circular 4702.1B, “all recipients are required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin”:

- Active investigations conducted by FTA and entities other than FTA
- Lawsuits
- Complaints naming the recipient

Thus far, NCTC has not received Title VI Investigations, Complaints or Lawsuits. Below is the list that will be used for tracking these incidents:

Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (Include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.	N/A			
2.	N/A			
Lawsuits				
1.	N/A			
2.	N/A			
Complaints				
1.	N/A			
2.	N/A			

Appendix 5: Public Participation Plan

Public involvement is a major component of the transportation planning and programming processes. NCTC makes a concerted effort to solicit public input from all Nevada County residents, including under-represented groups, in many aspects of transportation planning within Nevada County. Specific examples are listed below:

- ◆ NCTC has a Facebook page, and maintains an ADA Accessible website (www.nctc.ca.gov), in an effort to keep the public informed of transportation planning and programming efforts underway in Nevada County.
- ◆ Copies of the Draft RTP are made available for review at the main public libraries in western and eastern Nevada County, as well as on the NCTC website.
- ◆ Press releases are sent to the media establishments in western and eastern Nevada County notifying them the Draft RTP is available for review and comment and noting some key findings.
- ◆ Public hearings are held and noticed in the main newspapers in western and eastern Nevada County prior to adoption of the RTP and RTIP.
- ◆ Each year, public notifications are sent out to encourage participation in transportation planning processes, such as the annual unmet transit needs public hearing held by the Transit Services Commission (TSC) and numerous public workshops relating to the transportation projects and planning activities of NCTC.
- ◆ Citizens are encouraged to attend and speak at NCTC meetings on any matter included for discussion on the agenda at that meeting.

Appendix 6: Table Depicting Minority Representation on Committees and Councils Selected by NCTC

This is a required table depicting racial breakdown of transit-related, non-elected planning boards, advisory council's or committees. This page also has a description of efforts made to encourage minority participation.

SOCIAL SERVICE TRANSPORTATION ADVISORY COUNCIL

Body	Caucasian	Hawaiian/ Pacific Islander	African American	Asian American	Native American	Other
Population	95%	0.4%	0.8%	2.0%	2.3%	
SSTAC	9					
Language Group	English	Spanish	Asian Pacific	Indo / European	Other	
	93.4%	4.0%	0.7%	1.8%	0.12%	
SSTAC	9					

NCTC has welcomed all who are interested in serving on the Social Services Transportation Advisory Council (SSTAC) who meet the mandates of the Transportation Development Act (TDA). NCTC has appointed all members seeking to participate and will continue to do so. If a time comes when the size of the council becomes ineffective, Title VI policies will be honored. Outreach efforts are focused on the primary intent of the SSTAC, which is to meet the mandates of the TDA.

Per section 99238 of the Transportation Development Act, each transportation planning agency shall provide for the establishment of a social services transportation advisory council for each county or counties operating under a joint powers agreement, which is not subject to the apportionment restriction established in Section 99232.

As described in subdivision (a): The Social Services Transportation Advisory Council shall consist of the following members:

- One representative of potential transit users who is 60 years of age or older.
- One representative of potential transit users who is disabled.
- Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider if one exists.

- Two representatives of local social service providers for the disabled, including one representative of a social service transportation provider, if one exists.
- One representative of a local social service provider for persons of limited means.
- Two representatives from the local consolidated transportation service agency, designated pursuant to subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

The transportation planning agency may appoint additional members to attain geographic and minority representation among council members. Therefore, NCTC has appointed a representative of transit users in western Nevada County and a representative of the Hispanic community in the Truckee area.

Appendix 7: Employee Education Form

Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of NCTC and its affiliates are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to NCTC Title VI Coordinator.

Appendix 8: Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge receipt of NCTC's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits or services delivered by the NCTC on the basis of race, color, or national origin, as protected by Title VI.

