



Highway Division Title VI Program

Implementation Plan

Prepared By:

MassDOT Office of Diversity & Civil Rights

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Chapter 1

Standard DOT Assurances

TITLE VI/NONDISCRIMINATION ASSURANCES

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

The Massachusetts Department of Transportation (MassDOT) (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

- 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 (including limited English proficiency));
- 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 are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

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

More specifically, and without limiting the above general Assurance, the Recipient gives the following 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 for the duration of Recipient ownership of the facility and future deeds, leases, licenses, permits, or similar transfers where the use of the facility remains transportation related (see Specific Assurance #8, below).
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 the 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:


Jamey Tesler (Feb 23, 2022 12:09 EST)

02/23/2022

Jamey Tesler
Secretary/CEO
Massachusetts Department of Transportation

Date

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (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 (including limited English proficiency), age, sex, disability, or low-income status 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 (including limited English proficiency), age, sex, disability, or low-income status.
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 Nondiscrimination 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 control, 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

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 shall 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 (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the 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, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations 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.**

* 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

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7a:

1. *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:*
 - a. *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 (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
2. *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.**

* 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.

3. *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.**

APPENDIX D

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7b.

1. *“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 (including limited English proficiency), age, sex, disability, or low-income status 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 (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (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.*
2. *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.**
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there*

* 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.

*upon revert to and vest in and become the absolute property of the
Massachusetts Department of Transportation and its assigns.**

APPENDIX E

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)

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- 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)

POLICY DIRECTIVE


Jamey Tesler (Feb 23, 2022 12:09 EST)

Jamey Tesler, Secretary and CEO

Supersedes Policy CR-001g (3-21)

Members of the Public and
Subrecipients/Contractors
Receiving Federal Financial
Assistance through MassDOT
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).¹ Title VI prohibits discrimination based on race, color, and national origin (including limited English proficiency). Related federal nondiscrimination authorities add the protected categories of sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability, 29 U.S.C. 790; low-income, federal Executive Order 12898; and limited English proficiency, federal Executive Order 13166.

MassDOT also upholds the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, Articles CVI & CXIV of the Massachusetts Constitution, and the Governor's Executive Order 526, 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, and/or background, along with the bases previously referenced. In addition, MassDOT will facilitate meaningful and nondiscriminatory public participation in transportation programs, services, and activities, including the transportation planning and project development process.

The Assistant Secretary for Civil Rights and Director of the Office of Diversity and Civil Rights (ODCR) 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.

To obtain additional information on MassDOT and/or its subrecipients' nondiscrimination obligations, to request a copy of the Department's Title VI program, including the agency's Title VI Assurance, or to request such materials in alternative formats (large-print, braille, audio, etc.) or translated, please contact MassDOT's Title VI Specialist at (857) 368-8580 or via e-mail at MASSDOT.CivilRights@state.ma.us.

To file a complaint of alleged violation of nondiscrimination obligations, complaint forms and further information may be obtained from MassDOT by calling (857) 368-8580, or via our website at <https://www.mass.gov/nondiscrimination-in-transportation-program>. Any such complaint should be in writing and staff is available to assist individuals who cannot provide a written complaint. Complaints must be filed with MassDOT's Office of Diversity and Civil Rights within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

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

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.

ប្រសិនបើលោក-អ្នកត្រូវការរបកប្រែពីភាសានេះ ឬអ្វីមួយទាក់ទងអ្នកឯកទេសចំណុចទី6 របស់MassDot តាមរយៈលេខទូរស័ព្ទ 857-368-8580

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

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 of 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 for over 30 million annual customers.

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 Assistant Secretary of Civil Rights 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 and within programs, services, and activities.

At MassDOT, the Assistant Secretary for Civil Rights serves as the Director of the Office of Diversity and Civil Rights and as the agency's Title VI Coordinator. In this capacity, the Assistant Secretary for Civil Rights reports directly to the Secretary/CEO of MassDOT on overall state and federal civil rights obligations and to the MassDOT Administrator of the Rail and Transit Division on civil rights matters concerning FTA-funded programs, services, and activities.

The Director of Title VI and Accessibility reports to the Assistant Secretary for Civil Rights. 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
- Develop and implement the processing of discrimination complaints pursuant to Title VI/Nondiscrimination
- 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.

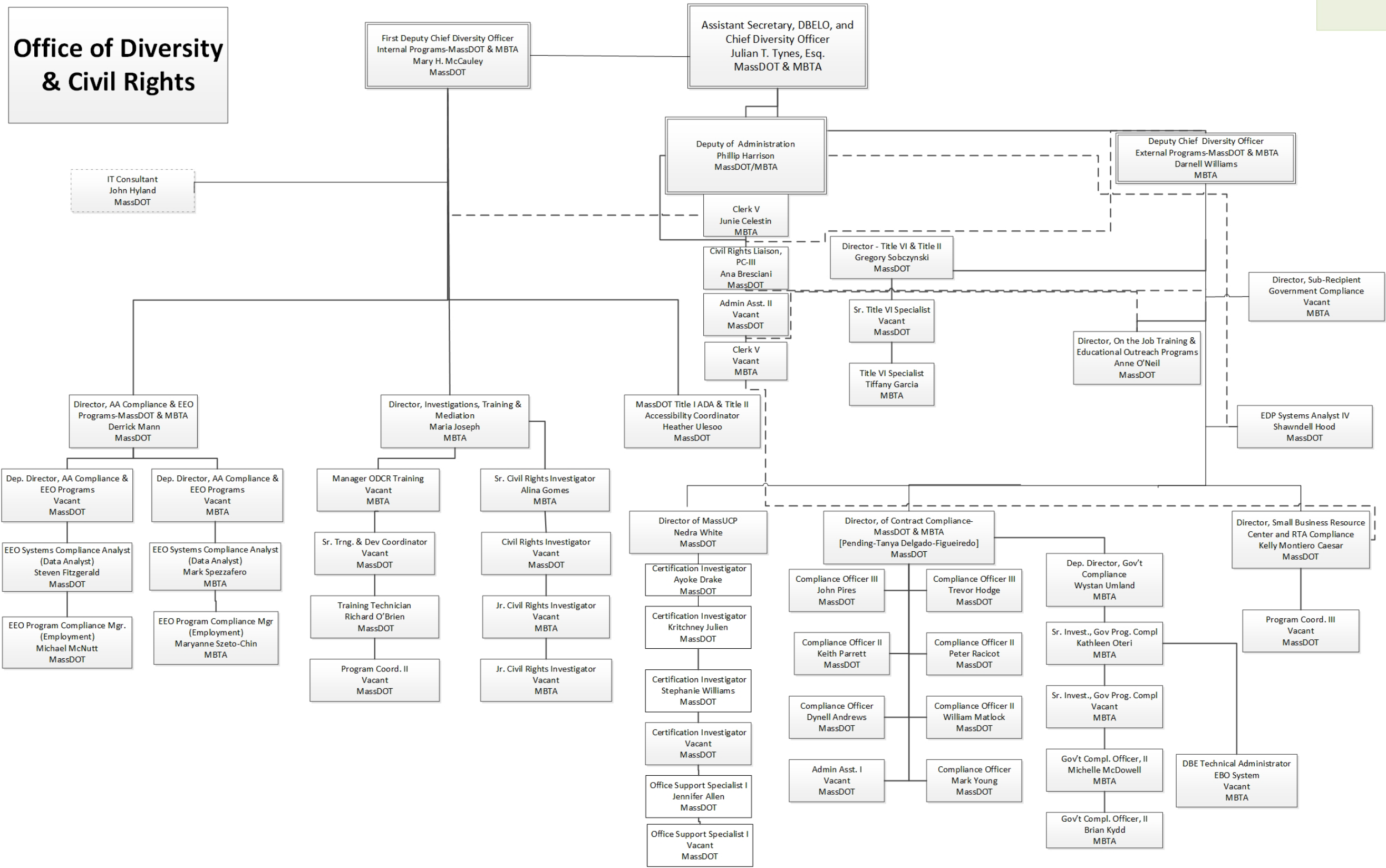
The Title VI Specialist is responsible for developing, implementing, coordinating, and monitoring MassDOT's Title VI Program and ensuring MassDOT's compliance with Title VI regulations. The Title VI Specialist:

- 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, conducts complaint intakes, investigates discrimination complaints, 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 resubmissions
- 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 develop workable solutions to agency-wide program development and rollout, MassDOT's Title VI personnel convenes a Title VI Steering Committee, as needed, which is chaired by the Director of Title VI and Accessibility and the Title VI Specialist. 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.

Office of Diversity & Civil Rights



Chapter 3

Program Review Procedures

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency’s implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Program Review Procedures	
Activity	Description
Internal assessments	MassDOT’s Title VI staff is aiming to perform internal assessments of at least one federal program area within the agency during 2023.

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) is responsible for implementing state and federal planning requirements. It oversees the federally mandated metropolitan planning process and development of Long-Range Transportation Plans, Transportation Improvement Programs, and Unified Planning Work Programs. It develops the agency's Capital Investment Plan, Statewide Strategic Plan, State Transportation Improvement Program, and modal plans.

