

Rapid City Area



METROPOLITAN PLANNING ORGANIZATION

Title VI and Non-Discrimination Program Manual

June 2013

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TABLE OF CONTENTS

Introduction to the Rapid City Area MPO	1
Rapid City Area MPO Title VI and Non-Discrimination Policy Statement	4
Rapid City Area MPO Title VI Assurances.....	5
Rapid City Area MPO Title VI Coordinator Responsibilities	8
Rapid City Area MPO Title VI Complaint Procedure.....	9
Scope of Title VI Complaints.....	9
Formal Title VI Complaint Procedure	9
Informal Title VI Complaint Procedure.....	13
Rapid City Area MPO Limited English Proficiency Plan	14
Introduction.....	14
Meaningful Access: Four-Factor Analysis	15
Language Assistance.....	16
Staff Training.....	17
Translation of Documents	17
Monitoring.....	18
Dissemination	18
Appendices	
Appendix A – Contracting Assurances	A-1
Appendix B – Deed Assurances.....	A-4
Appendix C – Grantee Assurances	A-6
Appendix D – Title VI Log.....	A-7
Appendix E – Title VI Plaque.....	A-8
Appendix F – Notice to the Public	A-8
Appendix G – Title VI and LEP Complaint Log	A-10
Appendix H – Executive Order 12898 (Environmental Justice)	A-11
Appendix I – Title VI Complaint Form and Instructions	A-16
Appendix J – Executive Order 13166 (Limited English Proficiency).....	A-23
Appendix K – 2007-2011 American Community Survey – U.S. Census Bureau	A-25
Appendix L – LEP Request for Services Log.....	A-28
Appendix M – Translation Resource Agencies	A-30
Appendix N – Language Identification “I Speak” Cards	A-31
Appendix O – Public Meeting Voluntary Sign-in Sheet.....	A-34
Appendix P – RCAMPO Public Meeting Voluntary Sign-in Sheet.....	A-35

RAPID CITY AREA METROPOLITAN PLANNING ORGANIZATION (MPO)

Title VI and Non-Discrimination Program Manual

INTRODUCTION

The City of Rapid City, through the Rapid City Area MPO (Rapid City Area MPO), serves as the federally designated Metropolitan Planning Organization (MPO) for the region, and as such, is responsible for ensuring that transportation programs utilizing federal funds in the Rapid City region are based on a continuing, comprehensive, and coordinated planning process. Rapid City Area MPO seeks to build a stronger regional community through cooperation, leadership and planning. Through Rapid City Area MPO's leadership, area jurisdictions and diverse community interests coordinate efforts to address the region's problems and identify the opportunities for cooperative solutions. These efforts, in turn, enhance the effectiveness of local government.

The Rapid City Area MPO plays an active leadership role in strengthening the metropolitan community by providing:

- A forum for addressing regional objectives and diverse community issues
- Long-range planning and public policy coordination
- Technical assistance and services to enhance the effectiveness of local government

Members

The Rapid City Area MPO serves a two-county Rapid City Area region, which includes four separate city governments. The Rapid City Area MPO's boundaries include portions of the following cities/counties:

- In Pennington County:
 - Rapid City
 - Box Elder
- In Meade County:
 - Summerset
 - Piedmont

The Rapid City Area MPO's Executive Policy Committee (Policy Board) consists of locally elected officials representing these units of government.

In addition to the above geographic jurisdictions, the Rapid City Area MPO also works with the following:

- Transit Operators
- School Districts
 - Rapid City Area School District
 - Meade County School District
 - Douglas School District
- Rapid City Regional Airport
- Ellsworth Air Force Base
- South Dakota Department of Transportation (SDDOT)
- Federal Transit Administration (FTA)
- Federal Highway Administration (FHWA)

Benefits of working with the Rapid City Area MPO include a voice in key regional decisions, distribution of federal transportation dollars, technical assistance to obtain federal and state funding, education and training opportunities, data to meet special planning needs, access to Geographic Information Systems (GIS) databases, access to data products, and technical expertise.

Boards and Committees

The Rapid City Area MPO process includes three committees through which all transportation products and plans are presented. These committees include the Citizens Advisory Committee (CAC), Technical Coordinating Committee (TCC) and the Executive Policy Committee (EPC). Committee participation in the review of transportation products and plans vary due to the roles and responsibilities of each committee. The EPC has final review and approval of transportation products and plans produced for the Rapid City Area MPO.

The CAC is one of many public participation forums for transportation products and plans. The CAC is represented by various community groups and individuals from within the metropolitan planning area. Membership can be drawn from any group or organization deemed applicable by its committee members. Members of the CAC may represent different groups or organizations interested in developing the transportation infrastructure and are typically representatives of the general public. Vacancies in any of the representative positions are filled by interested citizens or by recommendations from the committee.

The role of the CAC is to ensure citizen input into the review of products and plans and to analyze potential impacts as they relate to the citizens of the metropolitan transportation planning area. Upon the CAC's review of products and plans, the committee shall make a recommendation to the TCC as to whether the product or plan should be recommended for approval, approval with changes, denial, or acceptance.

The TCC membership includes staff and other participating agencies responsible for or affected by transportation plans, products or improvements developed by the Rapid City Area MPO. Their role is to assist and advise the policy board on technical matters as they relate to the Rapid City Area MPO process.

