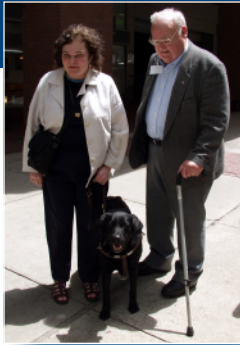


# Boston Region Metropolitan Planning Organization

## 2014 Title VI Report



**June 19, 2014**



**Prepared by the Boston Region Metropolitan Planning Organization Staff**

# Boston Region MPO 2014 Title VI Report

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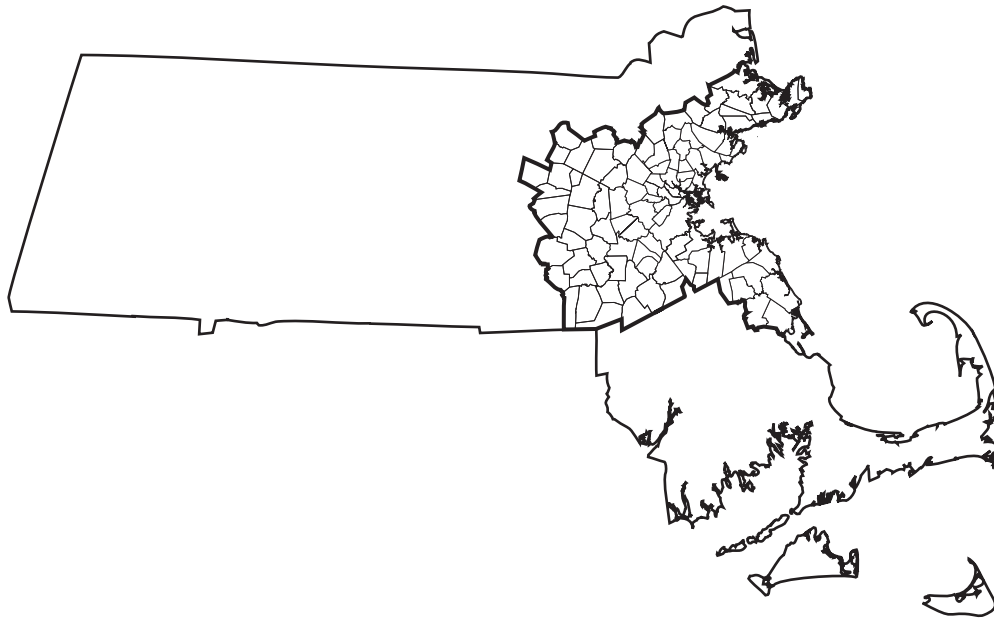
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June 19, 2014



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## **ABSTRACT**

Title VI of the Civil Rights Act of 1964 (42 United States Code (USC) §2000d) provides that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” To fulfill this basic civil rights mandate, each federal agency that provides financial assistance for any program is authorized and directed by the United States Department of Justice to apply provisions of Title VI to each program by issuing applicable rules, regulations, or requirements. As federal agencies, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) require that funding recipients have Title VI programs and document their programs and activities.

As a subrecipient of funding from both FTA and FHWA, the Boston Region Metropolitan Planning Organization (MPO) has prepared this report that explains its Title VI program. The program, conducted in cooperation with the Massachusetts Department of Transportation (MassDOT), is consistent with the principles of Title VI, federal guidelines, and related requirements and is responsive to the needs of Title VI beneficiaries.

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# Chapter 1—Introduction

## BACKGROUND

Title VI of the Civil Rights Act of 1964 (42 United States Code (USC) §2000d) provides that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” To fulfill this basic civil rights mandate, each federal agency that provides financial assistance for any program is authorized and directed by the United States Department of Justice to apply provisions of Title VI to each program by issuing applicable rules, regulations, or requirements. The Federal Transit Administration (FTA) of the United States Department of Transportation issued guidelines on May 26, 1988, FTA C 4702.1, describing the contents of Title VI compliance programs to be adopted and maintained by recipients of FTA-administered funds for transit programs. The latest FTA guidance, FTA C 4702.1B, was issued on October 1, 2012.

The Federal Highway Administration (FHWA) issued guidance in U S Code Title 23, Section 200 on April 1, 2011 and updated it on April 1, 2013.

Although Title VI is the focal point of nondiscrimination law in this country, FHWA incorporates a broader application of nondiscrimination statutes, regulations, and Executive Orders into its Title VI program requirements for states and their subrecipients. For example, Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex; Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability status, as does the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975 prohibits age discrimination. In addition, the Civil Rights Restoration Act of 1987 (FHWA Notice 4720.6) clarified the original intent of Congress with respect to Title VI by restoring the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of federal-aid recipients, whether or not such programs and activities are federally assisted; and it enforced application of the laws that include nondiscrimination on the basis of race, color, national origin, age, gender, or disability.

In addition, the principles of Executive Order 13166 on limited English proficiency (LEP) are incorporated to ensure that meaningful access is provided to persons who are not proficient in the English language. This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects the LEP population.



This document explains the Boston Region MPO's Title VI program, which—conducted in cooperation with the Massachusetts Department of Transportation (MassDOT)—is consistent with the principles of Title VI, federal guidelines, and related requirements, and is responsive to the needs of Title VI beneficiaries.

Chapter 2 of this report addresses the MPO's general reporting requirements under the circular including FTA and FHWA certifications and assurances; certification that the MPO as a body has approved this document; the MPO's notice to the public regarding Title VI protections; a description of the procedures for filing civil rights complaints; a list of Title VI discrimination complaints, investigations and lawsuits; and the MPO's plan to provide meaningful access to persons with limited English proficiency. Chapter 3 describes the MPO's public outreach and public participation activities and highlights how the MPO reaches out to minority, LEP, and low-income populations. Chapter 4 provides an assessment of the MPO's planning process, a demographic profile of the MPO region, and a description of the strategies used to identify the needs of minority and low-income residents.

## Chapter 2—General Reporting Requirements

### 2.1 ANNUAL TITLE VI CERTIFICATIONS AND ASSURANCES

The MPO's Title VI assurances for federal fiscal year 2014 are cited beginning on page 9 of this report. Please note that the text of these assurances is not accessible to individuals with low or no vision who use a screen reader.

# FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

## FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: \_\_Boston Region Metropolitan Planning Organization

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. \_\_\_\_\_  
OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

<u>Group</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	___X__
02.	Lobbying.	___X__
03.	Procurement and Procurement Systems.	_____
04.	Private Section Protections.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09.	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.	_____
12.	State of Good Repair Program.	_____
13.	Fixed Guideway Modernization Grant Program.	_____
14.	Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary).	_____
15.	Urbanized Area Formula Grants Programs, Passenger Ferry Grants Program, and Job Access and Reverse Commute (JARC) Program.	_____
16.	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.	_____
17.	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	_____
18.	Public Transportation on Indian Reservations Programs (also known as the Tribal Transit Programs).	_____
19.	Low or No Emission/Clean Fuels Grant Programs.	_____
20.	Paul S. Sarbanes Transit in Parks Program.	_____
21.	State Safety Oversight Program.	_____
22.	Public Transportation Emergency Relief Program.	_____
23.	Expedited Project Delivery Pilot Program.	_____
24.	Infrastructure Finance Programs.	_____

# FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

## FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE (Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

### AFFIRMATION OF APPLICANT

Name of the Applicant: Boston Region Metropolitan Planning Organization

Name and Relationship of the Authorized Representative: Clinton Bench, Chair

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Name \_\_\_\_\_

Authorized Representative of Applicant

### AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): \_\_\_\_\_

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Name \_\_\_\_\_

Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

# Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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## **TITLE VI/NONDISCRIMINATION AGREEMENT AND RECIPIENT ASSURANCES**

The **Commonwealth of Massachusetts' Department of Transportation** (hereinafter referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (USDOT), Federal Highway Administration, it is subject to and must comply with the following:

### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324*et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 23 C.F.R. Part 200(FHWA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory cites are hereinafter referred to as the "Acts." The preceding regulatory cites are hereinafter referred to as the "Regulations."

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", emphasizes that Federal agencies should utilize existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA

# Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

<http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>.

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited-English-Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a four-factor analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

## **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, policy, memoranda, and/or guidance, Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, 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 from the USDOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institution wide scope, and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is federally-assisted.