Services, functions, and products of OTP include:

- Sustainable transportation programs
- GIS planning and mapping
- Major-development review and traffic mitigation negotiation
- Transportation research and analysis
- Transit planning and programs
- Statewide freight planning
- Intelligent-transportation-systems planning
- Coordinator of research projects by third-party contractors

Title VI Role

Every department within the Office of Transportation Planning plays a key role in supporting MassDOT's Title VI compliance profile. Modal planning staff develops modal plans based on public input gathered through outreach efforts that include soliciting feedback from Title VI communities across the Commonwealth. MPO/RPA Liaisons in the MPO Activities department monitor the regional planning activities of the state's regional planning organizations to ensure they are meeting all federal and state regulatory requirements, including Title VI. The Research group regularly solicits ideas for research projects that include Title VI implications. The GIS Services office 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 Title VI 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. The Department's planning process also includes the monitoring and collection of varied data pertaining to transportation issues. 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 various demographics in the planning process. Specifically:
 - a) Recognize specific and prominent community issues and circumstances
 - b) Utilize mechanisms for eliciting and soliciting Title VI population involvement
 - 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, 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
5. Outreach to minorities, women, and economically disadvantaged business enterprises with research contracting opportunities
6. Work with the Title VI Specialist to conduct pre-federal-assistance reviews of potential subrecipients
7. Work with the Title VI Specialist to conduct Title VI compliance reviews of departmental activities
8. Work with the Title VI Specialist to conduct annual post-federal-assistance reviews of each MPO's and RPA
9. Ensure nondiscrimination in the distribution/solicitation of research contracts and in the consultant selection process

10. Identify minority colleges and universities (or minority technical/research associations within colleges and universities) and ensure that they receive all proposal/problem statement solicitations and instruct on how to develop/tailor the services they offer to participate in MassDOT projects
11. Ensure that Disadvantaged Business Enterprise (DBE) participation in consultant contracts is monitored and reported to the Department's DBE Liaison Officer
12. 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
13. Maintain records of all Title VI efforts

OTP GIS Services

The GIS Services team within OTP clearly understands Title VI and environmental justice, as applicable to GIS map development. As such, GIS Services delivers enterprise services across the MassDOT divisions with consistency and provides confidence that Title VI, environmental justice, and other equity considerations are presented uniformly across the agency. The GIS team has a strong working relationship with the Title VI Specialist, continually collaborating on process improvements and finding innovative ways to graphically depict equity.

GIS Services 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. GIS Services continues to explore increased use of these tools and continued process improvements.

Additionally, the GIS Services 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.

While in live beta, the tool was presented at conferences and beta-tested with one of the MPOs which helped identify customer-experience process improvements. Now that the tool is operational and live, ODCR has begun incorporating 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.

During 2022, ODCR's Title VI team and the GIS Services unit are collaborating on functionality and user interface improvements to the Engage suite of tools. With technical assistance provided through a consultancy contract with CDM Smith, the Engage team has envisioned improvements to the Engage platform that better meets the needs of end-users, both internally and externally. What is today a suite of four distinct tools will, under the new platform, present all relevant information via a single combined user interface. These efforts are shaped by the input from internal and external stakeholders through a series of workshops the Engage team is convening to better understand use case scenarios and functionality improvements that will best serve the needs of the Engage user base. Three workshops are scheduled for September 2022, with attendees from MassDOT and MBTA's project management staff, public outreach staff, accessibility staff, as well as planners and public outreach specialists from among the state's MPOs/RPAs. Below are some documents pertaining to these workshops, including an agenda and description of activities as well as copies of the meeting invites for each session.

"Engage" Workshop Structure

Agenda:

- Introductions (5 minutes)
- First activity- Post-Up (20 minutes)
- Second activity - Storyboarding (20 minutes)
- Review and discussion (15 minutes)

Activities:

The point of these activities is to work in tandem with each other. The outcomes from the first activity will be used in the second activity. We will be looking at the smaller tasks (such as identifying community demographics, accessible meeting locations, etc.) that make up a larger task (such as planning a community meeting) in the first activity, then in the second activity using those smaller tasks to discuss the workflow of how a larger task is completed.

Post-Up:

We will use Whimsical to create a virtual workspace of the Engage applications (Community Contacts, Engage-Outreaching Mapping, Highway Project Impact, and Accessible Meeting Location). Participants will create sticky notes of smaller tasks that could make up any larger task. Participants will place the sticky notes they created in the quadrant that represents the Engage application that would be used for that task. For example, if the task was looking up a contact, the participant would put that sticky note in the Community Contacts quadrant. If a task needs multiple applications, you can put that sticky note in multiple quadrants.

Storyboarding:

The second activity, Storyboarding, will have participants laying out the smaller tasks, identified above, in a workflow order. The sticky notes from the previous activity will be brought into a new workspace where participants will use them to create a storyboard of their workflow. During this activity the goal is to capture the process you use when executing some larger tasks.

Closing:

After both activities we will discuss how the activities went, were there any items you wanted to bring up to us, any insights you have for us, and we will be asking you various questions based on what we saw. This section of the workshop will be a lot less structured and more open for conversation.

Engage Workshop Meeting Invitations:

Engage Workshop Invitation - Meeting

Search

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Attendee responses: 8 accepted, 0 tentatively accepted, 0 declined.
This appointment conflicts with another one on your calendar.

Send Update

TitleEngage Workshop InvitationMeeting Insights

Requiredeharvey@ctps.org; lcabral@srpedd.org; Kilmer, Charlie (OCPC); mhevenor@capecodcommission.org; jmccollough@pvpc.org; ygraxirena@cmrpc.org; Jennifer Chaves <JChaves@srpedd.org>

OptionalHasson, Charles B. <Brendan.Hasson@trinnex.io>; Garcia, Tiffany Rose (MBTA); Rutkowski, Michael <rutkowskima@cdmsmith.com>; Simo, Jose (DOT)

Start timeFri 9/23/202211:00 AMAll dayTime zones

End timeFri 9/23/202212:00 PMMake Recurring

LocationMicrosoft Teams MeetingRoom Finder

Engage Workshop Details.pdf152 KB

Here are the meeting details for the upcoming virtual workshop regarding improvements to the Engage platform.

Remember, in advance of the workshop, please set up an account with [Whimsical](#). You can use an existing Google account or create a new login, it is free, and should not take more than a few minutes. If you are having trouble with this process, please log in to the virtual meeting 10 minutes early and assistance will be provided.

Looking forward to your participation.

Sincerely,

Greg

In Shared FolderCalendar - Gregory.Sobczynski@dot.state.ma.us

Engage Workshop Invitation - Meeting

Search

FileMeetingScheduling AssistantTrackingInsertFormat TextReviewHelp

Attendee responses: 5 accepted, 0 tentatively accepted, 0 declined.
This appointment conflicts with another one on your calendar.

Send Update

TitleEngage Workshop InvitationMeeting Insights

RequiredWilliams, Liz (DOT); Krevat, Derek (DOT); Johnson, Doug (DOT); Pham, Hung (DOT)

OptionalHasson, Charles B. <Brendan.Hasson@trinnex.io>; Garcia, Tiffany Rose (MBTA); Rutkowski, Michael <rutkowskima@cdmsmith.com>; Simo, Jose (DOT)

Start timeMon 9/26/202212:00 PMAll dayTime zones

End timeMon 9/26/20221:00 PMMake Recurring

LocationMicrosoft Teams MeetingRoom Finder

Engage Workshop Details.pdf152 KB

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Sincerely,

Greg

In Shared FolderCalendar - Gregory.Sobczynski@dot.state.ma.us

33

Engage Workshop Invitation - Meeting

Search

File Meeting **Scheduling Assistant** Tracking Insert Format Text Review Help

Attendee responses: 7 accepted, 0 tentatively accepted, 0 declined.
This appointment conflicts with another one on your calendar.

Send Update

Title Engage Workshop Invitation Meeting Insights

Required Chan, Terrie (MBTA); Moore, Jonathan (DOT); Job, Charlene (DOT); Ross, Jennifer (MBTA); Woolford, William A. (DOT) <William.A.Woolford@dot.state.ma.us>

Optional Hasson, Charles B. <Brendan.Hasson@trinnex.io>; Garcia, Tiffany Rose (MBTA); Rutkowski, Michael <rutkowskima@cdmsmith.com>; Simo, Jose (DOT)

Start time Fri 9/30/2022 12:00 PM ☐ All day ☒ Time zones

End time Fri 9/30/2022 1:00 PM [Make Recurring](#)

Location Microsoft Teams Meeting Room Finder

Engage Workshop Details.pdf 152 KB

Here are the meeting details for the upcoming virtual workshop regarding improvements to the Engage platform.

Remember, in advance of the workshop, please set up an account with [Whimsical](#). You can use an existing Google account or create a new login, it is free, and should not take more than a few minutes. If you are having trouble with this process, please log in to the virtual meeting 10 minutes early and assistance will be provided.

Looking forward to your participation.

Sincerely,

Greg

In Shared Folder Calendar - Gregory.Sobczynski@dot.state.ma.us

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 understands its obligation to analyze for equity and continually strives to develop innovations to improve the accuracy and applicability of equity analyses by incorporating new data sources and interdisciplinary approaches, such as the incorporation of public health data, where applicable. OTP is committed to transportation equity/environmental justice and continues to seek equitable distribution of benefits and burdens in the transportation system through ongoing compliance with its own policies and consideration of Title VI and environmental justice factors through its evaluations and input from the public.

During 2022, OTP and ODCR's Title VI team collaborated on studying, understanding, and providing feedback and/or guidance on numerous federal initiatives, including the Bipartisan Infrastructure Law and the Justice40 executive order. Keeping current on these and related initiatives provides MassDOT with an opportunity to ensure that new and innovative ways of measuring and achieving equity in transportation related activities are at the forefront of the work of the agency.

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.

During 2022, MassDOT created a new office responsible for coordinating virtual public outreach activities – the Office of Public Outreach and Engagement (OPEO). Staff from this office are available to assist the Office of Transportation Planning in conducting outreach campaigns that meet Title VI, ADA, EJ, and other civil rights obligations. MassDOT now also 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 staff from the Office of Transportation Planning, 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 against Title VI and environmental justice areas 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 and Research (SPR)

The selection of planning studies within OTP is predominantly centered on the annual Statewide Planning and Research (SPR) report. SPR is the federal funding that is provided to MassDOT for highway planning activities. Every year, this plan must be approved by FHWA.

To date, activities that are proposed in the SPR report are based on past work efforts and a solicitation for planning issues/needs among OTP managers. This approach incorporates federal planning factors and Title VI considerations. The Title VI Strategist is involved in the development of SPR to assure Title VI considerations are appropriately accounted for.

Project ideas are formally requested from managers. These ideas can be drawn from the approved statewide long-range plan, modal plans, certification documents from MPOs, corridor studies, or agency policy priorities. The Executive Director of Planning, Deputy Executive Director, and group directors convene a meeting where these project ideas are considered for programming. The mission of MassDOT (safety and customer focus), 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

For research study selection at MassDOT, OTP began to solicit ideas MassDOT-wide in 2012. This effort intended to gain a more diversified list of potential research topics. OTP continues this established practice. 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.