The role of the TCC is to review products and plans, and analyze the technical aspects as it relates to costs, construction, design, feasibility or other technical matters, and to make recommendations to the EPC. The CAC and TCC play an important role in the review of transportation products and plans. Without the involvement of these two committees a cooperative, continuing, and comprehensive transportation planning process would not occur. It is their responsibility to make recommendations for approval, approval with changes, denial, or acceptance to the policy board regarding documents developed through the Rapid City Area MPO process.

The designated Rapid City Area MPO policy board is the EPC. The EPC is responsible for making transportation planning and improvement decisions. The EPC considers the recommendations of the CAC and TCC prior to making final decisions.

The Bike Walk Run Committee (BWR) is an advisory committee to the Rapid City Area MPO with members selected for their expertise or interest in creating and improving alternative transportation opportunities. The committee represents the interests of disabled individuals, area recreational and commuter bicyclists and the walking/running community. They provide recommendations to the Rapid City Area MPO on developing an efficient network of safe bikeways and walkways for the community. The committee is also committed to the education of sharing the road between bicyclists and motorists. All committee members will have an equal voice in deliberations. This committee has been dormant of recent; however, one of the recommendations from the Bike/Pedestrian Master Plan suggested resurrection of this committee especially in light of the pedestrian vehicular crash issues across the region.

**RAPID CITY AREA METROPOLITAN PLANNING ORGANIZATION (MPO)
TITLE VI AND NON-DISCRIMINATION POLICY STATEMENT**

The Rapid City Area MPO, hereinafter referred to as the “Recipient,” is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. The Recipient assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, and income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Recipient, regardless of whether those programs and activities are federally funded or not.

The Recipient also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the Recipient will provide meaningful access to services for persons with Limited English Proficiency.

In the event the Rapid City Area MPO distributes federal-aid funds to a subrecipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Rapid City Area MPO Title VI Coordinator (Patsy Horton, Long Range Planning Manager, City of Rapid City, 605-394-4120, 300 Sixth Street, Rapid City, SD 57701, patsy.horton@rcgov.org) is responsible for initiating and monitoring all Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

*Title VI of the Civil Rights Act of 1964 governs race, color and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

EXECUTIVE POLICY COMMITTEE

Chair

Date

RAPID CITY AREA MPO TITLE VI ASSURANCES

The Rapid City Area Metropolitan Planning Organization (MPO), Rapid City, Pennington County, South Dakota (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance through the South Dakota Department of Transportation, including the U.S. Department of Transportation and the Federal Highway Administration; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility,” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations and made in connection with the Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, national origin, sex, age,

disability/handicap, or income status** in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

**The Act governs race, color and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

RECIPIENT:

Rapid City Area Metropolitan Planning
Organization
Rapid City, South Dakota

Nancy Trautman, Chair

Date

Attachments:

Appendices A, B and C

RAPID CITY AREA MPO TITLE VI COORDINATOR RESPONSIBILITIES

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the Rapid City Area MPO's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by the Rapid City Area MPO.
2. Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, e.g. affected citizens and impacted communities. (Appendix D – Title VI Log)
3. Post Title VI plaque in the Rapid City Area MPO's worksite to notify the public of Title VI Compliance information. (Appendix E – Title VI Plaque)
4. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
5. Conduct Title VI reviews of consultant contractors and other recipients of federal-aid highway fund contracts administered through the Rapid City Area MPO.
6. Review Rapid City Area MPO program directives. Where applicable, include Title VI language and related requirements.
7. Conduct training programs on Title VI and other related statutes for Rapid City Area MPO employees and recipients of federal highway funds. Post the Title VI Plan on employee bulletin boards at the Rapid City Area MPO worksite. Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
8. Prepare a yearly report of Title VI accomplishments and goals, as required.
9. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Include Title VI language in all significant publications (Appendix F – Notice to the Public). Post the Plan on the Rapid City Area MPO website.
10. Maintain list of Title VI Complaint logs. (Appendix G – Title VI and Limited English Proficiency (LEP) Complaint Log)
11. Conduct postgrant reviews of the Rapid City Area MPO programs and staff position applicants for compliance with Title VI requirements.
12. Identify and take corrective action to help eliminate discrimination.

13. Establish procedures to promptly resolve identified Title VI deficiencies.
14. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

RAPID CITY AREA MPO TITLE VI COMPLAINT PROCEDURE

SCOPE OF TITLE VI COMPLAINTS

The scope of Title VI covers all external Rapid City Area MPO activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with the Rapid City Area MPO for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups, e.g., social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

The Rapid City Area MPO policies and procedures have been designed and implemented in accordance with applicable federal and state nondiscrimination statutes and regulations. The following process has been established to provide for the orderly and timely resolution of any complaints alleging discrimination by the Rapid City Area MPO.

The Title VI Coordinator will make him/her known to all participating agencies within the Rapid City Area MPO and, with the assistance of the agency representatives, will attempt to resolve all civil rights complaints arising from the Rapid City Area MPO activities. In addition, the Title VI Coordinator will make periodic visits to any locations and/or areas determined to be problematic in an attempt to alleviate any problems in advance of a complaint.

