



## Highway Division Title VI Program

### Implementation Plan

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## CHAPTER 1

### Standard DOT Assurances and Title VI Policy Statement

In accordance with UDOT order 1050.2A, a copy of the Massachusetts Department of Transportation (MassDOT) Title VI Nondiscrimination Assurances signed by MassDOT's Secretary of Transportation, can be found in Appendix A. Additionally, MassDOT maintains a Title VI/Nondiscrimination Policy Statement, which can be found in Appendix B.

## CHAPTER 2

### Organization and Staffing

#### *Introduction*

MassDOT was 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); also, ownership and operation of the Tobin Bridge was transferred to MassDOT from the Massachusetts Port Authority (Massport). In addition, MassDOT is responsible for many bridges and parkways previously operated by the Department of Conservation and Recreation (DCR). The Massachusetts Bay Transportation Authority (MBTA) and regional transit authorities (RTAs) are subject to oversight by MassDOT.

MassDOT is governed by state laws, rules, and policies. It is administered by a Secretary of Transportation, who is appointed by the Governor to serve as MassDOT's chief executive officer. The Governor also appoints a board of directors with expertise in transportation, finance, and engineering, which oversees the Department and serves as the governing body of MassDOT.

As a recipient of federal funding, MassDOT is committed to conducting all its programs and activities and operating all of its facilities in compliance with all requirements imposed by, or pursuant to Federal Highway Administration (FHWA) Title VI/Nondiscrimination Program requirements. The following sections describe MassDOT's organizational structure and responsibilities.

#### *MassDOT Organizational Structure*

MassDOT includes four divisions, Highway, Rail and Transit, Aeronautics, and the Registry of Motor Vehicles, in addition to executive offices that include Administrative Services, the Office of Performance Management and Innovation, and the Office of Transportation Planning. The Secretary appoints an administrator for each of the divisions.

#### *Highway Division*

The Highway Division is responsible for the design, construction, operation, and maintenance of the state highways and bridges in the commonwealth. The Division is responsible for overseeing traffic safety and

engineering activities, including those of the Highway Operations Control Center, to ensure safe road and travel conditions.

#### *Rail and Transit Division*

The MassDOT Rail and Transit Division oversees the Commonwealth's 15 Regional Transit Authorities, MassDOT's freight and passenger rail program, and works closely with the MBTA. 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. MassDOT maintains a Title VI Program for FTA related activities, including monitoring and reporting on these state managed federal funds.

The Division's Rail Unit manages the state's 300 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.

#### *Aeronautics Division*

The Aeronautics Division has jurisdiction over the commonwealth's public-use airports, private-use landing areas, and seaplane bases. It is responsible for overseeing the statewide airport system, which encompasses 37 public-use general-aviation airports. The Aeronautics Division's responsibilities also include fostering airport development, enhancing aviation safety, conducting aircraft accident investigation, maintaining navigational aids, performing statewide aviation planning, licensing of airport managers, conducting annual airport inspections, and enforcing airport security regulations.

#### *Registry of Motor Vehicles*

The Registry of Motor Vehicles Division is responsible for administering the motor vehicle laws of the Commonwealth related to the issuance of identification cards, driver's licenses, and motor vehicle registrations and titles, as well as those related to the inspection of vehicles, including buses. The Registry oversees commercial-vehicle and noncommercial-vehicle inspection stations.

#### *Enterprise Services*

The Office of Enterprise Services manages all MassDOT administrative functions, ensuring that all employment policies, programs, and procedures comply with state and federal laws, regulations, and guidelines. In addition to managing administrative functions, Enterprise Services houses the Office of Diversity and Civil Rights (ODCR). The director of ODCR is the Chief Diversity Officer and reports directly to the Secretary/CEO of MassDOT on state and federal civil rights obligations. The Office of Diversity Civil Rights is described in more detail below.

The Office of Transportation Planning (OTP), the primary source of transportation planning for MassDOT, is also a part of the Enterprises Services office and develops transportation plans, programs, and projects to advance the policies and objectives of the Governor and the Secretary. The OTP also ensures compliance with federal and state transportation and environmental laws and regulations, administers the statewide research program, and coordinates the metropolitan planning organizations (MPOs).

### *The Office of Diversity and Civil Rights*

The Office of Diversity and Civil Rights (ODCR) is responsible for ensuring that MassDOT fulfills its Title VI obligations through effective management of the agency's Title VI Program(s). ODCR also ensures that MassDOT meets its obligations and commitments on equal opportunity and affirmative action in employment and contracting within programs, services, and activities.

At MassDOT, the Chief Diversity Officer serves as the Director of the Office of Diversity and Civil Rights and as the agency's Title VI Coordinator. In this capacity, the Chief Diversity Officer reports directly to the Secretary/CEO of MassDOT on overall state and federal civil rights obligations.

A copy of ODCR Organizational Chart can be found in Appendix C. The Director of Title VI and Accessibility reports to the Chief Diversity Officer. The Director of Title VI and Accessibility supervises the Title VI Specialist who is charged with the responsibility of developing, implementing, and monitoring MassDOT's compliance with Title VI and related Nondiscrimination regulations. This includes day-to-day administration of MassDOT's Title VI Program, fulfilling reporting obligations, and developing and implementing effective and innovative compliance strategies. The Director of Title VI and Accessibility is a senior leader within MassDOT who is also responsible for developing and managing MassDOT's ADA Transition Plan. The Director of Title VI and Accessibility focuses on the following efforts related to MassDOT's Title VI Program:

- Provide technical assistance and advice on Title VI/Nondiscrimination matters to Department program officials;
- Supervise the conduct of Title VI/Nondiscrimination reviews on special emphasis program areas and activities when necessary;
- Investigate complex Title VI/Nondiscrimination complaints and prepare reports of findings and conclusions and make recommendations;
- Interact with MassDOT program managers in developing Title VI/Nondiscrimination information for dissemination to the public;
- Interact with other Civil Rights program personnel in the review of Title VI/Nondiscrimination activities and issues;
- Supports ODCR investigations by evaluating complaints for possible risks of systemic inequities in public services;
- Work with the Title VI Specialist and program managers to resolve problems identified as discriminatory practices and policies, pursuant to Title VI/Nondiscrimination;
- Oversee MassDOT's subrecipients' implementation of Title VI/Nondiscrimination activities and compliance monitoring;
- Establish procedures to resolve noncompliance determinations;
- Coordinate Title VI/Nondiscrimination training programs;
- Supervise the preparation of an annual report summarizing all Title VI/Nondiscrimination activities, accomplishments, complaints, and future plans;
- Update the Title VI/Nondiscrimination Compliance Program as necessary to reflect changes in organization, policy, or implementation;
- Increase public/community awareness of Title VI/Nondiscrimination;

- Develop and update Title VI/Nondiscrimination information for dissemination to the public and, where appropriate, in languages other than English.

Under the direction of the Director of Title VI and Accessibility, the Title VI Specialist manages all elements of MassDOT's commitment and obligations to prohibit discrimination. The Title VI Program covers the requirements, procedures, actions, and sanctions through which MassDOT enforces Title VI and related nondiscrimination statutes, federal and state Executive Orders, and regulations. The program is designed to ensure that discrimination does not occur in connection with MassDOT programs, services, or activities that benefit from federal financial assistance.

The Title VI Specialist is responsible for developing, implementing, coordinating, and monitoring MassDOT's Title VI Program and ensuring MassDOT's compliance with Title VI regulations. The Title VI Specialist:

- Assists in the preparation and issuance of information within MassDOT on FHWA Title VI requirements, guidelines, and program directives and ensures that all department managers and subrecipients are informed of FHWA Title VI/Nondiscrimination requirements
- Provides technical assistance, guidance, and advice on the MassDOT Title VI/Nondiscrimination Program both internally and externally
- Conducts Title VI/Nondiscrimination compliance reviews through the collection and analysis of statistical data to determine the effectiveness of program activities, prepares reports on those reviews, and establishes procedures to resolve determinations of noncompliance
- In collaboration with the ODCR Investigations Unit, reviews complaints for potential risks of systemic inequities, and prepares reports and recommendations based on investigatory findings, as needed
- Maintains relationships and works cooperatively with upper-level administrators, managers, and program personnel across all agency functions on Title VI/Nondiscrimination compliance and develops Title VI training for MassDOT officials, employees, and subrecipients
- Conducts Title VI/Nondiscrimination training programs across MassDOT and among subrecipients
- Develops Title VI/Nondiscrimination-related information for dissemination to the general public, including, where appropriate, information in languages other than English
- Prepares and submits annual MassDOT Title VI/Nondiscrimination Accomplishments Report and Work Plan to FHWA and triennial Title VI/Nondiscrimination Program submissions
- Updates the Title VI/Nondiscrimination Program and related plans as necessary to reflect organizational, policy, or implementation changes

The Title VI Coordinator, Director of Title VI and Accessibility, and Title VI Specialist are supported by staff from each federal program area within MassDOT as well as by the dedicated staff within the Office of Diversity Civil Rights. To coordinate this work, and as Title VI issues come up, the Title VI team supports MassDOT staff and project teams by providing technical assistance. Staff from the Title VI team sit on standing committees throughout the Department, including Highway Division and Planning Coordination Meetings and the Accessible Technologies Committee, providing an opportunity to identify potential Title VI or equity issues.

In addition, the Office of Diversity and Civil Rights is also able to obtain assistance from the MassDOT Enterprise Services departments, which includes the Office of Transportation Planning, Contracts and Records, Facilities, Human Resources, Employee Relations, Labor Relations, and other such departments. Technical assistance for Title VI and Nondiscrimination program development and compliance activities is provided to MassDOT through a consultancy contract with the Central Transportation Planning Staff.

## CHAPTER 3

### Program Review Procedures

#### *Internal Program Reviews*

The Title VI Specialist periodically engages in Title VI/Nondiscrimination Program process reviews to identify and address potential discrimination issues within MassDOT's federal program areas. These reviews can focus on specific functions within each of the federal program areas. The Title VI Specialist works with departmental staff and leadership to identify the sources of relevant data and documentation that will be collected and reviewed to determine if processes have the potential to lead to patterns of discrimination. The Director of Title VI and Accessibility is responsible for oversight of this process and for ensuring that the process and/or any corrective actions needed are adopted and implemented.

#### Transportation Planning and Research

The Office of Transportation Planning (OTP) supports all MassDOT Divisions, the Massachusetts Bay Transportation Authority (MBTA), and Shared Services with all pre-design transportation planning activities via studies and analyses, data, maps, research, technical assistance, strategic policy guidance, project management and public involvement – all consistent with our agency goals of achieving the highest levels of safety and customer service.

OTP is organized into teams with different functional purposes that are described in more detail below. All of our work is held to high standards in pursuit of our mission to "Conduct rigorous, innovative, and collaborative planning and technology transfer using the best data management and analytical tools in order to move people and goods on a safe, efficient, and integrated transportation network; comply with federal and state regulations; and support vibrant communities."

OTP's responsibilities include overseeing the federally mandated metropolitan planning process and development of Long-Range Transportation Plans, Transportation Improvement Programs, and Unified Planning Work Programs. It also develops the agency's Capital Investment Plan (CIP), State Transportation Improvement Program (STIP), and modal plans, including the Bicycle; Pedestrian; and Freight Plans.

Other services, functions, and products of OTP include:

- Sustainable transportation programs
- Corridor planning, inclusive of transit; bicycle; pedestrian; and freight planning
- Spatial resources and database development, as well as mapping supports
- Major-development review and traffic mitigation negotiation
- Transportation research and analysis, including coordination of research projects by third-party contractors
- Coordinator of regional planning via metropolitan planning organization (MPO) activities

#### Title VI Role

Every team within OTP plays a key role in supporting MassDOT's Title VI compliance profile. Transit and multimodal planning staff develop plans based on public input gathered through outreach efforts that include

soliciting feedback from all communities across the Commonwealth. MPO/RPA Liaisons in the MPO Activities team monitor the regional planning activities of the state's MPOs to ensure they are meeting all federal and state regulatory requirements, including Title VI. The Research team regularly solicits ideas for research projects that include Title VI implications. The Geospatial Technology team develops and maintains the Title VI demographic profiles for the state, including the mapping products (both hardcopy and interactive online tools) that empower MassDOT staff and partners to perform Title VI related tasks, such as developing project outreach plans designed to reach all populations in a project area.

The OTP Executive Director makes every effort to identify and eliminate discrimination in the planning process. MassDOT employs civic engagement to identify mobility problems and strategies to address them. Through the solicitation of public input and coordination with the various MPOs and regional planning agencies (RPAs), potentially disparate adverse impacts from a project are identified and addressed prior to preliminary design. OTP's planning process also includes collecting and monitoring a variety of data pertaining to transportation issues, including but not limited to population demographics, data collected from planning studies, roadway safety data, crash data, safe routes to school data, etc. Additionally, OTP coordinates public involvement through MPOs and RPAs and provides technical support when needed.

### **Title VI Responsibilities**

To fulfill its Title VI role with regard to planning and research, OTP must:

1. Employ an effective public involvement and participation process; this must include disseminating program information (in languages other than English where appropriate) through minority and ethnic media, through local organizations, and via outreach to Title VI communities to ensure participation of a cross section of all demographics in the planning process. Specifically:
  - a) Recognize specific and prominent community issues and circumstances
  - b) Utilize mechanisms for eliciting and soliciting involvement across all populations
  - c) Ensure availability of and accessibility to information
  - d) Make use of multiple mechanisms for involving the public
  - e) Make the process accessible
2. Consider public input from all, including from Title VI groups/persons
3. Conduct planning with the goal of providing equitable transportation facilities and services; review all proposed projects for their potential to have a disproportionate negative impact on Title VI populations; develop strategies to offset negative impacts (social, economic, and environmental) across investments
4. Coordinate with Native American tribal governments, typically by leveraging the direct and sustained relationship with MPOs where tribal representatives are not only included on community outreach distribution lists but also active on MPO boards and advisory committees.
5. Work with the Title VI Specialist to conduct pre-federal-assistance reviews of potential subrecipients
6. Work with the Title VI Specialist to conduct Title VI compliance reviews of departmental activities
7. Work with the Title VI Specialist to conduct annual post-federal-assistance reviews of each MPO's and RPA

8. Ensure nondiscrimination in the distribution/solicitation of research contracts and in the consultant selection process
9. Ensure that Disadvantaged Business Enterprise (DBE) participation in consultant contracts is monitored and reported to the Department's DBE Liaison Officer
10. Ensure that MassDOT's work program, in accordance with 23 CFR 420.209, describing Research, Development, and Training program activities is submitted to FHWA by October 1 annually
11. Maintain records of all Title VI efforts

#### OTP Geospatial Technology

The Geospatial Technology team within OTP delivers enterprise services across the MassDOT divisions and provides confidence that Title VI and other equity considerations are presented uniformly across the agency. The team has a strong working relationship with the Title VI Specialist, continually collaborating on process improvements and finding innovative ways to graphically depict equity.

Geospatial Technology has also produced interactive commenting tools for programming and project level initiatives, including the Capital Investment Plan, Massachusetts Bicycle Plan, among others. These tools allow the public to geo-locate their public comments on MassDOT initiatives. This has proven a valuable asset to equity analyses in public participation, as geographic gaps in participation are easily identified and public engagement strategies can be adapted to increase outreach to particular areas. Geospatial Technology continues to explore increased use of these tools and continued process improvements.

Additionally, the team manages GeoDOT, a GIS-based platform of databases and data resources utilized by all entities within the agency. It contains open data portals and resources for municipal and state officials.

#### "Engage" Suite

OTP has created a web-based mapping tool to assist in public engagement and Title VI compliance. The tool is known as Engage and is integrated into GeoDOT. This tool is designed to help shape public outreach activities by providing information regarding demographics and language needs and includes contact information to individual and organizational stakeholders in or near a project location or the location of a public participation opportunity. OTP has completed mapping of Title VI/Nondiscrimination populations (including minority, low-income, LEP, age, sex, and disability) across the Commonwealth and has worked with MPOs to identify stakeholders in each community. OTP has worked with the MPOs to develop a more thorough and comprehensive list of community organizations and advocacy groups, including institutions such as community health centers, YMCAs, houses of worship, etc. These lists are to be updated annually.

ODCR has incorporates this technology into staff trainings on Title VI, public participation, and language access obligations. Presentations and trainings are also being offered to the consultant community who are encouraged to utilize this tool as part of compliance with MassDOT's Public Participation Plan. Additionally, MassDOT's public engagement team uses the tool to identify project area demographics and develop project specific outreach strategies.

#### Language and ADA Accessibility of OTP Products (GeoDOT, Project Pages, etc.)

OTP is committed to ensuring accessibility of hardcopy and electronic products. GIS Services is a prime example of the commitment to providing accessible content and developing new and innovative strategies to

achieve it. The GIS team places strong emphasis on accessible language and word choice in the products they develop, including content uploaded to MassDOT webpages. OTP takes reasonable steps to offer mapping products in languages other than English, as indicated by the LEP Four Factor Analysis or by request. OTP considers how maps might be designed at the outset to be more universally understandable for users, such as using numbers and symbols instead of text, where appropriate. To further inform Factor 3 of the LEP Four Factor Analysis, OTP has surveyed staff and stakeholders to evaluate current reports and maps to determine which should be offered in translation.

### Enhanced Equity Analysis Methodology

OTP is committed to transportation equity and continues to seek equitable distribution of benefits and burdens in the transportation system through ongoing compliance with its own policies and consideration of Title VI through its evaluations and input from the public.

As part of the development of *Beyond Mobility*, the most recent statewide long range transportation plan, OTP developed a data layer that both extends and localizes the identification of communities that are often overburdened and underserved by the transportation network. This layer, called Regional Environmental Justice Plus (REJ+), identifies communities with high shares of low-income, nonwhite, limited English proficient populations, as well as zero-vehicle households, people with disabilities, and people over the age of 65, relative to their region. This approach recognizes the varied distribution of a broad array of communities across the state and localizes our understanding of who may be overburdened and underserved. The REJ+ layer was a critical determinant of the final Action Items included in *Beyond Mobility* and is the default data source for identifying transportation equity-focused populations in OTP, including the CIP equity analysis.

### Public Outreach Effectiveness

OTP critically evaluates the effectiveness of public outreach and regularly adapts engagement strategies as necessary to reach diverse constituents. Tools such as the Engage Suite, institutional knowledge, and interactive geo-located commenting tools aid in this evaluation. Additionally, public comments that are received on any OTP projects or initiatives are distributed to appropriate parties throughout the agency to inform other projects, policies, and initiatives. Themes in public input are closely monitored and there is a strategic effort to incorporate themes from public comments into project scopes to draw a cohesive connection between public involvement and the ways in which MassDOT pursues its priorities through policies and projects.

MassDOT's public involvement staff are available to assist OTP in conducting outreach campaigns that meet civil rights obligations. MassDOT maintains a trained and certified team of public engagement "Producers" who facilitate the technology and logistics required for successful virtual public outreach events. Several of these volunteer producers are OTP staff, giving them a unique insight into how to support departmental outreach efforts in a manner to meet civil rights compliance requirements.

### TIP/STIP Equity Analyses

As part of 3C document development, MPOs conduct an equity analysis of TIP projects and UPWP tasks. TIP projects are mapped and analyzed for equitable distribution of investments. Similarly, UPWP tasks are reviewed for their distribution of studies, technical assistance, and other measures. If disparities are present, the Title VI Specialist works with OTP and MPO staff to identify the reason and possible remedies, such as

increased outreach to a community to assure available resources are fully understood and accessible to all communities. These TIP equity analyses inform the STIP development and equity analysis processes.

#### Planning Study Selection Process for Title VI Compliance

The criteria for planning study selection and the development of the OTP annual work program are structured to avoid discrimination across Title VI protected categories. All scopes of work within OTP are reviewed to assure appropriate Title VI considerations and public participation protocols, as well as cohesiveness amongst projects within the department.

#### Planning Study Selection for Statewide Planning Activities (SPR IA)

The selection of planning studies within OTP includes those that are reflected in annual Statewide Planning and Research (SPR IA) reports. SPR is the federal funding that is provided to MassDOT for a variety of planning activities. Every year, this plan for the use of federal funds must be approved by FHWA.

To date, all planning activities, including those that are included in the SPR report, are based on ongoing work efforts and a solicitation for new planning issues/needs among MassDOT modal divisions. This approach incorporates federal planning factors and Title VI considerations.

After ideas for planning studies are solicited and collected, the Executive Director of Planning, Deputy Executive Director, and group of directors convene a meeting where these project ideas are considered for programming. The mission of MassDOT (identified as the Priority Areas specified in the most recent long-range statewide transportation plan), federal planning factors, and guidance from the relevant transportation authorization requirements are considered in SPR development. Please note that this process will not fully account for all projects since priorities do arise during the year.

#### Study Selection for Research Group Activities (SPRII)

For research study selection at MassDOT that is included as SPRII, OTP began to solicit ideas from across the agency in 2012. This effort intended to gain a more diversified list of potential research topics. OTP continues this established practice for both research and planning. Attention is paid to whether research study selection represents a diversity of ideas and research needs throughout the agency. Attention is also paid to Title VI implications in research topics, often highlighting equity as a focal point of research projects. ODCR is invited to have representation as a member of the Research selection committee and for any committees formed related to an RFR issued for research studies.

OTP's Research team continues to explore opportunities to expand research opportunities to new diversified partners, both in terms of associated faculty, research institutions, and student researchers who receive opportunities to work on our projects.

#### Study Scopes Include Title VI

OTP recognizes that a substantial portion of our work is done by consultants and therefore, incorporates Title VI considerations from the very beginning. OTP supplies prospective consultants with information on potential Title VI issues within each respective study area. When work is done by in-house staff, the same considerations apply. OTP uses standard language in scopes, depending on the goals of the project itself. Examples of language that might be included in various scope examples is included below:

Public Involvement Plans: "...All elements of the Public Involvement Plan must include specific communication strategies to provide continuous and meaningful opportunities for involvement by the public throughout the study process. These strategies must provide the opportunity for the full and fair participation by all potentially affected communities, including minority and low-income populations, at this stage of the transportation decision-making process. Likewise, these strategies must include provisions to actively engage minorities and gather their responses, as well as mitigate against potential discrimination based on race, color, national origin, English proficiency, income, religious creed, ancestry, disability, age, gender, sexual orientation, military service, or gender identity or expression. All materials posted to the project website must be in an accessible format consistent with MassDOT guidelines. Please refer to the following address for additional information on accessibility:

<https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>

Constraints Identification: "...Additionally, the constraints identification should identify any existing transportation effects on minority or low-income populations which are disproportionate, high, and adverse."

Community Effects/Title VI/Environmental Justice Analysis: "... The consultant will determine if any of the alternatives and resulting mitigation is likely to result in effects that are disproportionate, high, and adverse to these populations. If so, the consultant will quantify the location, severity, and impacted population and identify potential mitigation and benefits."

Solicitations include all language required by the FHWA Title VI/Nondiscrimination Assurance.

During consultant selection processes, OTP requires potential responders to review the OTP website and OTP maps that detail Title VI populations. OTP asks responders to address how they would approach these issues in the analytical work and outreach efforts that they include in their proposals.

#### Contracts for Research Group

FHWA's Title VI/Nondiscrimination Assurance is included as a term in all research agreements with all potential research partners. All contractors are provided with the maps that detail limited English proficiency and minority populations. They are required to use them for analytical purposes as well as any outreach approach associated with a project. Some Title VI language is already included in current contracts, but Research will include any new directives or guidelines that are generated by ODCR.

#### Study Outreach for Planning Activities

As part of the public outreach element of OTP studies – which should be scaled appropriately to the complexity and duration of each study – OTP staff and their consultant colleagues make specific outreach efforts to all communities that may be impacted by the study at hand (specific techniques will be informed by the MassDOT Public Participation Plan and will vary from study to study). The study boundaries and potential area of impact is established as part of the initial planning parameters for the project. These efforts, along with the entirety of the public outreach program, are ongoing throughout the duration of the study. All of these efforts are documented.

### Title VI Lens for Analysis of Alternatives

OTP includes Title VI analysis when studying alternatives as part of the traditional planning study process. This includes assessing the benefits and burdens of alternatives, according to the protocols articulated below. If the project is one that involves the evaluation of different potential implementation alternatives, evaluation of impact Title VI communities, as well as to the general public, will be considered as part of the alternatives analysis process. The exact weighting of Title VI-related issues in the overall alternatives evaluation will depend on the specific nature and goals of each project. All of these efforts will be documented.

Outreach regarding possible alternatives will follow the same Title VI compliance strategies regarding outreach as described above.

Solicitations include language required by the FHWA Title VI/Nondiscrimination Assurance.

### Highway Design

The Deputy Chief Engineer for Design oversees the project development process and manages all aspects of Highway Division design projects to ensure that projects comply with MassDOT's *Project Development and Design Guide*, as well as state and federal regulations. Design projects have many origins, including metropolitan planning organizations' priorities, bridge or highway maintenance requirements, federal funding programs (enhancements or Congestion Mitigation and Air Quality [CMAQ]), and MassDOT Highway District requests. Project designs are generated by engineering consultants or in-house staff and generally follow the process outlined in the *Project Development and Design Guide*. The 25%, 75% and 100% design completion points are milestones at which project plans are reviewed for compliance with environmental regulations, adherence to design criteria, utility and right-of-way considerations, and budget constraints.

During the preliminary design process, information regarding the social, economic, and environmental project impacts is reviewed to determine impacts and what mitigation, if any, is needed. Design engineers also ensure that all design criteria are met for walkways, street crossings, and pedestrian facilities in accordance with the most current Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Public Rights of Way Accessibility Guidelines (PROWAG), including the modifications prescribed by 49 CFR Part 37, Appendix A. With regard to transportation system facilities within the public right-of-way, design engineers ensure that the standards set forth in 49 CFR Part 37.9 are applied.

### Title VI Role

During the design process, provisions are made to ensure that Title VI criteria are met for each project by obtaining and acting on information pertaining to the potential adverse impacts on both the cultural and natural environments. Much of this is addressed through the project scoring process which sees Project Design staff evaluating projects against the state's Project Selection Criteria, which include Title VI (and Environmental Justice) scores made up of multiple questions and distinct inquires about the nature of the project, purpose of the project, impacted populations, and level of public engagement and support. In addition, under this Program, Design staff works with the Title VI Specialist and Director of Title VI and Accessibility to ensure that public involvement, including the involvement of Title VI populations, is solicited at public information meetings, as appropriate, for all projects. Project managers ensure that all letters and public notices regarding public meetings contain appropriate Title VI/Nondiscrimination language and that reasonable accommodations are made available for people with disabilities or limited English proficiency, as needed.