The MassDOT Research Program 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.

MassDOT Research – Problem Statement Solicitation Process

The MassDOT Research team has streamlined the Problem Statement Solicitation process that applies to inter-departmental service agreements (ISAs). The new Problem Statement Solicitation process places an emphasis on MassDOT/MBTA related research issues and aims to make the Principal Investigator (PI) selection process fair and equitable. A MassDOT or MBTA employee is the only person who can submit a problem statement (potential research project) and by submitting the problem statement, this individual commits to being the Project Champion for the duration of the project. This assures that research funds are responsibly spent on projects that will further MassDOT/MBTA initiatives and the agency's priority areas. Research projects are selected based off

of specified criteria, such as ranking (conducted by the Division Administrator or designated affiliate), funding, and relevance to the Capital Investment Plan, assuring a competitive process.

Additionally, during the problem statement solicitation process, the Project Champion has the opportunity to choose a Principal Investigator (PI). During the initial process, the Project Champion receives the names of available PIs, the University they are associated with, e-mail contact information, and a paragraph summarizing how the PI intends to address the problem statement. The Project Champion selects their top three Principal Investigator candidates, at which point, the Project Champion receives the CVs from each potential PI for the Project Champion to choose the final candidate. The goal of this revised process is to expand to breadth of research opportunities to eligible PIs, engage more universities, and provide more opportunity throughout MassDOT to propose research projects that will facilitate increased knowledge and innovation for MassDOT initiatives.

Study Selection for Corridor Planning

The Office of Transportation Planning has added a work product to review the overall congestion levels along the major transportation corridors in the Commonwealth. Similar to the way the Top 200 Crash Locations report issued by the Highway Division informs project selection, this report will be used to identify the most congested corridors and to prioritize them for further study. As part of this effort, OTP will include a Title VI and Environmental Justice analysis to ensure that the congestion burden is not disproportionate, high, and/or adverse on minority or low-income populations. Final study topic selection will be based on a combination of factors including congestion, safety issues, other potential burdens on Title VI and environmental justice populations and the needs identified by the operating divisions of MassDOT and the Metropolitan Planning Organizations.

Study Selection for Long Range Planning

During initial study definition and selection, OTP staff preliminarily evaluate potential study concepts for their impact – positive and negative – on Title VI communities. That evaluation will be a factor in deciding whether or not to pursue a certain study concept into formal planning. That decision and the factors that influenced it are documented.

Study Scopes Include Title VI

OTP staff includes language into study scopes for consultants to ensure that Title VI and environmental justice considerations are incorporated into all applicable phases of work. Draft project scopes take into account Title VI-related issues and outreach regarding solicitations and include efforts to reach low-income, minority, and low-English proficiency communities.

OTP recognizes that a substantial portion of our work is done by consultants and therefore, incorporates Title VI considerations from the very beginning into their scopes and monitors their work for compliance. The Office of Transportation Planning supplies prospective consultants with

information on potential Title VI and environmental justice issues within each respective study area. When work is done by in-house staff, the same considerations apply. The following language is included in contracts:

Public Involvement Plan: *"...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 Title VI 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 and focus particularly around major study milestones. As with the entirety of the public outreach program, Title VI-related outreach should involve direct outreach to abutters and other potentially impacted individuals, as well as collaboration with established community groups. All of these efforts are documented.

Title VI Lens for Analysis of Alternatives

OTP includes Title VI analysis when studying alternatives in both corridor and long-range plans. 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.

A substantial portion of OTP's work is done by consultants and therefore, OTP incorporates Title VI considerations from the very beginning into their scopes and monitors their work for compliance. When work is done by in-house staff, the same considerations apply. The following language is included:

Community Effects/Environmental Justice Analysis text to be included in scopes for consultants: *"... 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.

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), 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 inquiries 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 Title VI 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)

Environmental Management System (EMS) and Sustainability Unit:

The EMS and Sustainability Unit is responsible for the development and implementation of MassDOT's Environmental Management System and documentation of MassDOT's efforts in the area of sustainability. The EMS and accurate documentation are management tools that assist MassDOT in complying with state and federal regulations by reducing waste, promoting the efficient use of resources, and preserving customer confidence. The Unit has staff in the Highway Division's Boston headquarters and an EMS Compliance Coordinator in each of the six Highway Districts.

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.

Hazardous Materials Investigation and Remediation Unit:

This Unit's staff performs hazardous-materials reviews on project designs for possible oil and hazardous waste/materials impacts, and if appropriate, recommends that special provisions be included in the construction contract to address identified issues. Unit staff members also have direct oversight of remedial activities at MassDOT-controlled oil and hazardous-materials release sites to ensure compliance with M.G.L. Chapter 21E

and the Massachusetts Contingency Plan. The Unit also consults on right-of-way properties that have contamination issues.

Salt Remediation Program:

Another primary function of the Environmental Services Section is administration and management of the Salt Remediation Program. Because salt application in winter maintenance operations can potentially have impacts on drinking water supplies in the form of elevated sodium and chloride concentrations, the MassDOT Highway Operations and Maintenance Unit has implemented a progressive program to address this issue. This program includes the Water Supply Salt Contamination Complaint Policy, which guides investigation and remediation.

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 so as 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.

Noise Barriers Program:

In order to address noise issues in a fair and equitable manner, MassHighway's Noise Barrier program is founded on FHWA noise abatement criteria and policies and MassHighway's noise abatement guidelines. There are essentially two programs: Type I and Type II. The Type I Program covers noise barrier construction coincident with construction of major highways at new locations or physical alteration of an existing highway, such as substantial realignment or widening to increase the number of through traffic lanes, thereby increasing capacity. The Type II Program is a voluntary effort to construct noise barriers along existing interstate roadways where reasonable and feasible and as funding priorities allow.

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 Title VI 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 Title VI populations
4. In conformance with Title VI requirements, 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 participation by DBEs 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
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 minority or low-income 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. Establish procedures to document the level of participation of minority, low-income, LEP, and disabled persons at public hearings to an extent practical and appropriate
9. Ensure that hearing formats are designed to encourage participation by and comments from underrepresented persons and communities
10. Establish notification and advertising procedures to ensure that efforts are made to notify minority and low-income populations and that appropriate Title VI language is used in all letters and public notices
11. 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

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 general 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. 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 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 minority or low-income populations
3. Ensure that pedestrian signals are designed and placed to accommodate persons with various disabilities 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 at least 60 days in advance to coordinate a date that ensures the attendance of the Department Director, Division Chief or District Chief, and key personnel. The notice of review (NOR) will include a compliance review questionnaire that the Programs are required to complete in writing and return 30 days prior to the scheduled on-site review.

The Title VI/Nondiscrimination Program staff will review the response to the questionnaire during the desk review process in advance of the on-site review. The on-site review will be conducted over a five-day period and consist of an entrance conference, review of files and documentation, staff interviews, and an exit conference.

A Determination of Findings (DOF) will be issued within a 30-day period following the exit conference. A copy of the findings 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 noted in the DOF within a period not to exceed 90 days. 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.

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. 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: Planning, Environmental
- Year 2: Construction, Maintenance

- Year 3: Right of Way, Safety, Design

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 Right of Way Bureau.

- What are the policies and procedures govern interactions with those impacted by Right of Way related activities?
- Are the Title VI Assurances/Appendices included in all leases, deeds, and contracts?
- What training has the right of way staff been given on nondiscrimination?
- How are those impacted by Right of Way activities informed of their rights?
- Does Right of Way conduct any public meetings? If so, how are attendance and demographics of attendees documented?
- What efforts are taken to overcome language barriers in all phases of the right of way process? How is Right of Way staff made of aware of limited English proficiency issues?
- What efforts are made to identify W/M/DBE firms, to reach out to these firms, and to coordinate with the DBE Liaison Officer on these efforts?
- What procedures exist to review Right of Way decisions/actions that impact members of the public?
- How do Title VI Liaisons track Title VI related data/activities (such as emails, trainings, memos, meeting agenda's, etc.)?
- Is demographic data collected on Right of Way activities that impact members of the public (such as relocations and easements)?
- Are Title VI provisions included in all realtor, fee appraiser, negotiator, and other such Right of Way contracts?
- How are W/M/DBE certified consultants identified? How are they incorporated into the Right of Way process?
- How is relocation advisory assistance provided to impacted individuals?
- How is consistency in the selection of comparable replacement housing ensured?
- Have any specific civil rights complaints been received in regards to appraisals, negotiations, relocations assistance and payments, or property management? How are they documented? How are they handled?
- How are determinations of rental amounts made? Are these determinations reviewed?
- On projects involving takings, are Right of Way procedures uniform and standardized? If not, what factors lead to modifying procedure?

- Do negotiators log their interactions with individuals impacted by Right of Way activities? Is demographic data included in this log? What factors determine the frequency of negotiations and follow-up communications?
- Is the frequency and methodology of price offer updating consistent among all properties?
- Are all owners similarly apprised of owner retention rights?
- What criteria are used when considering hardship acquisitions?
- When both Title VI populations and non-Title VI populations are being relocated from the same area, are the comparable replacement dwellings utilized for computing the replacement housing payment for all displaces located in the same area?
- Are all relocates given the same opportunity to select the location to which they desire to move; and within their economic means are they assisted in obtaining housing in the selected location?
- How are decisions regarding the need for and frequency of follow-up contacts made?
- Are all relocates apprised of federal programs which can assist in obtaining replacement housing, such as FHWA and VA reposessed housing and HUD 235 and 236 housing?
- Is last resort replacement housing “fair housing” as defined by Title VIII of the Civil Rights Act of 1968?
- Are property maintenance and rodent control practices uniformly administered in all neighborhoods?
- What factors affect contracting practices, timeliness of removal after vacancy, safety measures afforded adjacent properties, or site and street clean up in the case of demolition?
- In what instances do members of the Right of Way staff interact directly with or solicit feedback from stakeholders and members of the public? What documentation exists to memorialize these interactions? Is demographic data included?