FORMAL TITLE VI COMPLAINT PROCEDURE

The Rapid City Area MPO Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, and disability or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Rapid City Area MPO, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on

income status. (Appendix H – Executive Order 12898)

The Rapid City Area MPO policies and procedures have been designed and implemented in accordance with applicable federal and state nondiscrimination states and regulations. The following process has been established to provide for the orderly and timely resolution of any complaints alleging discrimination.

Rapid City Area MPO Title VI Coordinator will make him/her known to all participating agencies and will attempt to resolve all civil rights complaints arising from Rapid City Area MPO activities.

In addition, the Title VI Coordinator will make periodic visits to any locations and/or areas determined to be problematic in an attempt to alleviate any problems in advance of a complaint.

The following complaint procedures are applicable to all Rapid City Area MPO activities:

1. Any person or group claiming to be aggrieved by an unlawful discriminatory practice based on race, color, national origin, sex, age or disability any by himself/herself or through his/her legally authorized representative, make and sign a complaint and should file such complaint with the Rapid City Area MPO within 180 calendar days following the date of the alleged discriminatory action. All complaints will be filed with the Rapid City Area MPO Title VI Coordinator who will evaluate the complaint, gather additional information from the complainant if necessary, and refer the complaint to the appropriate participating agency. The participating agency will make every reasonable effort to resolve the complaint as quickly as possible. (Appendix I – Title VI Complaint Form and Instructions)
2. All complaints that cannot be quickly (within 30 calendar days) resolved by the participating agency will be reviewed by a committee consisting of the Rapid City Area MPO Chair, the Title VI Coordinator, the SDDOT Civil Rights Compliance Officer and the participating agency involved. The committee will hold an informal hearing with the complainant seeking resolution and will render a decision regarding the complaint within 15 working days of the hearing.
3. When the Rapid City Area MPO arrives upon a final decision regarding the complaint filed with the Rapid City Area MPO, it will notify the complainant in writing of the decision and of the complainant's rights, if dissatisfied with the decision, to bring the matter to the attention of the appropriate federal agency, typically the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA). The Rapid City Area MPO will advise the complainant of the name and address of the agency and/or individual to contact.
4. The Rapid City Area MPO will provide the federal agency with a copy of the complaint along with any investigatory report within 60 calendar days of the filing of the complaint. The Rapid City Area MPO will also furnish the federal agency a

report indicating final disposition of the complaint within 5 working days of advising the complainant of the disposition.

The Rapid City Area MPO, acting through the Title VI Coordinator, will expedite all discrimination complaints filed by individuals, businesses, groups or institutions. Information regarding the complaint process will be provided through Rapid City Area MPO publications, Rapid City Area MPO activities, and individual personal contact with persons affected by the Rapid City Area MPO activities.

INFORMAL TITLE VI COMPLAINT PROCEDURE

1. Title VI complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint, with a description of the action to be taken.
2. Title VI Coordinator will investigate and resolve informal complaint issues, and develop procedures, if necessary, to prevent in the future.
3. Title VI Coordinator will prepare a summary of issues, how to address identified issues, and any procedural changes, as necessary.
4. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above.
5. The Rapid City Area MPO periodically informs SDDOT of the status of all informal complaints.
6. When a complaint has been directly filed with another federal or state agency, the Rapid City Area MPO is to be informed by the agency where the complaint has been filed and is to take whatever action is needed to resolve the complaint.

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

RAPID CITY AREA MPO LIMITED ENGLISH PROFICIENCY PLAN

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the Rapid City Area Metropolitan Planning Organization's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The assessment and strategies have been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing

regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all Rapid City Area MPO agencies receiving federal grant funds. (Appendix J – Executive Order 13166)

Strategies for Providing Meaningful Access

The Rapid City Area MPO has developed these strategies to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to identify the demand for language assistance, the Rapid City Area MPO used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the Rapid City Area Metropolitan Planning Organization.
2. The frequency with which LEP persons come in contact with the Rapid City Area MPO services.
3. The nature and importance of services provided by the Rapid City Area MPO to the LEP population.
4. The interpretation services available to the Rapid City Area MPO and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require Rapid City Area MPO services.

The Rapid City Area MPO staff reviewed the 2007-2011 American Community Survey 5-Year Estimates* for the Rapid City Metro Area (Appendix K) and determined that 5,203 individuals 5 years and older in the Rapid City Area Metropolitan Planning Organization's service area (4.5 % of the population) speak a language other than English. Of those, 1,327 individuals have limited English proficiency; that is, they speak

English less than “very well” or “not at all.” This is only 1.2% of the overall population in the service area. In the Rapid City Area MPO service area, of those persons with limited English proficiency, 30.8% speak Spanish, 20.8% speak Indo-European languages, 42.8% speak Asian and Pacific Island languages, and 8.2% speak all other languages.

**The US Census Bureau has changed collection methodology from the “Long Form” to the American Community Survey. One of the significant differences between the methodologies is that the “Long Form” was a point in time survey collected once every ten years compared to the American Community Survey which is a period survey covering a five year time frame. Given the relatively small number of individuals who speak languages other than English at home and speak English less than “very well” there may be significantly high Margins of Error associated with some or all of the subject languages.*

2. The frequency with which LEP persons come in contact with Rapid City Area MPO services.

The Rapid City Area MPO staff reviewed the frequency with which their office staff and participating agency staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the Rapid City Area MPO has had zero requests for interpreters and zero requests for translated program documents. The Rapid City Area MPO staff has had very little contact with LEP persons. Staff will maintain a registry of requests for the Rapid City Area MPO agency events to ensure services are provided when requested. (Appendix L – LEP Request for Services Log)

3. The nature and importance of services provided by the Rapid City Area MPO to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the Rapid City Area Metropolitan Planning Organization. The overwhelming majority of the population, 95.5% speak only English. As a result, there are few social, service, or professional and leadership organizations within the Rapid City Area Metropolitan Planning Organization’s service area that focus on outreach to LEP individuals. The Rapid City Area MPO’s staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from participating agency staff of impacts on service area services and attendance at meetings.