## Title VI Responsibilities

To fulfill its Title VI role with regard to project design, the Design Unit must:

1. Evaluate all proposed projects for Title VI impacts/implications in accordance with the state's Project Selection Criteria.
2. Work with MassDOT's Title VI Specialist and OTP's GIS Analysts to provide relevant feedback on projects and project categories in the evaluation of the equity of the state's Transportation Improvement Program, Capital Investment Plan, and other such planning documents.
3. Ensure that efforts are made and documented to solicit involvement of all communities/populations and that appropriate Title VI/Nondiscrimination language is used in all notification letters and public notices regarding public meetings
4. Establish and follow procedures to document the level of participation of Title VI communities/populations at public meetings to the extent practical and as appropriate
5. Ensure that pertinent design criteria, as mandated by the ADA and implementing Section 504 regulations, are considered and incorporated, to the extent practical, into all projects
6. Coordinate with MassDOT's DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation to the same
7. Ensure that DBE participation on all consultant contracts is monitored and reported to MassDOT's DBE Liaison Officer
8. Maintain records of all Title VI efforts

## Environmental Services

The Environmental Services section (Environmental) is responsible for overseeing the environmental compliance activities for MassDOT to ensure that the roadway and bridge construction and repair program as well as maintenance depot operations are conducted in an environmentally sound manner. To effectuate environmental justice and to eliminate disparate impacts on populations protected under Title VI and related nondiscrimination statutes, Executive Orders, and regulations, Environmental provides the technical expertise required for analyzing the social, economic, and environmental impacts of each project.

Environmental's work is done through several component units and programs -

### Cultural Resources Unit

The Cultural Resources Unit's review of MassDOT projects is generally conducted either under Section 106 of the National Historic Preservation Act of 1966 (if federally funded or permitted) or M.G.L. Chapter 9, Section 26-27C, as amended by Chapter 254 of the Acts of 1988 (if state funded). In 2004, MassHighway (now the Highway Division of MassDOT) entered into a programmatic agreement with the Massachusetts State Historic Preservation Officer (SHPO), the FHWA, and the Advisory Council on Historic Preservation that allows a streamlined Section 106 review for minor highway projects with federal funding.

The work of the Cultural Resources Unit includes:

- Ensuring that early coordination with the appropriate local historical commissions and Tribal Historic Preservation Officers is conducted

- Maintaining and expanding the Massachusetts Historic Bridge Inventory
- Performing or directing documentary research and architectural and archaeological field surveys, evaluating the historical/archaeological significance of all properties within a proposed project impact area, and reviewing project plans to identify and evaluate the project's effect on historically significant properties
- Coordinating and consulting with the FHWA, the SHPO/Massachusetts Historical Commission, local historical commissions, Tribal Historic Preservation Officers, other federal and state agencies, and interested parties regarding impacts on historic properties
- Seeking alternatives to minimize or mitigate impacts on historic properties (for example, approaches described in MassDOT's *Adaptive Reuse of Bridges*)
- Preparing and filing clearance documentation with the appropriate regulatory authority
- Providing assistance to state and federal agencies (for example, the Cultural Resources Unit evaluated the National Register eligibility of the Interstate Highway System within Massachusetts for the FHWA)

#### MEPA/NEPA Unit

The primary duties of the MEPA/NEPA Unit consist of project review pursuant to the Massachusetts Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA). The MEPA/NEPA Unit is also responsible for completing environmental design reviews throughout the various design stages of projects. The Unit is consulted early in the preliminary design process to identify a project's potential impacts on environmental resources and guide the designers through its permitting requirements. The initial 25% design review includes the review of interactive GIS-based maps, coordination with other MassDOT environmental units, and careful analysis of the project design as it relates to applicable environmental laws and regulations.

#### Environmental Project Development Unit

The focus of the Environmental Project Development Unit is on initiating early project coordination with the affected communities and the environmental agencies; reviewing roadway and bridge construction designs to assess impacts on the surrounding communities and the natural environment; and determining proper impact-avoidance, minimization, and mitigation strategies. Emphasis is placed on continual refinements of the Project Development Process to improve coordination with the public, local government boards, and area legislators and to become more efficient in the acquisition of permits and project approvals.

The Project Development Unit was instrumental in initiating the Early Environmental Coordination for Design Projects Engineering Directive. This directive established a standard process in which designers initiate early coordination with local groups and MassDOT ensures that community concerns and issues are appropriately addressed in the 25% design submission. This directive encompasses the full range of environmental and local concerns to help designers create projects that are environmentally sound and fit into the context of the communities in which they are constructed. Project designers are required to include written confirmation of coordination with the appropriate local boards, commissions, and interested parties and to submit sufficient detail in the 25% design for environmental permitting to be initiated.

### Wetlands and Water Resources Unit

The primary role of the Wetlands and Water Resources Unit is to ensure that all projects scheduled for construction receive the applicable federal and state wetland permits prior to advertising for construction bids. Staff prepare and/or review wetland permits and wetland/storm water mitigation designs, delineate wetland boundaries in the field, conduct habitat evaluations, and determine wetland functions and values in accordance with the Department of Environmental Protection (DEP) and U.S. Army Corps of Engineers (ACOE) methodologies.

Staff review proposed projects, provide technical and regulatory advice on wetland and water quality issues, recommend design changes where possible to avoid and minimize impacts, and determine the proper mitigation based on the extent of the impact relative to the feasibility of the mitigation.

In order to meet the Department's advertising goals and to facilitate expeditious environmental agency reviews, this unit holds monthly meetings with the ACOE, holds quarterly meetings with the U.S. Coast Guard, and routinely meets with DEP regional offices and local Conservation Commissions to review projects and discuss policies and procedures related to wetland and water quality protection.

### Stormwater

The stormwater unit ensures that MassDOT projects and operations meet state and federal stormwater regulations. Specific tasks include providing stormwater-related guidance to designers and planes for future stormwater projects; illicit discharge detection and elimination; and providing erosions and sediment control measures during construction to protect water quality.

### Wildlife and Endangered Species

The wildlife and endangered species unit works to ensure that projects advanced by the MassDOT Highway Division protect endangered species, fisheries, and wildlife, and in compliance with applicable laws, rules, and regulations. For MassDOT Highway Division projects, the unit must follow the federal and Massachusetts Endangered Species Acts, the Magnuson-Stevens Fishery Conservation and Management Act, Migratory Bird Treaty Act, and Fish and Wildlife Coordination Act. The unit also seeks opportunities for aquatic and terrestrial habitat connectivity, protection of rare and endangered species, ecosystem stewardship, and reduction of wildlife mortality, all while supporting the Commonwealth's transportation projects.

### Title VI Role

The Environmental Services Section utilizes a systematic process to study and evaluate all necessary environmental aspects of proposed projects in order to avoid, mitigate, and minimize disproportionately high adverse impacts on the social, economic, and environmental well-being of all communities. Environmental Services classifies each project according to the categories identified by the National Environmental Policy Act of 1969. The environmental studies to be conducted are determined by the magnitude of potential impact. Environmental Services maintains information regarding potential adverse social and economic impacts of each project. This information is communicated to the Title VI Specialist and Director of Title VI and Accessibility, who assist, as appropriate, in determining effective alternatives or mitigation measures and ensures they are incorporated into project plans. Environmental staff play a key role in project scoring by

providing the review committee with insights into possible environmental impacts associated with projects that may impact Title VI communities.

### **Title VI Responsibilities**

To fulfill its Title VI role with regard to environmental impacts and the equity of their distribution, Environmental Services must:

1. Conduct early and continuous public involvement
2. Ensure that thorough analyses are conducted for each project to identify disproportionate adverse social, economic, and environmental (SEE) impacts and ensure that mitigation measures are implemented to avoid or minimize adverse impact
3. Maintain demographic data on all populations
4. Provide information regarding project impacts and mitigation measures at public meetings/hearings and to affected communities, and ensure public participation in evaluating mitigation measures
5. Maintain and provide to the Title VI Specialist general information concerning the status of Class I and Class III projects with respect to environmental assessments, environmental impact statements, and the implementation of mitigation
6. Provide oversight/consultation for environmental activities related to federally assisted projects provided through or by MassDOT
7. Ensure that DBE participation on all consultant contracts is monitored and reported to MassDOT's DBE Liaison Officer
8. Coordinate with the MassDOT DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation to the same
9. Maintain records of all Title VI efforts

### **Right-of-Way**

The MassDOT Right of Way Bureau (ROW) is responsible for securing and managing all property and rights in land required for the road and bridge program.

- The Project Section reviews preliminary ROW plans, gathers parcel and owner data relative to the project, and provides data to the Conveyance and Appraisal Sections. This Section also contacts property owners and explains the project and its impact to them.
- The Conveyance Section prepares and reviews titles, prepares leases, deeds, memoranda of understanding, and other legal documents, and records plans, orders of taking, and other related documents at the various Registries of Deeds.
- The Appraisal Section prepares and reviews appraisals to establish the value of fee acquisitions, permanent and temporary easements, and other rights in property.
- The Negotiation Section meets with property owners to explain the situation and answer questions about the impact of road and bridge projects on their property and inform them of the amount of compensation being offered. The negotiators also answer questions, address concerns, and explain the owner's rights in the eminent-domain process.

- The Relocation Section ensures that all personal property is moved from the acquired land and the owners or tenants are reimbursed for the eligible cost of the move. Relocation agents meet with the property owners or tenants living or conducting business at the acquired property, explain what benefits they are entitled to, and offer relocation assistance to them. When moves are completed, the relocation agents present the claims for payment approval and processing; they then tender the payments to the claimants.
- The Community Compliance Section ensures that municipalities follow all applicable state and federal regulations prior to the issuance of a right-of-way certificate, which allows the city or town to proceed with roadway and bridge projects.
- The Property Management Section performs typical property management duties when structures are included in the acquisition. Fair-market rent is determined and charged to the occupant of the structure acquired. Property Management is also responsible for maintenance until the structure is vacated. This Section maintains Commonwealth-owned property, collects rent, and removes or demolishes all structures acquired by MassDOT. It also handles the disposition of MassDOT-owned property.
- The Finance Section develops the annual administrative and capital budgets and is responsible for timely payments for goods, services, and property acquisitions.
- The Clerical Section provides administrative support to the other Sections of the ROW Bureau through document preparation and distribution, filing, and file maintenance.
- The Outdoor Advertising Section regulates and controls the erection and maintenance of off-premise billboards, signs, and other advertising devices. Licenses are issued to firms and individuals wishing to engage in the business of outdoor advertising, and permits are issued on an annual basis for the erection and maintenance of signs, in accordance with 711 CMR 3.00, et seq.

#### Title VI Role

To ensure Title VI compliance, the Right of Way Bureau's property acquisition process is conducted in accordance with the *Project Development and Design Guide* and all applicable laws and regulations. Throughout all phases of acquisition, MassDOT ensures that all Title VI requirements of nondiscrimination are observed and implemented. The Director of Right of Way establishes and enforces procedures to ensure nondiscrimination in appraisal, negotiation, acquisition, management, relocation, and adjustment of utilities. Most frequently, this includes providing vital materials to property owners and abutters in languages other than English to ensure that LEP abutters have access to critical information regarding the Right of Way process. This also includes providing multilingual support when meeting individually with property owners and abutters or in groups with parties interested in particular projects during the project development process. ROW staff coordinate these efforts with the Title VI Specialist and the Director of Title VI and Accessibility to ensure compliance with applicable Title VI requirements.

#### Title VI Responsibilities

To fulfill its Title VI role with regard to acquiring and maintaining rights-of-way, the Right of Way Bureau must:

1. Ensure compliance with contracting requirements in Personal Services Contracts; typically these are appraisal contracts, but they can cover all services of real estate, including negotiation, relocation, and property management

2. Maintain data on Title VI demographics of individuals and communities impacted by the ROW process, where possible.
3. Ensure that appraisal activity complies with Title VI and is conducted in a nondiscriminatory manner
4. Equitably advise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation, and other aspects of the acquisition process
5. Ensure that appraisal and negotiation operations do not have a disparate impact on protected populations
6. Coordinate the preparation of deeds, permits, and leases to ensure the inclusion of the appropriate Title VI clauses
7. Ensure that the determination of rent amounts is equitable and that the maintenance of rental properties is adequate and consistently performed for all renters
8. Ensure that hearing formats are designed to encourage participation by and comments from all persons and communities in a nondiscriminatory manner
9. Establish notification and advertising procedures that effectively reach all persons in a nondiscriminatory manner
10. Maintain records of all Title VI efforts

### **Construction and Contracts/Contract Administration**

The Construction Department manages all aspects of MassDOT construction projects, including contract administration, to ensure that all construction complies with MassDOT Highway plans and specifications and to ensure that construction proceeds safely and in accordance with established schedules and budgets. The Construction Department includes a Boston Construction Office, construction departments in each of the six District offices, and the Research and Materials Section.

The Boston Construction Office is headed by the Deputy Chief Engineer for Construction. It includes Construction Management and Construction Finance. Construction Management handles all technical issues related to MassDOT Highway construction, including evaluating bids, recommending contract awards, processing contract changes, and coordinating responses to technical questions that arise during construction. Construction Finance handles all financial paperwork for construction contracts, including funding appropriations, fiscal tracking for spending, extra work order funding, and processing of contractor pay estimates.

The Construction Office in each of the six Districts is headed by a District Construction Engineer, supported by assistant construction engineers, area engineers, resident engineers, and field engineers. These individuals have direct responsibility for monitoring construction onsite, day-to-day to ensure that construction proceeds safely and in accordance with established schedules and budgets.

### **Title VI Role**

The Construction Department monitors project construction to minimize social and environmental impacts on communities. In fulfilling this role, contract administrators ensure that prescribed mitigation measures to reduce health and safety risks, as well as environmental impacts, are effectively implemented. To further ensure compliance with Title VI, Sections II and III of Form FHWA-1273 are closely monitored by the contract administrators to facilitate the goal of increased participation of minorities and females in the federal-aid highway program.

## Title VI Responsibilities

To fulfill its Title VI role with regard to project construction, contracts, and contract administration, the Construction Department must:

1. Ensure that all contract administrators are trained and cognizant of contractual requirements with respect to nondiscrimination as outlined in 23 CFR 230, Sub-part A/ FHWA Form 1273
2. Ensure that no barriers exist in prequalification, approval of subcontractors, and bonding and licensing requirements
3. Ensure that uniformity exists in the approval of plan changes and supplemental agreements, and in the assessment of sanctions, liquidated damages, withholding payments, suspension/termination of contracts, and decertification
4. Ensure that all mitigation measures are effectively implemented; for example, in the areas of health and safety, noise and air impacts, and employment and contracting goals
5. Monitor contractor activities to prevent discrimination against or disparate treatment of persons or communities, such as in the handling of waste/spill disposal or environmental compliance or in the form of harassment
6. Maintain records of all Title VI efforts

## Maintenance

MassDOT Highway operations and maintenance is conducted in the six Districts according to the Maintenance Program. The Maintenance Program is developed on the basis of a comprehensive process of inspection, evaluation, and prioritization of maintenance efforts.

The Highway Division's Boston office makes the policy decisions that lead to the road improvement projects that are planned or are ongoing across the commonwealth. The Highway Division identifies roads and bridges that are in need of repair, reconstruction, or replacement and works to make the appropriate upgrades. MassDOT's priority is safety with as little inconvenience as possible to Massachusetts motorists.

Each district is under the direction of the District Highway Director (DHD), who reports to the Chief Engineer. The District Office supervises all construction within its jurisdiction, performs on-site engineering, implements maintenance and preventive maintenance programs, generates proposals for maintenance and construction work, and provides engineering support to cities and towns.

## Title VI Role

Each Highway District office ensures that the development and implementation of the Maintenance Program is compliant with Title VI/Nondiscrimination requirements. Each office considers demographic information when developing maintenance plans and conducting maintenance operations to ensure that the allocation of materials and resources is fair and uniform.

## Title VI Responsibilities

To fulfill its Title VI role with regard to roadway maintenance, each Highway District office must:

1. Monitor maintenance activities and inspect work to ensure the Maintenance Program is being implemented in a nondiscriminatory manner
2. Ensure that all mitigation measures are effectively implemented; for example, in the areas of health and safety, noise and air impacts, and employment and contracting goals
3. Maintain records of all Title VI efforts

### **Safety**

The MassDOT Highway Traffic Engineering Section is responsible for overseeing traffic engineering activities to ensure that the roadway and bridge construction and maintenance programs comply with the federal Manual of Uniform Traffic Control Devices (MUTCD) and the Commonwealth of Massachusetts General Laws. This includes preparing and reviewing various traffic engineering documents such as:

- Traffic signal permits
- Speed limit regulations
- Traffic control agreements
- Highway sign policy
- Traffic Management Plan Manual
- Traffic impact studies and functional design reports
- Highway Safety Improvement Program
- Road Safety Audits
- Strategic Highway Safety Plan

The Traffic Engineering Section provides technical review services for all construction and maintenance projects prepared for MassDOT, including private development mitigation and municipal construction projects. The staff provides regulatory guidance and technical expertise to support compliance with current state and federal standards. In addition, Traffic Engineering staff is engaged in numerous field activities to support Department policy, including traffic signal inspection, road safety audits, work zone inspections, right-of-way investigations, speed zoning, sign and pavement marking inspection, and fatal-crash investigations.

The Safety Management group of Traffic Engineering maintains a database of crash data in support of the records collected by the Registry of Motor Vehicles. Staff uses the crash data to identify locations for safety improvement projects and works with the regional planning agencies to produce a priority listing of safety project needs under the Highway Safety Improvement Program. In addition, the Safety Management staff participates in numerous statewide safety initiatives aimed at reducing fatal and severe-injury crashes and increasing safety belt usage.

### **Title VI Role**

The Traffic Engineering Section provides safe work zones for all workers and road users while also providing for the highest level of mobility. It notifies the public of upcoming construction work and the associated impact the work is expected to have on the public way.

Traffic Engineering effectuates Title VI, Title II of the ADA, and Section 504 of the Rehabilitation Act of 1973 by ensuring that traffic control devices and signals are designed and located in a uniform manner. The Chief Engineer ensures that signals, signs, and auxiliary devices are considered in the development of all MassDOT projects and that they conform to the standards prescribed in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the MUTCD and to the Commonwealth's applicable provisions from the Architectural Access Board. These standards will soon be more focused through the anticipated adoption of the Public Right-of-Way Accessibility Guidelines. Additionally, Traffic Engineering incorporates methods of communication into traffic control systems to ensure that communications provided to persons with disabilities are as effective as communications with others.

One of the key interfaces between Title VI populations/communities and MassDOT's Safety section is through the performance of Roadway Safety Audits. These evaluations include site visits and outreach to and collaboration with the local community. As part of identifying top safety priority locations, and those locations that will undergo a more detailed roadway safety audit MassDOT does analyze the rate of safety incidents among vulnerable roadway users. MassDOT strives to prioritize safety improvements for demographics groups represented among VRUs. Safety staff conducts outreach to the public in a manner that is consistent with Title VI public engagement requirements to attempt to solicit feedback and participation by the entirety of diverse constituencies across the Commonwealth.

### Title VI Responsibilities

To fulfill its Title VI role with regard to safety, Traffic Engineering must:

1. Equitably provide safe work zones for all workers and road users while also providing for the highest level of mobility
2. Ensure that traffic control plans, systems, and devices are provided in such a manner as not to have a disproportionate negative effect on protected populations
3. Ensure that pedestrian signals are designed and placed in accordance with the ADAAG, Chapter 3.5, the MUTCD, and/or other applicable laws or regulations
4. Ensure that pedestrian signage complies with the criteria outlined in the MUTCD and other applicable laws or regulations
5. Ensure that DBE participation on all consultant contracts is monitored and reported to the Department's DBE Liaison Officer
6. Maintain records of all Title VI efforts

### ***Introduction to Internal Review Process***

In accordance with 23 CFR § 200.9(b)(5) and (6), MassDOT's Title VI unit, including the Title VI Specialist and the Director of Title VI and Accessibility, is responsible for conducting internal Title VI/Nondiscrimination compliance monitoring activities. The framework of these program review procedures is articulated below.

### ***Risk-Based Prioritization***

The work units that comprise MassDOT have varying degrees of interaction with and impact upon members of the public (the beneficiaries of Title VI nondiscrimination protections). The effective management of the resources the organization can devote to internal Title VI compliance takes this organizational reality into

account by prioritizing internal compliance activities on the units that have the highest risk potential for noncompliance with Title VI/Nondiscrimination obligations. Factors considered include, but are not limited to, the degree to which bias can occur in operational contexts, the extent to which operations of those units most directly impact members of the public and indications of significant prior complaint activity.

### ***Procedure***

Programs scheduled for review will be notified in writing that their program has been selected for review under the current review cycle, and this notification will include a compliance review questionnaire that the Programs are required to complete.

The Title VI/Nondiscrimination Program staff will review the response to the questionnaire during the desk review process. As needed, an on-site review may be conducted and consist of a review of files and documentation and staff interviews.

A Determination of Findings (DOF) will be provided to the Department Director, Division or District Chief, Chief Diversity and Civil Rights Officer, and the appropriate executive staff of the Program being reviewed. No action on the part of the Program will be required on findings of compliance, unless a condition of compliance is specified. However, Programs or program areas found out of compliance will result in the development of a Corrective Action Plan (CAP) to overcome any deficiencies. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the Secretary/CEO. It is important to note that these procedures are flexible, and the need for an on-site review is determined based on the responses provided in the initial questionnaire.

### ***Methodology***

The assessment process relies on an array of methods to determine the extent of Title VI/Nondiscrimination awareness and compliance across MassDOT's federal program areas. MassDOT's Title VI staff (the Title VI Specialist and the Director of Title VI and Accessibility) are encouraged to introduce variety in their approaches to conducting these assessments. Research is conducted into the potential Title VI activities among state DOTs in the subject matter areas, complaint activity is monitored and study of the substantive area conducted to identify possible trends and glean ideas for potential risk factor considerations. This research is typically through participation in federal and state webinars, Justice40 workshops and trainings, peer exchanges on virtual public involvement, and sending or responding to inquiries directly to other state DOTs. Taking varied approaches to these assessments limits the risk that federal program areas will develop a tendency to rely on template responses to template inquiries. It also encourages the federal program areas to think about Title VI/Nondiscrimination principles more broadly throughout the assessment cycle, and prospectively, as the program areas carry out their business. The assessment process is designed to give MassDOT's Title VI staff an opportunity to understand the business practices of each federal program area, to determine the extent to which Title VI/Nondiscrimination factors into those practices, and to identify areas of improvement and corresponding corrective actions. This is accomplished through the following methods:

- Desk Audits

By requesting and reviewing the documents utilized by MassDOT's federal program areas, the Title VI staff is able to determine the extent to which Title VI/Nondiscrimination activities are woven into the activities of those units. This review looks primarily for the presence of standard boilerplate Title VI/Nondiscrimination Assurance language, as needed. This is also an

opportunity for MassDOT's Title VI staff to identify opportunities for Title VI/Nondiscrimination data gathering and/or training opportunities.

- Interviews

MassDOT's Title VI staff relies on in-person interviews of federal program area staff to determine the extent of compliance with Title VI/Nondiscrimination obligations. These interviews reach both managerial and front-line staff. It is critical for managers to be sufficiently trained on Title VI/Nondiscrimination principles to articulate its importance to their staff and to instruct on how adherence to Title VI/Nondiscrimination is demonstrated through the particular actions of a federal program area. It is equally important that front-line staff be able to articulate the ways in which Title VI/Nondiscrimination activities are a part of their course of business as well as the resources available to address Title VI/Nondiscrimination concerns by members of the public (such as the availability of a complaint resolution process and the procedure for engaging it).

- "Shadowing"

This describes instances where MassDOT's Title VI staff will accompany federal program area staff on their business activities in order to better understand the nature of the work (and possible Title VI/Nondiscrimination risk-factors therein) as well as monitor staff for compliance with Title VI/Nondiscrimination obligations.

- Technical Assistance

MassDOT's Title VI staff provides technical assistance on Title VI/Nondiscrimination compliance across the agency. This can include identifying language needs in impacted communities, informing the reasonable accommodation interactive process, developing new methods of data collection and analysis, and providing recommendations on new and novel Title VI/Nondiscrimination related questions and issues. Often times, this technical assistance is prompted by the direct requests of federal program area staff. These instances provide MassDOT's Title VI staff with an opportunity to gauge current levels of Title VI/Nondiscrimination compliance throughout the agency as well as areas for improvement.

- Attendance at Public Outreach Events

By attending public outreach events, such as public hearings, meetings, and information sessions, MassDOT's Title VI staff is able to observe federal program area staff in their direct interactions with members of the public – the beneficiaries of Title VI/Nondiscrimination protections. This gives the Title VI staff an opportunity to identify any needs for additional training and to ascertain the effectiveness of Title VI/Nondiscrimination related request processes (such as language services and reasonable accommodations). Attending these sessions also provides an opportunity to learn of project-level community concerns that may be Title VI/Nondiscrimination related.

- Additional Methods

MassDOT's Title VI staff regularly engages in research and analysis of Title VI compliance strategies across the nation and within FHWA as it strives to identify best-practices and innovate new methods to ensure Title VI/Nondiscrimination adherence. New methods of compliance monitoring produced by these efforts will be reported to FHWA in MassDOT's annual Title VI accomplishments report and work plan and will be articulated in the triennial updates to MassDOT's Title VI/Nondiscrimination Program.

### ***Variable Prioritization***

While the cycle of internal assessments is structured based on risk-based prioritization, it is not rigid. The federal program areas assessed during any given annual cycle can change based on the following factors:

- Complaints

The receipt of Title VI/Nondiscrimination related complaint(s) regarding the programs, services, or activities of a MassDOT federal program area can prompt not only a formal investigation but also assessment activities, even if this causes the assessment to occur out of sequence with the cycle. This approach affords MassDOT the opportunity to identify possible Title VI/Nondiscrimination noncompliance concerns and pursue independent corrective actions (such as trainings) over and above any federal corrective actions that may result from a concurrent investigation.

- Staffing Changes

Changes made in personnel among MassDOT's public-facing federal program areas could prompt MassDOT's Title VI staff to perform out-of-sequence Title VI/Nondiscrimination assessments to ensure that new staff is fully aware of and complying with Title VI/Nondiscrimination obligations. While training is a valuable tool in this regard, the assessment process also has a vital role to play here.

- Changes in Protocols/Rollout of Projects

MassDOT is constantly innovating and updating the way we conduct business activities, triggered under the efficiency and innovation components to the legislation that created our transportation enterprise. This can include revisions to protocols (ex: renegotiated Federal/State programmatic agreements) and the technology used to do the work of the organization (ex: information technology advancements). The nature of these changes may have potential Title VI/Nondiscrimination compliance implications. If such factors are identified, even if it causes an assessment to occur out of sequence, MassDOT's Title VI staff may recommend conducting an assessment to fully understand those impacts and mitigate potential problems.

- Patterns Indicating Noncompliance

The completion of an assessment cycle does not guarantee that all the programs, services, or activities of a MassDOT federal program area are or will

be Title VI/Nondiscrimination compliant. The assessment process culminates in the development of a tailored work plan to correct noncompliant policies and/or activities. As MassDOT's Title VI staff follows up on the progress of the action items outlined in the work plans, it may become clear that some areas remain persistently unaddressed. Such a pattern of noncompliance could prompt additional assessment activities out of sequence from the cycle.