Additionally, the Recipient may not discriminate in the selection and retention of contractors, including without limitation, retaining contractors whose services are for, or incidental to, construction, planning, research, highway safety, engineering, property management, realty, fee contracts, and other commitments with persons for services and expenses incidental to the acquisition of rights-of-way.

Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of rights-of-way, and related projects, including those who supply materials and lease equipment.

## Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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The Recipient may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where highway rights-of-way acquisitions necessitate relocation(s).

The Recipient may not discriminate by preventing Title VI/Nondiscrimination populations from accessing and utilizing facilities and services provided for public accommodations (i.e., eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the rights-of-way of federally assisted highways.

The Recipient, its sub-recipients, contractors, subcontractors, and other persons subject to this Agreement may not discriminate in their employment practices in connection with highway construction projects or other projects assisted by the Federal Highway Administration.

The Recipient shall develop and implement a Public Participation Plan in a manner that ensures the identification of Title VI/Nondiscrimination population(s), affords the population(s) opportunities to comment, and provides an atmosphere where all comments are promptly addressed with regard to the location and design of highway construction projects. Additionally, the Recipient shall not locate, design, or construct a highway in such a manner as to deny access to, and use thereof, to any persons on the basis of race, color, national origin, sex, age, or disability.

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives, the following Assurance with respect to its federally-assisted highway program, as follows:

1. The Recipient agrees that each “program” and each “facility” as defined in §§21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 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 Acts and the Regulations;
2. The Recipient shall insert the following notification in all solicitations for bids and Requests For Proposals for work or material subject to the Acts and the Regulations made in connection with all **Federal Highway Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The Massachusetts Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4), other Nondiscrimination requirements (The Federal-Aid Highway Act of 1973, The Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990), and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement will be awarded without discrimination on the ground of race, color, national origin, sex, age, or disability.”;*

## Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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3. The Recipient shall insert the clauses of “Appendix A” of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. 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 or recording a transfer of real property, structures or improvements thereon or interest therein to a Recipient;
5. The Recipient shall insert the following language in all Federal-Aid Agreements entered into with the FHWA:

*“The Commonwealth of Massachusetts, acting through its Department of Transportation (Recipient) **HEREBY AGREES THAT**, as a condition to receiving Federal financial assistance from the United States Department Of Transportation, Federal Highway Administration, it is subject to and shall comply with Title VI of the Civil Rights Act of 1964 and additional Nondiscrimination requirements as detailed in the **FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations** document.”*

6. 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;
7. 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;
8. That the Recipient shall “include the appropriate clauses set forth in Appendix C and Appendix D” of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. For the subsequent transfer of real property acquired or improved under the applicable Project or Program; and
  - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable Project or Program.
9. 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

## Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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- b. The period during which the Recipient retains ownership or possession of the property.
10. 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/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance; and
11. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, 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, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the Federal Highway Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Programs**. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Recipient.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

  
\_\_\_\_\_  
(Secretary/CEO)

DATED 1/15/13



Federal Highway Administration Assurances for Title VI and Other  
Nondiscrimination Statutes and Regulations

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**TITLE VI/NONDISCRIMINATION AGREEMENT AND SUB-RECIPIENT  
ASSURANCES**

The **Boston Region Metropolitan Planning Organization** [Grantee] (hereinafter referred to as the “Sub-Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (USDOT), Federal Highway Administration, from the Massachusetts Department of Transportation (Recipient), it is subject to and must comply with the Statutory/Regulatory Authorities and requirements detailed in this document.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the Federal Highway Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors’, transferees, successors in interest, and any other participants in the **Federal Highway Programs**. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

(Name of Grantee) **Boston Region Metropolitan Planning Organization**

\_\_\_\_\_  
(Signature of Grantee CEO)

DATED \_\_\_\_\_

# Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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## APPENDIX A

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 Acts and the Regulations relative to Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, 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, or disability 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 the Acts and the Regulations, including employment practices when the contract covers a program set forth in Appendix B of 49 CFR Part 21.
- 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 Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.
- 4. Information and Reports:** The contractor shall provide all information and reports required by the Acts, the Regulations and 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 Recipient or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such Acts, 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 Recipient or the FHWA, 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 Recipient shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

## Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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- Withholding of payments to the contractor under the contract until the contractor complies; and/or
  - 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 Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the FHWA 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 with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

# Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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## CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

### APPENDIX B

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation, as authorized by law, and upon the condition that the (Name of Recipient) will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of **Federal Highway Programs** and the policies and procedures prescribed by the Federal Highway Administration of the 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation 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 (Name of Recipient) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** said lands and interests therein unto (Name of Recipient) and its successors forever, subject, however, to the covenants, 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 (Name of Recipient), its successors and assigns.

The (Name of Recipient), 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 successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]\* (2) that the (Name of Recipient) shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the 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 that above described land and facilities shall thereon revert to and

## Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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vest in and become the absolute property of the Department of Transportation and its assigns 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 and related Nondiscrimination laws.**

# Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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## CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE FEDERAL HIGHWAY PROGRAMS

### APPENDIX C

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the (Name of Recipient) pursuant to the provisions of Assurance 8(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/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:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a 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 requirements imposed by the Acts and Regulations (as may be amended) set forth in the Title VI/Nondiscrimination Assurance agreement
  - 2. No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the lease, license, permit, etc. and to re-enter and repossess said lands and facilities thereon, and hold the same as if the lease, license, permit, etc. had never been made or issued.
- C. With respect to a deed, in the event of breach of any of the above nondiscrimination covenants, the (Name of Recipient) shall have the right to re-enter the 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 (Name of Recipient) and its assigns.

# Federal Highway Administration Assurances for Title VI and Other Nondiscrimination Statutes and Regulations

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## CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE FEDERAL HIGHWAY PROGRAM

### APPENDIX D

The following clauses shall be included in deeds, licenses, permits, or similar instruments entered into by (Name of Recipient) pursuant to the provisions of Assurance 8(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/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 (1) no person on the ground of race, color, national origin, sex, age, or disability shall be excluded from participation in, 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 ground of race, color, national origin, sex, age, or disability shall be excluded from participation in, 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 the Acts and Regulations, as amended, set forth in the Title VI/Nondiscrimination Assurance agreement.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the (license, permit, etc., as appropriate) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) 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 (Name of Recipient) and its assigns.\*

**\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI and related Nondiscrimination laws.**

## 2.2 NOTICE OF NONDISCRIMINATION RIGHTS AND PROTECTIONS TO BENEFICIARIES

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under the United States Department of Transportation's (US DOT) Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. The MPO notice, adapted from a MassDOT prototype, follows:

### *Federal "Title VI/Nondiscrimination" Protections*

The Boston Region Metropolitan Planning Organization (MPO) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within the Boston Region MPO's Title VI Program consistent with federal interpretation and administration. Additionally, the Boston Region MPO provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

### *State Nondiscrimination Protections*

The Boston Region MPO also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry. Likewise, the Boston Region MPO complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.



### *Additional Information*

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Title VI Specialist -  
Boston Region MPO  
10 Park Plaza, Suite 2150  
Boston, MA 02116  
617-973-7100  
TTY: 617-973-7089  
[publicinformation@ctps.org](mailto:publicinformation@ctps.org)

### *Complaint Filing*

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist (above) within 180 days of the alleged discriminatory conduct. To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, 6th Floor  
Boston, MA 02109  
617-994-6000  
TTY: 617-994-6196

### *Translation*

English: If this information is needed in another language, please contact the Boston Region MPO's Title VI Specialist at 617-973-7100.

(The above phrase will be repeated in four additional languages.)

Once MassDOT completes the translations, this statement will be posted on the MPO's website along with the procedures for filing a complaint described in Appendix A of this report. This notice also will be posted at the entrance to the MPO office and a shorter version will be included in all public-outreach materials and on MPO meeting agendas. (A different version of this notice is currently posted on the MPO website, on outreach materials and MPO meeting agendas.)