4. The resources available to the Rapid City Area MPO, and overall costs to provide LEP assistance.

The Rapid City Area MPO reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and researched a list of companies which could provide over the phone, on-demand interpretation services as well as document translation services. Language interpretation/translation services in which fees apply, related to the Rapid City Area MPO activities will be paid for by the Rapid City Area MPO. Several resource agencies are available in South Dakota to assist with translation services (Appendix M – Translation Resource Agencies).

LANGUAGE ASSISTANCE

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

How the Rapid City Area MPO staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Rapid City Area MPO staff is provided with "I-Speak" language identification cards (Appendix N) to assist in identifying the language interpretation needed if the occasion arises. Additionally, staff will utilize one of the numerous websites that offer free translation services. These include translate.reference.com/ www.translate.google.com/ or www.freetranslation.com.
- When the Rapid City Area MPO sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events. (Appendix O – Public Meeting Voluntary Sign-in Sheet)

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the Rapid City Area MPO's service area, that is, persons who speak English less than "very well" or "not at all", it will strive to offer the following measures:

1. The Rapid City Area MPO staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - I-Speak Cards will be available to identify language spoken
 - Language interpretation will be accessed for all non-English speaking individuals through a telephonic interpretation service and/or web translation service

STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of interpreter service provider's language identification cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for the Rapid City Area MPO will be required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

The Rapid City Area MPO weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, the Rapid City Area MPO did not have a formal outreach procedure in place. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the Rapid City Area MPO will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.
- Maintain a list of interpreter services available to the Rapid City Area MPO.
- Maintain a list of auxiliary services available for the residents of the Rapid City Area MPO. (Appendix P – Auxiliary Aids and Services)

MONITORING

The Rapid City Area MPO will reassess its strategies for providing meaningful access for LEP individuals. This plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the Rapid City Area MPO service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the Rapid City Area MPO's financial resources are sufficient to fund language assistance resources needed.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

DISSEMINATION OF THE RAPID CITY AREA MPO LEP PLAN

- Post “I Speak” cards at the front desks/doors of the Rapid City Area MPO’s offices to aid staff in notifying LEP persons of the LEP Plan and how to access language services.
- If known areas of high concentrations of LEP populations arise, the Rapid City Area MPO’s will attempt to post signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services in an appropriate language.
- If known high concentrations of LEP populations arise the Rapid City Area MPO’s will state on agendas and public notices in the language that LEP persons would understand that documents are available in that language upon request at 605-394-4120.

APPENDICES

APPENDIX A TITLE VI CONTRACTING ASSURANCES

The Rapid City Area Metropolitan Planning Organization (MPO), Rapid City, South Dakota, will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of federal financial assistance:

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. **Compliance with Regulations:** The Contractor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Rapid City Area MPO, Rapid City, South Dakota or the South Dakota Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Rapid City Area MPO, Rapid City, South Dakota or the South Dakota Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Rapid City Area MPO,

Rapid City, South Dakota or the South Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions**: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the Rapid City Area MPO, Rapid City, South Dakota or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the Rapid City Area MPO, Rapid City, South Dakota, or the South Dakota Department of Transportation enter into such litigation to protect the interests of the Rapid City Area MPO, Rapid City, South Dakota and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

APPENDIX B TITLE VI DEED ASSURANCES

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Rapid City Area Metropolitan Planning Organization (MPO), Rapid City, South Dakota, as authorized by law and upon the condition that the The Rapid City Area MPO, Rapid City, South Dakota, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation, and also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation (hereinafter referred to as the Regulations), pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim, and convey unto the Rapid City Area MPO, Rapid City, South Dakota, all the right, title, and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Bismarck Rapid City Area MPO, Rapid City, South Dakota, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, and shall be binding on the Rapid City Area MPO, Rapid City, South Dakota, its successors, and assigns.

The Rapid City Area MPO, Rapid City, South Dakota, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land, for itself, its successor, and assigns that (1) no person shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Rapid City Area MPO, Rapid City, South Dakota, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49,

Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation -Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assignees as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

APPENDIX C TITLE VI GRANTEE ASSURANCES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Rapid City Area MPO, Rapid City, South Dakota, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Rapid City Area MPO, Rapid City, South Dakota, shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]*

That in the event of breach of any of the above nondiscrimination covenants, the Rapid City Area MPO, Rapid City, South Dakota, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Rapid City Area MPO, Rapid City, South Dakota, and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Rapid City Area MPO, Rapid City, South Dakota, pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add “as a covenant running with the land”] that (1) no person, on the grounds of

race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation -Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Rapid City Area MPO, Rapid City, South Dakota, shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]*

That in the event of breach of any of the above nondiscrimination covenants, the Rapid City Area MPO, Rapid City, South Dakota, shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Rapid City Area MPO, Rapid City, South Dakota, and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