- Additional Factors

MassDOT's Title VI staff regularly engages in research and analysis of Title VI compliance strategies across the nation as it strives to identify best-practices and innovate new methods to ensure good Title VI/Nondiscrimination compliance. Internal monitoring prioritization variables and methodologies incorporated into MassDOT's monitoring activities will be reported to FHWA in MassDOT's annual Title VI goals and accomplishments report and will be articulated in the triennial updates to MassDOT's Title VI/Nondiscrimination Program.

### ***Outcome***

The internal assessment process culminates in the development of tailored Title VI/Nondiscrimination work plans by MassDOT's Title VI staff for implementation by assessed units. These plans are designed to illuminate possible deficiencies and identify areas of improvement in the Title VI/Nondiscrimination activities of MassDOT's federal program areas, with specific timeframes for deliverables and action items. MassDOT's Title VI staff drafts these tailored work plans immediately following the close of assessment activities. Once developed, an exit interview with program area leadership (and staff, as needed) is arranged. These sessions afford the opportunity for Title VI staff to explain the content/purpose of the work plans as well as schedule technical assistance sessions and establish cycles and methodologies for program areas to report on and demonstrate their progress to address all work plan items.

The intervening years between assessments consist of MassDOT's Title VI staff providing both planned and ad hoc technical assistance and trainings, meeting regularly with federal program area leadership and staff to track progress on work plan items, and monitoring the programs, services, and activities of federal program areas for Title VI/Nondiscrimination compliance.

### ***Schedule***

The program review procedures detailed in this section are conducting on a recurring basis. This means that the MassDOT Title VI staff endeavors to conduct these review activities on an annual basis, focusing on particular program areas in succession, until all program areas are evaluated at which point the cyclical process resets and begins again. As described above, there are a variety of factors to consider when selecting program areas for review which prioritizes and deprioritizes program areas for review during any given year. In other words, there is not one consistent schedule of reviews that is repeatedly followed each year. Rather, the Title VI staff makes unique determinations, informed by the factors described above, regarding which program areas will be reviewed during any given year. However, the following schedule provides a framework for guiding the program area review process year-after-year. While the actual schedule does change, this guideline helps provide a baseline for structuring each year's review activities.

- Year 1 (Current Review Cycle): Design, Construction

- Year 2: Maintenance and Safety
- Year 3: Right of Way, Environmental Services
- Year 4: Planning

### ***Sample Questions for Program Area Review***

Below is the question bank maintained by MassDOT's Title VI staff to facilitate the internal review of one of MassDOT's federal program areas, namely the offices of Construction and In-house Design.

#### **General questions for both offices (Construction and Design):**

1. Has your office designated a Title VI Liaison or point of contact? If so, who?
2. What recent training on Title VI has staff in your office received?
3. What demographic data does your office collect, or review? Please describe.
4. How is this data used to evaluate program or project impacts?
5. What procedures are in place to identify Limited English Proficient (LEP) populations that your office may serve?
6. How do you determine what language services are needed for your programs or projects?
7. Are language assistance services (e.g., translation, interpretation) provided during design or construction activities? Please describe.
8. Please describe how your office engages minority, LEP, and/or low-income populations in public involvement activities, or notifications?
9. How/when does your office partner with MassDOT's various public outreach offices (Communications, Highway Public Involvement Office, Project Management, etc.) on public outreach? Please provide a recent example in your description.
10. When there is a public outreach consultant on a project, how does your office ensure that they are conducting the outreach in a manner that is consistent with Title VI?
11. Do you have any significant Title VI accomplishments, or Title VI actions planned for the coming year that you would like to report?
12. Have you received any Title VI complaints over the last three years?
13. How did/would your office handle Title VI complaints?

#### **Design:**

1. Please provide a description of the internal procedures that illustrate where and how Title VI compliance is integrated (for example, departmental SOPs that detail inclusive and accessible public outreach activities). Are these procedures documented? If yes, please provide a copy of the procedures.

2. How does your office evaluate the potential impacts of design choices (e.g., roadway alignments, access changes)?
3. Are equity assessments or analyses integrated into the design process? If they are, please provide one example.
4. What efforts are made to ensure designs meet the needs of all users, including those in Title VI-protected classes?
5. Please describe the process for evaluating proposed projects for Title VI impacts, in accordance with the Project Selection Criteria?
6. Please describe the process for evaluating equity/adverse impacts in the project scoring process? Are there any future plans/opportunities to enhance this process?

**Construction:**

1. Please describe the process for ensuring the implementation of mitigation commitments made during the environmental process. Please use an example in your description.
2. Are all required Title VI assurances/nondiscrimination language included in construction contracts? Please provide a copy of any templates maintained by the office.
3. Do all solicitations include the Title VI requirements for interested contractors? Please provide an example of an RFP where these requirements were detailed.
4. How do you ensure that subcontractor contracts also include the required Title VI assurances/nondiscrimination language?
5. How do you ensure that contractors and subcontractors are aware of and comply with Title VI requirements?
6. What outreach is conducted to ensure minority- owned businesses are aware of contracting opportunities?
7. What processes are in place to monitor contractors for compliance with nondiscrimination provisions?
8. How do you track and report on contractor compliance with Title VI and nondiscrimination requirements?
9. How do you ensure equitable distribution of construction impacts (e.g., noise, dust, detours) among communities?
10. Can you describe how the office would respond upon receiving allegations of discrimination based on race, color, or national origin involving a contractor? Additionally, how would the office address the situation if the same type of allegations were made against a subcontractor?

## CHAPTER 4

### Subrecipient Review Procedures

#### ***Introduction***

In accordance with 23 CFR § 200.9(b)(7), MassDOT's Title VI staff (the Title VI Specialist supervised by the Director of Title VI and Accessibility) is responsible for conducting external Title VI/Nondiscrimination compliance monitoring activities. These monitoring activities reach subrecipients of Federal-aid highway funds, including MPOs/RPAs, municipalities, and others.

#### ***Risk-Based Prioritization***

Just as with MassDOT's internal Title VI/Nondiscrimination compliance monitoring program, the general structure of the external monitoring program is shaped by risk-based prioritization. The subrecipients to which FHWA financial assistance is extended through MassDOT is not a homogenous group. Title VI/Nondiscrimination risk factors are not necessarily consistent across these organizations and the amount of federal aid at issue will vary dramatically. Monitoring activities will therefore depend on the type of subrecipient at issue, the risk of noncompliance, and the impact that noncompliance could have on beneficiaries. For example, an MPO/RPA that receives significant federal financial assistance and is regularly making transportation project programming decisions about federal aid highway projects poses a greater risk of potential noncompliance under Title VI/Nondiscrimination than a university that participates in only a limited FHWA funded program (such as the National Summer Transportation Institute program) with proportionately less direct impact on beneficiaries.

#### ***Assurance***

The FHWA Title VI/Nondiscrimination Agreement and Recipient Assurances (Assurance) is executed by direct recipients (such as MassDOT) as an acknowledgement of Title VI/Nondiscrimination obligations. Subrecipients (such as MPOs and RPAs) are similarly obligated to execute the Assurance. Part of MassDOT's subrecipients monitoring activities includes ensuring that subrecipients are executing this document and implementing its provisions appropriately. MassDOT requires MPOs and RPAs to execute the Assurance every three years and demonstrate the process through triennial reporting obligations. The implementation of Assurance provisions (such as the incorporation of Title VI/Nondiscrimination language in contracts) is reported by subrecipients to MassDOT annually. Currently MassDOT requires municipalities to execute Title VI/Nondiscrimination Assurance every ten (10) years.

MassDOT includes the Assurance provisions into contracts and subcontracts. The required provisions are included in MassDOT's "Standard Provisions" included into all MassDOT Highway Division and Enterprise Services (including the Office of Transportation Planning) contracts. This includes contracts with colleges and universities that participate as host-sites in the National Summer Transportation Institute (NSTI) program.

#### ***Subrecipient Monitoring Methodologies***

MassDOT's Title VI staff regularly interacts with subrecipients in a variety of ways. These interactions afford MassDOT the opportunity to monitor these entities for Title VI/Nondiscrimination compliance. Key methods are described below:

- The Transportation Managers Group (TMG)

This group, which convenes monthly, is comprised of MPO and RPA managers and staff from across the state. MassDOT's Title VI staff attends regularly to discuss Title VI/Nondiscrimination issues with these subrecipients. The discussions range from MassDOT's Title VI staff reporting findings and recommendations on MPO and RPA Title VI/Nondiscrimination program submissions to providing direct technical assistance or training on Title VI/Nondiscrimination program implementation.

- Workshops/Conferences

MassDOT's Title VI staff utilizes conferences and workshops to advance Title VI/Nondiscrimination program development and implementation and to troubleshoot areas of persistent concern. This includes presentations statewide to municipal officials, group and individual sessions with regional MPO and RPA staff, professional organizations, and industry events. These sessions allow MassDOT to promote best practices and to gauge awareness of and compliance with Title VI/Nondiscrimination obligations across subrecipient and beneficiary categories. It also provides a forum through which to provide direct technical assistance to subrecipients.

- Annual Reporting

MPOs and RPAs are required to submit annual Title VI/Nondiscrimination reports to MassDOT. MassDOT reviews these reports and, based on this review, makes findings that include the development of Title VI/Nondiscrimination work plans tailored to the needs of the region as well as follow-up conferences to strategize how these organizations will respond to any deficiency findings or corrective actions. These reports provide subrecipients with an opportunity to give MassDOT progress reports on Title VI/Nondiscrimination work plan items, if applicable, as well as to describe and document new innovative Title VI/Nondiscrimination related activities these organizations may be engaging in.

- Triennial Reporting

MPOs and RPAs are required to submit triennial Title VI/Nondiscrimination Program updates to MassDOT. While these subrecipients can choose to adopt MassDOT's Title VI/Nondiscrimination program elements, they are also permitted to develop program components independently. These triennial submissions give MassDOT the opportunity to assess the sufficiency of program development and implementation. MassDOT's response approach to these submissions is the same as for annual reporting – determination of compliance with tailored Title VI/Nondiscrimination work plans and follow-up conferences, as needed.

- Federal MPO Certification Reviews

FHWA and FTA conduct recurring Certification Reviews of MPOs statewide. The current cycle for these reviews reaches each region about once every three (3) to four (4) years. Since 2013, MassDOT's Title VI Unit has been

directly involved in the Civil Rights portion of the Certification Review. This includes reviewing pre-site visit documentation from the MPO, participating in the on-site session (which includes detailed discussions of Title VI/Nondiscrimination obligations, current levels of compliance, and areas for improvement), and making recommendations for content in the Observations and Recommendations Report. This collaboration benefits all parties involved by facilitating information sharing and promoting consistent messaging, thus better serving the beneficiaries of Title VI/Nondiscrimination protections.

- Subrecipient Hub and Resource Exchange (SHARE)

MassDOT has created SHARE, a SharePoint webpage specifically focused on Title VI/Nondiscrimination for MPOs/RPAs. Massachusetts MPO and RPA staff have been granted access to this resource. This resource includes sharing template Title VI/Nondiscrimination documents and program components, data resources/tools, language access guides, and a discussion board.

- Desk Audits and On-Site Visits

As needed, MassDOT may consider performing a more detailed review of an MPO/RPA. In practice, MassDOT regularly considers the Title VI profile of more than one MPO/RPA each year (through reporting activities and through participation in the federal Certification Review process). When MassDOT initiates a more detailed review of such subrecipients, it includes a desk audit and an on-site visit. Similar to the federal Certification Review process, MassDOT requests a pre-site visit materials submission from the subrecipient. This outreach usually includes key Title VI/Nondiscrimination program documents (such as notice, complaint procedures, public participation plans, and language access plans) as well as requests for analytical information (such as project distribution in the region and any indication of disparities). This desk audit review is followed by an on-site session. These sessions allow MassDOT's Title VI staff to discuss the findings of their desk audit, to strategize the subrecipients corrective action plan, and to provide direct technical assistance, where needed. To facilitate compliance reviews, subrecipients are required to keep and submit records for review, as requested, as well as provide access to these records.

#### ***Variable Prioritization of Subrecipient Monitoring***

While the cycle of external subrecipient monitoring is structured based on risk-based prioritization, it is not rigid. The subrecipients assessed during any given annual cycle can change based on the following factors:

- Federal Certification Review Schedule

MassDOT strives to coordinate its subrecipient monitoring review schedule with the federal Certification Review schedule. This can mean that MassDOT will pursue focusing its monitoring activities on subrecipient MPOs and RPAs that will be going through a Certification Review in the near future or it will hold off on independent monitoring activities to incorporate them into an upcoming Certification Review. The goal of accommodating the Certification Review process is not only to avoid duplicative efforts with subrecipients but

also to ensure the consistency of process and message from both the federal and state levels.

- Complaints

Changes in the characteristics of frequency or type of complaints received against subrecipient MPOs and RPAs could indicate the need for increased scrutiny for Title VI/Nondiscrimination compliance. If MassDOT determines that a pattern of complaints warrants additional monitoring of subrecipients, the Title VI staff will do so.

- Staffing Changes

Staffing changes at MPOs and RPAs can impact the Title VI/Nondiscrimination activities in those regions. This can happen because of the reduction of corporate knowledge on these issues or through reduced resources to address these needs. In fact, even staffing changes at MassDOT's Office of Transportation Planning (which includes an MPO Activities section that interacts with and guides MPOs and RPAs on Title VI activities) can impact the degree of Title VI/Nondiscrimination compliance among these subrecipients. MassDOT may shift its subrecipient monitoring activities to those that have undergone staffing changes to ensure that Title VI/Nondiscrimination obligations are understood and continue to be fulfilled.

- Projects

Transportation projects carry with them varying degrees of Title VI/Nondiscrimination risk, impacts, and interest. When MassDOT becomes aware of transportation projects that could be considered controversial or significant from a Title VI/Nondiscrimination perspective, this can prompt increased monitoring activities at the MPO or RPA that is programming the project at issue.

- Patterns Indicating Noncompliance

The cycle of subrecipient monitoring activities does not guarantee that all the programs, services, or activities of an MPO or RPA are or will be Title VI/Nondiscrimination compliant. Several methods of MassDOT's subrecipient monitoring process involve the development and issuing of tailored work plans to bring noncompliant subrecipients into compliance. As MassDOT's Title VI staff follows up on the progress of the action items outlined in the work plans, it may become clear that some areas remain persistently unaddressed. Such patterns of noncompliance could prompt additional monitoring activities out of sequence from the cycle.

- Additional Factors

MassDOT's Title VI staff regularly engages in research and analysis of Title VI compliance strategies across the nation as it strives to identify best-practices and innovate new methods to ensure Title VI/Nondiscrimination adherence. External monitoring prioritization variables and methodologies will be incorporated into MassDOT's monitoring activities will be reported to FHWA in MassDOT's annual Title VI goals and accomplishments report and will be

articulated in the triennial updates to MassDOT's Title VI/Nondiscrimination Program.

### ***Contractor Monitoring Methodologies***

Compared to subrecipients, contractors in the Highway project development or planning contexts generally pose lower Title VI/Nondiscrimination risk factors. There is also a significantly high number of contractors when compared to subrecipients, thus MassDOT's limited monitoring resources must be strategically allocated to ensure coverage across all remaining areas of Title VI activity. This means that contractor monitoring relies heavily on the inclusion of Title VI/Nondiscrimination provisions (i.e. Appendix A of the Assurance) into all contracts with these entities. These provisions are discussed during contract negotiations and contractors sign these documents having been fully informed of the obligations and/or having had an opportunity to review them and follow up with questions if needed. For the duration of the contract, MassDOT's Title VI staff stays alert for possible Title VI/Nondiscrimination related concerns or complaints that may arise during the performance of the contract. In such situations, MassDOT relies on increased monitoring or investigative activities to address any such issues.

### ***Subrecipient and Contractor Corrective Actions***

Effective compliance with Title VI requires MassDOT to take prompt action to achieve voluntary compliance in all instances in which noncompliance is found. If a Program or subrecipient is determined to be out of compliance or is believed to be out of compliance with Title VI/Nondiscrimination obligations, MassDOT has three potential remedies:

- Resolution of the noncompliance status or potential noncompliance status by voluntary means by entering into an agreement which becomes a condition of assistance is the first option.
- Where voluntary compliance efforts are unsuccessful, a refusal to grant or continue the assistance is initiated, or
- Where voluntary compliance efforts are unsuccessful, the violation is referred to FHWA, which may undertake further resolution steps, and/or forward the matter to the U.S. Department of Justice for judicial consideration.

Every effort will be made to obtain compliance through voluntary corrective action.

## CHAPTER 5

### Data Collection/Reporting/Analysis

#### *Introduction*

Each MassDOT program area is required to conduct its activities in compliance with Title VI. The objective of conducting recurring reviews throughout the agency is to keep staff and leadership aware of the Title VI/Nondiscrimination implications in their work as well as provide the Office of Diversity and Civil Rights with an opportunity to review processes and suggest areas of improvement as well as identify viable sources of data collection and methods for its analysis.

This chapter describes the data collection, analysis, and reporting processes that can be carried out for evaluating the Title VI/Nondiscrimination implications throughout MassDOT. In addition, the elements of the Title VI/Nondiscrimination process review are outlined, along with the Title VI/Nondiscrimination roles and responsibilities within each program area at MassDOT. The methods described in this chapter represent the tools available to the Title VI Unit to assess compliance with the Title VI/Nondiscrimination obligation and these tools are used on a recurring basis, as needed.

#### ***Data Collection and Analysis***

An integral part of the Title VI/Nondiscrimination Program is the internal review and analysis of program-, service, and activity-related processes and data to identify any indicators of potential discrimination, whether intentional or resulting in disparate impact. As part of the internal program review process, the Director of Title VI and Accessibility and the Title VI Specialist identify and assess programs, services, and activities that affect or involve the public. These may be identified through routine monitoring, ongoing collaboration with department staff, or periodic assessments of agency functions. Collecting and analyzing data on these processes enables MassDOT to determine whether compliance with Title VI is being maintained. Relevant findings and/or suggested corrective actions are communicated to department heads and considered for inclusion in the annual MassDOT Title VI Goals and Accomplishment report.

#### ***Identified Data Sources***

##### *Massachusetts Project Intake Tool (MaPIT)*

In 2017, MassDOT rolled out a GIS-based analytical platform that centralizes details about a project including general project parameters (cost, project limits, type of work to be performed) along with Title VI and Environmental Justice related parameters (such as proximity of readily identifiable Title VI and EJ populations, the nature and magnitude of impacts on protected populations, and anticipated benefits). This platform, known as MaPIT (the Massachusetts Project Intake Tool) is now integral to project initiation, prioritization, and programming. MassDOT's Title VI Specialist participates in all project review and approval meetings where project management, planning, environmental, right of way, and other relevant staff members collaborate in project evaluation and developing scoping recommendations.

This tool now plays an integral role in identifying and evaluating socioeconomic implications for individual projects. The outcomes of these project-level analyses then become critical components of aggregate analyses performed on the Commonwealth's Capital Investment Plans (CIPs) and Statewide Transportation Improvement Programs (STIPs).

For more information about the MaPIT tool, please see the following: <https://geodot-massdot.hub.arcgis.com/pages/mapit>

#### *Highway Public Involvement Office (HPIO)*

This office maintains several databases with information pertaining to MassDOT Highway Division's public outreach activities. This includes records related to individual instances of public engagement – such as public meetings, hearings, open-houses, and other such events. Included in these records are the meeting purpose/topic, copies of meeting materials, and any public comments received pertaining to the meeting. HPIO also coordinates its activities with ODCR to ensure that all civil rights requirements are met in the public engagement process. HPIO compares community involvement with highway projects across geographies and environmental justice communities to measure progress towards more equitable outreach and engagement. This office also maintains records of the training and certification of staff on public engagement procedures. All such records are useful for evaluating the effectiveness of MassDOT's public engagement activities.

#### *Office of Performance Management and Innovation (OPMI)*

This office is part of MassDOT's Enterprises Services structure and provides in-house technical resources across a wide array of MassDOT (and MBTA) activities. This office strives to remain at the vanguard of data collection and analysis sources and methodologies. Staff are capable of producing a wide variety of data-driven products and analyses, including work that is relevant to Title VI compliance. For example, traditional data sources for Title VI compliance purposes has included things like Census data and American Community Survey Data. OPMI has been exploring new data sources that may allow for enhanced Title VI analyses. One such dataset is Replica data. This data is crowd sourced from users of smart devices and provides information regarding travel patterns of roadway users. Critically, this travel pattern related data also includes demographic information of individual users, allowing for a fine grain understanding of travel pattern characteristics among different demographic groups. This can better inform transportation planning activities to ensure that all roadway users needs are being effectively met.

#### *Office of Diversity and Civil Rights (ODCR)*

There is one dataset that is unique to the MassDOT Office of Diversity and Civil Rights – complaint and investigation records. ODCR is responsible for investigating allegations of discrimination by MassDOT in all of its internal and external activities. These investigative files provide a dataset that can be scrutinized to determine if there are patterns or systemic issues of noncompliance with civil rights obligations that the Title VI staff could use as the basis for corrective actions and technical assistance, issued both internally and externally. ODCR regularly reports on these complaint investigations and the Title VI staff will scrutinize these records on a recurring basis to determine if any patterns exist that demonstrate risks of noncompliance or possible disparities.

#### *Office of Construction*

Several databases are used by the headquarters office as well as the six District offices:

- The Construction Contracts Database captures advertised projects until they are awarded with a Notice to Proceed (NTP).

- The Construction Division System captures payments and changes after the NTP.
- The Equitable Business Opportunities (EBO) Database tracks DBE/MBE/WBE participation and is monitored by the ODCR Construction Compliance Officer. A bond bill passed by the Massachusetts state senate requires wage rates to be updated each year. The ability to compare Department of Labor wage rates with the wage rates in Massachusetts is currently under development. Once complete, this information can be used to identify any relevant discrepancies.
- CommBUYS is the Commonwealth's online procurement site where agencies publicly post information on bid results and tabulations on a weekly basis.
- MassDOT is in the process of transitioning from EBO to B2Gnow! contract compliance system which will utilize the e-Comply system to monitor, track, and update labor compliance.

Because construction is the final stage of project development, critical Title VI and other civil rights related information is regularly conveyed to key members of the construction staff both in the headquarters office as well as the several district offices statewide. For instance, early project development stages can often produce knowledge and awareness of a project abutter who has requested accessible informational materials regarding the project, due to a disability. On a need-to-know basis, this information can be shared by civil rights staff with appropriate construction staff to be aware of the need to provide accessible communications for the duration of construction activities, including information regarding schedules, road closures, detours, and other such developments.

#### *Office of Highway Operations and Roadway Maintenance*

The Artery Maintenance Management Information System tracks the assets inventory and maintains a rotating maintenance schedule. The Asset Management Group conducts the surveys to collect information for this system. The Title VI team can monitor the rotating maintenance schedule to ensure disparities are minimized, mitigated, or avoided.

#### *Highway Design*

The Highway Division is continuing to identify, prioritize and remove barriers to accessibility on MassDOT infrastructure using spatial data describing inventory and condition of sidewalks and pedestrian curb cuts.

The latter data set was developed through a statewide inventory performed as an initial task of the transition plan and has continued to be the basis of performance management of capital investments and programming of future projects. Most recently the Highway Division has undertaken a reprioritization of deficient locations to confirm investments yield the highest benefit to facility users with the long-term goal of removing all deficient locations.

MassDOT Office of Transportation and Planning maintains sidewalk inventory within the linear referenced state road inventory file (RIF). This data has been used by MassDOT to perform network level gap assessments. Recently, the Highway Division has partnered with the University of Massachusetts to extract location and condition of sidewalks from LIDAR data collected during pavement condition assessment. This new data source will confirm the accuracy of the RIF and also provide condition information which will provide the basis for sidewalk maintenance.

### *Design and Environmental Offices*

ProjectInfo is used for internal project management. ProjectInfo includes information about the progression of projects: PNF, PIF, PNC, Approved, 25%, 75%, 100%, Final, and Advertising. Information stored in ProjectInfo is available throughout the agency, and the user can search by project or contract number. ProjectInfo includes a planning and mapping tool that allows the user to zoom in to any municipality at street level and see the project number or contract code for MassDOT projects in that area on the map. GIS, incorporating census and other data, is used to display the level of detail required to perform this function.

The location of projects is a critical piece of data for conducting funding distribution analyses and CIP and STIP equity analyses to determine if projects are being advanced among Title VI and EJ communities in an equitable manner when compared to projects advanced in non-Title VI and non-EJ communities.

### *Safety*

The Highway Division's Safety department maintains records regarding crash incidents on the state's roadways. This includes information regarding crash location, crash type, and details regarding injuries and/or fatalities. Importantly, the location data is cross-referenced against demographic data so that the Safety department and ODCR can understand whether crash incidents are occurring in particular communities.

### ***Data Analysis***

MassDOT's Title VI staff, assisted by staff from across MassDOT's program areas as well as consultant staff from the Central Transportation Planning Staff (CTPS), is responsible for analyzing the data collected to identify any patterns of discrimination and recommend corrective action as appropriate. These analyses consider the impacts of MassDOT's programs and activities on protected populations.

The following types of analyses can be conducted to address compliance with Title VI:

- Based on demographic data, screening for possible disparities in MassDOT programs, services, and activities
- Distribution of benefits (dollars, facilities, systems, projects)
- Distribution of burdens (displacements, construction impacts, etc.)

Through these analyses, patterns or practices leading to potential discriminatory impact may be discovered to be inherent in a process or procedure on its face or may be found as the result of a process or procedure being unintentionally implemented in a discriminatory manner. This analysis of data will also help identify strategies and options for addressing impacts and avoiding future disparities.

### ***Data Reporting***

The Title VI Specialist acts as the clearinghouse for all Title VI reports, provides input regarding Title VI corrective actions, and meets periodically with departmental and senior leadership to discuss Title VI and related issues. The Specialist is responsible for compiling the information analyzed in MassDOT's annual Title VI Implementation Plan report to FHWA. The Director of Title VI and Accessibility reviews the submissions to ensure completeness and identifies areas where additional information is required prior to submission to FHWA.

*MassDOT Capital Investment Plan (CIP) Equity Analysis*

The capital Investment Plan (CIP), which is updated annually, includes a detailed equity analysis to determine the distribution of federal and state funding among Title VI and EJ populations statewide. While the analysis looks at investments in the aggregate, geographic and social equity considerations factor in not only to the specific federal funding programs managed by MassDOT's Highway Division, but also to the totality of capital transportation investments as experienced by members of the public representing diverse demographics groups across the Commonwealth. The most recent CIP is available for review online here:

<https://www.mass.gov/doc/2026-2030-capital-investment-plan-final/download>

## CHAPTER 6

### Title VI Training

#### ***Training Program for Staff***

MassDOT recognizes that the effectiveness of its nondiscrimination program depends upon the ability and commitment of responsible employees to understand and implement the principles and requirements of Title VI. In order to ensure that Title VI nondiscrimination principles are followed at MassDOT, the Director of Title VI and Accessibility and the Title VI Specialist continue to provide training and workshops for employees at all levels of the organization. ODCR currently provides multiple types of equity focused trainings. The breadth and scope of these recurring training sessions can vary from orientation style information sessions for agency and departmental leadership to hands on trainings for staff to detail public engagement, language access, project advancement, subrecipient oversight, and other related activities with Title VI/Nondiscrimination implications.

