



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

**Transit Title VI Coordinator  
James Torres, Assistant General Manager  
210 East Oakwood Tyler, Texas 75702  
(903) 533-8057**

Revised October 7, 2019 (Public Participation Added)  
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AVISO: Si necesita informaci3n en otro idioma, comuniquese al 903.533.8057

## Notification to the Public of Rights under Title VI

City of Tyler Transit

City of Tyler Transit operates its programs and services without regard to race, color, religion, sex, national origin or disability in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with City of Tyler Transit.

For more information on the City of Tyler Transit Title VI Program, or to file a complaint, call 903-533-8057, visit our office at 210 East Oakwood St, Tyler, Texas 75702, or our website: [www.tylerbus.com](http://www.tylerbus.com).

A complainant may file a complaint directly with the Federal Transit Administration at: FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. A complaint may also be filed with TxDOT at: Texas Department of Transportation, Attn: TxDOT-PTN, 125 E. 11<sup>th</sup> Street, Austin, TX 78701-2483.

Title VI information is displayed on the City of Tyler Transit website, posted in public areas of City of Tyler Transit offices including reception and meeting rooms, and on City of Tyler Transit vehicles.



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James Torres, Title VI Coordinator

October 7, 2019  
Date

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AVISO: Si necesita información en otro idioma, comuníquese al 903.533.8057

## Notificación al Público de los Derechos bajo Título VI

City of Tyler Transit

City of Tyler Transit opera sus programas y servicios, sin distinción de raza, color o origen nacional de conformidad con el Título VI de la Ley de Derechos Civiles. Cualquier persona que cree que el o ella ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja con East Texas Council of Governments.

Para obtener más información sobre la Programa VI de City of Tyler Transit, o para presentar una queja, llame al 903-533-8057, visite nuestra oficina en 210 East Oakwood Street, Tyler Texas 75702, o visite nuestra página web: [www.tylerbus.com](http://www.tylerbus.com). Si se necesita información en otra idioma, llame al 903-595-7236.

Un demandante puede presentar una queja directamente con alguno de los siguiente agencias: Administración Federal de Tránsito: FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590 o: Departamento de Transporte de Texas: Attn: TxDOT-PTN, 125 E. 11<sup>th</sup> Street, Austin, TX 78701-2483.

Aviso Título VI se muestra en la pagina web de CITY OF TYLER, esta publicada en las zonas comunes de las oficinas de City of Tyler Transit; incluyendo las áreas de recepción, reuniones y en los vehículos de transporte de City of Tyler Transit.



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James Torres, Title VI Liaison

October 7, 2019  
Date

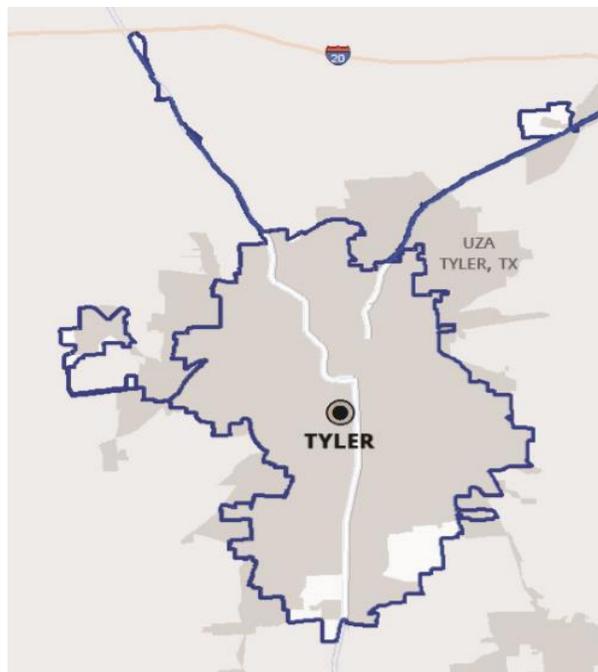
### **Description of Service**

The City of Tyler serves as an urban transit district (UTD) for the Tyler urbanized area (UZA) under Texas Transportation Code Chapter 458, and therefore receives local, state, and federal funding. Tyler Transit is a public transit provider in the UTD, providing fixed-route bus service, ADA paratransit service within the city limit of Tyler. The service area entirely falls into Smith County, covering 74% of population and 58.1% of land area of the Tyler UZA.