APPENDIX D

Rapid City Area Metropolitan Planning Organization
Title VI Log

Name	Position/ Agency	Gender		Race/Ethnicity						
		F	M	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Two or More Races	White

**APPENDIX E
Title VI Plaque**

Rapid City Area



METROPOLITAN PLANNING ORGANIZATION

Title VI Notice to the Public

The Rapid City Area Metropolitan Planning Organization hereby gives public notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, related statutes and regulation provide that no person shall on the ground of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving federal funds, whether schools, colleges, government entities, or private employers must comply with federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

We are also concerned about the impacts of our programs, projects and activities on low income and minority populations (“Environmental Justice”) under Title VI. Any person who believes that they are being denied participation in a project, being denied benefits of a program, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact:

Patsy Horton, Rapid City Area MPO Title VI Coordinator – 605-394-4120
June Hansen, SDDOT Civil Rights Program – 605-773-3540

YOU SHOULD CONTACT THE ABOVE INDIVIDUAL OR SDDOT OFFICE AS SOON AS POSSIBLE BUT NO LATER THAN 180 DAYS AFTER THE ALLEGED DISCRIMINATION OCCURRED, OR IF THERE HAS BEEN A CONTINUING COURSE OF CONDUCT, NO LATER THAN 180 DAYS AFTER THE ALLEGED DISCRIMINATION WAS DISCONTINUED.

APPENDIX F Notice to the Public

The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions and updates of the Long Range Transportation Plan. The text will be placed permanently on the agency's website. The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

The Rapid City Area MPO hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Rapid City Area MPO receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Rapid City Area MPO. Any such complaint must be in writing and filed with Rapid City Area MPO's Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discriminatory Complaint Form, please see our website at <http://www.rcgov.org/Transportation-Planning/index.html>

A shortened version of the above paragraph, such as the example below, may be used in publications where space or cost is an issue:

Rapid City Area MPO fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, call Patsy Horton, Title VI Coordinator at 605-394-4120 or to obtain a Title VI Complaint Form at <http://www.rcgov.org/Transportation-Planning/index.html>.

APPENDIX G
Title VI and Limited English Proficiency (LEP)
Complaint Log

Case #	Date Filed	Title VI or LEP	Type of Complaint *	Complainant Name	Complainant Address	Invest. Date	Nature of Complaint	Date of Disposition	Disposition Description

* Race, color, national origin, sex, age, disability, income status

APPENDIX H

Federal Register

Vol. 59, No. 32

Wednesday, February 16, 1994

Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1—1. Implementation.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice. (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. *Development of Agency Strategies.* (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. *Reports to the President.* Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. *Federal Agency Responsibilities for Federal Programs.* Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis.

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis. To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or

wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information. (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance

of the United States, its agencies, its officers, or any other person with this order.

William Clinton

THE WHITE HOUSE,
February 11, 1994.

[FR Citation 59 FR 7629]

APPENDIX I

Title VI of the Civil Rights Act of 1964 Formal Complaint Instructions

(For complaints against the Rapid City Area Metropolitan Planning Organization)

The Rapid City Area MPO provides services without regard to race, color, gender, religion, national origin, age or disability, according to the provisions contained in SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990 and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994.

Any person or group claiming to be aggrieved by an unlawful discriminatory practice based on race, color, national origin, sex, age or disability may by himself/herself or through his/her legally authorized representative, make, sign and date a written complaint and file such complaint with the Rapid City Area MPO within 180 calendar days following the date of the alleged discriminatory action or last occurrence of discrimination. The Rapid City Area MPO Title VI Coordinator will review the complaint, gather additional information from the complainant if necessary, determine a course of action, and refer the complaint to the appropriate state or federal agency, which in most cases will be the South Dakota Department of Transportation or the Federal Highway Administration.

The written complaints may be submitted to:

Rapid City Area MPO
Title VI Coordinator
Attn: Patsy Horton
300 Sixth Street
Rapid City, SD 57701

It is also within your rights to file directly with the appropriate state or federal agency that oversees the Rapid City Area Metropolitan Planning Organization activities, services or facilities. For any program or transportation planning matters, complaints may be sent directly to the South Dakota Civil Rights Office or the local division of the Federal Highway Administration by submitting them to:

SD Department of Transportation
Office of Legal Counsel – Civil Rights Program
ATTN: June Hansen
700 E. Broadway Avenue
Pierre, SD 57501

or

Federal Highway Administration
ATTN: Mark Hoines
116 E. Dakota Ave., Suite A
Pierre, SD 57501

Any person who has questions concerning this policy or who believes they have been discriminated against should contact Patsy Horton, the Rapid City Area MPO's Title VI Coordinator, at 605-394-4120.

**Title VI/Nondiscrimination Complaint Form
Rapid City Area Metropolitan Planning Organization**

Check what you believe to be the basis for the discrimination against you, such as race, sex or national origin. If you think there was more than one basis, more than one basis may be checked. You may also check more than one race/ethnic category.