Chapter 4

Subrecipient Review Procedures

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Subrecipient Review Procedures	
Activity	Description
Complete compliance assessments of all 13 MPO/RPAs statewide and issue any necessary recommendations or corrective actions to ensure compliance with Title VI obligations.	In August 2022, MassDOT's Title VI unit required all subrecipient MPOs/RPAs in the state to submit updated Title VI programs by December 31, 2022. This means that the review, evaluation, and issuance of any findings/recommendations back to MPOs/RPAs will be a primary focus of subrecipient monitoring activities during 2023. During the first quarter of 2023, MassDOT's Title VI staff will review all 13 submissions and in response will issue a tailored findings and recommendation report back to each of these subrecipients. Depending on the nature of any noncompliance findings that may be identified during this review process, the Title VI staff will also strategize appropriate steps to provide necessary technical assistance to the planning regions, including but not limited to training, guidance, site visits, workshops, and other such opportunities for collaborative technical assistance.

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. 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 in-person 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.

- SharePoint

MassDOT has created a SharePoint webpage specifically focused on Title VI/Nondiscrimination. Designated Title VI staff members for each Massachusetts MPO and RPA have been granted access to this resource. This webpage not only allows these subrecipients to submit Title VI/Nondiscrimination reports and programs electronically to MassDOT, but it also allows MassDOT to share documents with them. This resource includes sharing template Title VI/Nondiscrimination documents and program components. MassDOT uses the annual subrecipient reporting process to verify that these documents are being implemented by subrecipients.

- Desk Audits and On-Site Visits

MassDOT's Title VI/Nondiscrimination Program contemplates a detailed review of at least one MPO/RPA each year. 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.

2023 Subrecipient MPO Title VI Annual Report Work Plan

As noted above, each of the Commonwealths' thirteen subrecipient MPOs/RPAs was instructed to provide a comprehensive Title VI "program" submission to ODCR by December 31, 2022. ODCR will devote the first quarter of 2023 to review these submissions and provide each region with feedback on any necessary compliance improvements. The work plan that was issued to each planning region is included below as an example of one of MassDOT's means for subrecipient Title VI reporting and compliance monitoring.



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO



8/2/2022

Re: Annual Title VI Reporting Requirements

The Massachusetts Department of Transportation (MassDOT), as a direct recipient of federal financial assistance through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), is required to demonstrate compliance with Title VI of the Civil Rights Act of 1964 (Title VI). This includes monitoring subrecipients of federal financial assistance – or those organizations to which MassDOT passes through FHWA and FTA dollars. Among ~~MassDOT's~~ subrecipients are the Metropolitan Planning Organizations (MPOs) and Regional Planning Agencies (RPAs) that perform regional transportation planning activities across the Commonwealth.

One primary mechanism for monitoring MPO/RPA compliance with Title VI obligations is through recurring reporting provided by each region to MassDOT. This correspondence is intended to detail this year's Title VI reporting requirements. In general, these annual reporting requirements can be characterized in one of two ways – targeted reporting requirements or the submission of a comprehensive Title VI plan. For several of the most recent annual reporting cycles, MassDOT has requested the MPOs/RPAs to provide targeted reports, where each region was instructed to focus on ~~particular compliance~~ improvements. For this reporting cycle, MassDOT is requesting a comprehensive Title VI plan submission from each region.

By ensuring that each planning region has an up-to-date Title VI plan, MassDOT ~~has the opportunity to~~ confirm that all Title VI compliance requirements are being met. In addition, this allows each planning region the opportunity to consider and implement process improvements and other enhancements to their Title VI activities and helps facilitate federal certification reviews by ensuring these activities are properly documented and ready to share with federal partners when needed.

The following table identifies ~~all of~~ the required components for this year's annual Title VI reporting. Please be prepared to submit a responsive Title VI plan by December 31, 2022. Note that the table indicates whether individual Title VI plan components satisfy an FHWA compliance requirement, and FTA compliance requirement, or both. There are also important notes regarding certain reporting elements, to help facilitate preparing the requested submission. If there are concerns about the timing of the due date, please contact ~~MassDOT's~~ Office of Transportation Planning at the contact info provided below.

Lastly, it is important to emphasize that meeting these reporting requirements does not necessitate developing all new content. If an MPO/RPA believes that their existing Title VI plan components are up to date, please feel free to submit them as they are.

For questions or technical assistance, please contact: Raissah Kouame, Regional Planning Coordinator, MassDOT Office of Transportation Planning, raissah.a.kouame@dot.state.ma.us.

Title VI Plan Components and Annual Report Content	FHWA Requirement	FTA Requirement
Title VI Assurances <i>Note: Attached is a copy of MassDOT's Title VI Assurances document. Please sign on the subrecipient signature page and submit to MassDOT.</i>	X	
Certifications and Assurances <i>Note: The latest version can be downloaded here. Please sign and submit to MassDOT.</i>		X
Title VI Notice <i>Note: MassDOT has developed an updated Title VI Notice, which is attached. This can be used as a template for the MPO/RPA Notice. Please make sure that the Notice you submit lists the MPO/RPA as a point of contact for receiving Title VI related inquiries and complaints. MassDOT is also providing translated versions of this document to facilitate language access requirements. Translated versions will be provided when they are available from the translation vendor. Please indicate how you plan on disseminating this document.</i>	X	X
Complaint Procedures <i>Note: MassDOT has developed updated Title VI Complaint Procedures, which are attached. This can be used as a template for the MPO/RPA procedures. MassDOT is also providing translated versions of this document to facilitate language access requirements. Translated versions will be provided when they are available from the translation vendor. Please indicate how you plan on disseminating the document.</i>	X	X
Complaint Form <i>Note: MassDOT has developed an updated Title VI Complaint Form, which is attached. This can be used as a template for the MPO/RPA form. MassDOT is also providing translated versions of this document to facilitate language access requirements. Please indicate how you plan on disseminating the document.</i>	X	X
Complaint Log <i>Note: Please provide a log of Title VI related complaints over a one-year lookback period (since July 2021).</i>	X	X
Public Participation Plan <i>Note: MassDOT is working on developing a new Public Participation Plan that will be made available, when complete, to all MPOs/RPAs. This new Plan will capture details regarding MassDOT's approach to virtual, hybrid, and in-person public engagement. For this reporting cycle, please provide a copy of your current Public Participation Plan and an indication of the anticipated schedule and strategy for any upcoming updates to the existing plan.</i>	X	X
Language Assistance Plan <i>Note: Please make sure that the Four-Factor Analysis in your current Language Assistance Plan is up to date.</i>	X	X

Subrecipient Monitoring Process <i>Note: For those MPOs/RPAs that pass through federal financial assistance to additional subrecipients, please specify how those subrecipients are monitored for Title VI compliance.</i>	X	X
Title VI Program Approval <i>Note: Please provide documentation showing the appropriate MPO/RPA official responsible for policy decisions reviewed and approved the Title VI Plan submission. According to each region's bylaws, the appropriate entity could be the Executive Director, the Chair of the Board, or the Board itself.</i>		X
Organization and Staffing <i>Note: Please identify the MPOs/RPAs Title VI Coordinator and an organizational chart that should demonstrate their ready access to the head of the agency.</i>	X	
Program Review Procedures <i>Note: Please describe how the Title VI Coordinator confirms that Title VI compliance requirements are being met by the MPO/RPA.</i>	X	
Data Collection/Reporting/Analysis <i>Note: Please briefly describe how the MPO/RPA collects, utilizes, and analyzes Title VI related data, such as population demographics.</i>	X	X
Title VI Training <i>Note: Please identify and describe any Title VI related trainings that MPO/RPA staff have participated in during the last year (since July 2021).</i>	X	X
Dissemination of Title VI Information <i>Note: Please describe, and provide some examples, of how Title VI related documentation and information is shared with the public.</i>	X	X
Demographic Profile of Metropolitan Area <i>Note: This should include identification of the locations of minority populations in the aggregate. In addition to minority populations, the MPO/RPA can also identify low-income and limited English proficient populations as well as the concentration of individuals with disabilities.</i>		X
Mobility Needs of Minority Populations <i>Note: Description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process.</i>		X
Demographic Maps and Charts of Funding Distribution <i>Note: Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient. Please analyze the investments from the current TIP and current UPWP.</i>		X

Analysis of MPO Transportation System Investments, Identifying and Addressing any Disparate Impacts <i>Note: An analysis the funding distribution provided above that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.</i>		X
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Chapter 5

Data Collection/Reporting/Analysis

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Data Collection/Reporting/Analysis	
Activity	Description
Equity Analyses	MassDOT will be producing an annual update to the agency's five-year Capital Investment Plan (CIP) during 2023. This includes performing a Title VI and EJ equity analysis on the distribution of capital investments.
Demographic Data Updates	With 2020 decennial Census data becoming available, MassDOT's Title VI staff intends to update demographic data, where appropriate. For example, updates to the demographic data layers incorporated into the GIS based "Engage" suite of public outreach tools.

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 process 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 review and analysis of program, service, and activity-related processes and data to identify any indicators of potential discrimination, whether intentional or disparate impact. MassDOT convenes ad-hoc Title VI Working Groups and/or specialty committees comprised of staff and managers from throughout the agency. Among their responsibilities is identifying programs, services, and activities that affect or involve the public from within their respective units or those with which they are familiar. Once identified, these instances of public impact are reviewed and analyzed by the Director of Title VI and Accessibility and the Title VI Specialist. Collecting and analyzing data on these processes allows MassDOT to determine whether compliance with Title VI is being maintained. Relevant findings and/or suggested corrective actions will be relayed to department heads and considered for inclusion into the annual MassDOT Title VI Implementation Plan report.

MassDOT's Office of Diversity and Civil Rights works with each program area to strategize methods to collect and analyze Title VI-related data associated with each federal Program Area— Planning/Research,¹ Design, Environmental, Right-of-Way, Construction, Maintenance, Safety, and others, as needed. Pursuant to 28 CFR 42.406(b), the following data can be collected²:

- The manner in which services are or will be provided by the program in question, and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination
- The population eligible to be served by race, color and national origin
- Data regarding language access services, including requests for document translations and/or real-time interpretation where necessary to permit effective participation by beneficiaries with limited English proficiency

¹ The Planning and Research Program Areas are considered together because they are both in the Office of Transportation Planning at MassDOT.