Training for high-level managers provides comprehensive information on Title VI/Nondiscrimination provisions and responsibilities, application of the principles to program processes and operations, and identification of potential Title VI issues. Relevant scenarios are often discussed with these managers to identify potential vulnerabilities in current processes and opportunities for improvement. The participants are encouraged to share ideas and find commonalities regarding workable Title VI compliance strategies. ODCR is often asked, and provides, follow-ups to this training effort individuals in small groups or one-on-one discussions to focus on the Title VI issues directly related to their core functions. These trainings are offered on a recurring basis the of this Program to ensure that each federal program area receives general and focused training to address needs identified by the Director of Title VI and Accessibility and/or the Title VI Specialist.

The training program for front line employees focuses primarily on understanding the Public Participation Plan (including the Accessible Meeting Policy) and the Language Access Plan to ensure that Title VI and ADA obligations are addressed in public interactions by MassDOT staff. New employees are provided with introductory training on Title VI obligations through the onboarding process conducted by Human Resources.

Special emphasis is placed on training staff across the federal program areas that have primary responsibility for Title VI compliance, including the MPO Liaisons in the Office of Transportation Planning, the Project Managers in the Highway and Bridge Design Offices, the field agents in the Right of Way Bureau, and the analysts in the Environmental Project Development Unit.

As appropriate, the Title VI Specialist will periodically schedule training to further program efforts and to address changes in regulatory requirements. Special efforts will be made in areas identified in the Annual Work Plan focus areas, based on priority and relevance to Title VI/Nondiscrimination. Title VI-related training conducted at the agency level will be recorded and entered in the Department's training database.

MassDOT is actively working to strengthen its training offerings related to Title VI and broader nondiscrimination obligations. While we currently provide general nondiscrimination training, we are in the process of enhancing our training to more directly and comprehensively incorporate Title VI-specific content.

At present, we offer training for managers that covers key nondiscrimination principles and responsibilities, with discussions around how these concepts apply to program operations. These sessions often include practical scenarios that help identify areas of potential vulnerability and opportunities for improvement. Managers are encouraged to share ideas and collaborate on strategies for compliance.

We intend to expand these efforts to ensure that staff across all program areas receive targeted and practical training that aligns with the needs identified by the Director of Title VI and Accessibility and/or the Title VI

Specialist. Our goal is to provide training on a recurring basis to maintain awareness and support continuous improvement.

We have required all employees to acknowledge receipt of the Language Access Program and are in the process of administering agency-wide training on language access and foundational Title VI principles. These trainings will help ensure that staff are equipped to meet federal obligations in their respective roles.

We are prioritizing training for staff who have key responsibilities for Title VI compliance, including MPO Liaisons in the Office of Transportation Planning, Project Managers in the Highway and Bridge Design Offices, field agents in the Right of Way Bureau, and analysts in the Environmental Project Development Unit. As appropriate, the Title VI Specialist will schedule additional training sessions to address evolving program needs and any changes in regulatory requirements.

### ***Timing***

The schedule for the training of staff is shaped by a number of factors, primarily the internal assessment process (where training can be recommended as a follow-up action), the drafting of new policies and procedures that structure Title VI related activities (such as updates to the Public Participation Plan) and/or new technologies to facilitate this work, the outcome of complaints, and the onboarding of new employees. While a pre-determined schedule is not an appropriate fit to represent this type of training program, MassDOT's Title VI staff maintains detailed records of the training sessions conducted, including attendance lists, which capture these activities. These materials are available for review, upon request.

### ***Training Program for Subrecipients***

In order to ensure that public funds distributed by MassDOT are not spent in a way that encourages, subsidizes, or results in discrimination, MassDOT provides Title VI/Nondiscrimination training for its subrecipients. The MassDOT Director of Title VI and Accessibility and the Title VI Specialist develop and conduct a variety of training programs for subrecipients to provide comprehensive information on FHWA's Title VI/Nondiscrimination Program and associated requirements. Through these trainings, subrecipients are informed of the following requirements:

- Provision of signed assurances.
- Appointment of a Title VI/Nondiscrimination Coordinator.
- Development of Title VI/nondiscrimination-related procedures and mechanisms to ensure nondiscrimination in all programs, activities and services. Subrecipients may develop their own plans or adopt MassDOT's Title VI/Nondiscrimination Program.
- Production of a Title VI/Nondiscrimination Annual Update Report detailing the results of all Process Reviews and of analysis of statistical data collected during the reporting period.
- Identification of processes to address identified deficiencies in an expeditious manner.

Upon request, MassDOT also offers topical trainings to subrecipients on particular facets of Title VI program development and implementation, including public engagement, language access, accessible document development, and other related efforts. MassDOT continues to organize, conduct, and lead additional training efforts in order to provide more direct guidance and answer questions that may be region-specific, as needed. Because not all subrecipients receive the same level of funding or have the same degree of impact on the

public, the requirements prescribed for the subrecipients will differ based on several criteria: how much federal funding the subrecipient receives through MassDOT and how often; the impact the subrecipient's work has on the public; and the resources the subrecipient has available to meet its obligations. This prioritization of training initiatives mirrors MassDOT's subrecipient monitoring prioritization scheme, described above in Chapter 6. The Commonwealth's MPOs and RPAs receive a significant amount of MassDOT's Title VI training resources due to the nature of the work of those organizations in programming transportation projects and the significant opportunities public input on project planning and long range projecting through the MPO/RPA process. Related training efforts also reach the state's Transportation Management Associations (TMAs) as subrecipients of FHWA funds as well as those universities that participate in the National Summer Transportation Institute (NSTI).

While not directly implicating FHWA funds, subrecipients of USDOT funding through MassDOT from the other federal modal administrations (FTA, NHTSA, FAA, etc.) also receive Title VI training from MassDOT's Title VI team. The highest priority subrecipients in these categories are the grant recipients in FTA's Community Transit Grant Program, administered by MassDOT's Rail and Transit Division. Each grantee is required to go through two Title VI trainings, pre-award and post-award, and provide documentation of Title VI program implementation.

Since municipal resources are generally limited, MassDOT provides templates and other documents for municipal subrecipients to use in developing processes that are required under Title VI. Each municipality is required to execute Title VI/Nondiscrimination Assurances with MassDOT on a decennial basis. The request process is supported by a memorandum to the chief elected official(s) of each municipality as well as background information on the Title VI obligation. This correspondence serves not only to facilitate the execution of the Assurance document but also to further educate and train municipal staff and leadership on Title VI matters. The Director of Title VI and Accessibility and/or Title VI Specialist are always available to answer individual subrecipients' questions as they arise.

## CHAPTER 7

### Complaint Procedures

#### ***Introduction***

This chapter describes the MassDOT procedures for the processing and disposition of Title VI discrimination complaints. These procedures are designed to provide due process for complainants and respondents. In the spirit of uniformity and transparency, ODCR staff makes complaint procedures across federal and state nondiscrimination obligations program areas (such as Title VI and Title VII) as consistent as feasible and presented in such a way that members of the public can easily understand the process.

Please note: In accordance with the MassDOT Language Access Plan, the complaint process and form detailed below are provided in the top ten LEP languages in the Commonwealth: Spanish, Portuguese, Chinese (simplified and traditional), Vietnamese, Russian, Khmer, Arabic, Haitian Creole, French, Italian, and Portuguese. The procedures and forms are disseminated through this Title VI program document, electronically on the MassDOT website, and are made available in hardcopy in MassDOT's public facing offices, such as the Office of Diversity and Civil Rights.

#### ***Purpose and Applicability***

The purpose of this document is to establish procedures for the processing and disposition of both discrimination complaints filed directly with the Massachusetts Department of Transportation (MassDOT) or the Massachusetts Bay Transportation Authority (MBTA), and discrimination complaints that MassDOT/MBTA have the delegated authority to process under Title VI of the Civil Rights Act of 1964 (Title VI) and related state and federal nondiscrimination authorities, including the Americans with Disabilities Act (ADA).

The processing of discrimination complaints will follow the steps outlined below and are further detailed throughout this document.

Step 1: Complainant submits their complaint.

Step 2: MassDOT/MBTA issues the complainant an acknowledgment letter.

Step 3: Complaint is assigned to, and reviewed by, an investigator.

Step 4: Investigator conducts interviews of complainants, witnesses, and the respondent.

Step 5: Investigator reviews the evidence and testimonies to determine whether a violation has occurred.

Step 6: Complainant and Respondent are issued a letter of resolution or a letter of finding and offered appeal rights.

Step 7: Once the appeal period has expired, the investigation is closed.

The procedures describe an administrative process aimed at identifying and eliminating discrimination in federally funded programs and activities. The procedures do not provide an avenue for relief for complainants seeking individual remedies, including punitive damages or compensatory remuneration; they do not prohibit complainants from filing complaints with other state or federal agencies; nor do they deny complainants the right to seek private counsel to address acts of alleged discrimination.

The procedures described in this document apply to MassDOT/MBTA and their subrecipients, contractors, and subcontractors in their administration of federally funded programs and activities.

As part of their efforts to comply with Title VI, subrecipients of federal financial assistance through MassDOT/MBTA are encouraged to adopt these complaint procedures. In so doing, these subrecipients acknowledge their obligation to afford members of the public with an opportunity to file complaints alleging violations of nondiscrimination policies in place across their organization and in their programs, services, and activities. In accordance with federal guidance, subrecipients of transit-related funds understand they have the authority to process Title VI complaints and will inform their recipients, MassDOT/MBTA, of complaints received and the outcome of investigations as the matters are resolved.

Subrecipients of highway-related funds further understand they do not have the authority to investigate Title VI violation claims filed against their organization (where their organization is the respondent or party alleged to have violated Title VI). All such claims will be forwarded to the MassDOT/MBTA Office of Diversity and Civil Rights (ODCR) to determine the appropriate investigative authority. Highway-funding subrecipients retain the right to consider Title VI violation allegations as a matter of Assurance and/or internal policy compliance but are precluded from making determinations as to possible violations of Title VI. MassDOT/MBTA encourages all subrecipients to communicate with ODCR's Title VI Specialists, the Director of Title VI and Accessibility, and/or the Director of Investigations when/if Title VI complaints are received to ensure proper handling.

### ***Definitions***

**Complainant** – A person who files a complaint with MassDOT/MBTA.

**Complaint** – Written, verbal or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Where a complaint is filed by a person with a disability, the term complaint encompasses alternative formats to accommodate the complainant's disability.

**Discrimination** – That act or inaction, whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, or bases covered by other nondiscrimination authorities, such as gender, age, or disability, has been subjected to unequal treatment or disparate impact under any program or activity receiving federal assistance.

**Operating Administrations** – Agencies of the U.S. Department of Transportation, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMSCA), that fund transportation programs or activities.

**Respondent** – The person, agency, institution, or organization alleged to have engaged in discrimination.

### ***Filing of Complaints***

This section details MassDOT/MBTA's procedures for processing Title VI discrimination complaints (on the basis of race, color, or national origin, including language) and complaints alleging discrimination on the basis of additional federal nondiscrimination provisions (on the basis of age, sex, and disability). Federal law and regulations governing Title VI of the Civil Rights Act of 1964 (Title VI) places the overall coordination authority for the investigation of civil rights complaints in the United States Department of Justice, which works collaboratively with federal agencies that carry out this responsibility. In the transportation sector, this investigative authority rests with the US Department of Transportation (US DOT) and its agencies for the

different modes of transportation, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). In coordination with USDOT requirements, FHWA and FTA have established regulations and guidance that require recipients and subrecipients of federal financial assistance to establish procedures for processing Title VI complaints filed with these organizations.

The procedures described below, modeled on recommended complaint procedures promulgated by the US Department of Justice (US DOJ), are designed to provide a fair opportunity to have complaints addressed that respect due process for both complainants and respondents. In addition to the formal complaint resolution process detailed herein, MassDOT/MBTA shall take affirmative steps to pursue informal resolution of any and all Title VI complaints, when possible.

### ***The Complaint Process***

#### **1. Who can file a complaint?**

**ANY** member of the public, along with all MassDOT/MBTA customers, applicants, contractors, or subrecipients who believe that they themselves, a third party, or a class of persons were mistreated or treated unfairly because of their race, color, or national origin (including limited English proficiency) in violation of Title VI of the Civil Rights Act of 1964, related federal and state laws and orders, or MassDOT/MBTA's Anti-Discrimination/Harassment Prevention (ADHP) Policy. Retaliation against a member of the public on the basis of race, color, or national origin is also prohibited under Title VI and the ADHP Policy.

#### **2. How do I file a complaint?**

A complaint may be filed with the following:

##### **MassDOT/MBTA Title VI Specialists**

Office of Diversity and Civil Rights – Title VI Unit  
10 Park Plaza, Suite 3800  
Boston, MA 02116  
Phone: (857) 368-8580 or 7-1-1 for Relay Service  
Email: [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us) or [MBTACivilrights@mbta.com](mailto:MBTACivilrights@mbta.com)

##### **MassDOT/MBTA, Assistant Secretary and Chief Diversity Officer**

Office of Diversity and Civil Rights – Investigations Unit  
10 Park Plaza, Suite 3800  
Boston, MA 02116  
Phone: (857) 368-8580  
Email: [odcrcomplaints@dot.state.ma.us](mailto:odcrcomplaints@dot.state.ma.us)

##### **MBTA Customer Call Center: (617) 222-3200**

The Call Center staff will seek to obtain basic information about the matter from the caller, and details of the call will be forwarded to the Office of Diversity and Civil Rights for processing according to these procedures.

##### **U.S. Department of Transportation**

Office of Civil Rights  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Website: [civilrights.justice.gov/](http://civilrights.justice.gov/)

**Please note:**

- When FTA receives a Title VI complaint regarding MassDOT/MBTA, a subrecipient, or a contractor, the FTA may request the matter be investigated by MassDOT/MBTA.
- If a Title VI complaint is filed with MassDOT that alleges a violation by MassDOT's Highway Division, then it will be forwarded to the local FHWA Division Office which will then forward the complaint to the FHWA Headquarters Office of Civil Rights (HCR) for processing.
- If a Title VI complaint is received by MassDOT that is filed against a subrecipient of the MassDOT Highway Division, then MassDOT may process and investigate the complaint or may refer to HCR for investigation.
- If FMCSA receives a complaint filed against MassDOT, FMCSA will forward the complaint to MassDOT for a written response. This allows MassDOT to either resolve the complaint or to provide a written response to the allegations. The written response is used to determine what steps FMCSA will take to process the complaint.

**3. What do I need to include in a complaint?**

A Title VI/Nondiscrimination Complaint form is available electronically on the [MassDOT website](#), the [MBTA website](#), or in hardcopy at the MassDOT/MBTA Office of Diversity and Civil Rights. Alternatively, a complainant may submit correspondence in an alternative format that should include:

- Your name, signature and, current contact information (i.e., telephone number, email address and postal mailing address);
- The name and badge number (if known and applicable) of the alleged perpetrator;
- A description of how, when, and where the alleged prohibited conduct occurred;
- A detailed description of why you believe you were treated differently;
- Names and contact information of any witnesses; and
- Any other information you believe is relevant to your complaint.

A. In cases where the complainant is unable to provide a written statement, a verbal complaint may be made to the Office of Diversity & Civil Rights (ODCR). Complainants will be interviewed by a Civil Rights Investigator (CRI). If necessary, the CRI will assist the person in converting the verbal complaint to writing. All complaints should be signed by the complainant.

B. Anonymous complaints may be filed in the same manner. Anonymous complaints shall be investigated in the same manner as any other complaint.

C. Complaints will be accepted in any recognized language. Multi-lingual complaint forms are available.

#### 4. How long do I have to file a complaint?

- A. A complaint alleging violation of Title VI and/or MassDOT/MBTA's ADHP policy should be filed no later than one hundred and eighty (180) days from the date of the alleged violation.
- B. Complaints alleging violations of state or federal law must be filed within the time frames established by statute, regulation, or case law – in certain instances up to three hundred (300) days from the date of the alleged violation.

#### 5. How will my complaint be handled?

When a complaint is received, it is assigned to a Civil Rights Investigator (CRI). The CRI will:

- A. Determine Jurisdiction: ODCR has jurisdiction if the complaint:

- 1) involves a statement or conduct that violates:
    - i. MassDOT/MBTA's legal obligation and commitment to prevent discrimination, harassment, or retaliation on the basis of a protected characteristic with regard to any aspect of the Agency's service to the public;
    - ii. or  
The commitment made by subrecipients and contractors working with MassDOT/MBTA to adhere to MassDOT/MBTA policies;

AND

- 2) is timely filed.

- B. Acknowledge receipt of the complaint and provide jurisdictional determination within ten (10) business days of receipt of the complaint.

- 1) If the CRI determines that any complaint does not have the potential to establish a civil rights violation, then the CRI shall notify the complainant and Title VI Specialist in writing of its finding and the matter shall be closed.

- C. Conduct a thorough investigation of the allegations contained in the complaint in accordance with the MassDOT/MBTA Internal Complaint Procedures.

#### 6. Findings and Recommendations

At the conclusion of the investigation, the CRI will transmit to the complainant and the respondent one of the following three letters based on the findings:

- A. A letter of resolution that explains the steps the respondent has taken or will take to comply with Title VI.
- B. A letter of finding that is issued when the respondent is found to be in compliance with Title VI. This letter will include an explanation of why the

respondent was found to be in compliance and provide notification of the complainant's appeal rights.

- C. A letter of finding that is issued when the respondent is found to be in noncompliance.

This letter will include each violation referenced as to the applicable regulations, a brief description of findings/recommendations, the consequences of failure to achieve voluntary compliance, and an offer of assistance in devising a remedial plan for compliance, if appropriate.

## 7. Can I appeal a Finding?

If a complainant or respondent does not agree with the findings of the CRI then he/she/they may appeal to the Assistant Secretary and Chief Diversity Officer. The appealing party must provide any **new information that was not readily available during the course of the original investigation that would lead MassDOT/MBTA to reconsider its determinations**. The request for an appeal and any new information must be submitted within thirty (30) days of the date the letter of finding was transmitted. After reviewing this information, MassDOT/MBTA will respond either by issuing a revised letter of resolution or by informing the appealing party that the original letter of resolution or finding remains in force.

## *Investigations*

Where MassDOT has the delegated authority to conduct an investigation, investigation reports shall include recommended findings and corrective actions and will be submitted to the appropriate USDOT operating administration for final determination and communication of disposition to the complainant, where necessary.

## *Preliminary Investigation Plan*

The Preliminary Investigation Plan defines the issues raised in the complaint and serves as a guide for completing the preliminary investigation. The Preliminary Investigation Plan will include the following elements:

1. Complainant name and contact information
2. Respondent name and contact information
3. Date filed
4. Last date of alleged discrimination
5. Complaint allegations
6. Potential violations (applicable laws)
7. Basis/bases of alleged discrimination
8. Background information on file
9. Information needed
10. Sources of information needed

### ***Notifications and Requests for Information***

MassDOT will notify the complainant and respondent that MassDOT is investigating matters raised in the complaint. The notification letter will state the following:

1. The basis/bases for the complaint
2. Allegations over which MassDOT has jurisdiction
3. MassDOT's jurisdiction over the respondent
4. An admonition that the respondent shall not intimidate, threaten, coerce, retaliate against, or discriminate against anyone involved in the investigation of the complaint, including the complainant, witnesses, and others who are sources of information regarding matters alleged or related to the complaint
5. A request that the respondent submit a position statement to MassDOT responding to the allegations within 15 days of the date of MassDOT's notification letter
6. A request for additional information relevant to matters raised in the complaint, if appropriate, to be submitted to MassDOT within 15 days of the date of MassDOT's notification letter

### ***Interviews, Data Collection, and On-site Visits***

After preparing a Preliminary Investigation Plan, MassDOT will gather information needed to complete the preliminary investigation by conducting interviews and, if necessary, on-site visits; it will also, if necessary, collect other available, relevant data through other means. All documentation will be kept on file. These documents may include, but are not limited to, transcripts, notes, letters, forms, and interview summaries.

### ***Preliminary Investigation Report***

No later than 60 days after receiving a complaint, MassDOT will transmit the complaint and a Preliminary Investigation Report to the regional or division Civil Rights Specialist of the appropriate USDOT operating administration. The Preliminary Investigation Report will discuss the issues raised in the complaint, describe the information obtained during the preliminary investigation, and explain how MassDOT obtained and evaluated that information. The Preliminary Investigation Report will also include an analysis of each allegation and provide MassDOT's recommendations.

The Preliminary Investigation Report shall include the following components:

1. Name(s) and address(es) of complainant(s)
2. Name(s) and address(es) of respondent(s)
3. Applicable law/regulation
4. Basis/bases
5. Issues
6. Findings for each issue, with a corresponding conclusion for each issue
7. Recommended decision
8. Recommendations (if applicable)

## ***Record Keeping***

A complaint log will be maintained for all USDOT complaints filed with and investigated by MassDOT. The log will identify: the Title VI/Nondiscrimination provision(s) implicated in the complaint (race, color, national origin, language, income, age, sex, and or disability); the subrecipient (when applicable); the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of disposition; and any other pertinent information. A separate log will be maintained that will include USDOT and state-level matters that are on our docket.

## ***Title VI Complaint Investigation Procedures***

The Investigative Process includes the following documents/actions:

- Investigative Plan
- Request For Information
- Conducting Interviews
- On-Site Visit
- Obtaining Evidence
- Analyzing Data
- Writing The Investigative Report

## ***Investigative Plan***

The Investigative Plan is a working document intended to define the issues and provide a roadmap to complete the investigation. The Investigative Plan is an internal document for use by the Investigator and his/her supervisor to keep the investigation on track and focused on the issues. It is the Investigator's checklist. The following elements should be contained in an Investigative Plan:

- I. Complainant(s) Name and Address/ Attorney For Complainant with Name and Address
- II. Respondent(s) Name and Address/ Attorney For Respondent with Name and Address
- III. Applicable Law (i.e., Title VI, Title VIII, Compliance Review Under Regulations)
- IV. Basis
- V. Issue(s)
- VI. Background
- VII. Name of Person(s) to be Interviewed, including Questions for the Complainant, Respondent, and Witness(es)
- VIII. Evidence to be Obtained During the Investigation

### ***Request for Information***

To prepare the Request for Information (RFI), refer to the Evidence section of the Investigative Plan. The RFI is sent to the appropriate official(s) at the Respondent's facility. Contact the Respondent to advise him/her of the complaint and to determine the appropriate official(s) to whom the RFI should be sent and eventually interviewed.

Prepare a cover letter to transmit the RFI. The cover letter should explain the process and provide information regarding any meetings that have been scheduled. Modify the cover letter to satisfy the circumstances.

Provide the RFI to the Respondent prior to conducting the on-site visit. This will facilitate the availability of the evidence during the on-site visit.

### ***Conducting Interviews***

When preparing for the interviews, always remember that the main objective is to obtain information from witnesses who can provide information that will either support or refute the allegations. A list of major questions should be prepared that address the issues involved in the complaint. During the interview, the following steps are recommended:

- Introduce yourself and outline the interviewing process (i.e., whether a signed statement will be requested, whether notes will be taken, etc.);
- Place the person being interviewed at ease;
- Listen effectively;
- Differentiate factual information from opinions;
- Ask questions best worded to provide factual responses;
- Take clear and precise notes; and
- Obtain a signed statement from the person being interviewed.

Complainant – The purpose of interviews is to gain a better understanding of the situation outlined in the complaint of discrimination. The Investigator needs to contact the Complainant to ensure that he/she understands the Complainant's allegation(s). It is recommended that the Investigator interview the Complainant prior to preparing the Investigative Plan. If this is not possible, be ready to make any changes as appropriate to the Investigative Plan based upon any new information provided by the Complainant. Always inquire of the Complainant whether he/she desires to resolve the complaint.

Respondent – Respondents are interviewed to provide an opportunity to respond to the allegations raised by the Complainant as well as to provide the Investigator the opportunity to understand the Respondent's operation or policies that Complainant cites in the complaint. As the keeper of the records, you will need to discuss the RFI with the Respondent and be able to explain the need for requesting any document on the list. Inform the Respondent that he/she has the right to submit a formal position statement addressing the Complainant's allegations. Question the Respondent regarding possible settlement opportunities.

Witnesses – Complainant or Respondent may request that additional persons be interviewed. Determine what relevant information, if any, a witness has to provide prior to conducting an interview. Only interview persons who have information relevant to the allegations raised in the

complaint of discrimination. Determine whether the testimony to be provided is relevant. Determine when sufficient interviews have been conducted.

### ***On-Site Visit***

An On-Site visit should be conducted when:

- Personal contact with the Complainant and the Respondent may yield information and clarification that might not otherwise be discovered by only reviewing the written documents or telephone contacts;
- It is necessary to review the physical environment;
- More effective communication can be established with representatives and witnesses of the Complainant and Respondent; and
- Documentation can only be examined on-site for reasons of convenience, cost, format, or volume.

### ***Obtaining Evidence***

Evidence requested should be related to the issues cited in the complaint. An evidence request should contain some or all of the following:

- The policies and procedures regarding the practice that Complainant has alleged;
- All documents relating to Respondent's dealing with Complainant in the situation described in the complaint;
- Documents which exhibit how others, not in the Complainant's group, were treated under similar circumstances;
- Respondent's reason(s) for the action taken; and
- A formal position statement from Respondent addressing Complainant's allegations.

The Types of Evidence include the following:

- Circumstantial Evidence – Includes facts from which may be inferred intent or discriminatory motive and proves intent by using objectively observable data;
- Comparative Evidence – A comparison between similarly situated individuals;
- Direct Evidence – Related to the Respondent's motive, it is defined as any statement or action by an official of the Respondent that indicates a bias against members of a particular group;
- Documentary Evidence – Written material, which is generated during the course of normal business activity;
- Statistical Evidence – Statistics, facts, or data of a numerical type, which are assembled, classified, and tabulated so as to present significant information about a given subject; and
- Testimonial Evidence – Evidence which is provided orally.

### ***Analyzing Data***

Data must be analyzed to determine whether a violation has occurred. When analyzing data, you must:

- Review what happened to the Complainant;
- Compare Complainant's treatment with the appropriate policies and procedures;
- Compare Complainant's treatment with others in the same situation;
- Review Respondent's reason(s) for the treatment afforded the Complainant; and
- Compare Respondent's treatment of the Complainant with the treatment afforded others.