1. Please state your name and address:

Name _____ Home Phone _____

Address _____

E-Mail Address _____ Work/Cell Phone _____

2. Person discriminated against if different from above:

Name _____ Home Phone _____

Address _____

E-Mail Address _____ Work/Cell Phone _____

3. Name(s) of MPO employees or participating agencies/offices involved in discrimination and/or harassment:

Name: _____

Any individual (if known): _____

Address: _____

Telephone Number: (_____) _____

4A.* **Non-Employment:** Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the MPO in its treatment of you or others? If so, please indicate below the basis on which you believe these discriminatory actions were taken.

I believe I was (or continue to be) discriminated against because of the following basis:

_____ Race

_____ National Origin

_____ Color

_____ Hispanic or Latino

_____ Religion

_____ American Indian or Alaska Native

_____ Sex

_____ Black or African American

_____ Male _____ Female

_____ Native Hawaiian or Other Pacific Islander

_____ Age

_____ Asian

_____ Disability

_____ White

_____ Other: Please explain:

4B.* **Employment:** Does your complaint concern discrimination in employment by the MPO? If so, please indicate below the basis on which you believe these discriminatory actions were taken (e.g. "Race: African American" or "National Origin: Canadian").

_____ Race/Color: _____ _____ Age
_____ National Origin: _____ _____ Disability
_____ Sex: _____

5. What is the most convenient time and place for us to contact you about this complaint?

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint.

Name _____ Phone Number (____) _____

7. If you have an attorney representing you concerning the matters identified in this complaint, please provide the following:

Name of attorney _____

Address of attorney _____

Telephone number of attorney: (____) _____

8.* To the best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: _____

Most recent date of discrimination: _____

9.* Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Please indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.) All complaints must be filed within 180 days of the last occurrence of discrimination and/or harassment.

10. The laws we enforce prohibit recipients of federal funds programmed through the Metropolitan Planning Organization from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #9), please explain the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.

11. Please list below any persons (witnesses, fellow employees, supervisors, or others) if known, whom we may contact for additional information to support or clarify your complaint.

Name, Address, Telephone Numbers (with Area Code)

12. Do you have any other information that you think is relevant to our investigation of your allegations?

13. What are you hoping will result from this complaint?

14. Have you (or the person discriminated against) filed the same or any other complaints with any other agency such as the South Dakota Department of Transportation Office of Civil Rights? If yes, please list the name of the agency or agencies below:

Yes _____ No _____

If so, do you remember the complaint number? _____

Against what agency and department or program was it filed?

Address _____

Telephone Number (_____) _____

Date of filing _____ Agency _____

Briefly, what was the complaint about? _____

What was the result? _____

15. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following?

Agency: _____

Date Filed: _____

Case or Docket Number: _____

Date of Trial/Hearing: _____

Location of Agency/Court: _____

Name of Investigator: _____

Status of Case: _____

Comments: _____

17. How did you learn that you could file this complaint? _____

18.* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

Signature Date

Please feel free to add additional sheets to explain the present situation to us.

Please mail the completed, signed Discrimination Complaint Form (please make one copy for your records) to:

Rapid City Area Metropolitan Planning Organization
Attn: Title VI Coordinator
100 Sixth Street
Rapid City, SD 57701
Phone: (605) 394-4120

=====
RCAMPO USE ONLY

RCAMPO OFFICE _____ DATE COMPLAINT RECEIVED _____

DATE COMPLAINT REFERRED TO SDDOT _____ FEDERAL AGENCY _____

PARTICIPATING AGENCY THE COMPLAINT REFERRED TO _____

DATE INVESTIGATED _____ DATE COMPLETED _____

RESULTS:

Patsy Horton, Title VI Coordinator Date
Rapid City Area Metropolitan Planning Organization

APPENDIX J

Federal Register

Vol. 65, No. 159

Wednesday, August 16, 2000

Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the **Federal Register** for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.



THE WHITE HOUSE,
August 11, 2000.

[FR Doc. 00-20938
Filed 8-15-00; 8:45 am]
Billing code 3195-01-P

APPENDIX K



S1601

LANGUAGE SPOKEN AT HOME

2007-2011 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Subject	Rapid City, SD Metro Area				
	Total		Percent of specified language speakers		
			Speak English "very well"		Speak English less than "very well"
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Population 5 years and over	115,627	+/-145	98.8%	+/-0.3	1.2%
Speak only English	95.5%	+/-0.4	(X)	(X)	(X)
Speak a language other than English	4.5%	+/-0.4	74.5%	+/-4.8	25.5%
Spanish or Spanish Creole	1.5%	+/-0.3	69.2%	+/-9.7	30.8%
Other Indo-European languages	0.9%	+/-0.2	79.2%	+/-7.0	20.8%
Asian and Pacific Island languages	0.9%	+/-0.2	57.2%	+/-13.2	42.8%
Other languages	1.2%	+/-0.3	91.8%	+/-4.5	8.2%
SPEAK A LANGUAGE OTHER THAN ENGLISH					
Spanish or Spanish Creole	1,749	+/-373	69.2%	+/-9.7	30.8%
5-17 years	385	+/-148	86.5%	+/-14.6	13.5%
18-64 years	1,218	+/-269	63.4%	+/-10.7	36.6%
65 years and over	146	+/-66	72.6%	+/-17.2	27.4%
Other Indo-European languages	1,040	+/-205	79.2%	+/-7.0	20.8%
5-17 years	124	+/-72	71.8%	+/-19.4	28.2%
18-64 years	665	+/-175	86.8%	+/-6.6	13.2%
65 years and over	251	+/-89	62.9%	+/-17.8	37.1%
Asian and Pacific Island languages	1,098	+/-234	57.2%	+/-13.2	42.8%
5-17 years	137	+/-76	79.6%	+/-27.1	20.4%
18-64 years	949	+/-209	53.4%	+/-13.9	46.6%
65 years and over	12	+/-20	100.0%	+/-71.2	0.0%
Other languages	1,348	+/-335	91.8%	+/-4.5	8.2%
5-17 years	181	+/-148	93.4%	+/-9.0	6.6%
18-64 years	1,067	+/-250	91.2%	+/-5.7	8.8%
65 years and over	100	+/-71	95.0%	+/-10.7	5.0%
CITIZENS 18 YEARS AND OVER					
All citizens 18 years and over	92,700	+/-317	99.4%	+/-0.1	0.6%
Speak only English	96.2%	+/-0.4	(X)	(X)	(X)
Speak a language other than English	3.8%	+/-0.4	83.0%	+/-3.9	17.0%
Spanish or Spanish Creole	1.2%	+/-0.2	74.3%	+/-9.2	25.7%
Other languages	2.6%	+/-0.4	86.9%	+/-4.3	13.1%