Tyler Transit is a department of the City of Tyler and is governed by the City Council. The Tyler City Council is composed of a Mayor elected at-large and six single member district Council members who represent the citizen of the City of Tyler; the agency does not have a non-elected transit-related committee of council.

City of Tyler Transit's primary purpose is to make plans to guide the future development of the transit system and to provide joint services to serve its community and surrounding areas. City of Tyler Transit is governed by the Tyler City Council and is comprised of a Mayor elected at large and six single member district Council-members who are elected for two-year terms to represent the citizens of the City of Tyler. City of Tyler Transit has 33 employees, which is comprised of drivers, dispatchers, and management staff. City of Tyler Transit operates 20 service vehicles, with at least 15 on the road each day, providing approximately 15,000 trips a month to jobs, medical appointments, social events, and shopping to include other destinations. The City of Tyler Transit mobility impaired service offers curb-to-curb paratransit transportation service to qualified individuals anywhere within the City of Tyler. City of Tyler Transit provides safe, reliable and friendly service Monday through Friday from 6:00 a.m. to 8:15 p.m. and Saturday from 9:00 a.m. to 6:15 p.m.

#### ***Service Area Map***



## Complaint Procedure

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by City of Tyler Transit may file a Title VI complaint by completing and submitting the Title VI complaint form by mail or in person to 210 East Oakwood St, Tyler, Texas 75702. Complaint forms are available online at [www.tylerbus.com](http://www.tylerbus.com) or at the City of Tyler Transit office at 210 East Oakwood St, Tyler, Texas 75702. City of Tyler Transit investigates complaints received no more than 180 days after an alleged incident. City of Tyler Transit will process complaints that are complete, in a reasonable amount of time.

Once a complaint is received, City of Tyler Transit will review it to determine if our office has jurisdiction in the matter. The complainant will receive an acknowledgment letter within 10 business days informing complainant whether the complaint will be investigated by City of Tyler Transit. City of Tyler Transit will notify its TxDOT Public Transportation Coordinator within 10 working days, by email, of any Title VI complaints filed with it.

City of Tyler Transit has 30 days to investigate the complaint. If more information is needed to resolve the matter, City of Tyler Transit will contact the complainant. The complainant has 20 business days from the date of the letter, to send requested information to the City of Tyler Transit Title VI investigator. If the investigator is not contacted by complainant or does not receive the request for additional information within the 20 business day requirement, City of Tyler Transit can administratively close the case. A case can also be closed if the complainant indicates that they no longer wish to pursue their case.

After the investigator completes the review of all findings, they shall issue one of two letters to the complainant: A closure letter or letter of findings. The closure letter summarizes the allegations and states that there was not a Title VI violation and the case will be closed.

A letter of findings summarizes the allegations and all interviews regarding the alleged incident, and explains whether any disciplinary action, training of staff or other action will occur. A complainant shall have 20 days from date received, to appeal the decision.

Tyler Transit will keep a record and track all Transit-Related Title VI complaints, investigations and lawsuits by utilizing the form on page 11 of this policy titled "Record of Transit-Related Title VI following the process above.

A person also may file a complaint directly with the Federal Transit Administration at:

FTA office of Civil Rights  
1200 New Jersey Ave. SE.,  
Washington, D.C. 20590.

or with

Texas Department of Transportation  
ATTN: TxDOT- PTN  
125 E. 11<sup>th</sup> Street Austin, TX 78701-  
2483







**Tyler Transit Titulo VI Formulario de Quaja Pagina 2 de 2 (Espanol)**

**Tyler Transit Title VI Complaint Form (Page 2 of 2)**

<b>(Continuado)</b>		
<b>Section IV</b>		
<b>Ha presentado previamente una queja del T3tulo VI con esta agencia?</b>	<b>Si</b>	<b>No</b>
<b>Section V</b>		
<b>Ha presentado esta queja ante cualquier Federal, Estatal o agencia local, o con cualquier</b>		
<b>Agencia Federal</b> _____	<b>Corte Federal</b> _____	
<b>Agencia Estatal</b> _____	<b>Corte Estatal</b> _____	
<b>Agencia Localizado</b> _____		
<b>donde se present3 la denuncia.</b>		
<b>Nombre:</b>		
<b>Titulo:</b>		
<b>Agencia:</b>		
<b>Direccion:</b>		
<b>Telefono:</b>		
<b>Section VI</b>		
<b>Nombre de la agencia de quaja es en contra:</b>		
<b>Persona de Contacto:</b>		
<b>Titulo:</b>		
<b>Numero de Telefono:</b>		