² The descriptions of data are taken from the regulation.

- The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination
- The present or proposed membership, by race, color and national origin, of any planning or advisory body which is an integral part of the program
- Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin

Additional data that can be captured includes:

- Planned and actual funding distributions, both federal and state
- Statewide demographic profile as well as demographic profiles of affected communities
- Demographics of owners of property to be taken and persons or businesses to be relocated or adversely affected, including race, color, national origin (including language), age, sex, and disability status
- Lawsuits filed (including status) alleging discrimination based on protected categories
- Brief description (including status) of applications to other federal agencies for assistance and of other federal assistance provided
- Results of compliance reviews and recommended work plan tasks designed to achieve compliance
- Record of complaints and a description of how they were processed
- Training and technical assistance provided and attendance records

Please note: The usefulness of data collected in any of the categories detailed above is directly related to the sample size and whether or not the sample represents a statistically significant percentage of the population group at issue. Where a sufficient sample size cannot be achieved, MassDOT will acknowledge this limitation in any Title VI analyses that make use of that data and clarify that the results may not be dispositive due to the lack of statistical significance. This proved to be the case with landowners involved in property takings. For several years, MassDOT's Title VI staff issued voluntary surveys to landowners involved in takings requesting demographic information. The sample rate was consistently below 10% as most property owners expressed a reluctance to provide such details. Therefore, the practice was halted for several reporting cycles and is undergoing a reevaluation to determine if it is possible to achieve a higher response rate going forward.

Each federal program area may be responsible for ongoing data collection for its programs and activities. The Director of Title VI and Accessibility, the Title VI Specialist, and the staff of the Office of Diversity of Civil Rights collaborate with each federal program area to accomplish these data collection requirements. One such method of collaboration is the recurring internal reviews described below. While new sources of data or new methods of analysis may be identified through the recurring internal review process described below, the Office of Diversity and Civil Rights is available for consultation on these issues by any MassDOT unit, as needed.

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, location, 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 the project scoring, prioritization, and advancement process. MassDOT's Title VI Specialist participates in all project review and scoring meetings where project management, planning, environmental, right of way, and other relevant staff members collaborate in project evaluation and developing scoring recommendations.

This tool now plays an integral role in identifying and evaluating Title VI and EJ 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 presentation explaining the features of the tool, with details regarding the social equity analysis (Title VI and EJ) functionality:

<https://scoe.transportation.org/wp-content/uploads/sites/11/2017/08/CC1C-MaPIT%E2%80%94GIS-driven-Project-Initiation-and-Environmental-Screening-Tool.pdf>

Office of Public Engagement and Outreach (OPEO): This office, newly created in 2022, maintains several databases with information pertaining to MassDOT'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 survey responses from attendees. OPEO also coordinates its activities with ODCR to ensure that all civil rights requirements are met in the public engagement process. Records of these activities include coordination meeting notes where local demographics are identified to help inform decisions regarding language and ADA accessibility services. OPEO and ODCR also collaborate to track requests for support services (such as translation, interpretation, ASL, and CART) and to document the effectiveness of any such services when they are provided. 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 Streetlight 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. By way of an example, ODCR's Title VI staff recently identified a number of civil rights complaints alleging disparities in service on two branches of the MBTA's Red Line. While this is a transit-focused example, it is being referenced here in this Highway Division related plan simply as a recent instance of identifying patterns in complaints and using Title VI disparity analysis principles to determine whether these allegations of inequity were founded. The following slides reflect the data driven analysis that ODCR and OPMI performed to scrutinize this issue.



Red Line Performance by Branch

Office of Performance Management and Innovation



Problem Statement and Plan Review

Problem Statement

- ODCR has received several complaints regarding perceived differences in performance between the RL Ashmont and Braintree branches
- Requested 6 months of weekly data by branch to understand performance

OPMI's Suggested Analysis Plan

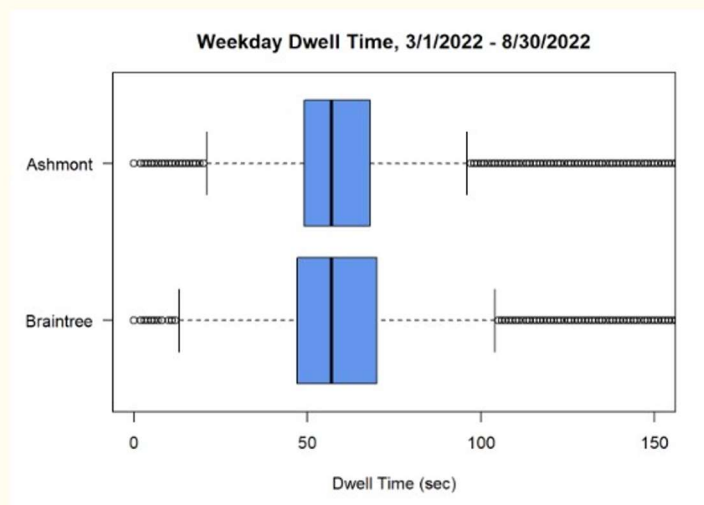
- Compare dwells, headways, and travel times between the Ashmont and Braintree branches of the Red Line
- Identify meaningful differences (if any) for these metrics for the given time period
- Provide ODCR with results + data for its investigation



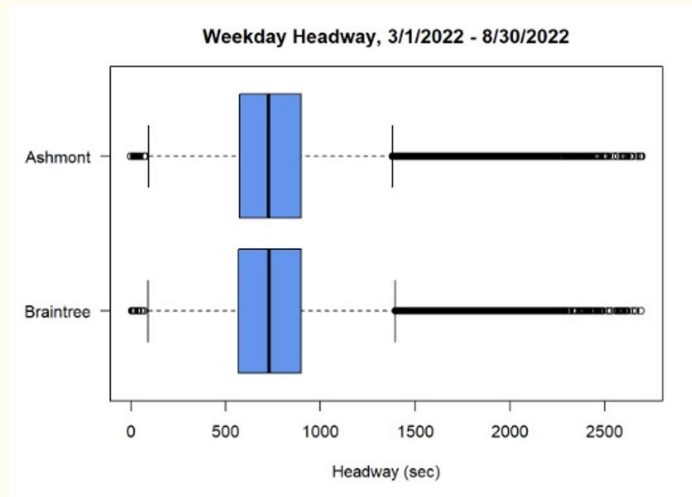
Metrics Definitions

- Dwell Times: The time elapsed between the door opening and closing at a stop
- Headways: The departure time of a vehicle compared to the departure time of the preceding vehicle at the same stop
- Travel Times: The time it took the train to travel from one stop to another (in this case JFK/UMass to each branch terminal)

Dwell Distribution: Box Plot



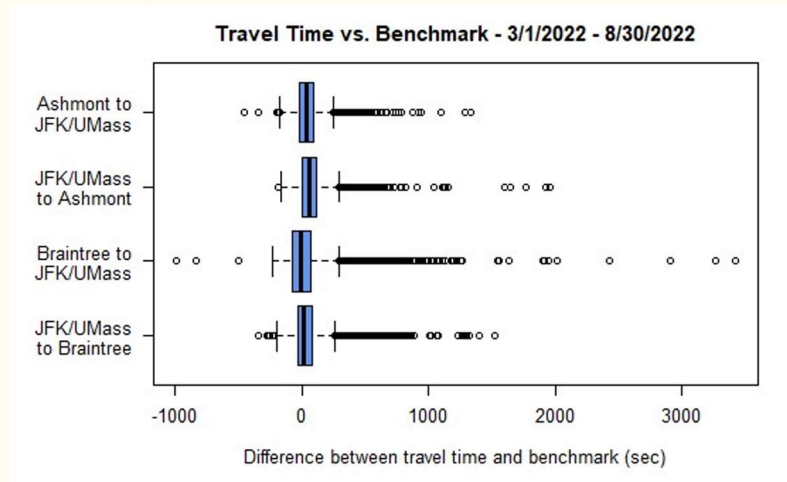
Headway Distribution: Box Plot



11 **OPMI**

Travel Time vs. Benchmark Distribution

Benchmark travel time: the average scheduled travel time between two stops for a given time slice (30-min period)



15 **OPMI**

Office of Construction: A number of 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/WBE and is overseen by the ODCR Construction Compliance Officer. A bond bill recently 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.

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.

Office of Highway Design: A new asset management database is under development which, once completed, will provide geo-located data regarding all MassDOT highway assets and will facilitate comparing the condition of assets and work to be performed on them with Title VI population concentrations/locations across the state.

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 that the Title VI team relies upon 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 Title VI, EJ, or other such communities.

During 2022, in response to an FHWA equity review of MassDOT's Safety department, this data was used to determine whether there are possible disparities in the rate of crashes involving "vulnerable roadway users" (pedestrians, cyclists, etc.) in Title VI and EJ communities vs. non-Title VI and non-EJ communities. A further analysis was conducted to determine whether roadway safety audits were being performed in Title VI and EJ communities at an equitable rate compared to that experienced in non-Title VI and non-EJ communities. The internal analysis results are included here, for reference, as an example of how this dataset can be used to inform Title VI related inquiries.



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO



Purpose:

MassDOT's 2022 Equity Review is designed to analyze two questions:

1. Are roadway safety audits performed equitably, reaching both Title VI and non-Title VI populations/communities?
2. Are there disparities in the rates of fatalities among vulnerable roadway users when comparing crash incidents in Title VI and non-Title VI communities?

Background:

In response to FHWA's request for an equity review on MassDOT's roadway safety audit program and rate of fatalities among vulnerable roadway users from vehicle crash incidents, MassDOT's Title VI unit and the Highway Division's Safety Department have collaborated to perform an analysis necessary to answer the aforementioned questions.