Subject	Rapid City, SD Metro Area				
	Total		Percent of specified language speakers		
			Speak English "very well"		Speak English less than "very well"
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
PERCENT IMPUTED					
Language status	1.7%	(X)	(X)	(X)	(X)
Language status (speak a language other than English)	0.2%	(X)	(X)	(X)	(X)
Ability to speak English	3.6%	(X)	(X)	(X)	(X)

Subject	Rapid City, SD Metro Area Percent of specified language speakers Speak English less than "very well" Margin of Error
Population 5 years and over	+/-0.3
Speak only English	(X)
Speak a language other than English	+/-4.8
Spanish or Spanish Creole	+/-9.7
Other Indo-European languages	+/-7.0
Asian and Pacific Island languages	+/-13.2
Other languages	+/-4.5
SPEAK A LANGUAGE OTHER THAN ENGLISH	
Spanish or Spanish Creole	+/-9.7
5-17 years	+/-14.6
18-64 years	+/-10.7
65 years and over	+/-17.2
Other Indo-European languages	+/-7.0
5-17 years	+/-19.4
18-64 years	+/-6.6
65 years and over	+/-17.8
Asian and Pacific Island languages	+/-13.2
5-17 years	+/-27.1
18-64 years	+/-13.9
65 years and over	+/-71.2
Other languages	+/-4.5
5-17 years	+/-9.0
18-64 years	+/-5.7
65 years and over	+/-10.7
CITIZENS 18 YEARS AND OVER	
All citizens 18 years and over	+/-0.1
Speak only English	(X)
Speak a language other than English	+/-3.9
Spanish or Spanish Creole	+/-9.2
Other languages	+/-4.3
PERCENT IMPUTED	
Language status	(X)
Language status (speak a language other than English)	(X)
Ability to speak English	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2007-2011 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2007-2011 American Community Survey

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '!' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '!' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

APPENDIX L

**Limited English Proficiency (LEP)
Request for Services Log**

Requestor Name	Requestor Address	Event	Event Date	Description of Arrangements Made

APPENDIX M
Translation Resource Agencies

Rapid Translators

4313 Portrush Rd
Rapid City, South Dakota 57702
USA
605 348-3890
Email: translators@rap.midco.net

Lutheran Social Services

705 East 41st Street, Suite 200
Sioux Falls, SD 57105-6048
605-357-0100
800-568-2401
Fax: 605-357-0140
Email: info@lsssd.org

South Dakota Certified Translation Services

Certified Translators in South Dakota
(located in Wisconsin)
email: quote@midwesttranslation.com
888-288-9712

This list will be updated regularly as additional resources are identified.

APPENDIX N
Language Identification “I Speak” Cards

2004 Census Test	<small>United States</small> Census 2010
LANGUAGE IDENTIFICATION FLASHCARD	

- | | | |
|--------------------------|---|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> | Խնդրում ենք նշում կատարել այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> | ឈ្លមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. | 12. Farsi |

- | | | |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

DB-3309

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

- | | | |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português. | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește. | 27. Romanian |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски. | 28. Russian |
| <input type="checkbox"/> | Обележите овај квадратичић уколико читате или говорите српски језик. | 29. Serbian |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | 30. Slovak |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español. | 31. Spanish |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog |
| <input type="checkbox"/> | ให้กาเครื่องหมายลงในช่องทำงานอ่านหรือพูดภาษาไทย. | 33. Thai |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. | 34. Tongan |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. | 35. Ukrainian |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ | 36. Urdu |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. | 37. Vietnamese |
| <input type="checkbox"/> | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. | 38. Yiddish |

DB-3309

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

APPENDIX O

Rapid City Area MPO

Public Meeting Voluntary Sign-in Sheet

SIGN-IN SHEET

Page _____

Public Entity _____

Meeting Location _____

Meeting Type _____

Meeting Date _____

Project Number _____

Project Description _____

Our Title VI and Nondiscrimination Program requires that statistical data be gathered on participants and beneficiaries of the agency's federal-aid highway programs and activities. Information is collected on race, color, national origin and sex of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by the proposed project.