Your signature

Print your name

Date

Appendix 9: Letter Acknowledging Receipt of Title VI Complaint

Today's Date

Ms. Jane Doe
1234 Main St.
Nevada City, CA 95959

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the Nevada County Transportation Commission (NCTC) alleging _____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning (530) 265-3202, or write to:

Nevada County Transportation Commission
Attn: Title VI Coordinator
101 Providence Mine Road, Suite 102
Nevada City, CA 95959

Sincerely,

NCTC Title VI Coordinator

Appendix 10: Letter of Finding (Notifying Complainant that Complaint Is Substantiated)

Today's Date

Ms. Jane Doe
1234 Main St.
Nevada City, CA 95959

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the Nevada County Transportation Commission (NCTC) alleging a Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. Your input was helpful during our review of this matter. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from Federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

NCTC Title VI Coordinator

Appendix 11: Closure Letter (Notifying Complainant that the Complaint Is Not Substantiated)

Today's Date

Ms. Jane Doe
1234 Main St.
Nevada City, CA 95959

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against the Nevada County Transportation Commission (NCTC), alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, have in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving Federal financial assistance.

NCTC has analyzed the materials and facts pertaining to your case for evidence of NCTC's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to appeal this decision within thirty calendar days of receipt of this final written decision from NCTC.

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to contact me.

Sincerely,

NCTC Title VI Coordinator

NCTC Language Assistance Plan

Background

The purpose of this Language Assistance Plan is to clarify the responsibilities of NCTC, as a recipient of federal financial assistance from the U.S. Department of Transportation (DOT), to persons with Limited English Proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 11, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance.) Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments (such as NCTC), private and non-profit entities, and sub-recipients.

Plan Summary

NCTC has developed this Language Assistance Plan (LAP) to help identify reasonable steps to provide language assistance for LEP persons who seek meaningful access to NCTC services as required by Executive Order 13166. As defined by this order, a person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

This plan details procedures for identifying a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and potential future updates to the plan.

Four Factor Analysis

The U.S. Department of Transportation (DOT) issued its Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005 (Volume 70, Number 239)]. This policy states that DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. This coverage extends to the recipient's entire program.

There are four factors for agencies to consider when assessing language needs and determining what steps they should take to ensure access for LEP persons, regardless of whether or not the agency chooses not to prepare a written LEP plan. A brief description of the self-assessment undertaken in each of these areas follows.

In developing the plan, NCTC undertook a Four Factor Analysis as required by U.S. DOT. This considers the following factors:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by NCTC.
- 2) The frequency with which LEP persons come into contact with NCTC programs, activities, or services;
- 3) The nature and importance of the programs, activities or services provided by NCTC to the population; and
- 4) The resources available to NCTC for LEP outreach, as well as the costs associated with that outreach.

A summation of these considerations is provided in the following section.

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

In order to understand the proportion of LEP persons eligible to be served or likely to be encountered by NCTC, NCTC staff examined the *2011-2015 American Community Survey 5-Year Estimates: Nevada County, California: Language Spoken at Home*. This chart estimates a total population of 98,570, and the population 5 years and over of 94,280, or 95.6% of the total population.

Using the percentages in “Languages Spoken at Home” from the *2011-2015 American Community Survey 5-Year Estimates*, NCTC has determined the following about Nevada County’s population over age 5 in the service area:

- 91.3% or 86,041 people speak English only.
- Approximately 8.7% or 8,239 people speak a language other than English; 2.6% or an estimated 2,409 people speak English less than “very well”.
- The largest proportion of non-English speaking language groups is Spanish: 5.1% or an estimated 4,849 people speak Spanish, and of these 1.8% or 1,709 people speak English less than “very well”.
- 2.3% or an estimated 2,152 people speak Other Indo-European languages, and of these 0.3% or 307 people speak English less than “very well”.
- 1.1% or an estimated 1043 people speak Asian and Pacific Island languages, and of these 0.4% or 351 people speak English less than “very well”.

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 the 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."

NCTC further examined specific languages using the *2011-2015 American Community Survey 5-Year Estimates: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over*. This data allowed NCTC to determine whether or not those speaking languages other than Spanish fall under the 'Safe Harbor Provision.'