Data:

There are two primary data sources used in this equity review:

1. 2019 and 2020 records regarding the location of roadway safety audits
2. 2019 and 2022 records regarding vehicle crash incidents resulting in fatalities among "vulnerable roadway users" (pedestrians and bicyclists)

For purposes of defining demographics for this analysis, "Title VI Areas" are those Census block groups that exceed the statewide average rates for residents who meet the Census definition of "minority," are low-income, or are limited English proficient (LEP).

Analysis:

Roadway Safety Audits	# of Audits	% of Total	Ratio Title VI/Non-Title VI
Non-Title VI Area	35	40%	Disparity Threshold = 0.8 for benefit 60/40 = 1.5 1.5 > 0.8 (no disparity)
Title VI Area	52	60%	
Total	87		

Vulnerable Roadway Users	# of Fatalities	% of Total	Ratio Title VI/Non-Title VI
Non-Title VI Area	59	40%	Disparity Threshold = 1.2 for burden 60/40 = 1.5 1.5 > 1.2 (possible disparity)
Title VI Area	87	60%	
Total	146		

Conclusion:

Roadway safety audits are conducted in an equitable manner when comparing Title VI and non-Title VI communities. In fact, there are more audit conducted in Title VI communities than non-Title VI communities. However, there appears to be a disparate rate of fatalities among vulnerable roadway users from crash incidents occurring in Title VI communities when compared to non-Title VI communities.

Recommended Next Steps:

There are two further inquires that are recommended to better understand the outcome of this analysis:

1. How are individuals and communities informed about the availability of roadway safety audits? What, if any, improvements can be made to increase awareness of and access to these audits?
2. Are proposed safety improvements identified through the audit process followed up on in consistent and similar manners for audits that are conducted in Title VI communities compared to those conducted in non-Title VI communities? If yes, can we determine why incident rates of fatalities remain higher in Title VI communities than non-Title VI 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)

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

MassDOT completed the most recent update to its Capital Investment Plan (CIP) in June 2022. The plan, 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, it is presented here to demonstrate that 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 CIP is available for review online here: <https://www.mass.gov/doc/2023-2027-capital-investment-plan-draft-final/download>. What follows is an excerpt of the presentation slides that were provided to the MassDOT Board of Directors upon completion of this year's CIP, specifically the results of the equity analysis.

2023-2027 CIP Equity Analysis: Approach

- As part of MassDOT's and MBTA's commitment to civil rights and non-discrimination proposed investments and projects are evaluated annually
 - Analysis done to ensure proposed investments are equitable both geographically and to population groups that benefit
 - All of MBTA's FY23-FY27 projects were included to ensure a comprehensive equity analysis of our transportation investments throughout the Commonwealth
- This year's analysis continues to follow the approach implemented during the 2021 CIP process (2014 ACS* survey data)
 - Investments analyzed in the aggregate and by investment category
 - Investments analyzed individually for each mode and investment category to identify particular areas of concern
 - Variable buffering was used to analyze impacts of CIP investments depending upon the location of Highway (rural, suburban);ur by mode for Transit- RTA/MBTA, Rail; and for Aeronautics
- Chapter 90 program formula is used as a proxy for geographic distribution of transportation investments throughout the Commonwealth
 - Chapter 90 formula considers population (20.83%) employment (20.83%) and lane miles (58.33%) in distributing the annual allocation of local transportation aid (\$200 million) to all 351 cities and towns in the Commonwealth
 - If the ratio of CIP funding allocated to a municipality is the same as the Chapter 90 allocation received this indicates the distribution is equitable

*American Community Survey



Social Equity Analysis: Summary

Minority communities

(Communities with 24% minority or more)

- Overall the analysis of the 2023~~2027~~ proposed investments demonstrates that per capita spending in minority tracts is more than non-minority tracts
- Approximately 47.2% more* per capita spending in minority tracts for 2023~~2027~~ than non-minority areas

*7% more in 2022 in minority tracts

Limited English Proficiency (LEP)

(Communities with 6.25% or more of population that are LEP)

- LEP communities receive approximately 26.4% more* per capita spending as compared to non-LEP areas in 2022
- Proposed investment is within the 20% DI/DB* threshold level

*12% less in 2022 in LEP communities

*DI/DB threshold stands for Disparate Impact/Disproportionate Burden Threshold

**Title VI includes minority or LEP communities and EJ includes minority or low-income communities

Low-income

(Median income at or below \$44,100)

- Low-income communities receive approximately the same* (less than 1.8% difference) per capita spending investment as compared to non low-income communities for 2023~~2027~~

*23.7% less in 2022 in low-income areas

Overall

(Combined social equity analysis)

- Analysis of all programmed investments for 2023~~2027~~ does not indicate any significant social equity concerns and demonstrates a reasonably equitable distribution of proposed investments for 2023~~2027~~
- Title VI** or EJ investments represent 32.6% more per capita spending as compared to total per capita spending
- The difference overall is well within the 20% threshold for Disparate Impact/Disproportionate Burden (DI/DB) impacts



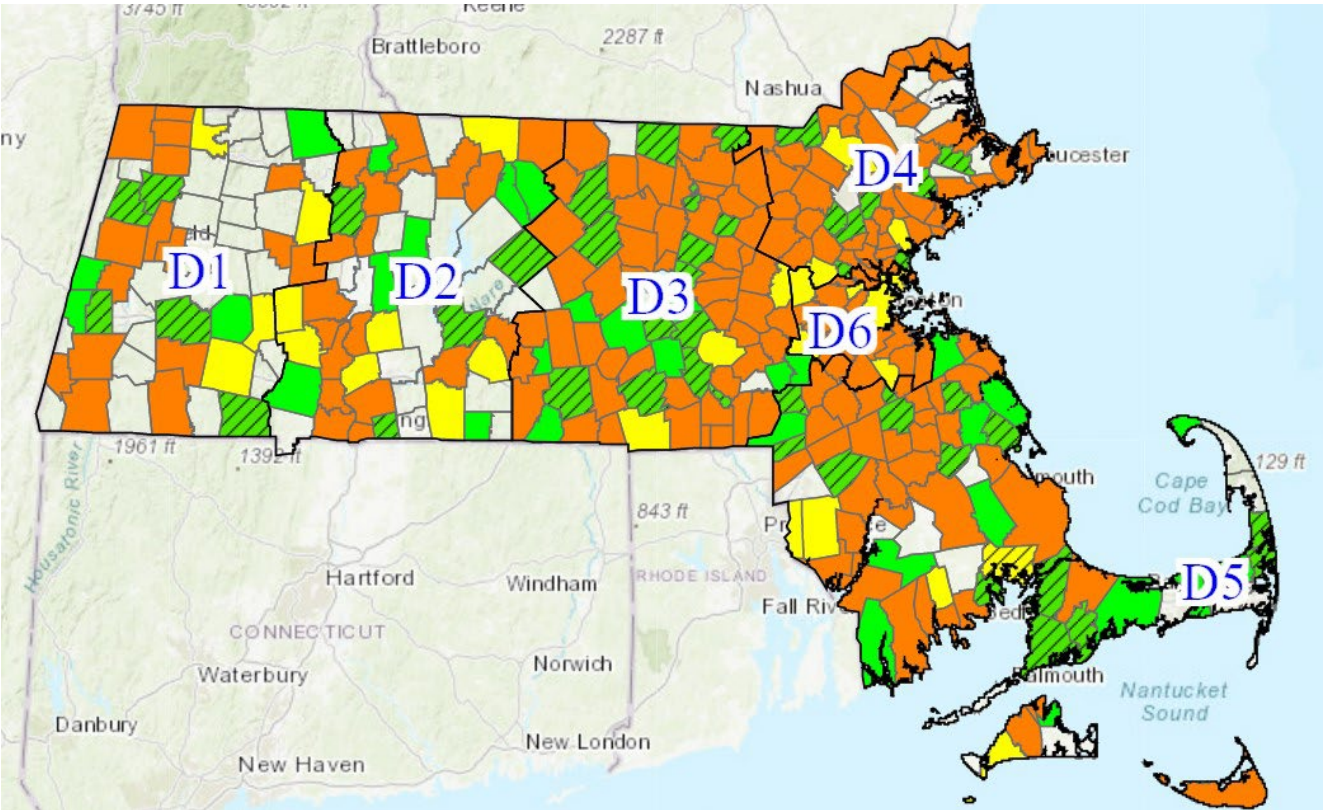
2023-2027 CIP Equity Analysis: Conclusions

- Overall, the projected investments for 2023 -2027 appear to be equitable
 - No evidence of significant disparate impacts/burdens on vulnerable populations
- The totality of investments appear to distribute funding in a manner that effectively benefits the diverse populations of the Commonwealth
- At the modal and project category levels of analysis, there are examples of investments that benefit Title VI and EJ communities as well as those that benefit non -Title VI and non -EJ communities, suggesting overall equity in the capital investment strategy
- Over a five -year period MassDOT/MBTA uses a 20% DI/DB threshold to compare per capita spending for protected populations (Title VI and Environmental Justice communities) vs. non -protected population



Complete Streets – Municipal Participation and Status

The following map depicts the status and participation, as of September 2022, of the Complete Streets program for municipalities across the Commonwealth. The map indicates that the Complete Streets program has reached across the state’s diverse communities. It is important to note that Title VI communities are thoroughly represented in the Complete Streets program. MassDOT will continue to work with municipal partners across the Commonwealth, including Title VI communities, to further increase participation in the Complete Street program.