### ***Writing the Investigative Report***

The Investigative Report (IR) will contain the following sections:

- Complainant(s) Name and Address
- Respondent(s) Name and Address
- Applicable Law
- Basis
- Issues
- Findings For Each Issue with a corresponding Conclusion For Each Issue
- Recommended Decision
- Recommendations (If Applicable)

### ***MassDOT Title VI Complaint Form***

The complaint form provided below is recommended for use when filing a Title VI/Nondiscrimination complaint with MassDOT related to Highway Division activities and/or those activities funded by the Federal Highway Administration. Translations of the complaint form are available on the MassDOT Title VI website, <https://www.mass.gov/how-to/how-to-file-a-transportation-related-discrimination-complaint>

# Discrimination Complaint Form

Please provide the following information in order for us to process your complaint. This form is available in alternate formats and multiple languages. Should you require these services or any other assistance in completing this form, please let us know.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Email Address: \_\_\_\_\_

## Please indicate the nature of the alleged discrimination:

Categories protected under *Title VI of the Civil Rights Act of 1964*:

Race  Color  National Origin (including limited English Proficiency)

Additional categories protected under related Federal and/or State laws/orders:

Disability  Age  Sex  Sexual Orientation  Religion  Ancestry

Gender  Ethnicity  Gender Identity  Gender Expression  Creed

Veteran's Status  Background  Low-Income

## Who do you allege was the victim of discrimination?

You  A Third Party Individual  A Class of Persons

## Name of individual and/or organization you allege is discriminating:

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**Do you consent** to the investigator sharing your name and other personal information with other parties to this matter when doing so will assist in investigating and resolving your complaint?

Yes  No

**Please describe your complaint.** You should include specific details such as names, dates, times, witnesses, and any other information that would assist us in our investigation of your allegations. Please include any other documentation that is relevant to this complaint. You may attach additional pages to explain your complaint.

**Have you filed this complaint with any other agency (Federal, State, or Local)?**

Yes  No

If yes, please identify:

## Have you filed a lawsuit regarding this complaint?

Yes  No

If yes, please provide a copy of the complaint.

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

**Mail to:** Title VI Coordinator, MassDOT Office of Diversity and Civil Rights, Suite 3800, 10 Park Plaza, Boston, MA 02116

Email to: MassDOT.CivilRights@state.ma.us

## CHAPTER 8

### Dissemination of Title VI Information

#### ***Introduction***

The dissemination of Title VI information is a critical component of ensuring compliance with federal nondiscrimination requirements and informing the public of their rights under Title VI. This section outlines the methods used to effectively communicate Title VI rights and responsibilities to key stakeholders, including the public, subrecipients and contractors, and internal staff. It provides a detailed breakdown of how information is distributed—through printed materials, digital communications, trainings, and outreach efforts—to ensure broad awareness and accessibility. For staff and subrecipients, dissemination serves to notify them of their obligations to comply with Title VI requirements, supporting consistent implementation and accountability throughout our programs and services.

#### ***Title VI Related Document Dissemination***

There are several key documents related directly to MassDOT's Title VI/Nondiscrimination implementation and compliance that are disseminated directly to the public, internal staff, and subrecipients. This includes:

- *The Notice to Beneficiaries*

MassDOT's federally approved Notice to Beneficiaries, which reaches federal and state nondiscrimination obligations, and is available in full in the top ten languages in the Commonwealth, is distributed to the public through a variety of means. This includes (1) posting the [Notice on the agency's website](#), (2) physical posting of the Notice in the public facing offices of MassDOT, including the Office of Diversity and Civil Rights, Human Resources, and the Secretary's Office (3) displaying the Notice during public meetings, and (4) including the Notice in key publications (such as the 2026-2030 CIP <https://www.mass.gov/doc/2026-2030-capital-investment-plan-final/download>). All agency email blasts to the public, facilitated through the "GovDelivery" software platform, automatically populate messages with a Title VI Notice footer, including translated statements regarding the availability of language access support (and reasonable accommodations) in the top ten languages in the state.

Agency staff are encouraged to include the Notice in all major public-facing materials, to ensure consistent visibility of nondiscrimination commitments. Additionally, staff are advised to display the Notice during public meetings and incorporate it into presentations, reinforcing the agency's obligation to uphold Title VI and informing the public of their rights under federal nondiscrimination laws.

MassDOT has customized and provided the Notice text to all the state's MPOs/RPAs and continues to make the notice available as a template to all subrecipients. As part of their general Title VI obligations, MPOs and RPAs are required to maintain and distribute a Notice of Non-Discrimination. They have the discretion to either adopt the MassDOT-provided template or develop their own version, as long as it meets federal requirements. The responsibility to maintain this notice—and to provide it in additional languages as needed based on the demographics of their region or service area—is addressed through regular training and guidance provided by MassDOT.

- *The Title VI Complaint Form and Procedure*

Similar to the Notice to Beneficiaries, [the materials related to MassDOT's Title VI complaint procedure](#)<sup>1</sup> are posted on the agency's public-facing website, including translated versions of the procedure and complaint forms in the top ten LEP languages statewide. Agency staff, including civil rights investigators, front-line staff, and project managers are trained on the availability of these procedures/forms and instructed how to engage members of the public interested in filing such complaints.

Comparable to the Notice to Beneficiaries, templates of these documents are also made available to MPOs and RPAs to support them in meeting their general requirements. Each organization has the flexibility to either develop its own versions or adopt the agency-provided templates, as long as they remain in compliance with federal guidelines.

For additional information on the complaint process and forms, please see Chapter 7, above.

- *The Public Participation Plan and the Language Access Plan*

The [Public Participation Plan \(PPP\)](#)<sup>2</sup> and the [Language Access Plan \(LAP\)](#)<sup>3</sup> are maintained on the public facing MassDOT website and staff is trained to meet the obligations therein (see Chapter 6 for more details on MassDOT's Title VI training initiatives). As is required by federal regulation, substantive changes to the PPP are put through a public comment period of at least 45 days. To facilitate this process, MassDOT posts the draft document and the proposed changes to the MassDOT website with a comment form for public feedback. The commencement of the public comment period is announced to the public through GovDelivery email blasts (with multilingual support), announcements on the MassDOT homepage, instructions to subrecipients to notify their stakeholders of the opportunity to provide comment on the draft document, and other such invitations to comment.

The Language Access Plan informs the public about how to request language assistance and outlines the department's approach to providing those services. It also serves as a practical resource for staff, helping them understand their responsibilities under language access requirements and equipping them with the guidance needed to provide appropriate language services when necessary.

### ***Additional Considerations for MassDOT Staff***

MassDOT utilizes several methods to ensure staff are informed about Title VI obligations and resources. In addition to promoting awareness of key documents—such as the Title VI Implementation Plan—ODCR offers training opportunities to help staff understand their responsibilities under Title VI. A current version of the Implementation Plan is publicly available on the ODCR website, providing easy access for employees. MassDOT also maintains a Title VI Policy Statement, which is reviewed and signed annually by the Secretary to reinforce the agency's ongoing commitment to nondiscrimination. Internally, employees can access a variety of Title VI-related materials through dedicated SharePoint sites, which also serve as a central hub for broader ODCR resources and guidance.

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<sup>1</sup> <https://www.mass.gov/how-to/how-to-file-a-transportation-related-discrimination-complaint>

<sup>2</sup> <https://www.mass.gov/doc/public-participation-plan-2025/download>

<sup>3</sup> <https://www.mass.gov/doc/massdot-highway-division-title-vi-implementation-plan/download#page=82>

### ***Additional Considerations for Contractors***

Contractors are made aware of their Title VI obligations through nondiscrimination language included in all contracts and agreements. This contract language outlines the requirement to comply with federal nondiscrimination laws and ensures that contractors acknowledge and commit to upholding Title VI throughout the duration of their work. Additionally, contractors are required to extend this commitment by informing and holding their subcontractors to the same standards, ensuring that Title VI compliance is maintained across all levels of project delivery.

### ***Additional Considerations for Subrecipients:***

MassDOT ensures that subrecipients are well-informed about all Title VI requirements and updates through consistent and ongoing communication. This includes maintaining regular contact and active participation in standing meetings, where Title VI topics are often discussed and clarified. These interactions provide a valuable opportunity to share updates, answer questions, and reinforce expectations related to nondiscrimination compliance. In addition to direct communication, MassDOT has established dedicated SharePoint sites specifically designed to serve as centralized resources for subrecipients. These platforms provide access to the most current Title VI guidance, policies, templates, and other relevant materials.

## CHAPTER 9

### Review of STA Directives

The program review, compliance monitoring, data analysis, technical assistance, training, and complaint handling activities of MassDOT's Title VI staff in the implementation of the agency's Title VI Plan are all used as opportunities for ongoing review of policies, standard operating procedures, and methods of administration across MassDOT's federal program areas and public facing programs, services, and activities. These ongoing activities permit the Title VI staff to screen agency operations for Title VI implications and risks and identify opportunities for innovation and improvement. Details on these activities can be found in chapters 3, 4, 5, 6, 7, and 8 above.

By way of a brief non-exhaustive overview, the following activities are relied upon by MassDOT's Title VI staff to ensure that agency directives are reviewed for potential Title VI implications:

- Analyzing individual and aggregate discrimination complaints to identify potential risk factors in programs, services, or activities and their methods of administration;
- Bi-weekly coordination meetings with the Planning office and Highway Division to review and analyze project development matters (such as subrecipient coordination, fiscal constraint, and project design elements);
- Convening an ad-hoc multidisciplinary working group of staff from across the agency to address specific issues, as needed (such as the public process for regulated program development, accessibility challenges in electronic information and software systems, and performing quality control checks on written and verbal multilingual vital information);
- Participation by Title VI staff on standing committees to offer guidance and feedback on decisions and plans that may have equity impacts;
- Participation in the newly established Transportation Equity Committee, which includes representation from multiple offices across the Department. The committee serves as a platform for cross-departmental dialogue on how equity considerations affect various program areas. Its members work collaboratively to identify challenges, share perspectives, and explore strategies for making programs, policies, and services more equitable and inclusive.
- Conducting equity analyses on agency activities, such as capital planning as well as project scoring and prioritization;
- Organizing technical assistance and capacity building workshops with staff and subrecipients;
- Performing internal and external assessments of agency program areas in order to identify risk factors and strategize methods to minimize them;
- Receiving feedback from the public, stakeholders, and diverse community leaders to identify any possible areas of concern for Title VI staff to explore more fully;
- Providing guidance on the development of modal transportation plans (such as the Bicycle Plan, Pedestrian Plan, Freight Plan, etc.) that ensures Title VI and equity issues are incorporated into

the plans directly, where appropriate, and that the public vetting of these plans is inclusive and in keeping with Title VI public engagement principles.

MassDOT's Title VI staff maintains relationships with staff and management across the agency's departments. This includes recurring check-in meetings as well as participating in special initiatives as they are undertaken. This coordination allows the Title VI staff to become apprised of initiatives at their earliest inception and affords an opportunity to review these activities for potential Title VI implications/risks. Where any such risks are identified, the Title VI staff communicates such concerns to the project team and options are identified to avoid, minimize, or mitigate the risks. Initiatives that have been recently reviewed include:

- Maintaining a targeted media list to support outreach efforts and strengthen engagement with key media outlets.
- Implemented a requirement for employees to formally acknowledge receipt of the Language Access Plan, and exploring options for required Title VI and language access training when onboarding staff.
- Exploring new strategies to improve communication with subrecipients, including the creation of a dedicated Title VI SharePoint site for Metropolitan Planning Organizations (MPOs).
- Reviewing and considering updates to the equity analysis methodology, for the Capital Investment Plan (CIP).
- Revised the Public Participation Plan to improve readability, organization, and usability for both the public and internal staff.
- Exploring the development of an electronic Title VI complaint form to increase accessibility and streamline the current submission process, which currently requires downloading, printing, and mailing the form.

By being actively connected to the operations of the agency, the Title VI staff is able to directly participate in and/or closely review STA directives as they are unfolding. This strategy, combined with the recurring review of STA directives listed at the beginning of this chapter, ensure close coordination across MassDOT program areas and the Title VI team.

## CHAPTER 10

### Compliance and Enforcement Procedures

MassDOT's compliance procedures have been detailed throughout this Plan document. This includes wide-ranging efforts across the agency, such as the program review process, training and technical assistance initiatives, complaint handling, and analyzing data of the impacts of MassDOT activities on Title VI populations. The totality of procedures described above facilitates the coordination, oversite, monitoring, and corrective action initiatives of MassDOT's Director of Title VI and Accessibility and the Title VI Specialist.

By way of a brief non-exhaustive overview, the following activities are relied upon by MassDOT's Title VI staff as mechanisms for compliance and enforcement:

- Requiring annual reports, responsive to custom tailored work plans, of each subrecipient in order to ensure they are utilizing best practices and maximizing their compliance profiles, where needed;
- Program area reviews and the issuance of departmental work plans to monitor and ensure the use of best practices for Title VI compliance;
- Mandatory trainings for staff and subrecipients to understand their Title VI obligations as partners in the programs, services, and activities of MassDOT as a transportation federal funding recipient;
- Investigations of allegations of noncompliance with Title VI and related nondiscrimination requirements;
- Information sharing with subrecipients and project partners to detail those instances where adherence to Title VI requirements served as “value added” to the development of a transportation project, such as developing and maintaining meaningful relationships with diverse stakeholders to maximize awareness and support among those impacted by projects;
- Internal and external assessments of programs, services, and activities to identify Title VI risk factors and possible mechanisms to minimize them, including the issuance of work plans, negotiated with senior leadership, to ensure progress and accountability;
- Regular coordination meetings with agency senior leadership to highlight any areas of concern and recommended strategies to address them;

Enforcement strategies available through this monitoring program are those available to a state agency as articulated by the US Department of Justice and the US DOT modal administrations – this includes working with staff, management, and subrecipients to achieve voluntary compliance on all Title VI obligations and to exercise delegated authority to recommend and require corrective actions.

## CHAPTER 11

### Limited English Proficiency

#### *Introduction*

The Massachusetts Department of Transportation (MassDOT) serves a broad and diverse community. Providing practical access to information for all to access MassDOT's programs and services is a high priority for the agency. MassDOT is committed to taking reasonable steps to provide meaningful access for LEP individuals who use MassDOT's services, facilities, and programs and for those who attend MassDOT's meetings and events.

This Language Access Plan incorporates five elements that are necessary for providing language assistance to LEP persons. These elements include: Needs Assessment, Written Language Assistance Plan, Staff Training, Provision of Special Language Assistance, and Monitoring.

#### *Legal Basis for Language Assistance Requirements*

1. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide 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 otherwise subjected to discrimination under any program or activity that receives federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes discrimination on the basis of national origin.
2. 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.
3. State Executive Order 592, section 4 and Administrative Bulletin 16 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.
4. State Executive Order 615, established to promote access to government services and information by identifying and minimizing language access barriers. The Executive Order aims to make the delivery of services and resources more accessible and equitable for residents with limited English proficiency by requiring executive department agencies to develop Language Access Plans.

### ***Language Access Plan and Four-Factor Analysis***

A foundational component of MassDOT's Language Access Plan is the Four-Factor Analysis. This analysis was updated in September 2025. The analysis update includes the elements of a Language Access Plan and describes the steps MassDOT takes to fulfill language access obligations as well as an implementation timeline for specific deliverables and/or tasks. See Appendix D for maps depicting the concentration of language groups statewide.

### ***Identifying Individuals Who Need Language Assistance***

MassDOT assesses the language access needs of LEP populations in relation to all MassDOT programs, activities, and services. This needs assessment is based on an analysis of four factors. The first two of the four factors are used to identify individuals who need language assistance. The third and fourth factors are used to determine appropriate language assistance measures. MassDOT explores multiple data sources and conducts targeted outreach to develop its Four-Factor Analysis. Traditional data sources, such as US Census Bureau data, are incorporated into the Four-Factor Analysis. In addition, "non-traditional data sources" are explored and factored into the analysis, where appropriate. Such data sources include:

- surveys of MassDOT staff responsible for providing language assistance and/or interacting directly with the public
- outreach to Community Based Organizations (CBO) serving LEP populations in the Commonwealth
- a public, online survey of language assistance needs which was publicized through an email blast to several thousand contacts from MassDOT's outreach distribution database
- analysis of past interactions with LEP individuals including website data and requests for both interpretation and translation by LEP persons
- data from Massachusetts Department of Elementary and Secondary Education
- data from the Registry of Motor Vehicles (RMV)

Based on the results of the four-factor analysis, MassDOT continues to translate vital information and provides ongoing language access support through interpretation and translation. MassDOT has translated and disseminated the vital documents related to Title VI into the top 10 LEP languages of the Commonwealth: Spanish, Portuguese, Chinese, Vietnamese, French (Haitian) Creole, Russian, Mon Khmer, Arabic, French, and Italian. These 10 languages are consistently identified as meeting the safe-harbor threshold in the Factor 1 analyses, and several of them were identified by MassDOT staff as having the highest levels of prior contact. MassDOT continues to translate non-Title VI-related vital documents. MassDOT offers free translation of vital and non-vital information in the other languages and makes the decision whether to translate into each of these languages based on the impact to LEP populations, whether any translations are requested, and whether the translation is an effective means of communicating the information to the requestor. Processing such requests may include an interactive process with the requestor where MassDOT staff will seek to identify the most effective means of ensuring the requestor has meaningful access to the program, service, activity, information, and/or

document at issue. The remainder of this document provides an update to MassDOT's Four-Factor Analysis.

#### **Factor 1: The Number and Proportion of Persons in the Service Population Who Are LEP**

One factor in determining what language services MassDOT should provide is the number or proportion of LEP persons eligible to be served or encountered by MassDOT in carrying out its operations. The greater the number or proportion of people who are limited in their English proficiency from a particular language group served by or encountered by MassDOT, the more likely it is that language services are needed for those people. Because MassDOT is a statewide agency, the service area population includes the entire population of Massachusetts.

MassDOT used a combination of the following quantitative and qualitative analyses to estimate the number and proportion of people in the Commonwealth who may have limited proficiency in English (by language spoken):

- 2019-2023 ACS 5% Public Use Microdata Sample (PUMS) data from the U.S. Census Bureau
- Data from the MA Department of Education
- Qualitative data obtained from outreach to CBOs that work with LEP populations
- Data from the Registry of Motor Vehicles (RMV)

The remaining text in the first factor analysis describes the quantitative and qualitative analysis techniques that MassDOT has engaged in.

#### ***Analysis of 2019-2023 ACS 5% Public Use Microdata Sample***

The 2019-2023 American Community Survey (ACS) 5% Public Use Microdata Sample (PUMS) dataset allows the language spoken at home (for all languages) to be cross-tabulated with LEP status. The US Census tables "Language Spoken at Home" and "Ability to Speak English for the Population 5 Years and Over" were used to estimate the number of LEP people for Public Use Microdata Areas (PUMAs) within Massachusetts. To calculate the number of people with limited English proficiency, the counts of people who self-reported to speak English less than "very well" were summed. The total LEP population in Massachusetts is 647,809 people, or approximately 9.8 percent of the total population age five or older. The largest single group of people with limited English proficiency is composed of Spanish speakers, who represent 41.9 percent of the LEP population in the state. Approximately 271,511 people in Massachusetts are Spanish speakers with limited English proficiency.

Table 1 shows the top five language groups among people with limited English proficiency in Massachusetts. Together these five groups account for more than 76 percent of the state's total LEP population.

**Table 1**  
**Top Five Language Groups**

Language	Number of Speakers	Percentage of Statewide LEP population
Spanish	271,511	41.9%
Portuguese	90,802	14.0%
Chinese	69,894	10.8%
Haitian	35,532	5.5%
Vietnamese	25,551	3.9%

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

***Identification of Concentrations of people with Limited English Proficiency***

MassDOT mapped the language data to provide a geographic representation of where concentrations of people with limited English proficiency live and to show the languages spoken at home in those areas. To identify locations containing large concentrations of people with limited English proficiency, PUMAs were selected that had an overall LEP population larger than five percent of the total population and where any of the top five language groups comprised more than 25 percent of the PUMA's LEP population, or more than 1,000 persons.

Tables 2 through 6 show the geographic distribution of LEP speakers for each of the top five language groups. Table 7 shows the PUMAs with at least 1,000 people with limited English proficiency who speak languages other than the five most common languages. Table 8 lists all languages statewide that meet the safe harbor threshold of either 5%, or 1,000 speakers.

**Table 2**  
**Spanish-speaking LEP Populations**

PUMA	PUMA Name	2023 Spanish-speaking LEP Population	Spanish-speaking Percentage of Total Population	Spanish-speaking LEP Population — Percentage of LEP Population
00702	Lawrence and Andover	30,671	26.5%	92.1%
00806	Revere, Chelsea, and Winthrop	25,927	23.4%	75.6%
00402	Springfield	21,441	14.9%	84.0%
00705	Lynn and Nahant	18,361	18.9%	73.6%
00802	Boston: Back Bay, Beacon Hill, Charlestown, East Boston, Central, and South End	15,673	10.4%	58.2%
00804	Boston: Mattapan and Roxbury	13,995	10.8%	53.4%
00701	Haverhill and Methuen	11,554	10.1%	80.9%
00505	Worcester: West	8,829	9.5%	51.8%
00401	Westfield, Holyoke, West Springfield, and Others	8,330	5.7%	57.6%
00805	Boston: Hyde Park, Jamaica Plain, Roslindale, and West Roxbury	7,459	5.9%	47.8%
01004	New Bedford, Dartmouth, Westport, and Others	7,319	4.7%	43.0%
00504	Worcester: East	7,118	7.0%	43.0%
00610	Somerville and Everett	7,118	5.8%	31.9%
00605	Framingham and Marlborough	6,779	6.4%	36.9%
00602	Lowell	6,304	5.8%	29.8%
00502	Leominster, Fitchburg, Lunenburg, and Others	5,923	5.3%	69.7%
00803	Boston: Dorchester and South Boston	4,592	3.9%	28.8%
00706	Salem, Beverly, Gloucester, and Others	4,252	2.7%	46.5%
01101	Brockton	4,249	4.3%	20.9%
00704	Peabody, Saugus, Danvers, and Others	4,217	2.6%	40.9%

01003 Fall River, Acushnet, and Freetown	3,722	3.0%	24.3%
00403 Chicopee, Ludlow, East Longmeadow, and Others	3,208	2.1%	36.8%
00613 Newton and Waltham	3,182	2.2%	25.1%
00503 Shrewsbury, Milford, Westborough, and Others	3,025	2.1%	26.3%
00609 Malden and Medford	2,757	2.3%	12.4%
00801 Boston: Allston, Brighton, and Fenway	2,585	2.4%	20.0%
00611 Cambridge	1,710	1.5%	18.0%
00905 Norwood, Stoughton, Canton, and Others	1,458	1.3%	13.0%
00904 Weymouth, Braintree, Randolph, and Others	1,319	1.0%	10.1%
00606 Natick, Ashland, Hopkinton, and Others	1,271	1.2%	17.5%
00902 Brookline, Milton, and Dedham	1,147	1.0%	15.1%

LEP = Limited English Proficiency. PUMA = Public Use Microdata Area

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 3**  
**Portuguese-speaking LEP Populations**

PUMA	PUMA Name	2023 Portuguese-speaking LEP Population	Portuguese-speaking LEP Population — Percentage of Total Population	Portuguese-speaking LEP Population — Percentage of LEP Population
01003	Fall River, Acushnet, and Freetown	9,377	7.5%	61.2%
00605	Framingham and Marlborough	8,012	7.6%	43.6%
00610	Somerville and Everett	7,699	6.2%	34.5%
01004	New Bedford, Dartmouth, Westport, and Others	6,693	4.3%	39.3%
00609	Malden and Medford	4,027	3.4%	18.1%
00503	Shrewsbury, Milford, Westborough, and Others	3,236	2.2%	28.2%
00602	Lowell	3,225	3.0%	15.3%
00806	Revere, Chelsea, and Winthrop	2,808	2.5%	8.2%
00905	Norwood, Stoughton, Canton, and Others	2,603	2.3%	23.2%
00606	Natick, Ashland, Hopkinton, and Others	2,513	2.5%	34.6%
00704	Peabody, Saugus, Danvers, and Others	2,452	1.5%	23.8%
00504	Worcester: East	2,197	2.2%	13.3%
00403	Chicopee, Ludlow, East Longmeadow, and Others	1,832	1.2%	21.0%
00706	Salem, Beverly, Gloucester, and Others	1,522	1.0%	16.7%
01101	Brockton	1,479	1.5%	7.3%
00505	Worcester: West	1,447	1.6%	8.5%
00705	Lynn and Nahant	1,282	1.3%	5.1%

LEP = Limited English Proficiency. PUMA = Public Use Microdata Area.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 4**  
**Chinese-speaking LEP Populations**

PUMA	PUMA Name	2023 Chinese- speaking LEP Population	Chinese-speaking LEP Population — Percentage of Total Population	Chinese-speaking LEP Population — Percentage of LEP Population
00903	Quincy	10,719	11.1%	57.0%
00802	Boston: Back Bay, Beacon Hill, Charlestown, East Boston, Central, and South End	7,312	4.8%	27.2%
00609	Malden and Medford	7,111	6.0%	32.0%
00801	Boston: Allston, Brighton, and Fenway	4,802	4.4%	37.2%
00904	Weymouth, Braintree, Randolph, and Others	4,139	3.1%	31.8%
00613	Newton and Waltham	3,398	2.4%	26.8%
00607	Lexington, Burlington, Wilmington, and Others	3,292	2.5%	34.8%
00902	Brookline, Milton, and Dedham	2,616	2.4%	34.4%
00611	Cambridge	2,179	1.9%	23.0%
00612	Arlington, Watertown, and Belmont	1,498	1.5%	22.5%
00804	Boston: Mattapan and Roxbury	1,459	1.1%	5.6%
00606	Natick, Ashland, Hopkinton, and Others	1,243	1.2%	17.1%
00503	Shrewsbury, Milford, Westborough, and Others	1,061	0.7%	9.2%
00803	Boston: Dorchester and South Boston	1,059	0.9%	6.7%

LEP = Limited English Proficiency. PUMA = Public Use Microdata Area.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 5**  
**Haitian-speaking LEP Populations**

PUMA	PUMA Name	2023 Haitian- speaking LEP Population	Haitian-speaking LEP Population — Percentage of Total Population	Haitian-speaking LEP Population — Percentage of LEP Population
01101	Brockton	9,179	9.3%	45.1%
00804	Boston: Mattapan and Roxbury	5,219	4.0%	19.9%
00805	Boston: Hyde Park, Jamaica Plain, Roslindale, and West Roxbury	2,949	2.3%	18.9%
00609	Malden and Medford	2,354	2.0%	10.6%
00904	Weymouth, Braintree, Randolph, and Others	2,237	1.7%	17.2%
00905	Norwood, Stoughton, Canton, and Others	1,799	1.6%	16.1%
00610	Somerville and Everett	1,583	1.3%	7.1%
00803	Boston: Dorchester and South Boston	1,451	1.2%	9.1%

LEP = Limited English Proficiency. PUMA = Public Use Microdata Area.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 6**  
**Vietnamese-speaking LEP Populations**

PUMA PUMA Name	2023 Vietnamese-speaking LEP Population	Vietnamese-speaking Population — Percentage of Total Population	Vietnamese-speaking LEP Population — Percentage of LEP Population
00803 Boston: Dorchester and South Boston	4,958	4.20%	31.1%
00903 Quincy	2,631	2.70%	14.0%
00904 Weymouth, Braintree, Randolph, and Others	2,080	1.60%	16.0%
00504 Worcester: East	1,495	1.50%	9.0%
00602 Lowell	1,399	1.30%	6.6%
00505 Worcester: West	1,309	1.40%	7.7%
00905 Norwood, Stoughton, Canton, and Others	1,261	1.10%	11.3%
00609 Malden and Medford	1,142	1.00%	5.1%