Puede adjuntar cualquier material escrito o cualquier otra informaci3n que usted piensa que es relevante para su queja.

\_\_\_\_\_  
Firma

\_\_\_\_\_  
Fecha

Por favor regrese este formulario en persona en la direcci3n abajo, o env3e este formulario a:

City of Tyler Transit Title VI Coordinator  
James Torres  
210 East Oakwood St  
Tyler, Texas 75702

NOTICE: If information is needed in another language, contact 903.533.8057  
 AVISO: Si necesita informaci3n en otro idioma, comuniquese al 903.533.8057

**Record of Transit-Related Title VI**  
 Investigations, Complaints, and Lawsuits

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken/ Results
<b>Investigations</b>				
1. None				
2.				
<b>Lawsuits</b>				
1. None				
2.				
<b>Complaints</b>				
1. None				
2.				

The City of Tyler Transit Assistant General Manager will serve as the Title VI Coordinator for the organization. The Coordinator will work to ensure all Title VI complaints are appropriately documented, as well as, oversee the security and confidentiality of the complaint files.

## **Standards and Policies**

City of Tyler Transit prohibits discrimination in regard to race, color or national origin in all phases of its operation. Neither does City of Tyler Transit utilize any method of administration which would discriminate on the basis of race, color or national origin. City of Tyler Transit shall take affirmative action to assure that no person is excluded from participation in or denied the benefits of its programs or activities based on race, color or national origin. In addition, City of Tyler Transit will not discriminate regarding routes, route changes, and frequency of service, scheduling, or assignment of vehicles. City of Tyler Transit shall set all service standards equally, throughout the system. Service shall be provided in a manner that serves all patrons equally, with reasonable access to the City of Tyler Transit system.

Quantitative Standards shall be as follows:

Vehicle load - City of Tyler Transit shall not load more than the safe capacity of its vehicle during operation i.e., A load factor of 1.1.

Vehicle Headway Standards shall be as follows:

City of Tyler Transit service operates on Monday through Friday, from 6:00AM till 8:15PM and on Saturday from 9:00AM to 6:00PM. The headway is 1 to 1.5 hours for each round-trip of the one fixed-route.

On-time performance shall be no less than 90%. City of Tyler Transit shall maintain schedule as directed, except where "Route Deviation" due to reasonable modification request, dictates a route detour.

Service availability shall be set in reasonable perspective, such that patrons will have access to the route, where patrons are within  $\frac{3}{4}$  of a mile of City of Tyler Transit route.

Service practices to fulfill service policy requirements are:

City of Tyler Transit shall print and distribute a system map and schedule (English and Spanish) throughout the service area. City of Tyler Transit shall assure all designated bus-stops are clearly marked at the stop.

A major service change policy is to be instituted as follows:

All proposed routes, shall be placed before the public in notices VIA television, newspaper, CITY OF TYLER-website, bulletin boards, courthouse or City locations. Notices shall describe changes and proposals (English and Spanish) and name date and location of any and all public hearings concerning the service change, no less than Thirty (30) days prior to public hearing.

No major service change shall be put in place without public notice and hearing, in addition to an analysis of adverse effects changes will have, if any and a thorough measure of the disparate impact the changes will have, if any, on minority populations. The disparate impact threshold must be applied uniformly. The public shall have participation in the service change policy. Use of census block analysis shall be used to determine the service equity. In addition, ridership data shall be analyzed to determine minority and non-minority base of the proposed route changes.

Assessment of Service Impacts will be conducted by using the following methods: Ridership data shall be used to determine the correct comparison population. An analysis of low-income and non-

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low-income population is best evidence. Additionally, GIS or alternative maps are to be prepared next, to review the route/routes in question.