### 2.3 BOSTON REGION METROPOLITAN PLANNING ORGANIZATION 2014 TITLE VI PROGRAM MEMBER ENDORSEMENT

1)

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2)

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3)

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Massachusetts Department of Transportation

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Massachusetts Bay Transportation Authority

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MBTA Advisory Board

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Massachusetts Port Authority

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Metropolitan Area Planning Council

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Regional Transportation Advisory Council

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City of Beverly

1)

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2)

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City of Boston

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City of Everett

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City of Newton

*(Continued)*

**Program Member Endorsement (Cont'd.)**

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City of Somerville

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City of Woburn

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Town of Arlington

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Town of Bedford

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Town of Braintree

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Town of Framingham

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Town of Lexington

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Town of Medway

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Town of Norwood

## 2.4 COMPLAINT PROCEDURES

In order to comply with both FTA and FHWA requirements, the MPO has developed procedures for receiving, investigating, addressing, and tracking Title VI complaints, which are included in Appendix A. MassDOT is in the process of revising its complaint procedures. The MPO will adopt these procedures when they are finalized.

## 2.5 TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

The MPO has not been the recipient of any Title VI complaints or lawsuits as defined by the Department of Justice and FTA, and no investigations have been initiated. However, FHWA includes those with disabilities as a protected class in its Title VI nondiscrimination definition. The following is pertinent information concerning an ADA complaint.

**TABLE 1**  
**Boston Region MPO FHWA Title VI Complaints**

Date Filed with FHWA	Summary of Allegations	Status	Findings
March 28, 2012	MPO did not provide an auxiliary hearing aid; failed to address attitudinal issues regarding people with disabilities; failed to train staff; failed to provide an effective alternative accommodation; retaliated against complainants.	Closed	The Boston MPO did not violate the ADA and Section 504 by failing to provide reasonable accommodations for persons with disabilities.

## 2.6 MEANINGFUL ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

It is the policy of the MPO that people with limited English proficiency be neither discriminated against nor denied meaningful access to and participation in the programs and services provided by the MPO. The MPO has developed a Language Assistance Plan (LAP) to be sure that it employs appropriate strategies in assessing needs for language services and in implementing language services that provide meaningful access to the planning process and to published information without placing undue burdens on the MPO's resources. The LAP, included in Appendix B, will be reviewed and revised periodically based on demographic changes, changes in the frequency of encounters with LEP persons, feedback from LEP groups, and changes in technology.

# Chapter 3—General Reporting Requirements

## 3.1 INTRODUCTION

The MPO facilitates and encourages the involvement of minority, low-income, elderly, persons with disabilities, and LEP persons in its activities. As described in this chapter, it reaches out to these populations through its Public Participation Program (including its process for developing the metropolitan transportation certification documents), its Transportation Equity Program, its Coordinated Public Transit-Human Services Transportation planning, and the Access Advisory Committee to the MBTA.

## 3.2 BOSTON REGION MPO PUBLIC PARTICIPATION PLAN

The MPO utilizes a variety of approaches to providing for communication and consultation with interested parties and members of the public and is continually working to improve its outreach. This section will summarize the activities conducted and the outreach methods used by the MPO in implementing its public participation program. The MPO has recently updated its public participation plan (the Plan)—which describes all of the activities in its public participation program (the Program)—to be consistent with MassDOT’s plan, particularly regarding Title VI requirements. The Plan was revised following public outreach and research on MPO public participation needs and desires. The plan will be adopted in the fall, subsequent to a public-comment period on the draft and any changes that may need to be made as a result. The Draft Public Participation Plan is included in Appendix C.

## 3.3 ACTIVITIES

The MPO conducts a varied and ongoing program for gathering information and views from all sectors of the public for its transportation planning and programming work. Some activities are focused specifically on the development of the certification documents. Others are ongoing and provide input year-round. All activities are open to the public and all MPO-sponsored activities are held at locations accessible for people with disabilities. The locations are well dispersed through the region, include environmental justice communities, and are almost always served by public transportation. In conducting its activities, the MPO strives to meet the needs of people requiring special services such as translation for LEP populations, American Sign Language interpreters, large-format printed materials, audiotapes, Braille materials, and escorts. Meeting materials are available in accessible formats and in other languages, upon request. Assistive-listening devices and microphones are provided at all public meetings.

Listed below are MPO activities that provide opportunities for the public to learn about metropolitan transportation planning and programming processes and provide input to decision making.

- MPO meetings, which are typically held twice a month, are the forum at which the ongoing planning work of the MPO is conducted; this work is supported by the MPO's subcommittees. MPO meetings are open to the public and have opportunities for public comment and other input. The MPO consists of 22 voting members and includes state agencies, regional entities, and municipalities. Each fall, representatives of a portion of the 12 elected municipal seats are chosen by the chief elected officials of the municipalities in the region. Membership is documented in the MPO's Memorandum of Understanding (MOU) (see Appendix D).
- The Regional Transportation Advisory Council (Advisory Council), which meets monthly, holds discussions for its members (including municipalities, transportation advocacy groups, and regional entities); it is a voting member of the MPO that provides a major avenue for public input to the MPO. Appendix D also contains the Advisory Council's bylaws.
- The Transportation Equity Program facilitates inclusion of environmental justice and other protected populations through regionwide forums, small-group discussions, and interviews with organizations working in minority, low-income, elderly, and LEP communities. Interactive workshops, forums and other public discussions with community organizations are conducted to gather public input for the development of the MPO certification documents and for other planning work. MPO-sponsored workshops and sessions are examples of activities conducted at important milestones in the planning year.
- *TRANSREPORT* (the MPO's bi-monthly newsletter), the MPO website, and quarterly open houses provide a steady stream of information about transportation planning and MPO work, as well as opportunities for input and comment.
- Metropolitan Area Planning Council (MAPC) subregion meetings, provide a forum for MPO staff to meet with member-constituents of local officials and representatives of all municipalities in the MPO region.
- Public-comment periods on draft certification documents and other important plans, such as the Public Participation Plan and the Coordinated Human-Services Transportation Plan provide feedback from the general public.

- Although not a required function of the MPO, staff provide support to the Access Advisory Committee to the MBTA (AACT), an independent consumer group for members of the disability community. AACT, which meets monthly, is kept informed of and invited to participate in MPO activities and planning, and is a member of the Advisory Council.

### 3.4 OUTREACH METHODS

MPO outreach methods generally serve either or both of two purposes: 1) notification, and 2) provision of informational materials and reports. The MPO works to maintain state-of-the-practice capabilities in its methods.

Certification documents, other reports, informational materials, and notices are obtainable upon request in varied formats, including, Braille, and large-print. All documents are posted on the MPO website in PDF and HTML to provide accessibility for persons with disabilities. Members of the public may request meeting materials, in standard or accessible formats, by email, telephone, fax, or via US mail.

The MPO provides public notifications in a variety of ways, such as the MPO web site, news flashes, press releases for regional and local newspapers, and e-mailing flyers and notices in English, Spanish, Chinese, and Portuguese, to local officials, regional equity contacts, and other interested parties. The MPO's newsletter, TRANSREPORT, publishes notices and discusses issues. Organizations providing support for persons with disabilities also forward MPO notices to their constituents in accessible formats.

Notices also are distributed via the MPO's one-way listserve, "MPOinfo," or the email groups of the MPO, Advisory Council, Transportation Equity Program, TIP contacts, and AACT members. MPOinfo has approximately 2,800 contacts and includes local officials, legislators, transit-service providers, councils on aging, chambers of commerce, regional employment boards, community development corporations, other social service organizations, members of the public who have attended meetings, and all other interested parties. Examples of MPO notices are included in Appendix E.

The MPO's website posts notices of public outreach events and current activities and is an important method for distributing information to everyone with Internet access. It is a broad-based resource for people interested in MPO activities, notices, meeting minutes (including those of the MPO and the Advisory Council), reports, documents, and studies. It also hosts extensive transportation data about the region and other transportation planning information. Website users

are invited to submit comments electronically through the “Meetings and Input” button on the homepage, the public participation page, and on each certification document’s page. The MPO also uses its web-based surveys to gather input on recent public outreach. A summary of outreach efforts is included in Appendix F.

