

07 MINORITY REPRESENTATION ON PLANNING OR ADVISORY BODIES

INTRODUCTION

As stated in FTA Title VI Circular 4702.1B:

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

The Massachusetts Department of Transportation (MassDOT), as a recipient of federal financial assistance from the Federal Transit Administration (FTA) does not maintain transit-related boards, councils, or committees that meet this description. In relation to MassDOT’s use and management of FTA funds, MassDOT’s Rail and Transit Division is responsible for these efforts. The Community Transit Programs Unit manages all FTA and state funding programs for the 15 regional transit authorities and nearly 200 public nonprofit agencies that provide public transportation service across the commonwealth. This unit manages the capital and operations funding programs that deliver fixed-route, paratransit, and community transit services for over 30 million annual customers. The Division’s Rail Unit manages the state’s 100 miles of state-owned railroad properties with their operating railroads and manages the administrative program required by M.G.L. 40/54A and M.G.L. 161(d) that protects railroad corridors. The Unit also provides policy and technical assistance for major rail and freight initiatives, including high-speed and intercity rail, major corridor acquisition, and freight access programs. This work is not supported by boards, councils, or committees as envisioned in Title 49 CFR Section 21.5(b)(1)(vii). Below is a description of the structure of the MassDOT Board of Directors, explaining the

structure for appointments to the board. Though the MassDOT Board of Directors addressed transit related issues, the appointees are chosen not by MassDOT (the recipient of FTA financial assistance) but rather by the Governor.

BOARD OF DIRECTORS

The Massachusetts Department of Transportation (MassDOT) was legislatively established on November 1, 2009, by way of a merger of the former Executive Office of Transportation and Public Works (EOT) and its divisions with the Massachusetts Turnpike Authority (MTA), the Massachusetts Highway Department (MHD), the Registry of Motor Vehicles (RMV), and the Massachusetts Aeronautics Commission (MAC) ("An Act Modernizing the Transportation Systems of the Commonwealth of Massachusetts, as amended by Chapter 26 of the "Act.") At that time, the organization's governing body, the Board of Directors, consisted of five members (with expertise in transportation, finance, and engineering.) In 2012, through the Transportation Bond Bill, the membership of the MassDOT Board of Directors was expanded to seven.¹

Board of Directors members are appointed by the Governor. As stated in M.G.L. c 6C §§ 2(b):

“The department shall be governed and its corporate powers exercised by a board of directors. The board shall consist of 7 members appointed by the governor for a term of 4 years, 3 of whom shall be experienced in the field of public or private finance and management; 1 of whom shall have experience in public policy; 1 of whom shall have experience in transportation planning and policy; 1 of whom shall be the secretary of transportation, who shall serve ex officio; and 1 of whom shall be a registered civil engineer with at least 10 years experience.” [sic]

The pool of candidates for appointment to the MassDOT Board of Directors is maintained by the Commonwealth's Office of Boards and Commissions.² That office receives the credentials of interested potential appointees and maintains lists of qualified candidates across a variety of professional disciplines and administration areas. When a vacancy is identified, the Governor requests this

¹ <http://www.mass.gov/legis/journal/desktop/Current%20Agenda%202011/H4371.pdf>

² <http://appointments.state.ma.us/>

pool of candidates from the Office of Boards and Commissions and appoints a chosen candidate. The process is not influenced by the agency that will receive the appointee(s), and any member of the public is able to submit credentials to be considered for an appointment.

Biographies of MassDOT's Board of Directors members is maintained online at: <http://www.massdot.state.ma.us/AboutUs.aspx>

Upon the advice of FTA's regional civil rights personnel, MassDOT is not required to submit demographic information on Board of Directors members due to the mechanism by which board members are appointed.³

³ M. Riess, FTA Office of Civil Rights, Region III (personal communication, March 11, 2014)