This will aid in review of existing route/routes to proposed route/routes.

Shelters are situated at certain bus stops along the fixed routes. Shelter sites are selected by the city of Tyler Transit administration. All City of Tyler Transit vehicles ADA accessible and may be of various types. Vehicle assignments are based solely upon availability.

### **Providing Assistance to and Monitoring Subrecipients**

City of Tyler Transit monitors subrecipients and adheres to all local, state and federal regulation in regard to Title VI requirements. The monitoring process emphasizes both advising the subrecipient of their responsibilities and assessing compliance. In addition, Tyler Transit monitoring process includes the following activities:

1. Elaboration of FTA Requirements and Subrecipient Guidelines
2. FTA Subrecipient Funding Agreement Execution
3. Ongoing FTA subrecipient monitoring including monthly invoice reviews and review of quarterly reporting requirements
4. Formal Compliance reviews – Desk and on-site
5. Closeout

## How to File a Title VI Complaint



**Tyler Transit**  
Title VI Coordinator  
210 E. Oakwood  
Tyler, TX 75702  
903-533-8057

### HOW TO FILE A TITLE VI COMPLAINT

**Discrimination** – Involves any act or inaction, whether intentional or unintentional in any program or activity of a Federal-aid recipient, sub-recipient, or contractor, which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior discrimination based on disability or in the case of disability, failing to make a reasonable accommodation.

**Persons Eligible to File:** Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon disability may file a written complaint. The complaint may be filed by the affected individual or a representative and must be in writing.

**Time Limits for Filing:** A complaint must be filed no later than 180 days after the following:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, on which that conduct was discontinued or the latest instance of the conduct.

**Form of Complaints:** Formal complaints must be in writing and signed by the person(s) or representative and include the complainant's name, address and telephone number.

**Where to File a Complaint:**

- ADA complaints should initially be filed with the transit agency. It is in the best interest of all parties involved that issues raised in a complaint of discrimination be resolved at the local level.
- If there is no resolution to the complaint at the transit agency, the TxDOT may be involved in the complaint resolution, and a formal complaint may be filed with either one of the entities listed below:

Public Transportation Coordinator (Tyler District)  
Texas Department of Transportation  
701 East Main  
Atlanta, Texas 75551  
903-799-1387

Public Transportation Division  
Office of Civil Rights  
125 E. 11<sup>th</sup> St.  
Austin, Texas 78701-2483  
1-866-480-2518

- In the event there is no resolution, a formal complaint may be filed with either one of the entities listed below:  
U.S. DOT/FTA  
Mr. Michael Winter  
Director of Civil Rights  
400 7<sup>th</sup> Street SW, Room 9100  
Washington, D.C. 20590

U. S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Ave., NW  
Disability Rights Section – NYAV  
Washington, D. C. 20530

*For information about ADA requirements affecting employment contact:*

Equal Employment Opportunity Commission  
1801 L. St., N.W.  
Washington, D.C. 20507  
Tel: 800/USA-EEO (voice)  
800-800-3302 (TDD)

*For information about ADA requirements affecting places of public accommodation contact:*

Office on the Americans with Disabilities Act  
U. S. Dept of Justice  
P. O. Box 66118  
Washington, D.C. 20035-6188  
Tel: 202/514-0301 (voice)  
202/514-0383

*For information about ADA requirements affecting telecommunications contact:*

Federal Communications Commission  
1919 M St., N.W.  
Washington, D.C. 20554  
Tel: 202/634-1800 (voice)  
202/632-6999 (TDD)

*For information about ADA requirements affecting transportation contact:*

Office of the Chief Counsel  
Department of Transportation  
400 Seventh St. S. W.  
Washington, D.C. 20590  
Tel: 202/366-9305 (voice)  
202/755-7687 (TDD)

*For information about requirements for accessible design in new construction and alterations contact:*

Architectural and Transportation Barriers Compliance Board  
1111 18<sup>th</sup> St., N.W. Suite 501  
Washington, D.C. 20036-3894  
Tel: 800/USA-ABLE (voice and TDD)

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## Como Presentar una Queja de Título VI



### Como presentar un a queja de titulo VI

**Tyler Transit**  
210 E. Oakwood  
Tyler, TX 75702  
903-533-8057

**Discriminación** – Envuelve cualquier hecho o inactividad, ya sea intencional o involuntario en algún programa o actividad para un beneficiario, sub-beneficiario, o contratista que reciba ayuda Federal el cual resulte en un trato diferente y poco favorable, o perpetúe los efectos de una discriminación anterior basada en discapacidad, o faltar a hacer una provisión razonable en el caso de discapacidad.