The website is accessible to people who are visually impaired. MPO-produced documents use accessible fonts and formats that can be read by screen readers. The web site is equipped with Google Translate, software that translates posted text into many languages, including those most frequently spoken in the region. Vital documents are formally translated into Spanish, Chinese, and Portuguese and posted on the website. Documents currently defined as vital include:

- MPO Notice to Title VI Beneficiaries
- MPO compliant procedures and form
- Summaries of key materials: a description of the MPO transportation-planning process and the certification documents, LRTP, TIP, and UPWP
- Meeting notices: generally prepared for out-of-Boston MPO meetings, and all MPO-sponsored meetings, workshops, forums, and other similar input-sessions

The MPO’s bi-monthly newsletter, *TRANSREPORT*, provides information on the MPO planning process. Every issue reports on upcoming transportation-related public meetings and events, MPO activities, MPO and agency studies, and how to contact MPO staff with ideas, questions, and comments. Occasionally, issues include postage-paid survey inserts asking for input and ideas. *TRANSREPORT* is sent by mail and electronically to nearly 3,000 recipients. Issues are posted on the MPO website each month and later archived.

### 3.5 MPO TRANSPORTATION EQUITY PROGRAM

The MPO has an established process for considering the transportation needs and views of underserved constituencies, including communities of low-income, LEP, and minority residents. The MPO developed its Transportation Equity Program in order to have a systematic method of considering environmental justice in all of its transportation planning work. The program builds on the foundation of ongoing outreach concerning transportation needs and previous analyses of accessibility and mobility for low-income and minority communities in the Boston region. The findings from this work have been incorporated in the development of a number of MPO documents, including the 2010–2035 Long-Range Transportation Plan (LRTP), the 2000–2025 LRTP Addendum and Update, the 2004–2025 LRTP, the 2007–2030 LRTP (*JOURNEY to 2030*), the current LRTP (*Paths to a Sustainable Region*), and current Transportation Improvement Programs (TIPs) and Unified Planning Work Programs (UPWPs).



The MPO has adopted the following environmental justice policy, which it commits to:

- Examine the allocation of benefits and burdens, currently and in the planned future
- Ensure that minority and low-income communities are treated equitably in the provision of transportation services and projects
- Provide full participation for minority and low-income communities to advise the MPO during its planning and decision-making process

The MPO's Transportation Equity Program is composed of three key elements: community outreach, incorporation of environmental justice in the planning process, and analysis of the effects of planned transportation projects.

### 3.5.1 Outreach Methods

The MPO takes a proactive, grassroots approach to identifying and articulating environmental justice issues in the region. Methods include:

- Identifying and connecting with existing and new contacts and sources of information for the planning process
- Collecting and reporting information on the transportation needs of minority, LEP, elderly, low-income populations, and persons with disabilities for consideration in MPO planning
- Encouraging and facilitating participation in the planning process
- Serving as a conduit to other agencies for ideas on improving transportation

In carrying out these methods, the MPO has identified social service and community contacts involved in and knowledgeable about the transportation needs of environmental justice populations. These contacts include social service organizations, cultural and ethnic organizations, community development corporations, regional employment boards, civic groups, business and labor organizations, transportation advocates, environmental groups, councils on aging, independent living facilities, veteran's organizations, and environmental justice/civil rights groups. The MPO is currently taking active steps to increase the number of contacts in its transportation equity outreach database.

Information about the transportation needs of minority, LEP, and low-income populations is primarily collected through one-on-one and small-group interviews and meetings with community contacts, surveys, and larger MPO focus groups or forums.

MPO staff seek to initiate interviews at the offices of representatives of community organizations to discuss transportation needs and burdens. In this way, the MPO facilitates the participation of some of the people best positioned to speak about the transportation needs of environmental justice areas, who might not otherwise have the time or financial resources to travel to meetings in a central location or to participate in public forums.

During these meetings, the MPO is able to both obtain information about the transportation needs of the area and inform participants about the MPO and the metropolitan planning process. Information and surveys are mailed to community contacts prior to these meetings to help participants prepare. These materials are also sent to those who are unable to schedule time for an interview.

A transportation equity survey is posted on the MPO website to help individuals identify transportation needs and problems in their communities. An “Invitation to Participate” (see Appendix G) along with the survey were sent to all of the transportation equity contacts. Comments obtained from the online survey are summarized and forwarded to appropriate agencies and communities. The MPO will continue this initiative and conduct additional surveys periodically.

Communication is ongoing, as MPO staff keep community organizations updated with information concerning MPO planning activities and continue to solicit information and views. The MPO also encourages contacts to participate in all scheduled MPO meetings and forums.

### *Summary of Concerns and Issues*

MPO staff interpret, summarize, and classify the needs identified by each participant in the outreach process as related to the LRTP, the TIP, the UPWP, service planning, and other planning processes. This information has been compiled and used as input to MPO work.

### *Feedback to Community Partners*

The MPO continues to consult with community partners involved in the MPO transportation equity process by providing a written summary of staff’s explanation of their needs for their review. They are informed of which classification(s) each of their needs has been given: LRTP, TIP, UPWP, service planning, or other. Communication is ongoing, as the MPO staff keep community partners updated with information. A summary of current and planned MPO activities (including MPO-sponsored meetings or meetings sponsored by other agencies, if known) that are related to the community’s needs may also be included.

The MPO will continue to expand its outreach to neighborhoods of concern and broaden its direct contacts with minority, LEP, elderly, and low-income residents in these communities. The goal is to identify specific community needs and to facilitate answers and possible actions by responsible agencies. Assistance in reaching some solutions will involve coordination with the Operations and Service Planning departments of the MBTA and the Office of Transportation Planning at MassDOT.

### *Public Forums*

The MPO—in partnership with MAPC, the Human Service Transportation Office of the Executive Office of Health and Human Services, and the Statewide Mobility Manager (MassDOT Rail and Transit Division)—convened a Human Services and Equity in Transportation Forum in January 2014 to promote transportation services for populations who historically have had problems accessing, paying for, or receiving transportation that meets all of their trip-making needs. The target populations included seniors, minorities, people with low incomes, people with disabilities, those with limited English proficiency, veterans, and/or people living in zero-vehicle households in the MPO region. Approximately 70 people representing individuals and diverse groups, some of whom were new to public participation, attended the forum. The forum prospectus and invitation are included in Appendix H.

### **3.5.2 MPO Coordinated Public Transit Human-Services Transportation Plan**

The MPO's current Coordinated Public Transit Human-Services Transportation Plan (CHST Plan) provides guidance for improving transportation services for people with disabilities, elderly individuals, people with low incomes, and reverse-commuters in the Boston region; and it facilitates the coordination of public transit and human-services transportation resources. The original plan, completed in 2008 and updated in 2010, was developed in accordance with SAFETEA-LU, the federal legislation that funded surface transportation during that time period. The legislation established that recipients of funding from any of three Federal Transit Administration human-services transportation programs—Section 5310, for Elderly Individuals and Individuals with Disabilities, Section 5316, Job Access and Reverse Commute (JARC), and Section 5317, New Freedom (projects for individuals with disabilities that go beyond ADA requirements)—must certify that the projects to be funded have been selected from a locally developed, coordinated public transit–human services transportation plan, such as the CHST Plan. Section 5316 and Section 5317 grant programs were eliminated under MAP-21, the current surface transportation act, and the plan will be updated to reflect this. Information obtained from the forum mentioned above and from

ongoing outreach and staff inventory of transit services also will be used to update the plan.

### **3.6 ACCESS ADVISORY COMMITTEE TO THE MBTA (AACT)**

The Access Advisory Committee to the MBTA (AACT) is a consumer advocacy organization composed primarily of people with disabilities, seniors, and representatives of human service agencies. The MPO funds staff support for AACT. Working closely with the MBTA, AACT strives to ensure that the transportation system of the Boston region is accessible, in addition to being safe and efficient, as guaranteed by the Americans with Disabilities Act (ADA). AACT meets once a month to coordinate with MBTA officials and paratransit operators, to identify accessibility problems in the system, and to work on solutions. All meetings are open to the public. MPO staff coordinate the activities of AACT and notify AACT members of opportunities to participate in MPO planning.

### **3.7 REGIONAL TRANSPORTATION ADVISORY COUNCIL**

The Regional Transportation Advisory Council (Advisory Council) is an independent group charged with providing public input on transportation planning to the Boston Region MPO. As a voting member of the MPO, the Advisory Council brings the perspectives of the public to the MPO for consideration as plans and programs are developed. Individuals are welcome to participate in all meetings of the Advisory Council, but membership is limited to public and private organizations and governmental units, including state agencies and municipalities. Entities are admitted to membership by vote of the existing members.