LEP = Limited English Proficiency. PUMA = Public Use Microdata Area.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 7**  
**LEP Populations Speaking Other Languages**

PUMA	PUMA Name	2023 LEP Population Speaking Other Languages	LEP Population Speaking Other Languages — Percentage of Total Population	LEP Population Speaking Other Languages — Percentage of LEP Population
00602	Lowell	9,601	8.9%	45.4%
00401	Westfield, Holyoke, West Springfield, and Others	5,630	3.9%	39.0%
00613	Newton and Waltham	5,034	3.5%	39.7%
00804	Boston: Mattapan and Roxbury	4,871	3.8%	18.6%
00609	Malden and Medford	4,863	4.1%	21.9%
00505	Worcester: West	4,741	5.1%	27.8%
00607	Lexington, Burlington, Wilmington, and Others	4,699	3.5%	49.6%
01101	Brockton	4,649	4.7%	22.8%
00504	Worcester: East	4,541	4.5%	27.5%
00806	Revere, Chelsea, and Winthrop	4,473	4.0%	13.0%
00610	Somerville and Everett	4,450	3.6%	19.9%
00801	Boston: Allston, Brighton, and Fenway	4,425	4.0%	34.3%
00611	Cambridge	4,272	3.8%	45.0%
00705	Lynn and Nahant	4,259	4.4%	17.1%
00612	Arlington, Watertown, and Belmont	3,927	3.8%	59.0%
00503	Shrewsbury, Milford, Westborough, and Others	3,835	2.7%	33.4%
00805	Boston: Hyde Park, Jamaica Plain, Roslindale, and West Roxbury	3,702	2.9%	23.7%
00903	Quincy	3,560	3.7%	18.9%
00905	Norwood, Stoughton, Canton, and Others	3,313	2.9%	29.6%

PUMA	PUMA Name	2023 LEP Population Speaking Other Other Languages	LEP Population Speaking Other Languages — Percentage of Total Population	LEP Population Speaking Other Languages — Percentage of LEP Population
00803	Boston: Dorchester and South Boston	3,292	2.8%	20.7%
00403	Chicopee, Ludlow, East Longmeadow, and Others	3,204	2.1%	36.7%
00706	Salem, Beverly, Gloucester, and Others	2,988	1.9%	32.7%
00704	Peabody, Saugus, Danvers, and Others	2,848	1.8%	27.6%
00904	Weymouth, Braintree, Randolph, and Others	2,699	2.0%	20.7%
00902	Brookline, Milton, and Dedham	2,683	2.4%	35.3%
00402	Springfield	2,661	1.8%	10.4%
00802	Boston: Back Bay, Beacon Hill, Charlestown, East Boston, Central, and South End	2,611	1.7%	9.7%
00605	Framingham and Marlborough	2,443	2.3%	13.3%
00606	Natick, Ashland, Hopkinton, and Others	2,158	2.1%	29.7%
01004	New Bedford, Dartmouth, Westport, and Others	2,024	1.3%	11.9%
00701	Haverhill and Methuen	1,692	1.5%	11.8%
00502	Leominster, Fitchburg, Lunenburg, and Others	1,434	1.3%	16.9%
01003	Fall River, Acushnet, and Freetown	1,253	1.0%	8.2%
00702	Lawrence and Andover	1,157	1.0%	3.5%

LEP = Limited English Proficiency. PUMA = Public Use Microdata Area.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 8**  
**All Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of LEP Population
Spanish	271,511	41.9%
Portuguese	90,802	14.0%
Chinese	69,894	10.8%
Haitian	35,532	5.5%
Vietnamese	25,551	3.9%
Arabic	14,709	2.3%
Russian	14,127	2.2%
Khmer	11,953	1.8%
Kabuverdianu	10,281	1.6%
French	8,663	1.3%
Korean	6,500	1.0%
Italian	6,271	1.0%
Albanian	6,189	1.0%
Greek	5,445	0.8%
Hindi	5,140	0.8%
Polish	4,760	0.7%
Gujarati	3,994	0.6%
Nepali	3,674	0.6%
Farsi	2,755	0.4%
Bengali	2,748	0.4%
Telugu	2,571	0.4%
Akan (including Twi)	2,258	0.3%
Japanese	2,228	0.3%
Urdu	1,805	0.3%
Lao	1,722	0.3%

Ukrainian	1,701	0.3%
Tamil	1,623	0.3%
Swahili	1,611	0.2%
Thai	1,499	0.2%
Armenian	1,470	0.2%
Punjabi	1,445	0.2%
Amharic	1,437	0.2%
Turkish	1,339	0.2%
German	1,278	0.2%
Tagalog	1,170	0.2%
Hebrew	1,151	0.2%
Romanian	1,141	0.2%

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

### **LEP Populations by Highway District**

Tables 9 through 14 show LEP data by highway district. Each table lists the languages spoken by at least 1,000 people in that district who have limited English proficiency. This newly available dataset provides district staff with a more detailed understanding of local LEP populations, enabling them to develop more targeted outreach and translation/interpretation strategies. By focusing on district-level data rather than relying only on statewide data, staff can better address the specific language needs of their communities.

**Table 9**  
**MassDOT Highway District 1**  
**Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of District LEP Speakers
Spanish	6,571	54%
Russian	1,085	9%
All other languages	4,487	37%
Total	12,143	100%

Note: In District 1, the total population age 5 and older is 259,124. The LEP population is 12,143, which is 5 percent of the total population age 5 and older.

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 10**  
**MassDOT Highway District 2**  
**Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of District LEP Speakers
Spanish	31,150	65%
Portuguese	2,679	6%
Polish	1,623	3%
Chinese	1,564	3%
Vietnamese	1,303	3%
Russian	1,216	3%
All other languages	8,100	17%
Total	47,635	100%

Note: In District 2, the total population age 5 and older is 605,151. The LEP population is 47,635, which is 8 percent of the total population age 5 and older.

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 11**  
**MassDOT Highway District 3**  
**Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of District LEP Speakers
Spanish	39,696	40%
Portuguese	20,588	21%
Chinese	7,405	7%
Vietnamese	4,182	4%
Arabic	3,130	3%
Russian	2,433	2%
Akan (including Twi)	1,852	2%
Hindi	1,608	2%
Albanian	1,607	2%
French	1,490	1%
Gujarati	1,311	1%
Haitian	1,303	1%
Polish	1,212	1%
Korean	1,119	1%
Telugu	1,008	1%
All other languages	10,174	10%
Total	100,120	100%

Note: In District 3, the total population age 5 and older is 1,213,237. The LEP population is 100,120, which is 8 percent of the total population age 5 and older.

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 12**  
**MassDOT Highway District 4**  
**Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of District LEP Speakers
Spanish	104,920	50%
Portuguese	27,241	13%
Chinese	18,084	9%
Khmer	8,859	4%
Haitian	6,369	3%
Arabic	5,522	3%
Vietnamese	4,893	2%
Russian	3,625	2%
Italian	2,755	1%
Greek	2,303	1%
Korean	2,289	1%
French	2,103	1%
Albanian	1,740	1%
Nepali	1,631	1%
Gujarati	1,420	1%
Bengali	1,375	1%
Lao	1,143	1%
Hindi	1,063	1%
All other languages	14,502	7%
Total	211,837	100%

Note: In District 4, the total population age 5 and older is 1,725,624. The LEP population is 211,837, which is 12 percent of the total population age 5 and older.

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 13**  
**MassDOT Highway District 5**  
**Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of District LEP Speakers
Portuguese	33,041	33%
Spanish	24,826	25%
Haitian	13,298	13%
Kabuverdianu	6,103	6%
Chinese	4,124	4%
Vietnamese	3,131	3%
French	1,521	2%
Khmer	1,411	1%
Russian	1,248	1%
Arabic	1,230	1%
All other languages	9,937	10%
Total	99,870	100%

Note: In District 5, the total population age 5 and older is 1,502,582. The LEP population is 99,870, which is 7 percent of the total population age 5 and older.

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

**Table 14**  
**MassDOT Highway District 6**  
**Languages Spoken by LEP Populations**

Language	2023 LEP Speakers	Percentage of District LEP Speakers
Spanish	64,348	37%
Chinese	38,266	22%
Haitian	14,338	8%
Vietnamese	11,845	7%
Portuguese	7,073	4%
Russian	4,521	3%
Arabic	3,810	2%
Kabuverdianu	3,726	2%
French	2,589	1%
Korean	2,295	1%
Albanian	2,053	1%
Hindi	1,954	1%
Italian	1,572	1%
Japanese	1,050	1%
Greek	1,022	1%
Amharic	1,000	1%
All other languages	14,742	8%
Total	176,205	100%

Note: In District 6, the total population age 5 and older is 1,336,605. The LEP population is 176,205, which is 13 percent of the total population age 5 and older.

LEP = Limited English Proficiency.

Source: 2019–23 American Community Survey Five-year Public Use Microdata Sample.

### ***Analysis of Massachusetts Department of Education Data***

MassDOT recurringly analyzes Massachusetts Department of Education data that indicates the number of LEP students enrolled in the public schools, by language, for each municipality in the Commonwealth. Although the school population does not have a one-to-one correlation with the overall population of a municipality, the languages that students speak can give additional insight into language composition and proficiency and the areas where assistance is likely to be needed. Analysis of this data continues to support the census data patterns in terms of the general distribution of LEP populations and languages spoken.

The Massachusetts Department of Education publishes data regarding the top languages, other than English, spoken by students in the state's public school system (covering years 2021 to the present)<sup>1</sup>. As indicated in the tables below, this data closely correlates with the Census data detailed above. While there is a slight variation in the top five languages (census data includes Vietnamese, while education data includes Crioulo) MassDOT can comfortably conclude that the prevalent languages identified in appropriate Census data sets remain the prevalent languages of the LEP student population as recently as 2025.

**Table 15**  
**MA Department of Education 2021-2025 EL Enrollment (Counts)**

Category	2021	2022	2023	2024	2025
<b>EL Enrollment - All Lang</b>	95,286	100,231	110,554	119,749	127,673
SPANISH	51,523	54,819	57,831	62,504	65,831
PORTUGUESE	12,928	14,985	20,697	22,367	22,858
CREOLE (HAITIAN)			3,969	6,076	9,908
CRIOULO	3,947	3,917	3,766	3,730	3,764
CHINESE			3,157	3,200	3,161
OTHERLANG	20,100	19,654	21,134	21,872	22,151
CHINESE (NO CANTON/MAND)	3,154	3,055			
HAITIAN CREOLE	3,634	3,801			

<sup>1</sup> <https://www.doe.mass.edu/ele/>

**Table 16**  
**MA Department of Education 2021-2025 EL Enrollment (Percentages)**

Category	2021	2022	2023	2024	2025
SPANISH	54.1%	54.7%	52.3%	52.2%	51.6%
PORTUGUESE	13.6%	15%	18.7%	18.7%	17.9%
CREOLE (HAITIAN)			3.6%	5.1%	7.8%
CRIOULO	4.1%	3.9%	3.4%	3.1%	2.9%
CHINESE			2.9%	2.7%	2.5%
OTHERLANG	21.1%	19.6%	19.1%	18.3%	17.3%
CHINESE (NO CANTON/MAND)	3.3%	3%			
HAITIAN CREOLE	3.8%	3.8%			

#### ***Registry of Motor Vehicles Data***

As part of Factor 1, the Title VI Unit reviewed language access data from the Registry of Motor Vehicles (RMV) as an additional source to inform language needs. In its analysis of 2024 and 2025 data, the top ten languages encountered by the RMV closely aligned with those identified in U.S. Census data, with two notable differences: Cape Verdean and Turkish appeared in the RMV's top ten, whereas Italian and Khmer were more prominent in the Census data. Additionally, certain languages such as Ukrainian and Somali appeared in the RMV's top ten for specific service types, reinforcing the need to understand localized or context-specific language needs.

While there are some variations between the RMV data and Census data, the overall trends reinforce the key languages spoken by LEP populations across the state. This comparison helps ensure that language access planning reflects both broad demographic trends, and service-specific experiences.

#### ***Qualitative Analysis Techniques***

In addition to the quantitative analyses discussed above, MassDOT continues to refine its understanding of the locations of LEP populations through qualitative methods. To do so, MassDOT engages with community-based organizations (CBOs), public officials, and other relevant stakeholders, on a project by project basis to better understand language needs associated with specific programs or activities.

MassDOT consults with CBOs - such as neighborhood community service centers, community development corporations, and ethnic/cultural organizations – when projects or public participation efforts warrant a deeper understanding of local LEP populations. These organizations have proven helpful in providing information that is not included in the census or state and local resources, such as the existence of pockets of the LEP populations, population trends, and what services are most frequently sought by the LEP population. This outreach has been conducted through surveys and individual interviews. For example, MassDOT has reached out to the community outreach staff of mayor's offices in areas of high LEP concentrations to discuss language needs regularly encountered in those locales. Through such outreach, MassDOT can identify and address language needs among LEP populations that aren't captured in the quantitative demographic data, either because of small

population size, appearance in the Commonwealth after the Census data gathering process, or other such factors.

### ***Conclusions from Factor 1 Analysis***

The Factor 1 analysis shows that 37 languages meet the safe-harbor threshold statewide. After evaluating a range of data sources, including both internal and external datasets, it becomes clear that the top ten languages remain largely consistent across the board, regardless of the specific source being considered.

MassDOT will use the information provided by Factors 2 and 3 in concert with the various Factor 1 analyses in determining how the agency will address language assistance needs, both proactively and upon request.

### ***Factor 2: The Frequency of Contact***

The greater the frequency with which LEP individuals from different language groups come into contact with MassDOT programs, activities, or services, the more likely it is that enhanced language services will be needed. LEP individuals are most likely to encounter statewide Planning programs where public outreach or public involvement is central to the mission, project-level public processes, and activities provided by the Right of Way Bureau, the Office of Diversity and Civil Rights, and the Legislative and Communications Offices.

### ***Analysis Methods Used for Frequency of Contact***

#### *MassDOT Agency-Wide Survey*

MassDOT conducted an agency-wide survey of its employees, to determine the frequency of their contacts with LEP individuals. Two separate surveys were developed: one for the managers of MassDOT's federal program areas and another for front-line employees.<sup>2</sup>

Through the surveys, MassDOT identified the following:

- The number of employees (by job function) who regularly come into contact with LEP individuals
- The frequency with which contact occurs
- The languages encountered (if identifiable)
- How employees currently communicate with LEP individuals
- Suggested steps that MassDOT could take to facilitate communication with LEP persons

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<sup>2</sup> Most of the program areas surveyed are within the Highway Division; however, the Rail and Transit Division, the Office of Transportation Planning, the Office of Diversity and Civil Rights, the Legal Department, and the Legislative and Community Affairs Division were also surveyed. The data on the frequency of contact in Table 11 represent all surveys returned to date, including those from employees in the Highway Division.

- Suggested steps that MassDOT could take, as an agency, to communicate better with LEP persons
- Vital documents that may need to be translated

Survey results regarding the frequency of contact for MassDOT employees agency-wide are summarized in Table 11, below. The surveys for front-line employees listed Spanish, Portuguese, Chinese, Vietnamese, Haitian Creole, Russian, French, Italian, Cambodian, and Arabic specifically, and provided spaces for employees to write in other languages. For each language option, employees were asked to check the frequency of contact options listed in Table 17. The survey results only reflect those employees whom responded, so the number of employees in contact with LEP individuals may be higher. The languages identified in the survey results are consistent with the findings for the first factor in the four-factor analysis.

**TABLE 17**  
**Frequency of Contact of MassDOT Employees with LEP Individuals**

	<b>Most Days</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Yearly</b>	<b>Total</b>	<b>Never</b>
Spanish	2	1	3	18	24	52
Portuguese	0	0	4	11	15	61
Chinese	0	1	1	8	10	66
Vietnamese	0	0	1	6	7	69
Haitian Creole	0	0	0	2	2	73
Russian	0	2	1	8	11	64
French	0	0	0	3	3	72
Italian	0	1	1	4	6	70
Cambodian	0	0	0	1	1	73
Arabic	0	1	0	2	3	71
*All Other Languages	0	0	0	2	2	68
**Write-in Languages	0	0	1	0	1	0
<b>Total</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>65</b>	<b>85</b>	<b>739</b>

\*This includes all responses to an “all other languages” option on the survey.

\*\*The survey provided spaces for other languages to be identified individually. The data in this row of the table represent the one language that was reported.

## Website Analytics

MassDOT can pull page view language data from Google Analytics, and the table below reports views for 2023, 2024, and 2025. MassDOT is not able to verify whether these language designations are based on the language selector from the homepage or a language setting in their own browser, but the data still provides a good summation of usage.

Language	2025 YTD Views	2025 YTD % of Views	2024 Views	2024 % of Views	2023 Views	2023 % of Views
English	713488	99.10%	1493377	98.46%	2088568	98.20%
Spanish	1596	0.22%	8572	0.57%	17284	0.81%
Chinese	1046	0.15%	2880	0.19%	3997	0.19%
French	836	0.12%	2658	0.18%	3140	0.15%
Portuguese	669	0.09%	2761	0.18%	3888	0.18%
German	366	0.05%	1557	0.10%	2224	0.10%
Korean	287	0.04%	562	0.04%	1142	0.05%
Japanese	194	0.03%	694	0.05%	1617	0.08%
Russian	183	0.03%	409	0.03%	666	0.03%
Italian	173	0.02%	419	0.03%	707	0.03%
Dutch	121	0.02%	373	0.02%	602	0.03%
Turkish	118	0.02%	229	0.02%	315	0.01%
Greek	98	0.01%	109	0.01%	165	0.01%
Arabic	90	0.01%	194	0.01%	366	0.02%
Indonesian	90	0.01%	123	0.01%	109	0.01%
Polish	79	0.01%	214	0.01%	312	0.01%
Vietnamese	69	0.01%	188	0.01%	132	0.01%
Swedish	55	0.01%	113	0.01%	319	0.02%
Danish	49	0.01%	102	0.01%	200	0.01%
Thai	39	0.01%	53	0.00%	82	0.00%
Hebrew	35	0.00%	93	0.01%	158	0.01%
Ukrainian	33	0.00%	209	0.01%	86	0.00%
Norwegian Bokmål	32	0.00%	108	0.01%	124	0.01%
Czech	30	0.00%	59	0.00%	79	0.00%
Finnish	25	0.00%	52	0.00%	93	0.00%
Hungarian	15	0.00%	31	0.00%	52	0.00%
Slovak	15	0.00%	19	0.00%	31	0.00%
Hindi	0	0.00%	0	0.00%	17	0.00%
Amharic	0	0.00%	0	0.00%	0	0.00%
Romanian	0	0.00%	39	0.00%	55	0.00%
Serbian	0	0.00%	0	0.00%	16	0.00%
Persian	0	0.00%	257	0.02%	52	0.00%
Catalan	0	0.00%	19	0.00%	49	0.00%
Croatian	0	0.00%	18	0.00%	15	0.00%
Afrikaans	0	0.00%	17	0.00%	0	0.00%
(other)	0	0.00%	16	0.00%	15	0.00%
Bulgarian	0	0.00%	15	0.00%	24	0.00%
Albanian	0	0.00%	0	0.00%	27	0.00%
Icelandic	0	0.00%	0	0.00%	17	0.00%

### ***Conclusions from Factor 2 Analysis***

Based on the frequency of contact analysis, the most commonly encountered languages spoken by LEP individuals who come into contact with MassDOT are Spanish, Portuguese, Chinese, Russian, and Vietnamese, and Spanish is by far the most frequently encountered. In general, the incidence of contact varies by program and by location.

Based on the results of analysis to date, MassDOT applies a phased schedule for translating vital information. Primary focus for proactive translation activities is designed to reach the most frequently encountered languages of Spanish, Portuguese, Chinese, Vietnamese, and Haitian Creole. MassDOT staff is instructed to proactively pursue translations for information dissemination into communities with other frequently encountered languages such as Russian, Mon Khmer, Arabic, French, and Italian. These languages are consistently identified as meeting the safe-harbor threshold in the Factor 1 analyses, and a number of them were identified by MassDOT staff as having prior contact. MassDOT continues to offer free translation of vital information in the other languages.

### ***Factor 3: The Importance to LEP Persons of MassDOT Programs, Activities, and Services***

The more important the activity, information, service, or program, or the greater the possible consequences of the contact with the LEP individuals, the more likely it is that language services are needed. Importance is based on whether denial or delay of access to services or information could have serious implications for the LEP individual.

Within MassDOT, there are various programs, activities, and services that are of importance to LEP individuals. Although there are many activities within MassDOT that the public, would have a low likelihood of encountering, others are of critical importance. With regard to highway services, the programs with the highest importance at MassDOT for LEP individuals are statewide planning and the programs administered by the Highway Design (including project management) and Construction divisions. However, activities in many other areas of MassDOT are also important for LEP individuals. These include programs, services, and activities provided by the Office of Diversity and Civil Rights, Registry of Motor Vehicles, and the Legislative and Community Affairs Division, among others.

MassDOT relies on a variety of methods to identify important public programs, services, and offices (and vital documents related to these operations). This includes surveying staff and managers as part of the LEP Four-Factor Analysis, the internal program review process (described in Chapter 4 of this program document), and feedback from the public. Public feedback was facilitated through an online survey on the MassDOT website, which was available continually and analyzed on a rolling basis. The results of the survey effort are summarized in Table 18 and graphically in Figure 8.

MassDOT also makes efforts to reach individuals who do not have access to broadband. These efforts include physically posting notices in communities around project locations. As a recent example, the Beyond Mobility team attended community events and hosted pop-up events. These in person interactions provided the project team opportunities to complete surveys with members of the community using tablets.

MassDOT has identified the following documents as vital and provides translations as noted below:

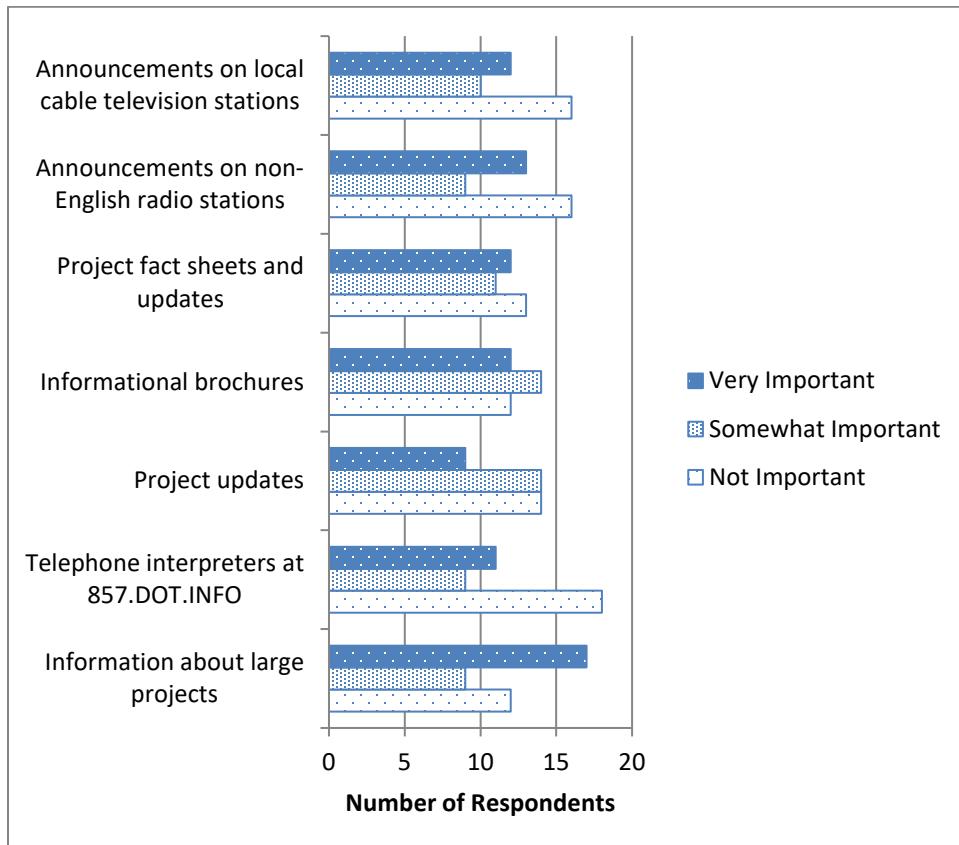
- Notice to Beneficiaries (*currently translated into top 10 languages*)
- Title VI Complaint Form (*currently translated into top 10 languages*)

- Title VI Complaint Procedures (*currently translated into top 10 languages*)
- Notices of public hearings regarding transportation plans, projects, or changes (*regularly provided into top languages in project areas*)
- Notices regarding the availability of free language assistance services for LEP individuals (*currently provided on all meeting notices, including translated versions based on local demographics*)
- Applications or instructions on how to participate in a program or activity or to receive benefits or services, such as:
  - Public Surveys and Invitations to Comment (*regularly provided into top languages in project areas*)

**TABLE 18**  
**Importance of MassDOT Programs and Services to LEP Individuals**

	Not Important		Somewhat Important		Very Important	
	Number of Responses	Percent of Responses	Number of Responses	Percent of Responses	Number of Responses	Percent of Responses
Information about large projects	12	32%	10	24%	17	44%
Telephone interpreters at 857.DOT.INFO	18	47%	10	24%	11	28%
Project updates	14	38%	14	38%	10	26%
Informational brochures	12	32%	14	37%	13	33%
Project fact sheets and updates	13	36%	11	31%	13	35%
Announcements on non-English radio stations	16	42%	9	24%	14	36%
Announcements on local cable television stations	16	42%	10	26%	13	33%

**FIGURE 8**  
**Results of MassDOT Language Assistance Needs Survey**



MassDOT will continue to identify documents and evaluate the importance of each MassDOT program, activity, and service in terms of whether or not language assistance is necessary. MassDOT will continue to solicit input from people with limited English proficiency and from organizations which represent people with limited English proficiency concerning the importance of the programs and activities it offers in order to assess the level of language assistance required.

For all public participation efforts, MassDOT will look at the results of Factors 1 and 2 above to help determine the areas where public outreach should be targeted and the languages into which flyers, other announcements, and meeting materials should be translated. Factors 1 and 2 will also be used to determine the meeting locations at which language interpreters may be needed and for what languages.

#### ***Conclusions from Factor 3 Analysis***

In general, the documents considered vital are those related to the explanation of civil rights and associated complaint procedures and certain legal correspondence. Also considered vital are public process activities, which makes it important to translate related materials such as meeting notices and

materials, project descriptions, and informational brochures. Website information is also an important avenue for obtaining general and specific information about transportation decision making.

#### **Factor 4: The Resources Available to MassDOT and the Costs of Providing Language Assistance**

The level of resources and the costs imposed by providing language assistance may have an impact on the extent to which meaningful access can be provided for LEP persons. MassDOT makes both strategic and well-funded commitments to language assistance that are commensurate with the size and complexity of the organization and the customers we serve. The approach we have taken in identifying and prioritizing top languages in the service area by population for sustained proactive multi-lingual outreach and additional adaptive strategies to reach less frequently encountered language groups and/or smaller LEP populations and other methods to be implemented under this Language Assistance Plan, provide certainty that MassDOT has reasonably addressed meaningful access for the LEP populations in the Commonwealth.