MAP LEGEND ▲		
Municipal Status		Count
✓	Registered	281
✓	Letter of Intent (LOI)	1
✓	Approved Policies	255
✓	Approved Prioritization Plan	224
✓	Approved Projects	
✓	2023	16
✓	2022	42
✓	2021	24
✓	2020	42
✓	2019	35
✓	2018	45
✓	2017	26

Chapter 6

Title VI Training

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Training	
Activity	Description
Engage Platform Trainings	MassDOT is currently updating the Engage suite of public outreach and engagement tools. The objective is to roll out a new version of Engage with updated data sets as well as improved functionality and layout to better address the needs of end users. When the Engage tool was first developed, staff trainings were critical to not only increase the awareness of the platform but also to ensure that end users were maximizing their use of the tool. With the new Engage platform anticipated to roll out during 2023, training will be just as critical to inform the user base of the updates and to again ensure that various workflows are as efficient and detailed as necessary to achieve the public outreach objectives of the agency.
VPI Related Public Engagement Trainings	A primary focus of MassDOT's Title VI related training during the previous year related to Virtual Public Involvement (VPI) and ensuring that staff, consultants, projects partners, and all others involved in the virtual engagement process were trained to meet language access, inclusive outreach, and other such Title VI related objectives. The VPI initiative remains a key component of MassDOT's public outreach activities, not only due to ongoing public health needs but also due to the success the agency has had with effectively reaching populations that were otherwise not engaging in MassDOT public events. Because of this, MassDOT plans to continue VPI training activities into FY23 and Title VI compliance remains a primary focus. Key milestones during FY23 will include training on the hybrid meeting approach (conducting both virtual and in-person meetings) and the process of certifying meeting producers who will be responsible for the development and implementation of project-specific public engagement plans, consistent with Title VI goals.

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 principles are integrated into MassDOT culture, 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 Title VI trainings. The breadth and scope of these recurring training sessions can vary from orientation style information sessions for agency and departmental leadership to stay apprised of the Title VI obligation 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.

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.

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.

In addition to providing subrecipients with training on Title VI obligations, MassDOT's Title VI unit also holds capacity building workshops with groups of subrecipients to encourage and facilitate innovation in this area. These trainings are designed to delve deeper into the nuance of Title VI compliance in transportation.

Training Logs

The following table summarizes the trainings provided during the past calendar year to staff across the Massachusetts Department of Transportation that are provided as part of the standard Civil Rights training curriculum designed to expose staff and managers to Title VI and nondiscrimination fundamentals, obligations, and resources. As mentioned above, these standard required trainings are also supported by ad-hoc trainings conducted by MassDOT's Title VI staff on an as-needed basis, and tailored to the needs of individual departments and audiences (such as front line staff, project managers, senior staff, etc.).

MassDOT Title VI Training Summary			
Division/Office	Training Program	# of Employees Trained	Title VI Related Content
RMV Highway Rail & Transit Aeronautics Enterprise Services Call Centers (RMV & HWY) Customer Service Reps	ADHP – Supervisors	85	Train supervisors on Title VI requirements, including language access. Discuss discrimination in public services and protected demographic categories.
	ADHP – Staff	256	Train employees on nondiscrimination and antiharassment obligations towards the public, including language access.
	Diversity – Supervisors	(not offered during the reporting period)	Discuss diversity in the work force and diverse customer base and the importance of awareness and inclusion, including reasonable accommodations.
	Diversity – Staff	(not offered during the reporting period)	Discuss diversity, inclusivity, and the value of a diverse workforce that can meet the needs of a diverse customer base.
	EEO/AAP & Legal Interviewing	293	Develop skills for nondiscriminatory and inclusive outreach, recruitment, hiring and interviewing techniques.

Note: ADHP = Anti-Discrimination and Harassment Prevention
EEO/AAP = Equal Employment Opportunity and Affirmative Action Program

Chapter 7

Complaint Procedures

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Complaint Procedures	
Activity	Description
Disseminate Revised Complaint Procedures and Complaint Form	During 2022, MassDOT revised its Title VI complaint procedures and complaint form. During 2023, these documents are scheduled to be disseminated. This includes posting to the agency website, making hardcopies available in MassDOT's public facing offices, and training any new investigative staff that come on board during 2023 to ensure they are familiar with these documents. In addition to the English language versions of the complaint procedures and form, the documents are also available in the top 10 LEP languages in the Commonwealth, consistent with the Language Access Plan.

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. The processes detailed herein were updated in 2022 as part of a collaborative effort between ODCR's Title VI unit and the Investigations team. In the spirit of uniformity and transparency, ODCR staff worked to make 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 or 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

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/

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 Title VI website](#), the [MBTA Title VI 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 (<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:

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

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Dissemination of Title VI Information	
Activity	Description
Public Participation Plan (PPP) Update	MassDOT is updating its Public Participation Plan to incorporate protocols related to virtual public engagement, hybrid public engagement, and related process changes from across the Highway Division's departments. During 2023, MassDOT plans to conduct the regulatorily required public comment period on the draft document and incorporate any necessarily revisions from that process. Once finalized, the PPP will be disseminated internally and externally as well as shared with subrecipients. MassDOT has already begun training staff, consultants, and project partners on the new protocols (more details on these ongoing training efforts can be found in Chapter 6 of this plan).
Disseminate Revised Complaint Procedures and Complaint Form	MassDOT has recently revised the agency's Title VI complaint procedures and complaint form. It is anticipated that the final versions, including updates to the translated versions, will be ready for dissemination during 2023. Once complete, the updated complaint procedures will be disseminated in hardcopy and electronically.

Introduction

The controlling policy document for the dissemination of public information in a manner compliant with Title VI/Nondiscrimination obligations is the MassDOT Public Participation Plan (PPP). Whether a MassDOT staffer is preparing for a one-on-one in person meeting with a member of the public to discuss a property acquisition related to a project or the Office of Transportation Planning is preparing to release a long range transportation plan for public comment, the PPP is the resource that identifies the protocols for public engagement that meets the Title VI/Nondiscrimination requirements of inclusivity and accessibility. The PPP is regarded as a component part of all agency guidelines and operating procedures that reach public engagement and MassDOT's Title VI staff regularly provides training on the requirements and resources contained within the Plan.

MassDOT Public Engagement

The MassDOT PPP instructs all project managers to consider key Title VI requirements when developing public engagement plans. This includes detailed instructions on identifying the demographics of the community to be engaged, reviewing the history of prior engagements with this community to understand historic needs as well as examples of successful prior engagement, conducting research to identify points of contact within these demographic groups that can facilitate engagement, identifying locations where public meetings can be held locally, and determining whether proactive steps need to be taken to provide meeting/outreach materials in alternate languages and/or formats to support local LEP and/or ADA needs. These requirements are detailed in Chapter 3 of the MassDOT PPP, and each Project Manager receives training on these requirements on a recurring basis.

The identification of needs of Title VI populations is a top priority for all involved in the public engagement process. The activities that comprise transportation related outreach tend to be cyclical, following an annual pattern of developing deliverables. Throughout these cycles, opportunities are provided specifically for the purpose of soliciting feedback from Title VI populations regarding transportation needs as well as opportunities for MassDOT to evaluate its planning work to determine if any disparities need to be addressed.

Strategic and long-term planning activities performed by MassDOT regularly involve a robust in-person and electronic public outreach campaign to solicit feedback from diverse constituencies across all geographies throughout the state. Outreach strategies, including meeting times and locations, survey instruments, demographic data collection, and the availability of multiple ways to provide feedback are all geared towards breaking down barriers to participation and ensuring an opportunity for diverse participation and feedback.

For example, OTP was recently tasked with holding virtual public meetings on the agency's Capital Investment Plan (CIP). The outreach plan emphasized the importance of providing opportunities for members of the public to weigh in on planned capital investments. An sample presentation from one of the virtual meetings is included below.

Public Comment and Engagement

Public feedback is important to the development and support of the Capital Investment Planning process. MassDOT has created [an interactive comment tool](#) to provide an opportunity for members of the public to directly comment on individual investments in the CIP. The comment tool was active throughout the public comment period which ended June 8, 2022.

Written comments were also accepted via more traditional method: via email at massCIP@state.ma.us or by letter sent to:

MassDOT
Office of Transportation Planning
Attn: Director of Capital Planning
10 Park Plaza, Rm. 4150
Boston, MA 02116

The Capital Planning team at MassDOT reviews all comments and will provide a response in the form of a single document that addresses all comment topics, and it will be posted to mass.gov/dot/cip.

Public Engagement for the 2023-2027 CIP

MassDOT hosted a series of public meetings across the Commonwealth in collaboration with our regional partners, the Metropolitan Planning Organizations. Below is a list of all the virtual public meetings that were held for the 2023-2027 CIP. Public comment will be accepted as part of the virtual public meetings. While each meeting focused on a specific region, comments are welcome on any aspect of the CIP.

Zoom details for public meetings, including registration links were available at <http://www.mass.gov/cip>. All meetings began at 6:00 pm, EST, and accommodation and language translation services were provided upon request.

Virtual Public Meetings

Region	Meeting Host	Date	Time	Platform
Western Massachusetts / Berkshires	Berkshire Regional Planning Commission / Franklin Regional Council of Governments Pioneer Valley Planning Organization /	May 24 th	6:00 pm	Zoom: https://us02web.zoom.us/j/82037272448?pwd=aXo3Sy9GTmdiVGRXU2VHcXFRK01pdz09 Meeting ID: 820 3727 2448 Passcode: 090975 Dial-In: 1-646-876-9923
Northern Middlesex / Merrimack Valley	Northern Middlesex Planning Commission / Merrimack Valley Planning Commission	May 25 th	6:00 pm	Zoom: https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 810 4237 7110 Passcode: 725620 Dial-In: 1-646-876-9923
Central Massachusetts	Central Mass Regional Planning Commission / Montachusett Regional Planning Commission	May 26 th	6:00 pm	Zoom https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 857 9613 5985 Passcode: 730172 Dial-In: 1-646-876-9923

Boston	Boston MPO / Central Transportation Planning	May 31 st	6:00 pm	Zoom https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 892 4730 4438 Passcode: 605065 Dial-In: 1-646-876-9923
Southeastern Massachusetts	Old Colony Planning Council / Southeastern Massachusetts Regional Planning and Economic Development District	June 1 st	6:00 pm	Zoom https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 826 0250 2217 Passcode: 624318 Dial-In: 1-646-876-9923
Cape Cod and Islands	Cape Cod Commission / Martha's Vineyard's Commission / Nantucket Planning and Economic Development Commission	June 2 nd	6:00 pm	Zoom https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 826 0250 2217 Passcode: 987991 Dial-In: 1-646-876-9923

The above table lists the virtual public meetings that were held for the CIP, along with the meeting hosts and platforms. All meetings were hosted with participation from MassDOT's regional planning partners and the relevant Highway District offices. Recordings of meetings are available online at www.mass.gov/CIP.