The Advisory Council is conducting outreach to make the membership more diverse. Agencies representing environmental-justice populations are offered an opportunity to participate in the Advisory Council during Transportation Equity outreach. This additional outreach to agencies has met with some success.

## **Chapter 4—Assessment of the Metropolitan Planning Process**

### **4.1 INTRODUCTION**

The MPO provides for non-discrimination in transit planning and programming through oversight and representation by its members; by following federal legislation and the 3C (continuing, cooperative, and comprehensive) transportation planning process; by reflecting the legislation in its objectives,

policies, and plans; and by having non-discriminatory development and implementation processes for its LRTP, TIP, and UPWP.

## 4.2 MPO POLICY AND PLANS

Transportation equity/environmental justice is an integral part of the MPO transportation planning process. MPO policy promotes equitable sharing of the region's transportation system benefits and burdens as well as participation in decision making. In 2010, the MPO adopted seven visions, each with an associated policy, that guide its planning processes. Two of the visions and their policies explain MPO's commitment to promoting equity and accessibility for all:

### 4.2.1 Transportation Equity

#### *Vision*

- There is equitable mobility, quality, affordability, and access to jobs, educational institutions, and services for low-income and minority residents, the elderly, youth, and persons for whom English is a second language
- Environmental burdens from transportation (existing and future) are minimized; low-income and minority populations are not inequitably burdened
- Expansion projects address regional needs

#### *Policies*

- Continue outreach and analysis to identify equity needs; continue to monitor system performance
- Address identified equity needs related to service and removing or minimizing burdens (air pollution, unsafe conditions, community impacts)
- Track implementing agencies' actions responding to transportation needs identified in MPO outreach and analysis; encourage action to address needs
- Strengthen avenues for involvement of low-income and minority persons in decision making
- Reduce trip times for low-income and minority neighborhood residents and increase transit service capacity
- Give priority to heavily used transit services over new, yet-to-be-proven services

### 4.2.2 Mobility

#### *Vision*

- System provides improved access to jobs, education, and training; health services; social and recreational opportunities

- There are more transportation options and accessibility for all; all modes (including freight); all corridors
- System provides reliable service; delays, congestion, and travel time are reduced
- Transit ridership and use of sustainable options are increased
- The system meets people's needs; funding is guided by attention to customer service
- Existing transit, bicycle, and pedestrian facilities are linked in a network

### *Policies*

- Strengthen connections between modes; close gaps in the existing network
- Improve access and accessibility to transit
- Improve transit frequency, span, and reliability
- Expand transit, bicycle, and pedestrian networks; focus bicycle investments (lanes and paths) on moving people between activity centers (and access to transit)
- Integrate payment methods for fares and parking across modes
- Support TDM, TMAs, shuttles, and carpooling
- Address low-cost capacity constraints and bottlenecks in the existing system before expansion

These policies were applied in assessing projects for inclusion in the LRTP, in developing MPO criteria for evaluation and selection of projects for the TIP; in selecting and defining studies for the UPWP, which includes MPO staff support for the MBTA's Title VI reporting work; and in supporting the MPO's ongoing transportation equity/environmental justice program.

The MPO is currently updating and recasting its visions and policies as goals and objectives with quantifiable targets to reflect national goals for performance-based decision making under MAP-21.

## **4.3 THE TRANSPORTATION PLANNING PROCESS**

The 3C process in the Boston region is the responsibility of the MPO, which has established the following objectives for the process:

- To identify transportation problems and develop possible solutions to them
- To strike a balance between short-range and long-range considerations so that beneficial incremental actions undertaken now reflect an adequate understanding of probable future consequences and possible future options

- To take into account both regional and local considerations and both transportation and non-transportation objectives and impacts in the analysis of project issues
- To assist implementing agencies in putting policy and project decisions into effect in a timely fashion, with adequate consideration of environmental, social, fiscal, and economic impacts and with adequate opportunity for participation by other agencies, local governments, and the public
- To assist implementing agencies in assigning priorities to transportation activities in a manner consistent with the region's needs and resources
- To maintain the Boston Region MPO's compliance with the requirements of MAP-21; Title VI of the 1964 Civil Rights Act; Executive Orders 12898, 13166, and 13330; the Americans with Disabilities Act; and the Clean Air Act.

The MPO is responsible for carrying out and completing all transportation plans, programs, and conformity determinations required by federal and state laws and regulations through the 3C process. This includes preparation of the major certification documents: the LRTP, the UPWP, the TIP, and all required air quality analysis. The MPO also initiates studies to identify transportation needs and solutions, and programs financial resources for the region's multimodal transportation system. The following is a brief description of each of the certification documents:

- The ***Unified Planning Work Program*** describes a federal fiscal year's transportation-related planning activities and sets forth budgets for projects using FHWA and FTA planning funds. The UPWP identifies the funding used to carry out each component of the transportation planning process in the region, including production of the Regional Transportation Plan, the TIP, and their air quality conformity determinations. The MPO sets aside funds in the UPWP for coordination and consultation with transportation equity/environmental justice populations and for related technical studies and analyses. Further details about these and other activities in the UPWP that are concerned with environmental justice for minority, LEP, and low-income people are provided in Appendix I.
- The ***Long-Range Transportation Plan and Air Quality Conformity Determination*** states the MPO's transportation policies and goals, describes the public participation process for transportation planning, assesses the current state of the region's transportation system, estimates future needs and resources, and lays out a program for preserving and expanding the system for the upcoming 25-year period. The MPO's most recent LRTP, *Paths to a Sustainable Region*, includes descriptions of the

MPO's Transportation Equity Program and environmental justice analyses of the planned projects conducted to ensure that they do not disproportionately burden, and that they equitably provide benefits to, minority and/or low-income communities. The MPO updates the LRTP every four years and is currently in the process of developing the next LRTP, which will be adopted by the end of FFY 2015. The process used to develop the current LRTP is described in Appendix J.

- The ***Transportation Improvement Program and Air Quality Conformity Determination (TIP)*** is a staged, multiyear, intermodal program of transportation improvements that is consistent with the Regional Transportation Plan. It describes and prioritizes transportation projects expected to be implemented during a four-year period and contains a financial plan for each project. While the federal government requires each MPO to produce a TIP at least once every two years, the Boston Region MPO produces one annually. An MPO-endorsed TIP is incorporated into the State Transportation Improvement Program (STIP) for its submission to FHWA, FTA, and the Environmental Protection Agency (EPA) for approval. One function of the TIP is to serve as a tool for monitoring progress in implementing the Regional Transportation Plan. The process used to develop the TIP is explained in Appendix K.

#### 4.4. DEMOGRAPHIC PROFILE

For planning purposes, it is essential to understand who lives in the MPO region. Entities that receive federal funds are required to develop and use demographic profiles to ensure that the rights of people protected under various civil rights laws and presidential executive orders are not ignored during planning, selection, and implementation of various projects and services.

The FTA's Title VI and environmental-justice circulars (FTA C4702.1B and FTA C 4703.1, respectively) require demographic profiles of the area encompassed by the MPO. The MPO uses these demographic data for several purposes: to identify geographic areas where minority populations exceed the MPO average; identify LEP populations, for the purpose of ascertaining potential transportation project benefits and burdens on low-income and minority populations, help evaluate TIP projects, and conduct outreach to engage low-income, minority, and LEP populations in the MPO planning process.

Except where otherwise noted, the following demographic profile was developed in 2012, based on the 2010 Census and the 2006-2010 American Community Survey (ACS).



#### 4.4.1 Definitions

The Boston Region MPO has defined and continues to define a low-income threshold for an individual as a person living in a household whose median income is 60% or less than the median household income in the MPO area. Research indicates that this is in line with thresholds used by comparable MPOs. According to the 2010 ACS Summary File, the median MPO household income is \$70,829, and the MPO's low-income threshold is \$42,497. This income threshold is used for all of the MPO's Title VI reporting and for all of the environmental-justice analyses conducted for the LRTP and the TIP.

The Title VI circular defines a predominantly minority area as a geographic area, such as a neighborhood, census tract, or transportation analysis zone (TAZ<sup>1</sup>), where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.<sup>2</sup>

For Title VI purposes, when identifying benefits and burdens of proposed transportation projects included in its LRTP and when evaluating TIP projects, the MPO has defined a minority TAZ as one whose minority population is greater than the overall MPO region's average of 27.8%. For transportation equity (environmental justice) outreach purposes, the MPO continues to use the minority threshold of 50% or greater as it focuses on the areas of the MPO region that are most heavily defined as "minority."