This approach to resource allocation has allowed MassDOT to commit to and follow through on a multi-year language access implementation plan that emphasizes professional translation of information vital to accessing MassDOT services into top LEP languages while also expanding the availability of additional important information across additional LEP groups.

#### ***Resources Available***

The last staff survey indicated in-house language capabilities across 41 languages with staff in each unit willing to provide language assistance. Of the 440 respondents, 75 staff members indicated that they would be willing to briefly communicate with someone who does not speak English to assess whether or not an official interpreter is required, covering 38 languages including 8 of the top 10 LEP languages in the Commonwealth. In addition, 62 respondents, covering 31 languages including 6 of the top 10 LEP languages in the Commonwealth, indicated that they would be willing to translate brief informational documents. Finally, 67 respondents, covering 36 languages including 8 of the top 10 LEP languages in the Commonwealth, indicated that they would be willing to interpret for someone who does not speak English well. Staff is trained on the appropriate use of this in-house resource during the Title VI unit's internal trainings on public engagement and language access. All employees have access to this data in an electronic database on the organization's computer network. For formal written translations and in-person interpretation, MassDOT utilizes professional language services.

MassDOT has integrated machine translation in its website which provides translations of the information on webpages into dozens of languages other than English. Documents are posted on the website in a format that can be automatically translated using this application. In recognition that no machine translation system is perfect or intended to replace human translation, MassDOT is professionally translating vital documents and will continue to disseminate this content. MassDOT continues to rely on the services of professional interpreters and translators to provide language assistance, where needed. Such services must be procured by the department responsible for the activity and Title VI staff train departmental leadership on the need to budget for these tasks accordingly. Professional translation and interpretation are most likely to be pursued in relation to the release of major publications by the Agency, such as an updated Capital Investment Plan, or to support key public engagement moments, such as public hearings related to project development. ODCR and OTP regularly track the expenses associated with professional language support among MassDOT's

highway funding subrecipients, such as the MPOs, and analyze these activities on a recurring basis to identify opportunities for cost sharing or low/no-cost language access strategies.

### **Costs**

The Title VI Specialist has gathered information about the state's procurement process for engaging the services of translation vendors with which the state currently has contracts. The state's procurement website provides contact information for each vendor and links to the website for each so that employees can determine the types of services offered and the associated costs. In addition, MassDOT has a longstanding relationship with the UMass Amherst Translation Center. Details on the vendors, costs, and coverage of the statewide language services contract can be found online here:

<https://www.mass.gov/doc/prf75/download>.

### ***Conclusions from Factor 4 Analysis***

MassDOT relies on phased approach to implementation. Documents with broad applicability across languages and geography, such as the notice to beneficiaries of their civil rights and complaint forms and complaint procedures that should be available to everyone, are maintained in the top ten (10) languages as a matter of course. These documents will be translated into more languages, as required by the four-factor analysis, by request, or as a result of feedback from the LEP community. The Title VI Specialist works with the various departments to prioritize other vital documents and the number and order of languages into which each may be translated.

For specific transportation projects, a line item is included in the project's administrative budget to allocate funds for language services for public outreach efforts. If additional resources are needed for unexpected or unanticipated translations, project managers are encouraged to contact their department managers to make a request through the MassDOT's Budget Office to secure state or federal funds, as needed. For shared services or internal operations, where there may not be a project number, the Chief Administrative Officer of MassDOT should be apprised of the need to budget the funding for language services.

MassDOT's Title VI staff encourages every public facing office to maintain an annual budget line item specifically to support document translations, interpreters, and other related language access services that may be procured during that fiscal year. The Office of Diversity and Civil Rights maintains an annual budget line item of several thousand dollars specifically for this purpose..

During 2022, MassDOT's civil rights and public outreach staff collaborated on a data gathering initiative, to better understand the cost for language access services that key public-facing departments in the Highway Division were incurring, on average, on an annual basis. The departments included in this inquiry were Planning, Project Management, Design, and Construction. This inquiry demonstrated that each of these departments are consistently paying approximately \$5,000.00 per year for language access services associated with public outreach and engagement.

### ***Conclusions from the Entire Four-Factor Analysis***

MassDOT analyzed numerous sources of data and information, both quantitative and qualitative, in conducting its Four-Factor Analysis. Because it is impossible to accurately determine the number of

people in Massachusetts who may require language assistance from using the census data alone (because the census does not evaluate one's ability to read, write, speak, or understand English; responses to the census question regarding English proficiency are subjective), MassDOT used various other sources of information including data from the Massachusetts Department of Education, Registry of Motor Vehicle data, MassDOT staff surveys, a public survey of language assistance needs, feedback from community-based organizations, and experience with and knowledge of linguistic communities across the state.

Vital documents related to public engagement opportunities at MassDOT are not only being translated in larger number but the general public outreach strategy is being better informed by Title VI equal access principles, such as direct outreach to community leaders across diverse constituencies and making use of public meeting locations that are accessible and preferred by community members.

MassDOT is committed to providing access to its programs, services, and activities to people with limited proficiency in English and will continue to assess language assistance needs. MassDOT will update its language assistance plan based on experience with and feedback from representatives of LEP populations as well as any new data reflecting changing needs (e.g., changes in the number of LEP individuals in a particular language group).

#### ***Application of the Four-Factor Analysis at the Project Level***

The Four-Factor analysis detailed above demonstrates MassDOT's analysis to agency-wide programs, services, and activities from the statewide perspective. MassDOT's Title VI staff trains project management staff, planning staff, and project partners to apply the same analytical framework at the project-level when developing public engagement strategies for particular local initiatives. More details regarding this local application of the four-factor analysis can be found in Chapter 6 (training) and Chapter 8 (dissemination of Title VI information), above. Both chapters describe the instructions that staff and project partners receive in understanding and applying the LEP four-factor analysis at the project level.

#### **Language Assistance Measures**

MassDOT continues providing translated materials and interpreters on an ongoing basis. Specific vital documents that MassDOT has translated include the following:

- Notice to Beneficiaries (*currently translated into top 10 languages*)
- Title VI Complaint Form (*currently translated into top 10 languages*)
- Title VI Complaint Procedures (*currently translated into top 10 languages*)
- Notices of public hearings regarding transportation plans, projects, or changes (*regularly provided into top languages in project areas*)
- Notices regarding the availability of free language assistance services for LEP individuals (*currently provided on all meeting notices, including translated versions based on local demographics*)
- Applications or instructions on how to participate in a program or activity or to receive benefits or services, such as:

- Public Surveys and Invitations to Comment (*regularly provided into top languages in project areas*)

Additional documents, such as meeting materials and project information, which may not be considered vital documents for language access purposes, are nonetheless translated when determined necessary as based on the Four-Factor Analysis and/or in response to requests from members of the public. In addition, MassDOT continues to translate other important documents, such as application forms, consent forms, comment sheets, and signs and handouts at customer service locations.

MassDOT provides interpreters at public meetings when indicated by the Four-Factor Analysis, interactions with community-based organizations, and/or by request. MassDOT will continue to provide interpreters at public meetings based on the Four-Factor Analysis and feedback from community-based organizations that serve LEP persons as well as LEP individuals. As discussed previously, MassDOT has incorporated machine translation in its website, though machine translation is recommended only for translating the most basic web content. Machine translation is not the language access approach that MassDOT relies upon to provide vital information to LEP populations.

MassDOT assists its subrecipients with the provision of language assistance by sharing best practice materials, guidance documents and datasets on a SharePoint site dedicated to providing assistance to MPOs, and offering technical assistance workshops regarding Title VI compliance with subrecipients. MassDOT staff also regularly attend monthly Transportation Manager Group meetings where MPO transportation staff convene to discuss a wide range of transportation related topics, including civil rights. MassDOT's planning agency subrecipients have incorporated a translation service in their websites and some have fully developed and implemented their language access plans, offering translation and interpretation as determined appropriate based on the Four-Factor Analysis.

MassDOT will share with its subrecipients any materials developed in languages other than English (for example, comment forms, notices of language assistance, and informational brochures). To facilitate this sharing of documents/information, MassDOT has developed a SharePoint webpage to which the MPO Title VI staff members have permission to access and can now obtain these materials. These materials are consistently in use by these key subrecipients statewide. Similarly, other MassDOT subrecipients of FTA funding have access to multi-lingual vital template documents through GrantsPlus+, the state's online grant administration website.

## Training

### Title VI/ Language Access Training

MassDOT's Title VI unit is currently working in collaboration with the Learning and Development Office to develop and deliver comprehensive Title VI and language access training for all employees. This initiative will include training for current staff across all departments, as well as integrating Title VI and language access training into the onboarding process for all new hires. These trainings will focus on implementing the agency's Title VI Programs and Language Access Plan. In the future we plan to explore the possibility of offering tailored trainings that align with the specific missions and responsibilities of each department or office. For example, Right of Way staff may receive tailored instruction on addressing language barriers encountered during field work involving LEP (Limited English Proficient) abutters. Currently these types of sessions are available upon request.

### Departmental Trainings by Title VI Staff

MassDOT's Title VI team offers trainings to all MassDOT divisions and departments. These trainings are tailored to the unique role of each office to draw direct connections to the Title VI implications in the specific activities performed by that group. While no two trainings are identical under this tailored approach, there are consistent themes and topics, including Title VI related public engagement and language access requirements. In this context, strategies for diverse and inclusive public engagement are discussed as are the fundamentals of the LEP four-factor analysis, the concept of vital communications, and the department-level strategies available to address language barriers if and when they are encountered.

### Anti-Discrimination and Harassment Prevention (ADHP)

MassDOT's ADHP training focuses on civil rights and MassDOT policies. One goal of the training is to have employees gain an understanding of supervisors' responsibilities, employees' rights and responsibilities, and customers' rights under the laws and MassDOT policies. Another goal is to develop skills and best practices for focusing on legitimate reasons for all employment decisions, and accountability regarding the same; to review best practices for maintaining excellence in customer service; and to learn when to seek assistance and/or partner with ODCR and/or other appropriate representatives at MassDOT.

This mandatory training is offered in separate sessions for supervisors and non-supervisory employees. Managers and supervisors are required to take the training every two years; all frontline employees must complete the one-day training every three years. The training includes a discussion of workplace scenarios, including interactions with customers who are unable to speak English.

### Virtual Public Involvement Training

Beginning in March 2020, as a result of the COVID-19 pandemic, MassDOT developed and implemented a training program specifically related to virtual public involvement. These trainings include detailed information and resources regarding language access and eliminating language barriers to participation in virtual public meetings. These trainings are housed on MassDOT's online training platform – the Learning Hub – and are available to all staff, consultants, subrecipients, project partners, and any other individuals or groups who need access. The Learning Hub system allows managers to assign certain trainings as mandatory for staff members, which helps ensure that the necessary staff participate in this training curriculum.

### Providing Notice to LEP Persons

MassDOT relies on a variety of methods and media in communicating its Notice and the availability of language assistance to LEP individuals and the general public. These include:

- Public meetings and hearing notices
- Incorporation into key publications

- Postings on the agency website
- Document publication webpages
- Project dedicated webpages
- Distribution through community-based neighborhood organizations including those serving or representing LEP populations as well as minority and low-income groups.

### **Monitoring and Updating the Language Assistance Plan**

MassDOT, on an ongoing basis, reviews the effectiveness of the LEP Plan using strategies that may include, but are not limited to the following:

- Solicit direct feedback from CBOs and other stakeholders by distributing a questionnaire or holding focus group sessions on communicating with LEP individuals;
- Assess the demographic composition of the Commonwealth using the most appropriate census data or data collected from community organizations;
- Measure the actual frequency of contact by LEP persons by collecting information from the agency website and frontline operations staff interviews;
- Partnering with other local agencies and organizations and participation in regional forums and events focused on issues of diversity and social equity; and
- Changes by MassDOT to this Language Assistance Plan, as needed.

## APPENDIX A



Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Monica Tibbitts-Nutt, Secretary & CEO



# TITLE VI/NONDISCRIMINATION ASSURANCES

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*The United States Department of Transportation (U.S. DOT) Order No. 1050.2A*

The Massachusetts Department of Transportation (hereinafter referred to as the “Recipient”) hereby agrees that, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

## STATUTORY/REGULATORY AUTHORITIES

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- 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);
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

## GENERAL ASSURANCES

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In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that:

*No person in the United States shall, on the grounds of race, color, national origin, 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 U.S. DOT, including FHWA.*

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

## SPECIFIC ASSURANCES

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More specifically, and without limiting the above General Assurances, the Recipient gives the following Specific Assurances:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts and the Regulations made in connection with all its programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*The Massachusetts Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby affirmatively ensures that for any contract entered into pursuant to this advertisement, all bidders, including disadvantaged business enterprises, will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin in consideration for an award.*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will 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, use, or improvements thereon or interest therein to the Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the 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 activity, project, or program (Appendix C); and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will 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, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this Assurance, the Massachusetts Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Massachusetts Department of Transportation gives this Assurance in consideration of and for obtaining any 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 U.S. Department of Transportation under the Federal-aid Highway Program. This Assurance is binding on the Massachusetts Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the Recipient.

**SIGNED FOR THE RECIPIENT:**



9/10/25

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Monica Tibbits-Nutt  
Secretary & CEO  
Massachusetts Department of Transportation

Date

## **SUBRECIPIENT ASSURANCES**

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The \_\_\_\_\_ (hereinafter referred to as the "Sub-Recipient"), hereby agrees that, as a condition of receiving any Federal financial assistance from the United States Department of Transportation (U. S. DOT), Federal Highway Administration (FHWA), from the Commonwealth of Massachusetts, through its Department of Transportation (Recipient), it is subject to and must comply with the Acts and Regulations 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.

### **SIGNED FOR THE SUB-RECIPIENT:**

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(Signature & Date)

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(Print Name & Title)

## APPENDIX A

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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 (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, 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 will 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.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Massachusetts Department of Transportation (MassDOT) or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, 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 will so certify to MassDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, MassDOT will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six 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 will take action with respect to any subcontract or procurement as MassDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request MassDOT to enter into any litigation to protect the interests of MassDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

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### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will 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 U.S. Department of Transportation (hereinafter referred to as "U.S. DOT"), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as "FHWA") of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT 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 Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof.*

### (HABENDUM CLAUSE)

*To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation 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 will be binding on the Massachusetts Department of Transportation, its successors and assigns.*

*The Massachusetts Department of Transportation, 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 will on the grounds of race, color, 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 Massachusetts Department of Transportation will 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;*

*(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, U.S. DOT will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.\**

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\* 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.

## APPENDIX C

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### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7(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 activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin will 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 Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, 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 Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.\**

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\* 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.

## APPENDIX D

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### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7(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 will be excluded from participation in, denied the benefits of, or otherwise be 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 will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,*
  - (3) *that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
- B. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or 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 non-discrimination covenants, the [description of the property] will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.\**

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

## APPENDIX E

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During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor,” which includes consultants) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### PERTINENT NON-DISCRIMINATION 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); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- 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) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

## **APPENDIX B**

## POLICY DIRECTIVE



Monica Tibbits-Nutt, Secretary and CEO

Supersedes Policy CR-001k (9-24)

All MassDOT employees,  
subrecipients, and contractors

### Applicability

## TITLE VI/NONDISCRIMINATION POLICY STATEMENT

The Massachusetts Department of Transportation (MassDOT) assures that no person shall, on the basis of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, as required by Title VI of the Civil Rights Act of 1964 (Title VI), as amended (42 U.S.C. § 2000d et seq.), and the Civil Rights Restoration Act of 1987 (P.L. 100.259).<sup>1</sup> Title VI prohibits discrimination based on race, color, and national origin (including limited English proficiency). Related federal nondiscrimination authorities prohibit discrimination on the basis of sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; and disability, 29 U.S.C. 790.

MassDOT also upholds the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, Articles CVI & CXIV of the Massachusetts Constitution, and Massachusetts Executive Order 592, section 4 which provide that access to programs, services and benefits be provided without regard to religion, creed, sexual orientation, gender identity or expression, veteran's status, ancestry, genetics, pregnancy or pregnancy-related condition, and/or background, along with the bases previously referenced. MassDOT recognizes and complies with statutory and regulatory requirements prohibiting discrimination on the basis of income status (such as 301 CMR 11.00). MassDOT will facilitate meaningful and nondiscriminatory public participation in transportation programs, services, and activities, including the transportation planning and project development process; and take reasonable steps to provide meaningful access to programs and services to persons who are limited in English proficiency, as required under Massachusetts Executive Order 615.

MassDOT's Chief Diversity Officer is designated as MassDOT's Title VI Coordinator. The authority to develop, implement, and manage the agency's Title VI Program is delegated to ODCR's Director of Title VI and Accessibility and MassDOT's Title VI Specialist.

Please visit MassDOT's civil rights webpage to obtain additional information on its nondiscrimination in transportation programs<sup>2</sup>.

To file a complaint regarding MassDOT's civil rights programs, please visit our webpage on complaint filing for more information<sup>3</sup>. A complaint form is available, but not required. Assistance is available to facilitate completing and submitting the form. Complaints must be filed within one hundred eighty (180) days of the date of the incident.

You may contact MassDOT's Office of Diversity and Civil Rights by phone at (857) 368-8580 or via e-mail at [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us).

For a copy of MassDOT's public nondiscrimination notice, please visit MassDOT's Title VI webpage<sup>4</sup>.

<sup>1</sup> This includes relevant federal regulatory requirements of 49 C.F.R part 21 and 49 C.F.R. part 303.

<sup>2</sup> <https://www.mass.gov/nondiscrimination-in-transportation-program>

<sup>3</sup> <https://www.mass.gov/how-to/how-to-file-a-transportation-related-discrimination-complaint>

<sup>4</sup> <https://www.mass.gov/info-details/title-vi-rights-and-protections>

If this information is needed in another language, please contact the MassDOT Title VI Specialist at 857-368-8580.

Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do MassDOT pelo telefone 857-368-8580.

Si necesita esta información en otro idioma, por favor contacte al especialista de MassDOT del Título VI al 857-368-8580.

如果需要使用其它语言了解信息, 请联系马萨诸塞州交通部 (MassDOT) 《民权法案》第六章专员, 电话857-368-8580。

如果需要使用其它語言了解信息, 請聯繫馬薩諸塞州交通部 (MassDOT) 《民權法案》第六章專員, 電話857-368-8580。

Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь со специалистом по Титулу VI Департамента Транспорта штата Массачусетс (MassDOT) по тел: 857-368-8580.

Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Espesyalis MassDOT Title VI la nan nimewo 857-368-8580.

Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Chuyên viên Luật VI của MassDOT theo số điện thoại 857-368-8580.

Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le spécialiste du Titre VI de MassDOT en composant le 857-368-8580.

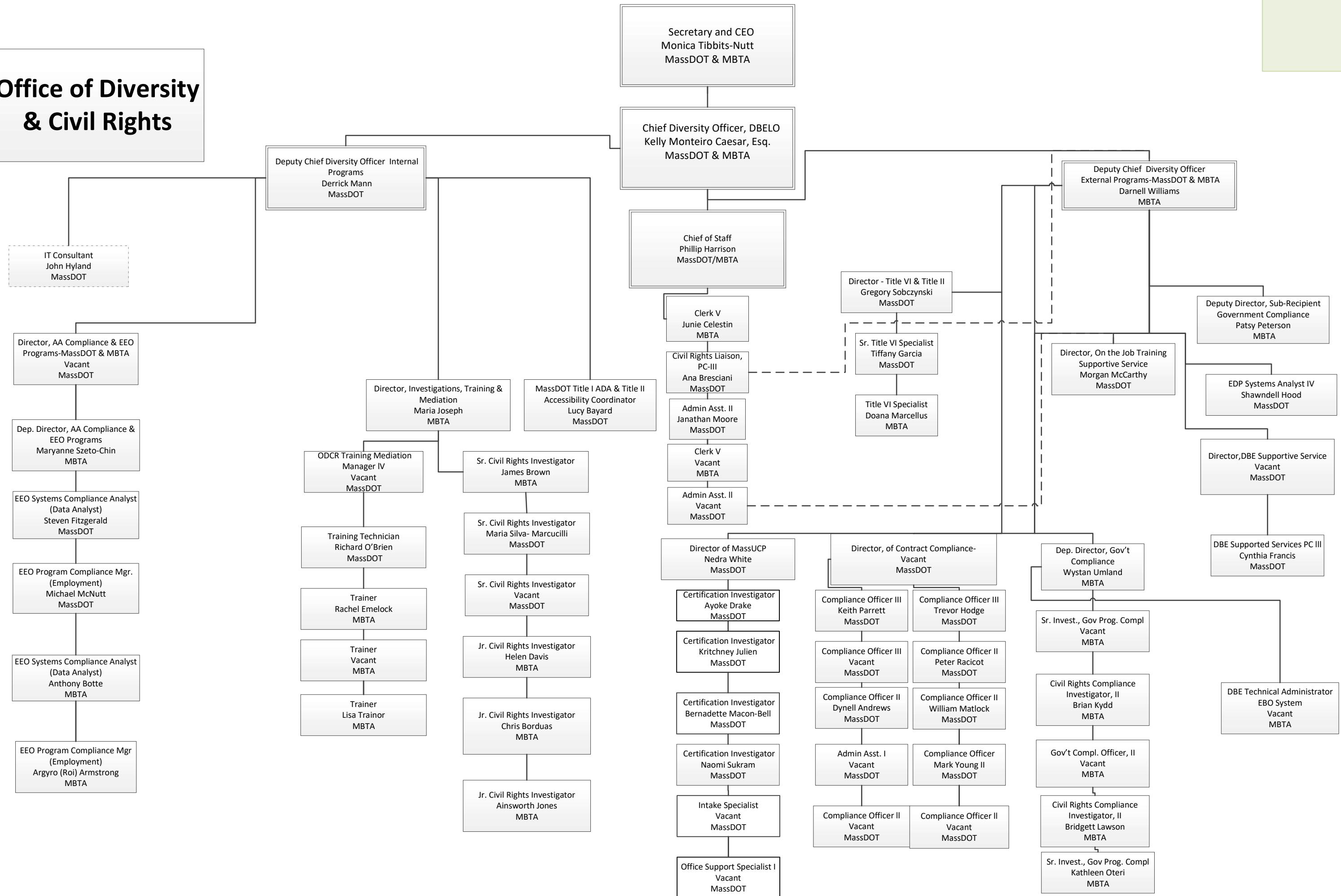
Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare lo Specialista MassDOT del Titolo VI al numero 857-368-8580.

ប្រសិទ្ធភាពក្រុងក្រសួងពេទ្យព័ត៌មាននេះ ស្ថិតក្នុងក្រសួងពេទ្យលីដីពីទី ៦ នៃក្រសួងពេទ្យ តាមលេខទូរសព្ទ **857-368-8580**

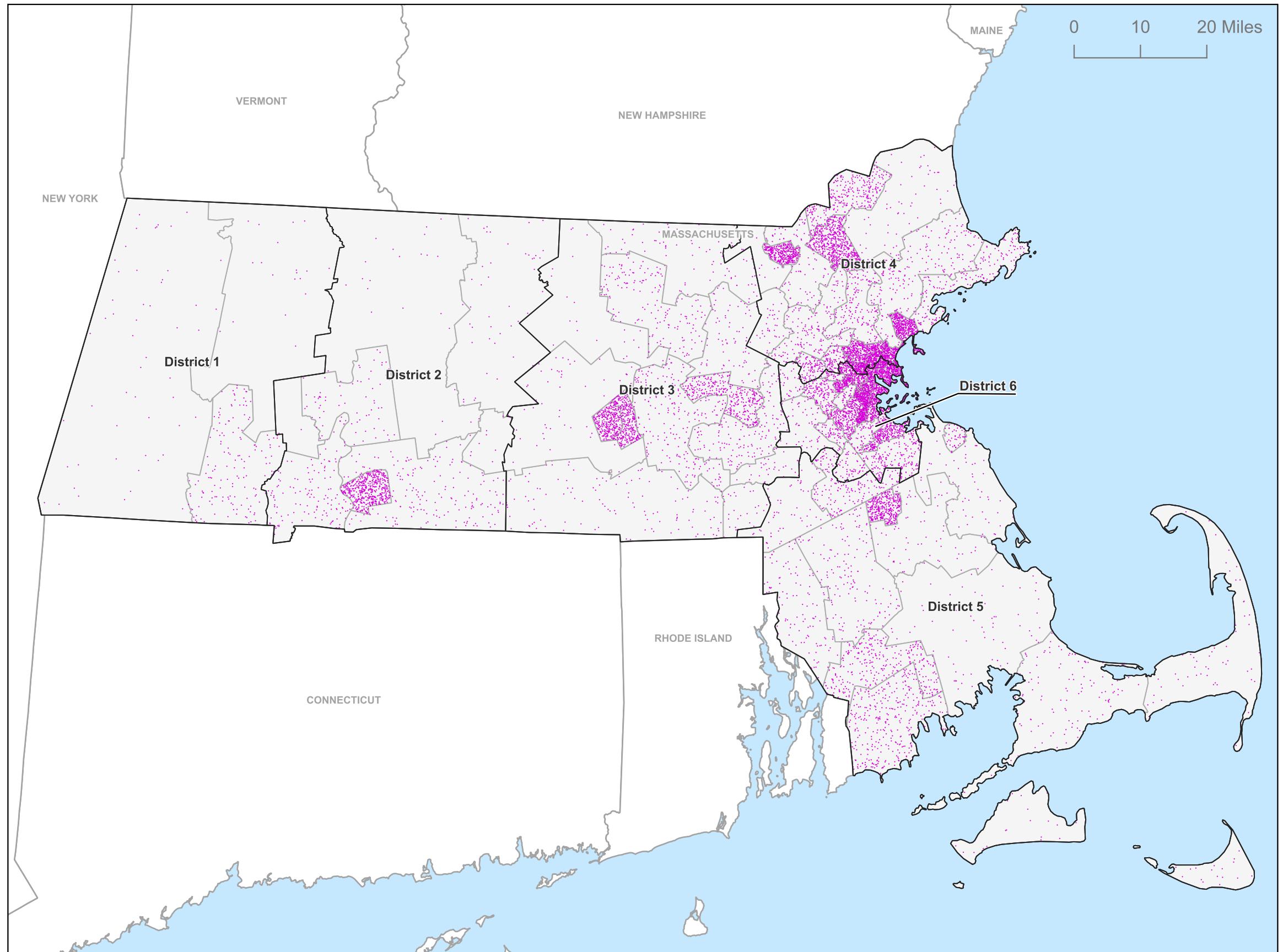
إن كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بأخصائي الفقرة السادسة على الهاتف 857-368-8580

## APPENDIX C

# Office of Diversity & Civil Rights



## APPENDIX D



**FIGURE 1**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**People with Limited English Proficiency**

All speakers who speak English "less than very well" (1 dot = 50 speakers)

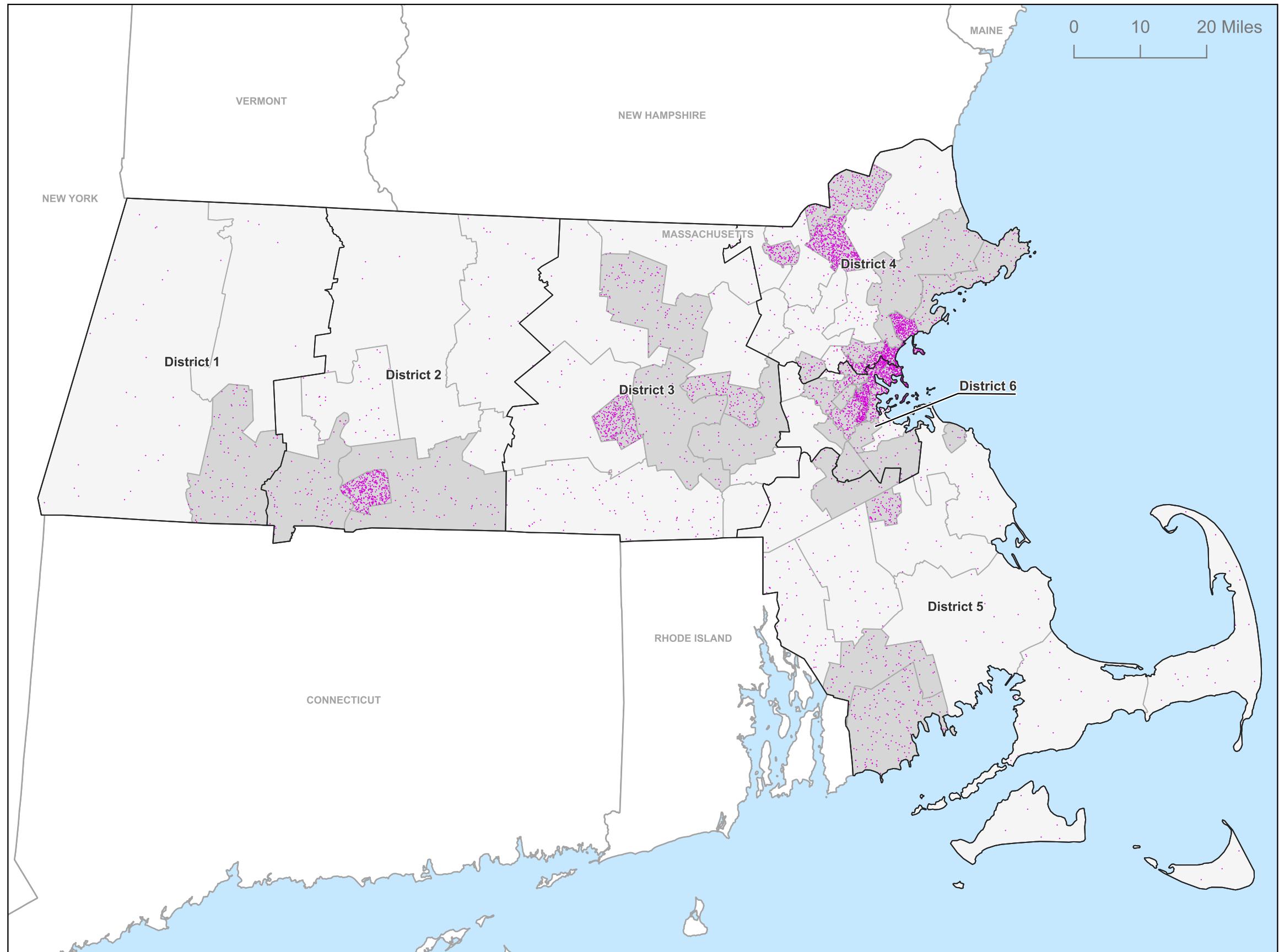
Highway District

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2023 American Community Survey five-year Public Use Microdata Samples.