We wish to clarify that this information gathering process is completely voluntary and that you are not required to disclose any information requested in order to participate in this meeting. This form is a public document and will be retained by the public entity identified above.

For further information regarding this process, please contact the Title VI Coordinator at:

Title VI Coordinator Name _____

Title VI Coordinator Phone Number _____

Title VI Coordinator Email _____

Name (Please print) _____

Title/Representing _____

Email _____

Address _____

Please check the appropriate boxes below:

City _____

State _____

Zip code _____

- | | | |
|---------------------------------|-----------------------------------|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> Disabled | <input type="checkbox"/> American Indian/Alaskan Native |
| <input type="checkbox"/> Female | <input type="checkbox"/> Yes | <input type="checkbox"/> Native Hawaiian or other Pacific Islander |
| | <input type="checkbox"/> No | <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other |

Name (Please print) _____

Title/Representing _____

Email _____

Address _____

Please check the appropriate boxes below:

City _____

State _____

Zip code _____

- | | | |
|---------------------------------|-----------------------------------|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> Disabled | <input type="checkbox"/> American Indian/Alaskan Native |
| <input type="checkbox"/> Female | <input type="checkbox"/> Yes | <input type="checkbox"/> Native Hawaiian or other Pacific Islander |
| | <input type="checkbox"/> No | <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other |

Name (Please print) _____

Title/Representing _____

Email _____

Address _____

Please check the appropriate boxes below:

City _____

State _____

Zip code _____

- | | | |
|---------------------------------|-----------------------------------|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> Disabled | <input type="checkbox"/> American Indian/Alaskan Native |
| <input type="checkbox"/> Female | <input type="checkbox"/> Yes | <input type="checkbox"/> Native Hawaiian or other Pacific Islander |
| | <input type="checkbox"/> No | <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other |

Name (Please print) _____

Title/Representing _____

Email _____

Address _____

Please check the appropriate boxes below:

City _____

State _____

Zip code _____

- | | | |
|---------------------------------|-----------------------------------|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> Disabled | <input type="checkbox"/> American Indian/Alaskan Native |
| <input type="checkbox"/> Female | <input type="checkbox"/> Yes | <input type="checkbox"/> Native Hawaiian or other Pacific Islander |
| | <input type="checkbox"/> No | <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other |

APPENDIX P

Auxiliary Aids and Services

As a recipient of Federal Financial Assistance, the Rapid City Area MPO assures compliance with Title VI of the Civil Rights Act of 1964, Regulations, and other pertinent directives. The Rapid City Area MPO is required to take reasonable steps to ensure meaningful access to persons with Limited English Proficiency (LEP) through oral and written translation.

Additionally, the Rapid City Area MPO has a responsibility to develop a policy in advance of any request for auxiliary aids or services for persons with impaired vision and hearing. With respect to the provision of auxiliary aids to access the Rapid City Area MPO programs, services and activities, the most likely of these will be public activities in connection with the planning and construction of federal aid construction projects. Program areas where auxiliary aids and effective communications may be required include, but are not limited to the following: bid opening events, Disadvantaged Business Enterprise (DBE) certification activities, right-of-way proceedings (appraisals, acquisitions), and transportation planning activities.

Auxiliary aids and services for deaf or hard of hearing include a wide range of services, equipment, and devices such as:

- sign language interpreter
- note takers
- computer-aided real-time transcription services (CART)
- amplified and hearing-aid compatible telephones
- assistive listening systems
- open or closed captioning and caption decoders
- video relay, or
- text telephones/ telephone communication devices for the deaf (TTY/TDD), and
- flashing alarms

Auxiliary aids and services for the vision impaired include providing access to printed information through the following:

- audiotape cassettes
- computer diskettes
- Braille or large print materials, or through the use of qualified readers
- providing verbal descriptions of action and visual information to enhance the
- accessibility of performances and presentations; and
- making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route

The following information provides a synopsis of the critical facts and costs involved in providing oral and written communication services.

South Dakota has laws governing Interpreter Services for individuals that are deaf, deaf-blind, speech impaired, hard of hearing, or who require special communication techniques in order to communicate. The Federal Highway Administration (FHWA) Americans With Disabilities Act (ADA) Desk Reference states that when sign language interpretation is necessary, the ADA requires that it be provided by a “qualified interpreter” and defined at [28 C. F. R. § 35.104].

The FHWA ADA Desk Reference allows flexibility in providing accommodations. A visual communication accommodation may include the use of other auxiliary aids such as recorded

text, electronic documents, or large print text depending on the circumstances.

The FHWA Limited English Proficiency Program Desk Reference states that oral interpreters are not required to have formal certification but certification is helpful. Recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English by following the Safe Harbor provisions.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor” for recipients regarding the requirements for translation of written materials. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The following actions will be considered strong evidence of compliance with the recipient’s written-translation obligations:

- a. The Rapid City Area MPO provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reached the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Available Sources

There are several sources available to obtain auxiliary aids and services for persons with Limited English Proficiency or speech, hearing, and vision impairments. Some of the most common sources are as follows:

- Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)
- Relay South Dakota
- South Dakota School for the Deaf
- South Dakota Low Vision Resources
- South Dakota School for the Blind and Visually Impaired
- SD Association of the Blind
- Language Line Services
- Pacific Interpreters, Inc.

- International Translation Services
- Metropolitan Interpreters and Translators (MetLang)