Federal regulations define LEP persons as those for whom English is not the primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported in the US census that they speak English 'not well' or 'not at all.' FTA, in its latest Title VI circular, includes those who speak English 'less than well' in its LEP definition. As such, FTA's new definition doubles the number of people who are considered to be LEP.

#### 4.4.2 Data Used for Title VI Purposes

##### *Race and Income*

Analysis reveals that the Boston Region MPO is home to approximately 3.2 million residents, 27.8% of whom are minorities. Table 2 shows the distribution of the population by race and the changes between 2000 and 2010. The total population increased by 3%. This growth is primarily a result of an approximately

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<sup>1</sup> A transportation analysis zone is a unit of geography used in modeling transportation behavior.

<sup>2</sup> Title VI Requirements and Guidelines for Federal Transit Administration Recipients, October 1, 2012, p. 1-5.

34% increase in the minority population. The Asian population, which is the fastest-growing minority population, increased by 46%. The Hispanic population, which can include people in all racial groups, increased by 48%. Figure 1 shows the location of low-income and minority TAZs within the MPO.

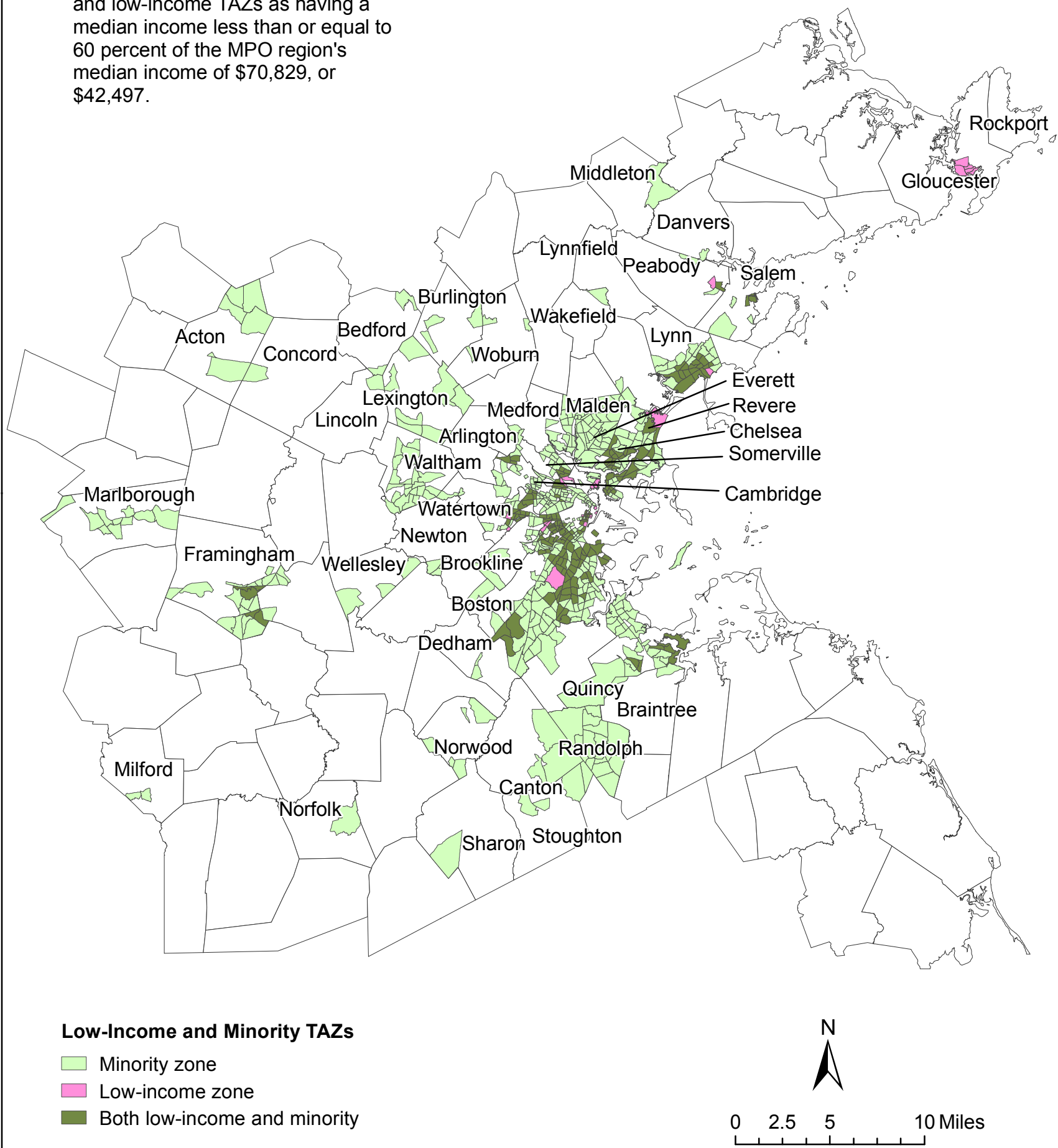
**Table 2**  
**Racial Characteristics\* of the Boston Region MPO Area**

<b>Race</b>	<b>2000 Population</b>	<b>2010 Population</b>	<b>Change 2000-10</b>	<b>2000 Percent</b>	<b>2010 Percent</b>	<b>Change 2000-10</b>
White	2,491,060	2,413,522	-77,538	81.2%	76.3%	-3.1%
Black/African American	230,357	272,318	41,961	7.5	8.6	18.2
American Indian/Alaska Native	6,079	7,620	1,541	0.2	0.2	25.3
Asian	164,170	239,629	75,459	5.4	7.6%	46.0%
Native Hawaiian and other Pacific Islanders	1,252	1,051	201	0.0	0.0	-16.1
Other	98,157	142,689	44,532	3.2	4.5	45.4
Two or More Races	75,319	84,883	9,564	2.5	2.7	12.7
<b>Total</b>	<b>3,066,394</b>	<b>3,161,712</b>	<b>95,318</b>	<b>100.0%</b>	<b>100.0%</b>	<b>3.1%</b>
Hispanic	195,598	289,034	93,436	6.4%	9.1%	47.8%
Minority*	657,102	878,118	221,016	21.4	27.8	33.6

\*Includes Hispanic Caucasians, and all non-white populations.

A TAZ is a transportation analysis zone, the unit used in modeling travel behavior. There are 2,727 TAZs in the modeled area, which includes the Boston Metropolitan Area.

The Boston Region MPO defines minority TAZs as having a minority population exceeding 27.8 percent, the Boston Region MPO average, and low-income TAZs as having a median income less than or equal to 60 percent of the MPO region's median income of \$70,829, or \$42,497.



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**FIGURE 1**  
**Low-Income and**  
**Minority Populations**

*Demographic*  
*Profiles of the*  
*MPO Region*

Low-income and minority thresholds were used to identify low-income and/or minority TAZs. (Although Title VI relates to race, color, and national origin, income also is used as a criterion for some Title VI programs.)

### *Language*

The LEP analysis was recently updated using 2012 ACS data. The U S Department of Transportation and FHWA define an LEP person as one who speaks English “not well” or “not at all”. According to the 2012 ACS, 5.3% of the MPO population who are five years of age and older (150,610 of the MPO area population of 2,865,258) are LEP. The largest proportion of LEP persons in the MPO area speak Spanish (39.5%), followed by Chinese (16.1%), and Portuguese (12.7%). Altogether, LEP speakers of these three languages represent over two-thirds (68.3%) of the MPO’s LEP population over five years of age. LEP populations meeting the U. S. Department of Transportation definition of LEP “safe harbor” thresholds (5% of the population or 1,000 individuals, whichever is less) include speakers of the languages shown in Table 3.

**Table 3**  
**Non-English Safe Harbor Languages in the Boston Region MPO**

<b>Language Spoken*</b>	<b>Speak English ‘Not Well’ or ‘Not at All’</b>	<b>Percent LEP Population</b>	<b>Percent MPO Population</b>
Spanish	57,479	39.5%	2.1%
Chinese	24,288	16.1	0.8
Portuguese	19,167	12.7	0.7
Vietnamese	9,562	6.3	0.3
French Creole	8,284	5.5	0.2
Russian	5,379	3.6	0.2
Italian	3,151	2.6	0.1
Arabic	2,717	1.8	0.1
Greek	2,065	1.4	0.1
Korean	2,020	1.3	0.1
French	1,654	1.1	0.1
Mon Khmer, Cambodian	1,593	1.1	0.1
Albanian	1,245	0.8	0.0
Other languages	10,132	6.7	0.4
<b>Total</b>	<b>150,610</b>	<b>100.0%</b>	<b>5.3%</b>

\*Spoken by the population five years of age and older.