Public Use Microdata Areas (PUMAs) are non-overlapping geographic areas defined by the US Census Bureau that contain no fewer than 100,000 people.

Dots are placed randomly within PUMAs to indicate the number of people with limited English proficiency.

The percentage of LEP persons in Massachusetts is 9.8 percent of the total population age five or older.



**FIGURE 2**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**Spanish-speaking People with Limited English Proficiency**

- Spanish speakers who speak English "less than very well" (1 dot = 50 speakers)
- Significant Spanish-speaking population
- Highway District

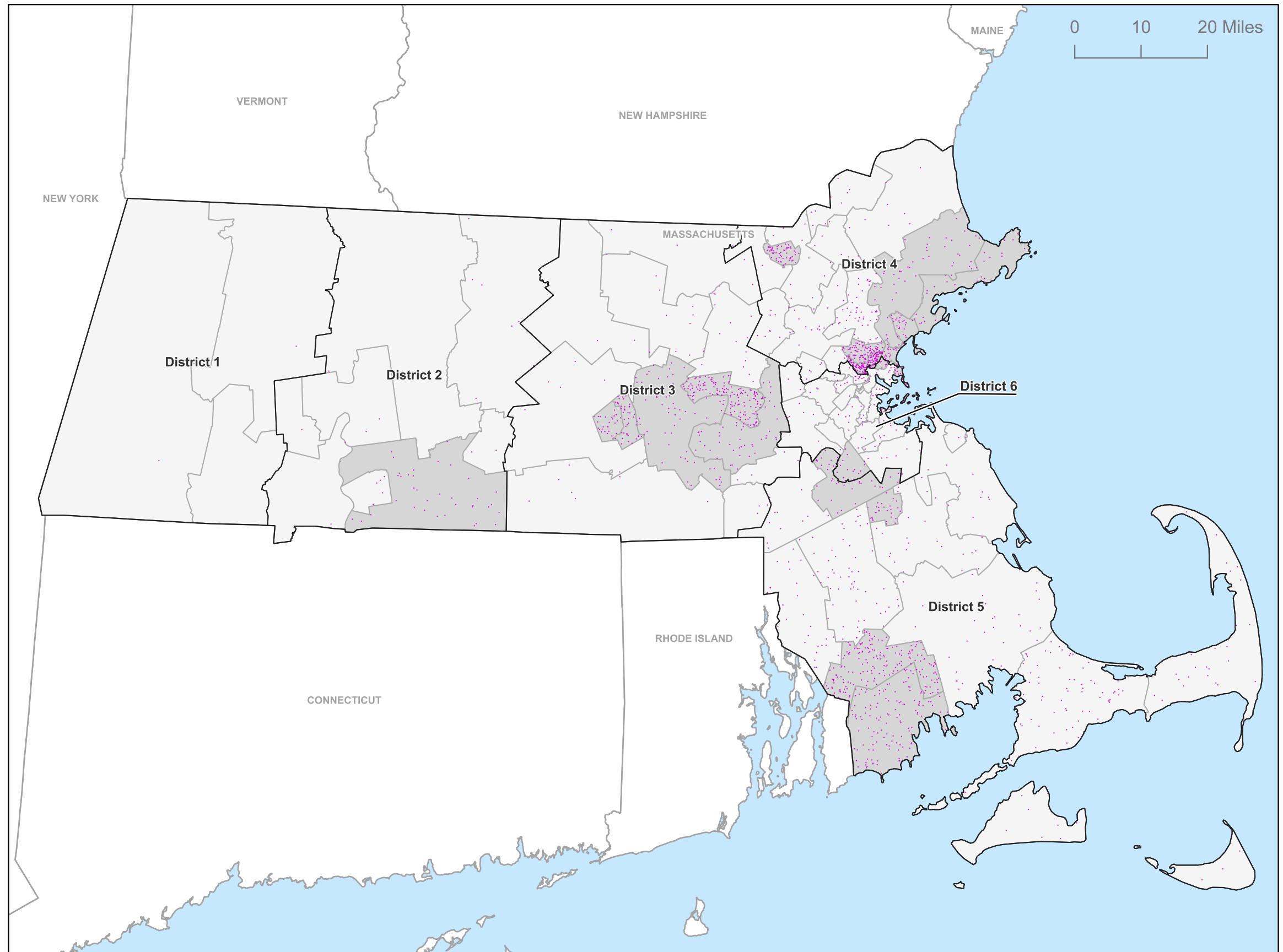
Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2023 American Community Survey five-year Public Use Microdata Samples.

This map shows where the LEP population is more than five percent of the total population of a PUMA and where the Spanish-speaking population is either more than 1,000 individuals or more than 25 percent of the PUMA's LEP population.

Public Use Microdata Areas (PUMAs) are non-overlapping geographic areas defined by the US Census Bureau that contain no fewer than 100,000 people.

Dots are placed randomly within PUMAs to indicate the number of people with limited English proficiency.

The percentage of LEP persons in Massachusetts is 9.8 percent of the total population age five or older.



**FIGURE 3**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**Portuguese-speaking People with Limited English Proficiency**

- Portuguese speakers who speak English "less than very well" (1 dot = 50 speakers)
- Significant Portuguese-speaking population
- Highway District

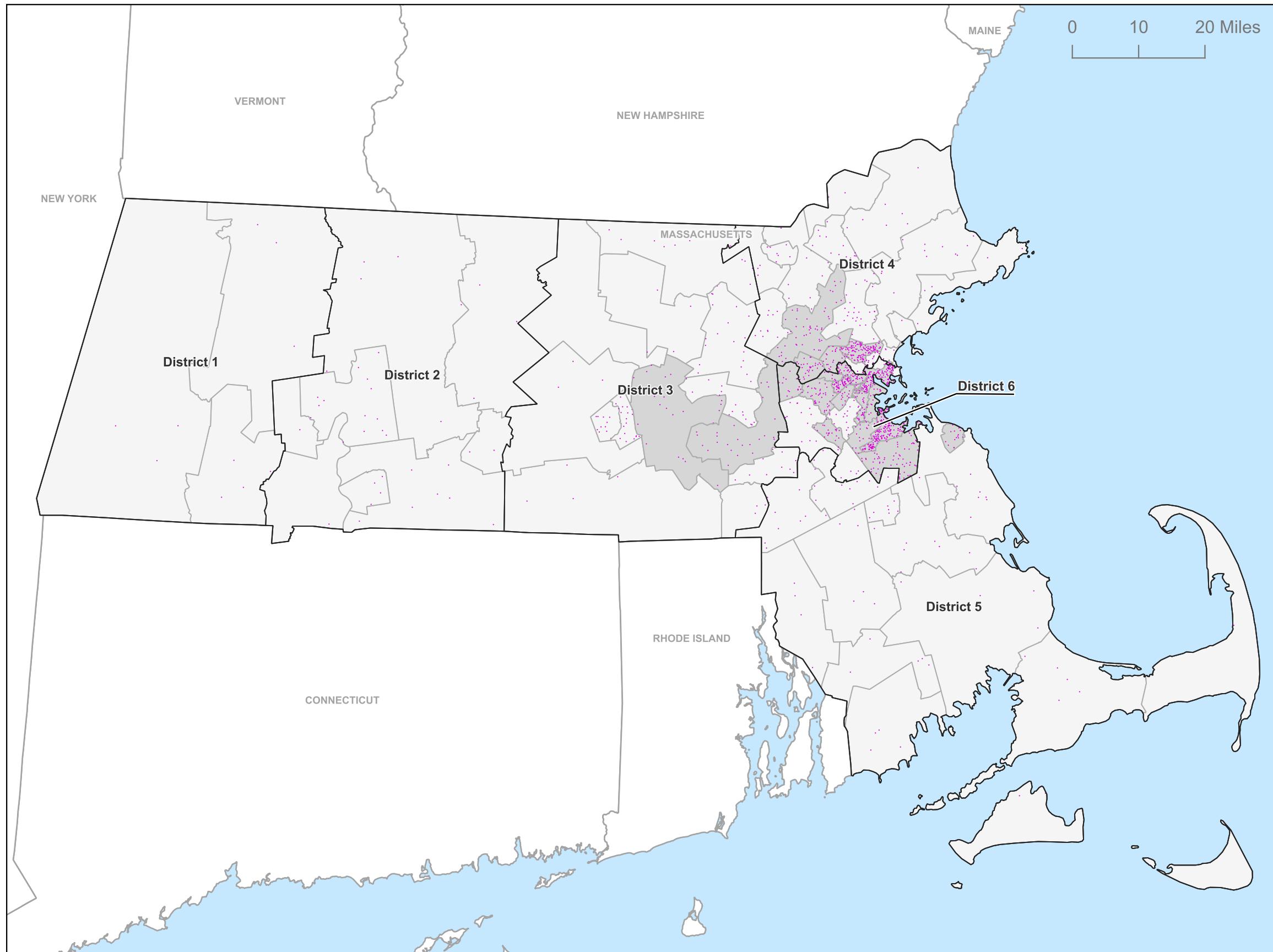
Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2023 American Community Survey five-year Public Use Microdata Samples.

This map shows where the LEP population is more than five percent of the total population of a PUMA and where the Portuguese-speaking population is either more than 1,000 individuals or more than 25 percent of the PUMA's LEP population.

Public Use Microdata Areas (PUMAs) are non-overlapping geographic areas defined by the US Census Bureau that contain no fewer than 100,000 people.

Dots are placed randomly within PUMAs to indicate the number of people with limited English proficiency.

The percentage of LEP persons in Massachusetts is 9.8 percent of the total population age five or older.



**FIGURE 4**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**Chinese-speaking People with Limited English Proficiency**

- Chinese speakers who speak English "less than very well" (1 dot = 50 speakers)
- Significant Chinese-speaking population
- Highway District

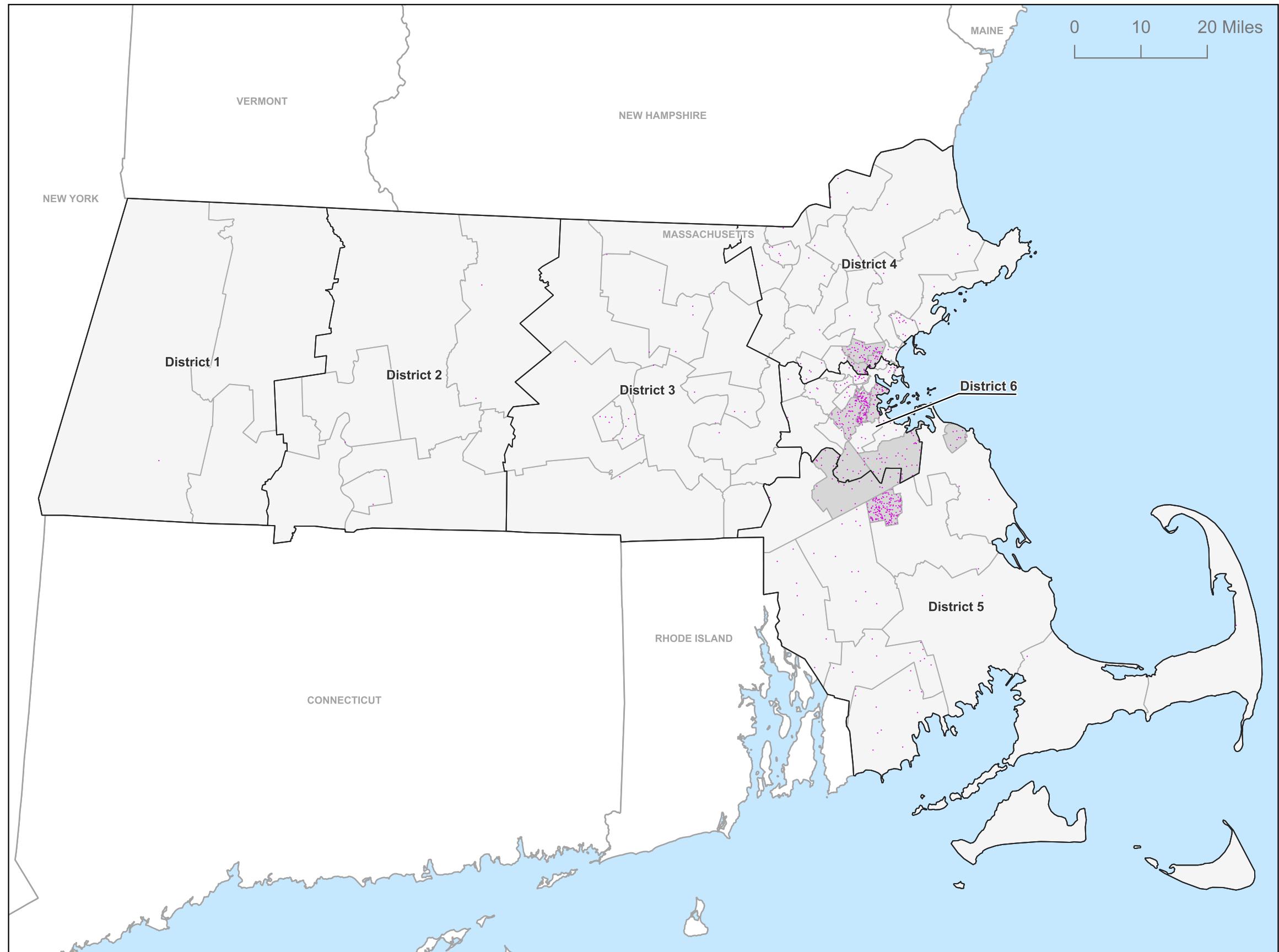
Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2023 American Community Survey five-year Public Use Microdata Samples.

This map shows where the LEP population is more than five percent of the total population of a PUMA and where the Chinese-speaking population is either more than 1,000 individuals or more than 25 percent of the PUMA's LEP population.

Public Use Microdata Areas (PUMAs) are non-overlapping geographic areas defined by the US Census Bureau that contain no fewer than 100,000 people.

Dots are placed randomly within PUMAs to indicate the number of people with limited English proficiency.

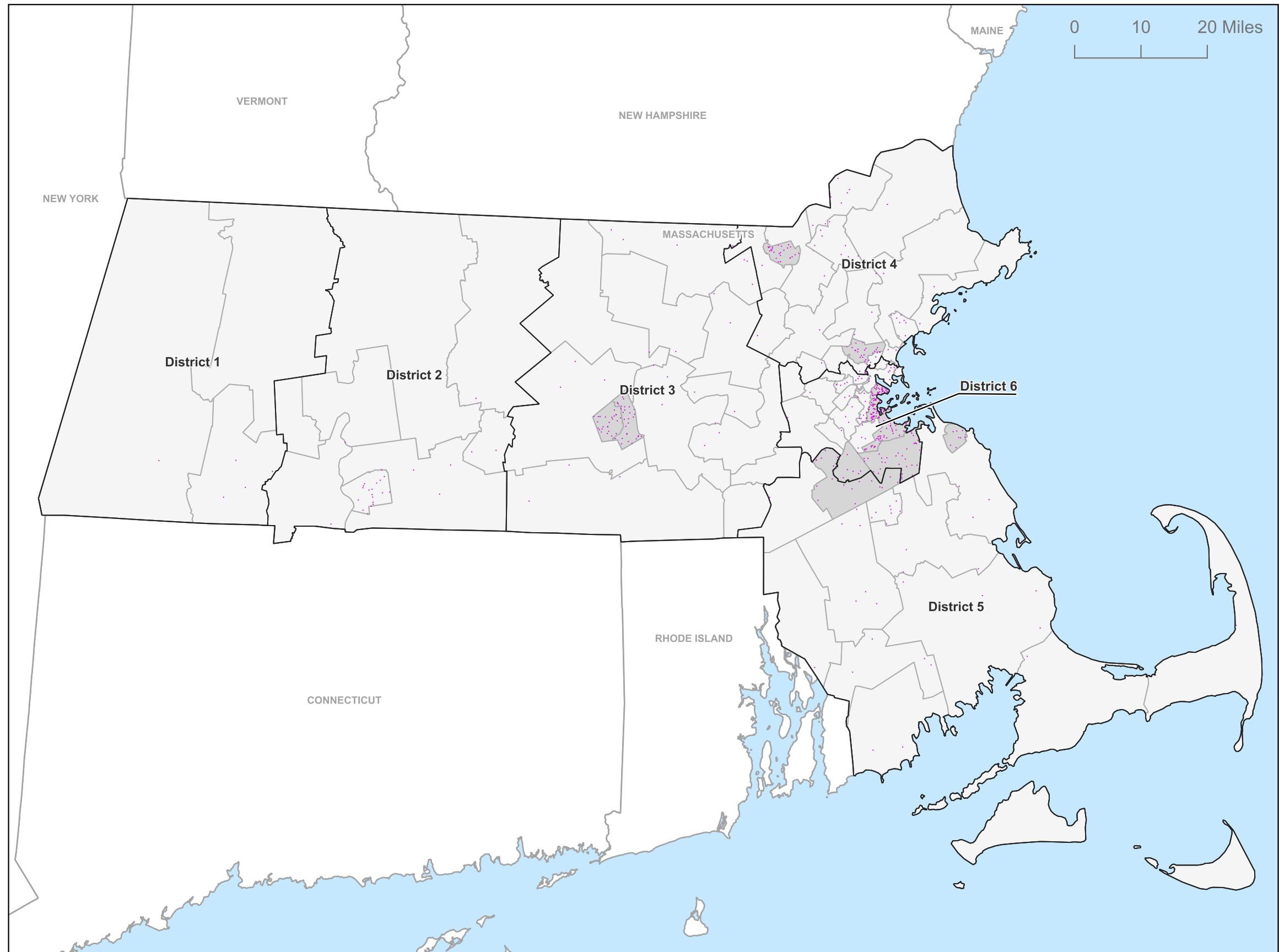
The percentage of LEP persons in Massachusetts is 9.8 percent of the total population age five or older.



**FIGURE 5**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**Haitian-speaking People with Limited English Proficiency**

- Haitian speakers who speak English "less than very well" (1 dot = 50 speakers)
- Significant Haitian-speaking population
- Highway District



**FIGURE 6**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**Vietnamese-speaking People with Limited English Proficiency**

- Vietnamese speakers who speak English "less than very well" (1 dot = 50 speakers)
- Significant Vietnamese-speaking population
- Highway District

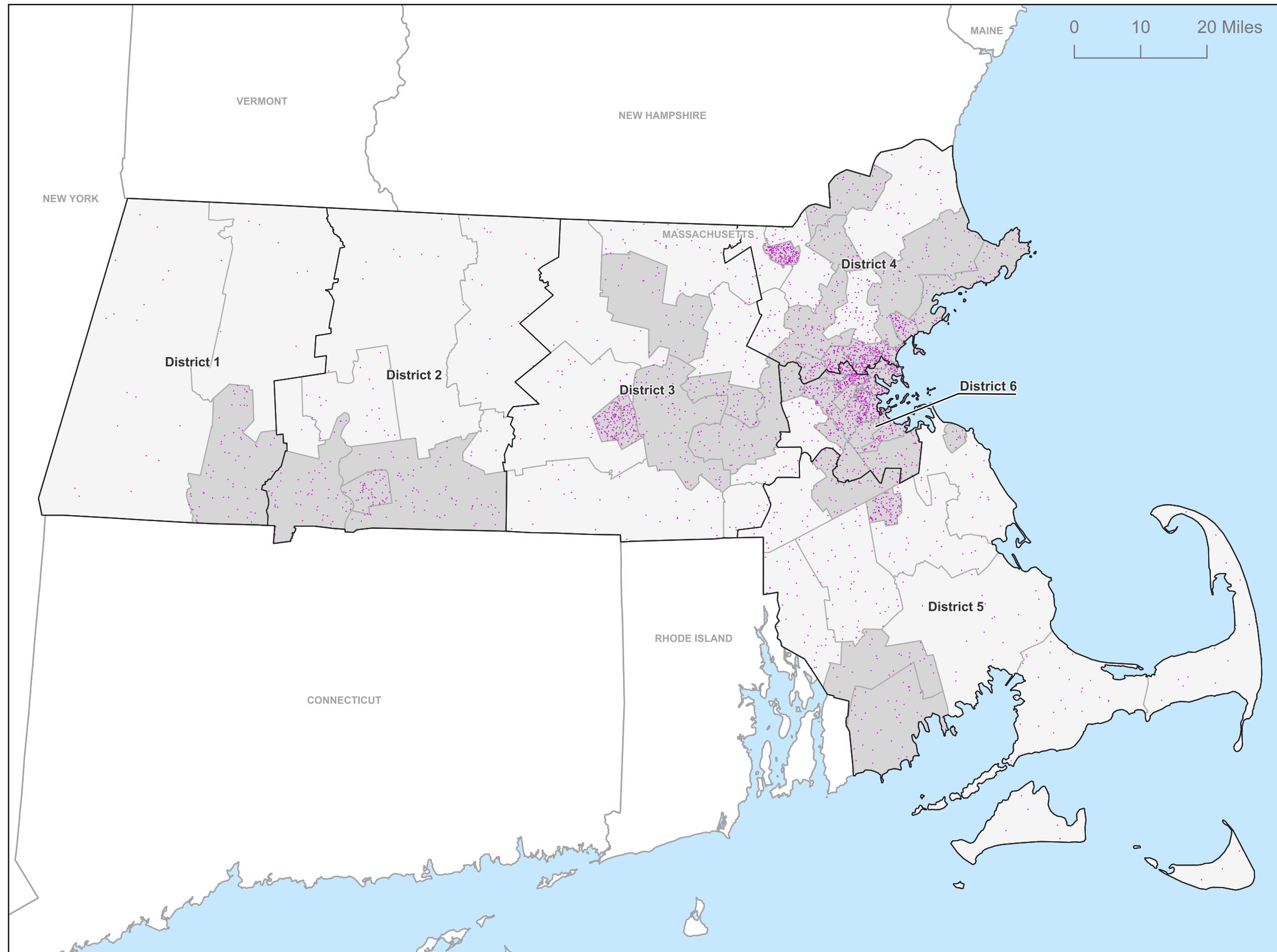
Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2023 American Community Survey five-year Public Use Microdata Samples.

This map shows where the LEP population is more than five percent of the total population of a PUMA and where the Vietnamese-speaking population is either more than 1,000 individuals or more than 25 percent of the PUMA's LEP population.

Public Use Microdata Areas (PUMAs) are non-overlapping geographic areas defined by the US Census Bureau that contain no fewer than 100,000 people.

Dots are placed randomly within PUMAs to indicate the number of people with limited English proficiency.

The percentage of LEP persons in Massachusetts is 9.8 percent of the total population age five or older.



**FIGURE 7**  
**Massachusetts Limited English Proficiency (LEP) Populations**

**Speakers of Languages Other than the Top Five Most Common Languages**

Speakers who speak a language not included in the top five LEP languages and who speak English "less than very well" (1 dot = 50 speakers)

Significant population of LEP residents speaking a language other than top five LEP languages

Highway District

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2023 American Community Survey five-year Public Use Microdata Samples.

This map shows where the LEP population is more than five percent of the total population of a PUMA and where the population that speaks a language other than the five most common languages is either more than 1,000 individuals or more than 25 percent of the PUMA's LEP population.

Public Use Microdata Areas (PUMAs) are non-overlapping geographic areas defined by the US Census Bureau that contain no fewer than 100,000 people.

Dots are placed randomly within PUMAs to indicate the number of people with limited English proficiency.

The percentage of LEP persons in Massachusetts is 9.8 percent of the total population age five or older.