**Personas que califican para someter una queja** – Cualquier persona que crea que él o ella, o alguna clase específica de persona ha sido sujeta a discriminación o represalia prohibida por cualquier autoridad de Derechos Civiles, basada en discapacidad, podría someter una queja. La queja debe ser sometida por la persona afectada o su representante y debe ser por escrito.

**Tiempo Límite para someter una queja** - Una queja debe ser sometida no después de 180 días de:

- La fecha del supuesto hecho de discriminación, o
- La fecha cuando la(s) persona(s) se dieron cuenta del supuesto hecho de discriminación, o
- Donde ha habido un continuo curso de conducta en el que la conducta fue descontinuada, o la última vez que ocurrió tal conducta.

**Forma de presentación de quejas** – Las quejas formales deben ser por escrito y firmadas por la(s) persona(s), o representante, e incluir el nombre, el domicilio, y el número telefónico del reclamante.

### Donde someter una queja

- Las quejas de la ADA (por sus siglas en Inglés) inicialmente deben someterse con la agencia de Transito. La resolución de un problema de discriminación a nivel local es mejor por el bienestar de todas las partes envueltas.
- Si no hubiera una resolución de la queja en la agencia de Transito, el Departamento de Transportación TxDOT (por sus siglas en Inglés) podría ser envuelto en la resolución de la queja y una queja formal debe someterse en cualquiera de las entidades descritas a continuación:

Public Transportation Coordinator (Tyler District)  
Texas Dept of Transportation  
701 East Main  
Atlanta, Texas 75551  
903-799-1387

Public Transportation Division  
Office of Civil Rights  
125 E. 11th St.  
Austin, Texas 7870178701-2483  
1-866-480-2518

- En el caso en que no hubiera una resolución, debe someterse una queja formal con cualquiera de las entidades descritas a continuación:

U.S. DOT/FTA  
Mr. Michael Winter  
Director of Civil Rights  
400 7th Street SW, Room 9100  
Washington, D.C 20590

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Ave., NW  
Disability Rights Section-NYAV  
Washington, D.C 20530

*Para información acerca de los requisitos de la ADA (por sus siglas en Inglés) que afectan empleo, favor de contactar:*

Equal Employment Opportunity Commission  
1801 L. St., N.W  
Washington, D.C. 20507  
Tel: 800/USA-EEO (voz)  
800-8003302 (TDD)

*Para información acerca de los requisitos de la ADA (por sus siglas en Inglés) que afectan los lugares de adaptación pública, favor de contactar:*

Office on the Americans with Disabilities Act  
U.S. Department of Justice  
P.O. Box 66118  
Washington, D.C. 20035-6188  
Tel: 202/514-0301 (voz)  
202/514-0383

*Para información acerca de los requisitos de la ADA (por sus siglas en inglés) que afectan telecomunicaciones, favor de contactar:*

Federal Communications Commission  
1919 M St., S.W  
Washington, D.C 20554  
Tel: 202/634-1800 (voice)  
202/632-6999 (TDD)

*Para información acerca de los requisitos de la ADA (por sus siglas en Inglés) que afectan transportación, favor de contactar:*

Office of the Chief Counsel  
Department of Transportation  
400 Seventh St. S.W.  
Washington, D.C. 20590  
Tel: 202/366-9305 (voz)  
202/755-7687 (TDD)

*Para información acerca de los requisitos de diseño para accesibilidad en construcciones nuevas y alteraciones, favor de contactar:*

Architectural and Transportation Barriers Compliance Board  
1111 18th St., N.W. Suite 501  
Washington, D.C. 20036-3894  
Tel: 800/USA-ABLE (voz y TDD)