In its current Title VI circular, FTA has broadened the definition of LEP to include individuals who speaks English ‘less than very well’ in addition to those who speak English ‘not at all’ and not well.’ This definition doubles the number of LEP

individuals in the MPO, although, for the most part, the languages they speak (see Table 4) are the same ones that are identified using the more conservative definition (Table 3).

**Table 4**  
**Non-English Safe Harbor Languages in the Boston Region MPO\***

<b>Language Spoken**</b>	<b>Speak English 'Less than Very Well'</b>	<b>Percent LEP Population</b>	<b>Percent MPO Population</b>
Spanish	103,147	34.2%	3.6%
Chinese	43,614	14.4	1.5
Portuguese	37,400	12.4	1.3
French Creole	19,061	6.3	0.7
Vietnamese	16,186	5.4	0.6
Russian	12,281	4.1	0.4
Italian	7,956	2.6	0.3
Arabic	7,534	2.5	0.3
French	6,302	2.1	0.2
Korean	5,296	1.8	0.2
Greek	4,315	1.4	0.2
Mon-Khmer, Cambodian	2,915	1.0	0.1
Albanian	2,888	1.0	0.1
Japanese	2,416	0.8	0.1
Armenian	1,856	0.6	0.1
Polish	1,821	0.6	0.1
Hindi	1,768	0.6	0.1
Gujarati	1,607	0.5	0.1
Amharic	1,402	0.5	0.0
Punjabi	1,398	0.5	0.0
Persian	1,247	0.4	0.0
Tamil	1,140	0.4	0.0
Bengali	1,076	0.4	0.0
Tagalog	1,057	0.4	0.0
Other Languages	16,195	5.4	0.6
<b>Total</b>	<b>301,878</b>	<b>100.0%</b>	<b>10.5%</b>

\*According to the FTA LEP Definition. \*\*Spoken by the population five years of age and older.

Appendix B, the MPO's Language Assistance Plan, shows maps with LEP information according to FTA's LEP definition. The MPO refers to these maps for outreach purposes.

Data supporting the figures will be used for Title VI purposes and to determine benefits and burdens of projects that are included in the MPO's LRTP and TIP.

### *Age*

The MPO population that is 65 years of age and older is growing slightly faster than the overall population. The general MPO population increased by 3.1% between 2000 and 2010, while the 65-and-older population increased by 4%. Approximately 13.3% of the MPO population belonged to this age group in 2010.

#### **4.4.3. Transportation Equity (Environmental Justice) Outreach to Underserved Populations**

Demographic data are also used to reach out to and inform low-income, minority, and LEP populations about MPO activities and documents. The threshold for defining low-income areas as having a median household income less than or equal to 60% of the MPO's median household income is used to determine which TAZs are low-income, and this threshold is also used for outreach purposes. However, as discussed above, for outreach to minority areas, the MPO continues to use the 50% minority threshold as it helps staff to focus its outreach efforts on the most heavily minority areas of the MPO region.

For outreach purposes, the MPO has identified what it calls areas of concern, which are clusters of TAZs that meet the MPO's income or minority criteria. In general, the TAZs in these clusters have to have at least 200 low-income or minority residents each. TAZs with populations that meet the thresholds and that contain group living quarters with changing populations (for example, prisons and college dorms) but small numbers of households, are excluded.

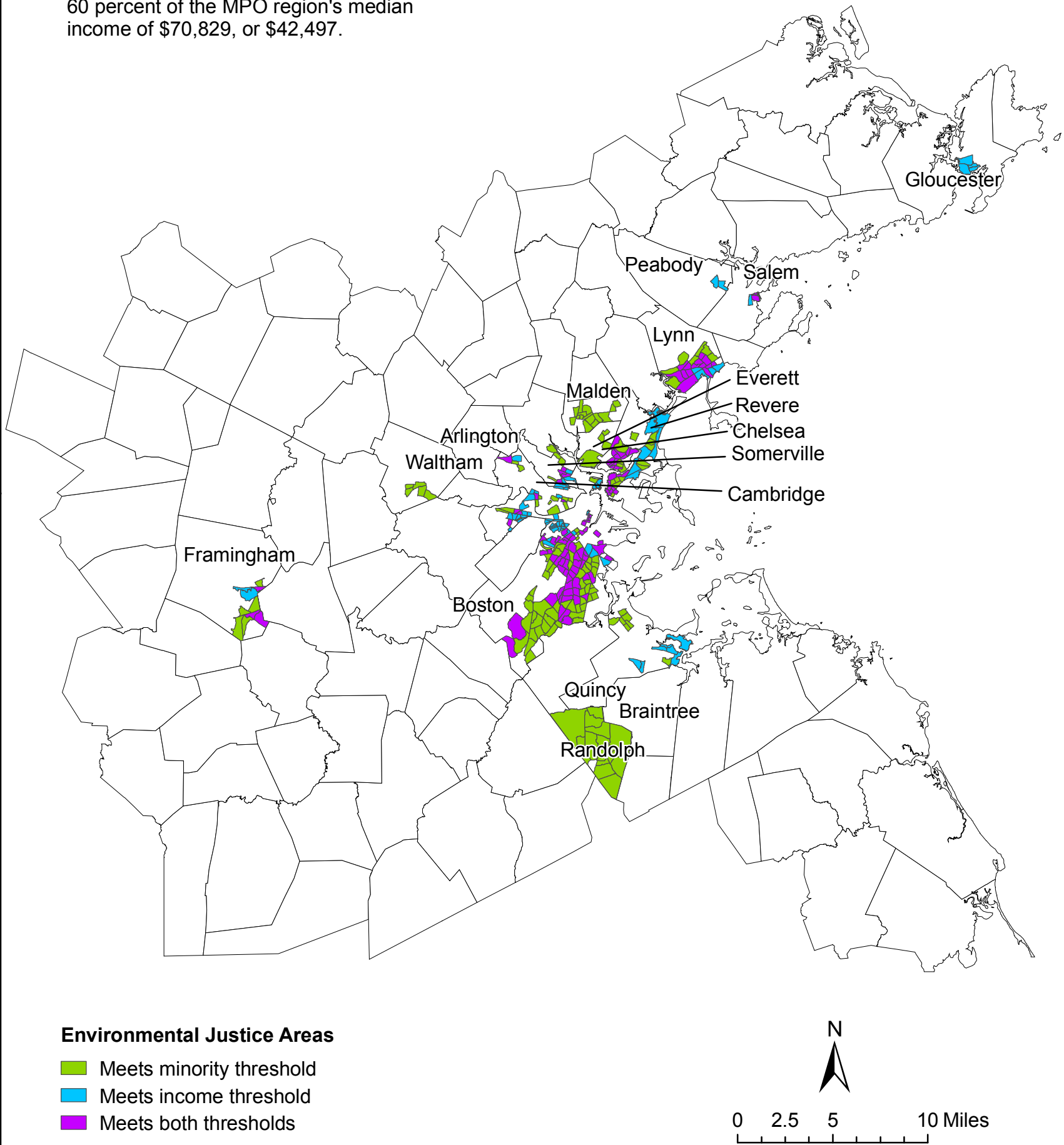
Analysis indicates that within the MPO region, there are areas of concern in 15 municipalities and 13 Boston neighborhoods. Municipalities containing areas of concern represent 45% of the MPO's population, 73% of the MPO's minority population, and 82% of the LEP population (USDOT definition). Identified areas of concern represent 20% of the MPO's total population, 49% of the minority population, and 54% of the LEP population (USDOT definition). These areas are shown in Figure 2.