All language groups other than Spanish have estimated populations of less than 1,000 persons and 5% of the total population. NCTC will further examine providing services to these language groups in annual reviews of the Title VI Program.

2. The frequency with which LEP persons come into contact with NCTC programs, activities, or services.

NCTC regularly assesses the frequency at which staff have or could possibly have contact with LEP persons. NCTC staff have had infrequent interactions with Spanish speakers during the planning and programming processes.

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

Access to the transportation planning and programming processes is an essential service for NCTC's residents. NCTC's 'transit-dependent' population includes elderly persons, people with disabilities, youth, and individuals below the poverty line and without vehicles.

According to the *2011-2015 American Community Survey 5-Year Estimates: Selected Social Characteristics in the United States*, the largest geographic concentration of LEP individuals in NCTC's service area is Spanish-speaking.

Four long-standing Norther Tahoe/Truckee serve organizations – Family Resource Center of Truckee, North Tahoe Family Resource Center, Tahoe SAFE Alliance, and Project MANA – have united to form the Sierra Community House. With locations in Kings Beach, Incline Village, and Truckee, the Sierra Community House offers a range of services that assist individuals and families, including LEP individuals in the North Tahoe/Truckee communities. NCTC coordinates outreach efforts for planning activities through Sierra Community House.

4. The resources available to NCTC for LEP outreach, as well as the costs associated with that outreach.

NCTC has assessed its available resources that could be used for providing LEP assistance. NCTC makes provision to have translators available at transportation needs workshops, when such services are requested.

Language Assistance Plan Outline

After analyzing the four factors, NCTC developed the following Language Assistance Plan to assist persons of Limited English Proficiency.

How NCTC staff may identify an LEP person who needs language assistance:

- Examine records of requests for language assistance from past meetings and events to determine the possible need for assistance at future events.
- When NCTC-sponsored workshops or conferences are held, NCTC provides a notice that interpretive services will be provided if requested.
- Survey staff, on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

Language Assistance Measures

NCTC will continue to implement the following procedures:

- When an interpreter is needed, in person or on the telephone, NCTC staff will first attempt to determine what language is required, and then seek services of an interpreter or utilize the telephone interpreter service - Language Line Services at <http://www.language.com/>.

NCTC Staff Training

All NCTC staff will be provided with the LAP Plan and will be educated on the following procedures. This information will also be part of the staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities.
- Language assistance services NCTC offers.
- How to use the "Language Line" interpretation and translation services.
- Documentation of language assistance requests.
- How to handle a Title VI and/or LEP complaint.

Outreach Techniques

NCTC will use the following outreach techniques:

- When staff will be hosting a meeting or workshop or will be presenting a pertinent topic, all meeting notices and flyers and agendas will give notice that interpretive service can be provided.

- When running a general public-meeting notice, staff will state that a translator will be available in Spanish, or in another language as determined to be necessary. The included clause will be similar to, "A (insert alternative Language) translator will be available if requested." For example: "Un traductor del idioma español estará disponible si se solicita" or "A Spanish translator will be available if requested."

Monitoring and Updating the Language Assistance Plan

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

Each update of the LEP Plan will examine plan components including:

- How many LEP persons were encountered annually?
- Were the needs of these LEP persons met?
- What is the current LEP population in NCTC's service area?
- Is a change needed in the types of language translation services provided?
- Is there still a need for continued language assistance for previously identified NCTC programs?
- Are there other programs that should be included?
- Have NCTC's available resources, such as technology, staff, and financial costs changed?
- Has NCTC fulfilled the goals of the LAP Plan?
- Were any complaints received?

Dissemination of the NCTC Language Assistance Plan

NCTC will include the Language Assistance Plan along with the Title VI Program on the NCTC website (www.nctc.ca.gov). Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access, will be able to access the plan. Copies of the Language Assistance Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions regarding this plan should be directed to the NCTC Title VI Coordinator:

Nevada County Transportation Commission
Title VI Coordinator
101 Providence Mine Road, Suite 102
Nevada City, CA 95959
Phone: (530) 265-3202