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

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

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

**July 1, 2019**

**Previous Revision: June 23, 2016**

## **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**

This plan contains:

- A. A needs assessment based on the four-factor analysis
- B. Implementation Plan
- C. Contact Information

### **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:

- Map showing City of Tyler with concentrations of LEP persons
- U.S. Census Bureau, 2013-2017 American Community Survey (ACS)
- Tyler 1<sup>st</sup> 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)
- Reports from drivers, dispatchers, other about contact with LEP persons
- Local school district data

### **Demographic Review**

According to the 2013-2017 ACS 5-Year Estimates:

- The total eligible population in Tyler Transit's service area (Tyler city limits) is 102,561;
- 21.9% of this population speak a language other than English (20,770 people);
- Spanish
  - 17,777 people (85.3% of the people who speak another language)
  - 43.4% of this population (7,723 people) speak English less than "very well"
- Other Indo-European languages

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- 1,010 people (5.0% of the people who speak another language)
- 14.5% of this population (146 people) speak English less than “very well”
- Asian and Pacific Island languages
  - 1,507 people (7.3% of the people who speak another language)
  - 45.9% of this population (691 people) speak English less than “very well”
- Other Languages
  - 476 people (2.3% of the people who speak another language)
  - 54.8% of this population (261 people) speak English less than “very well”
- Using these values, the MPO estimates the total number of LEP persons in Tyler Transit’s service area to be 8,821 people.

### **On-Board Transit Passenger Survey**

The on-board transit passenger survey was conducted during the spring of 2010 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 2011, 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 maps are 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, the MPO adopted an updated Paratransit Plan which defines policies and procedures for ADA complementary service and has been translated into Spanish.

The agency employs two 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.

The City employs Spanish speaking staff in the Police, Fire and Water Departments. As part of the new system implemented, there is a plan to provide buses with translation cards with common phrases printed including bus rules and procedures, such as the cost of the fare and that the fare is due upon boarding.

## **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, the MPO also began to print and distribute “I Speak” language identification cards to bus drivers, supervisors and staff. 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 to be completed in FY 2019.
- Tyler Transit and the MPO’s websites can be translated into Spanish by clicking the “En Espanol” 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.

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- 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:*

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- *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**

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*“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.cityoftyler.org/Departments/TylerAreaMetropolitanPlanningOrganization/AdministrativeDocuments/LimitedEnglishProficiencyPlan.aspx>. 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**

NOTICE: If information is needed in another language, contact 903.533.8057  
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Questions or comments about this plan may be submitted to:

### **Tyler Transit**

Name: Robert Gil  
Title: Transit Manager  
Address: 210 E. Oakwood, Tyler TX 75702  
Telephone: 903-533-8057  
E-mail address: [rgil@tylertexas.com](mailto:rgil@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](mailto:mhowell@tylertexas.com)

Rev. 2012  
Rev. May 6, 2013  
Rev. June 23, 2016  
Rev. August 21, 2019

### **Public Participation Plan**

The Tyler Area MPO adopted the current Public Participation Plan on July 26, 2018

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## AGENDA

### TRANSPORTATION POLICY COMMITTEE MEETING OF THE TYLER AREA METROPOLITAN PLANNING ORGANIZATION

>> Thursday, July 26, 2018 <<  
2:00 P.M.

Tyler Development Center, Large Conference Room, 423 W. Ferguson Street,  
Tyler, Texas

.....  
**AMERICANS WITH DISABILITIES ACT NOTICE**

The City of Tyler wants to ensure that all Tyler Area Metropolitan Planning Organization (MPO) meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a Tyler Area Metropolitan Planning Organization meeting, please contact the Metropolitan Planning Organization at 903-531-1175 in advance so that accommodations can be made. Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1175.