#### *Identification of Needs of Low-Income and Minority Populations*

The outreach component of the Transportation Equity Program (discussed in Chapter 2) is a major source of information concerning the transportation issues and needs confronting low-income, LEP, and minority residents in the MPO region. MPO staff interpret the needs identified by each community and classify them as related to the LRTP, the TIP, the UPWP, service planning, or another planning process. The LRTP-related needs are a focus of the LRTP needs

A TAZ is a transportation analysis zone, the unit used in modeling travel behavior. There are 2,727 TAZs in the modeled area, which includes the Boston Region MPO area.

For this definition, minority TAZs have a minority population exceeding 50 percent, and low-income TAZs have a median income less than or equal to 60 percent of the MPO region's median income of \$70,829, or \$42,497.



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**FIGURE 2**  
**Environmental Justice**  
**Areas of Concern**

*Demographic*  
*Profiles of the*  
*MPO Region*

assessment. The TIP-related needs are identified in the TIP project information forms and in the TIP itself, and they inform the “community impacts” criteria category in the TIP ratings matrix. The UPWP-related needs are considered by the MPO staff and the MPO’s UPWP Subcommittee to inform decisions about possible new MPO studies. Transit service planning needs are forwarded to the MBTA for consideration during development of its biennial service plan. Other needs are referred to appropriate entities.

Additional information about the transportation needs of minority, LEP, low-income, elderly, and persons with disabilities is collected in the MPO’s general public-participation program and its Coordinated Human-Services Transportation planning. This information is integrated with the findings of the transportation equity outreach, and it is used to inform MPO planning activities.

### *Identification of Benefits and Burdens*

The potential impact of a proposed project in environmental justice areas is considered in the Plan, TIP, and UPWP project-ranking processes. Environmental justice analyses for the Plan and TIP are funded in the UPWP. In these analyses, MPO staff give projects positive or negative ratings on environmental justice criteria based on the estimated benefit or burden to environmental justice areas. The MPO considers these ratings when deciding what projects should receive funding. Environmental justice is a factor that the MPO also considers when determining which studies should be included in the UPWP.

### Process for Analysis of the Effects of Planned Transportation Projects in the Long-Range Plan

The MPO performs a systemwide analysis of benefits and burdens for three different scenarios: existing conditions, the set of projects that are currently funded by the MPO, and the set of projects recommended in the Plan. The analysis focuses on mobility, accessibility, and emissions for communities with a high proportion of low-income and minority residents. Chapter 9 of Paths to a Sustainable Region details the results of the analysis conducted for that Plan; this chapter is provided in Appendix L. (The upcoming LRTP will include this type of analysis as well.)

The MPO used three categories of measures in the analysis:

- Accessibility in terms of average transit and highway travel times from environmental justice areas to industrial, retail, and service employment opportunities; health care; and institutions of higher education. The analysis of transit travel times included destinations within a 40-minute



transit trip, and the analysis of highway travel times included destinations within a 20-minute auto trip. The accessibility analysis also included an examination of the number of destinations within reach of a 40-minute transit trip and a 20-minute auto trip.

- Mobility and congestion in terms of the average volumes of vehicle miles traveled in congested conditions and the average door-to-door travel times for both transit and highway trips produced in and attracted to the area.
- Environmental impact in terms of the volumes of CO emitted per square mile.

These analyses, based on TAZs throughout the region, are conducted to evaluate the impact of proposed Plan projects on both environmental justice areas and non-environmental justice areas.

The results of the accessibility, mobility, and environmental analyses are used to understand how a proposed set of projects might affect the environmental justice areas as compared with the non-environmental-justice areas in the region. The analysis of the projects included in Paths to a Sustainable Region showed that the projects recommended in the final LRTP benefit environmental justice areas more overall than they benefit non-environmental-justice areas. .

Process for Analysis of the Effects of Planned Transportation Projects in the TIP  
The TIP is developed with consideration of the impacts of the proposed projects on MPO environmental justice TAZs. The MPO uses a set of evaluation criteria to evaluate each target (discretionary) project proposed for inclusion in the TIP. There are 35 criteria, three of which are specific to environmental justice. All projects are rated as to whether the project benefits or creates burdens for environmental justice TAZs. The following values are used to rate projects in or contiguous to environmental justice TAZs Projects in or contiguous to environmental justice TAZs receive:

Improves access to transit for an Environmental Justice population (up to three points):

- +3 points: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and will provide new transit access
- +1 point: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and will provide improved access
- 0 points: Project provides no improvement in transit access or is not in an MPO environmental justice area or population zone

Design is consistent with complete streets policies in an environmental justice area (up to four points)

- +1 point: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and is a “complete street”
- +1 point: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and provides for transit service
- +1 point: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and provides for bicycle facilities
- +1 point: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and provides for pedestrian facilities
- 0 points: Does not provide any complete streets components

Addresses an MPO identified environmental justice transportation issue (up to three points)

- +3 points: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and the project will provide for substantial improvement to an MPO identified EJ transportation issue
- +2 points: Project is located within half-mile buffer of or affects an MPO environmental justice area or population zone and the project will provide for improvement to an MPO identified EJ transportation issue
- 0 points: Project provides no additional benefit and/or is not in an MPO environmental justice area or population zone
- –10 points: Creates a burden in an EJ area

The MPO is committed to transportation equity/environmental justice and continues to seek equitable distribution of benefits and burdens in the transportation system through ongoing compliance with its own policies and consideration of environmental justice factors through its evaluations and input from the public.

#### 4.5 TIP Projects In or Near Environmental Justice (EJ) Zones

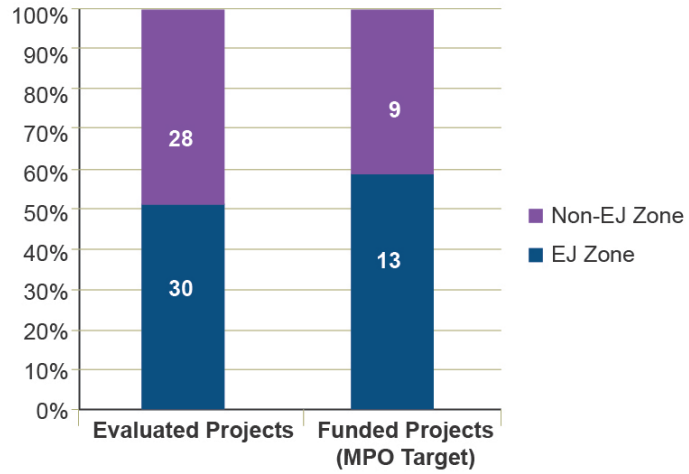
Staff analyzed the Federal Fiscal Years 2012–2017 TIP target program to determine how many evaluated and funded projects are located within one-half mile of an EJ TAZ. Table 5 shows that EJ TAZs fare well during the five-year period covered by this TIP. These TAZs encompass 36% of the MPO’s total population and 71% of the minority population. Meanwhile, more than half of the projects evaluated for funding are in or near EJ TAZs, as are 59% of the projects targeted for funding. The anticipated cost of funded projects is \$50 per capita for

the MPO; \$88 per capita for EJ TAZs; and \$29 per capita for non-EJ TAZs. Evaluated and funded project information also is presented in Figures 3 and 4.

**Table 5**  
**Federal Fiscal Years 2012-2017 TIP Project Information**

	<b>MPO Total</b>	<b>Environmental Justice TAZs</b>	<b>Pct. MPO Total in EJ TAZs</b>	<b>Non-EJ TAZs</b>	<b>Pct. MPO Total in Non-EJ TAZs</b>
Transportation Analysis Zones (TAZs)	1943	675	35%	1268	65%
Population	3,161,534	1,146,334	36	2,015,200	64
Minority Population	878,120	622,021	71	256,099	29
Number of Evaluated Projects	58	30	52	28	48
Number of Funded Projects (MPO Target)	22	13	59	9	41
Projects not Funded	28	12	43	16	57
Evaluated Projects	\$388,227,468	\$224,850,374	5%8	\$163,377,094	425
Funded Projects (MPO Target)	158,060,585	98,896,856	63	59,163,729	37
Projects Not Funded	200,299,854	100,923,400	50	99,376,455	50
Funded Project Dollars (MPO Target) per Capita	50	86	--	29	-
Not Funded Project Dollars per Capita	63	88	--	49	
Evaluated Projects Dollars per Capita	123	196	--	81	

**Figure 3**  
**Federal Fiscal Years 2012-2017 TIP Project Information**



**Figure 4**  
**Federal Fiscal Years 2012-2017 TIP Project Costs**