- .....
- I) **Call to Order**
  
  - II) **Consideration of Minutes from May 24, 2018 meeting**
  
  - III) **Discussion and Action**
    - 1. **Consider approval of amendments to the Public Participation Plan (PPP)**
    - 2. **Consider approval of amendments to the Tyler Area MPO Bylaws**
  
  - IV) **Staff Updates**
    - 1. **MPO Executive Director's Report**
    - 2. **Upcoming Meeting Dates**
      - **Next Technical Advisory Committee Meeting: September 6, 2018**
      - **Next Transportation Policy Committee meeting: September 20, 2018**
  
  - V) **Adjourn**

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**TRANSPORTATION POLICY COMMITTEE  
THURSDAY, JULY 26, 2018  
REGULAR MEETING, TDC LARGE CONFERENCE ROOM  
423 W. FERGUSON ST. TYLER, TEXAS**



**Members Present:**

Martin Heines, Chair; Jeff Warr; Carolyn Caldwell; Joe Carlyle; Glenn Green; Frank Davis; and Scott Taylor.

**Staff Present:**

Heather Nick; Michael Howell; and Brent Bradberry.

**Others Present:**

Jeffrey Harmon, TxDOT; James Torres, Tyler Transit; and Dale Booth, Bartlett&West.

**Martin Heines called the meeting to order at 2:05 pm.**

**Minutes:**

The minutes from the May 24, 2018 Transportation Policy Committee meeting were presented for approval.

Jeff Warr moved, seconded by Frank Davis, to approve the minutes. The minutes were approved by a unanimous vote.

**Discussion and Action:**

**1. Consider approval of amendments to the Public Participation Plan (PPP)**

Mr. Howell presented the item stating that the amendments were part of the regular review process for the PPP. He said that many of the updates involved revised wording related to MAP-21 and the FAST Act. He stated that the update would remove requirements to distribute printed copies of plans at municipal offices for public outreach and replace the process with online engagement. He mentioned three new sections added related to records retention, internet, and visualization techniques.

Mr. Howell stated that the Technical Advisory Committee recommended approval of the amendments by a unanimous vote.

Joe Carlyle moved, seconded by Jeff Warr, to approve the amendments to the Public Participation Plan. Motion carried with a unanimous vote.

**2. Consider approval of amendments to the Tyler Area MPO Bylaws**

Mr. Howell presented the item stating that the amendments were part of the regular review process for the MPO bylaws. He said that most of the updates were to provide clarification on the roles and responsibilities for the Policy Committee, Technical Advisory Committee, and staff. He noted a specific recommended change to the attendance policy which automatically removed members for absences. The new wording gave a provision for the Chair to decide appropriate action.

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\*Scott Taylor joined the meeting at 2:11 p.m.\*

Mr. Howell stated that the Technical Advisory Committee recommended approval of the amendments by a unanimous vote.

Joe Carlyle moved, seconded by Carolyn Caldwell, to approve the amendments to the MPO Bylaws. Motion carried with a unanimous vote.

#### **Staff Updates:**

##### **1. Executive Director's Report**

Ms. Nick presented the report notifying the Committee that the next Policy Committee meeting had been rescheduled from September 27<sup>th</sup> to September 20<sup>th</sup>.

She notified that TxDOT's traffic modeling team had completed Tyler's model and representatives would be attending the next meeting to present the model.

She provided an update on the process of hiring a consultant to update the Metropolitan Transportation Plan stating that a recommended consultant would be presented at the next meeting and the process would take approximately one year to complete.

Ms. Nick also gave an update on the revisions being proposed for the Category 2 funding formula. She stated that the Texas Association of Metropolitan Planning Organizations (TEMPO) had previously come to consensus on a formula but brought the item back for further discussion. After additional review, TEMPO voted to keep the originally proposed formula.

Ms. Nick asked Mr. Bradberry to give a brief update on Active Tyler who stated that the consultants were developing a draft network based on the input received which was expected to be completed by September. Mr. Bradberry said the network would be presented to the stakeholders to make comments, and then the draft network would be presented to public for input.

##### **2. Upcoming Committee Dates**

Ms. Nick provided notice of the upcoming Technical Advisory Committee meeting on September 6, 2018 and the next Transportation Policy Committee meeting scheduled on September 20, 2018.

**The meeting adjourned at 2:16 p.m.**

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Tyler Transit has been involved in the following public participation activities.

01/11/2018

Disability Issues Review Board Meeting

07/12/2018

Disability Issues Review Board Meeting

07/26/2018

Tyler Area MPO Public Participation Plan

04/17/2019

EasTex Connects

07/18/2019

EasTex Connects