Because the planning process often revolves around the consideration of particular projects, the project development process is also informed by Title VI and by the needs of minority populations. Project scoring and prioritization includes scoring metrics that determine whether public outreach has been adequately performed to discuss the project idea and what level of support has been expressed by diverse populations. Similarly, project scores reflect the impact of benefits and burdens on Title VI and EJ populations in and around the project area. For projects that have received public support, including from among minority populations, and for projects that positively impact Title VI and EJ communities, higher points are awarded and these projects are more likely to advance compared to lower scoring projects.

Documenting and Responding to Public Comments

MassDOT's PPP requires that project managers "demonstrate explicit consideration and response to public input" ([23 CFR 450.210](#)) in the course of developing plans, programs, or providing other services or activities. MassDOT's Title VI staff recommends and trains to a number of strategies to effectuate this requirement. Traditionally, MassDOT's Title VI staff recommends documenting all comments as they are received and categorizing them by subject matter. With all comments grouped, the project manager is able to determine if individualized responses are required for all comments, or if batch responses and/or FAQ's should be developed to facilitate addressing a multitude of comments on the same or similar topics. The themes of the comments provide the project manager with feedback to consider addressing in the plan/program at issue.

Standard practice at MassDOT when developing regulated documents (such as the CIP) is to brief the Board of Directors, prior to seeking their approval for the plan, on the nature and outcome of the public process that was conducted in development of the plan. Project managers are trained to understand that this promotes transparency and accountability while also allowing top management to understand the details of the public engagement strategies in use by MassDOT, including those that support the Title VI requirements as detailed in the Public Participation Plan.

Traditionally, MassDOT has relied on spreadsheet tools like Excel to document public comments and process them. Today, with advances in technology, MassDOT has incorporated a number of software based solutions to further refine this process. These modern comment analysis techniques and tools began being integrated into the work of MassDOT in 2016 with the software supported analysis of "Capital Conversation" comments regarding the agencies proposed Capital Investment Plan (CIP). MassDOT has recently invested in software to support the cataloguing of public comments. This software allowed the project manager to document, map, categorize, and facilitate the response to public comments. The software tool is described here:

<https://gis.massdot.state.ma.us/cipcommenttool/>.

Since then, MassDOT has incorporated ever more sophisticated tools, such as the Public Involvement Management Application (PIMA), which allows MassDOT project managers to use a tailored software platform for soliciting, analyzing, and responding to public comments.

Program-Level Title VI and ADA Information Sharing

As part of the critical materials shared with members of the public and interested parties in the MassDOT Safe-Routes-to-School program is an inclusion and abilities guide which details Title VI and ADA related inclusivity efforts in the way the program is managed and implemented. That guide is included below, for reference. Following that is a copy of the “Equity Strategies for Schools” guide that is also made available to Safe-Routes to School interested participants. By disseminating this information, MassDOT is educating the public and stakeholders about how to get fully involved in the Safe-Routes to School program in a manner that build equity principles into the process from start to finish.



Inclusion & Abilities Guide

Inclusion & Accessibility in Safe Routes to School Education

The Massachusetts Safe Routes to School (SRTS) Program's educational resources and offerings are intended to engage all students, regardless of their physical abilities. We are working to update the program's Pedestrian Safety and Bicycle Safety units to better include and make the lessons more accessible for students with disabilities and students with other clothing and hairstyle considerations for biking.

We invite you to learn more about inclusion and accessibility with us. Use this document to understand:

- What language we use to consistently talk about and include students with disabilities
- How to support students' specific needs so they can participate in the program
- Who to coordinate with to improve access for our students with disabilities

Defining All Abilities & Disabilities

All Abilities

Students of *all abilities* means students with a broad range of physical, mental, emotional, legal, and socioeconomic skills and/or needs. Why do we want to ensure our program welcomes students of all abilities?

- We reach more students. When we reach more students, we are teaching more students to be safe, active stewards of our communities equipped with the tools to be healthy and more independent.

When we welcome and incorporate students of all abilities into SRTS activities, all students can:

- Learn about how people get around safely using similar and different techniques
- Enjoy each other's company while valuing each other's unique abilities
- Observe how adapted equipment accommodates various considerations and allows students to safely bike and walk

Disabilities

There are numerous and evolving ways to refer to a student's ability or experience that may differ from the "typical" or "expected" physical, behavioral, or cognitive norms of students in their age range. Just like each student has unique needs, they may refer to their abilities using different terms, such as disorder, disease, disability, or difference. We encourage you to follow the student's lead on how they identify.

"Disability" is used when a student performs below average on a standardized measure of functioning and when this causes suffering in a particular environment.¹ The three broad categories of disabilities are cognitive, physical, and emotional. Students may have a combination of two or more of these disability types. Disabilities can also vary widely by type, severity, and duration (short- or long-term). **Table 1** lists the common types of disabilities and potential considerations to help your student(s) learn pedestrian and bicycle safety skills.²

Table 1. Common types of disabilities and potential needs

Category	Description	Potential Needs
Mobility	Limited movement and/or stabilizations in a part of their body or entire body. May be accompanied by limited energy or stamina.	<ul style="list-style-type: none"> Physical support person Assistance pushing a wheelchair and/or pedaling Finding an adaptive bicycle Additional space in obstacle course
Auditory	Low or no hearing. Difficulty processing auditory information.	<ul style="list-style-type: none"> American Sign Language (ASL) interpreter or other support person Support devices (personal Frequency Modulation (FM) systems, also known as Radio Aids) Limiting background noise Include students at the front of the lesson space
Physical – Visual	Limited or no vision.	<ul style="list-style-type: none"> Guiding person, bicycle buddy, and/or cane Include students at the front of the lesson space Careful description of activities and placement of obstacles or course Finding an adaptive bicycle

¹ Baron-Cohen, Simon. The Concept of Neurodiversity Is Dividing the Autism Community. *Scientific American*. 30 April 2019. <https://blogs.scientificamerican.com/observations/the-concept-of-neurodiversity-is-dividing-the-autism-community/>

² Compiled and summarized from the National Safe Routes to School Partnership's report *Engaging Students with Disabilities in Safe Routes to School* (2018), as well as the United States Department of Education's Individuals with Disabilities Act.

Category	Description	Potential Needs
Cognitive – Neurodiversity	Varying cognitive strengths and abilities, commonly associated with students who have some form of autism.	<ul style="list-style-type: none"> • Support person or buddy system • One-on-one instruction • Clear, simple instruction • Additional time to learn concepts or skills
Emotional – Behavioral³	Internalization or externalization of emotions in ways that may make connecting with peers and learning difficult. Examples often cited include ADHD, ADD, depression, anxiety, and some neurodiversity associated disorders.	<ul style="list-style-type: none"> • Smaller group sizes • Higher adult to student ratio for support and supervision • Practice or a run-through prior to class • Supportive contact with student prior to lesson(s), accompanied by reviewing progress throughout



Individualized Education Program Team Members are Accessibility Experts

Students with disabilities are provided with an Individualized Education Plan (IEP) and an IEP team, which often includes families, teachers, students, and others such as physical or occupational therapists and aides. Work with the IEP team to:

- (1) identify potential barriers
- (2) establish the adaptive needs
- (3) secure or implement the needed accommodations

While not disabilities, other physical considerations that may limit students' participation in SRTS bicycle education and encouragement activities are shown in

Table 2.

³ Emotional and behavioral needs are more commonly known as and rooted in a disorder, but can present a disability in the classroom

Table 2. Additional adaptive considerations to inclusion

Category	Description	Adaptive Considerations
Cultural Dress	Some bicycles make wearing one's cultural dress and/or maintaining full leg coverage challenging.	<ul style="list-style-type: none"> • Check with parents/guardians about specific instructions to support their student's involvement in the lesson • Be careful not to exclude them or tell them their attire is unsafe. Focus on statements that suggest maintaining a full range of motion and line of sight for safety reasons. • Provide a step-through bicycle that limits how much a long garment rides up
Hair Style	Some youth helmets do not accommodate select hair styles or religious headwear well (e.g. some natural hair styles, afros, locs, high pony tails, high pigtails, beads/poms/bows, and thicker materialled headwraps and kippahs).	<ul style="list-style-type: none"> • Check with parents/guardians about hair style considerations⁴ and offering suggestions, like to bring a bandana/hair wrap and to remove beads,⁵ so that their student can use a helmet safely • Offer this guidance well in advance of the lesson, so families have time to plan for or adjust hair styles, as needed and if possible • Provide some larger helmets, while ensuring the helmet still fits snugly, covers the head, and is fully secured and stabilized on the head – sizing up is normal and can be necessary • Keep the talk positive so the students do not feel their hair style is a "problem;" consider, "while it is tricky to properly fit your helmet today [over ponytails, pigtails, etc.], it will be easier next time if you wear your hair like this [in a bun or low style and show examples]," then explain how the helmet should fit

Thoughtful Communication

We encourage you to use following strategies when talking with students, parents/guardians, teachers, and the student's IEP team to make your SRTS programming accessible to and inclusive of students with disabilities.

Talk about It to Normalize It

Talking about disabilities in a thoughtful way can normalize the different ways people can be pedestrians or bicyclists. Rather than prescribing one way and then adding in "the alternative," emphasize that there are many different ways to do things.

⁴ Natural hair and afro hair styles for wearing a helmet. <https://www.keepitsimple.com/natural-hair-styles-cycling/>

⁵ Hair and Helmets. Beaded Hair. <https://helmets.org/hair.htm>

Use Person First Language

Use person first language to talk about students who live with, have, or experience a disability. For example, say "students with a disability," "a person without a disability," "a child who is deaf or hard of hearing," etc. This strategy centers the student as a person first, who, secondary to their humanhood, may have a disability.

It's not Walking, It's Walking & Rolling

Students with disabilities who may use a rolling mobility device are still pedestrians! Here are some helpful and more inclusive words to swap into your vocabulary:

<i>Instead of Saying</i>	<i>Use This Term</i>
Walk	Walk & Roll
Bike	Bike & Roll
Walker	Pedestrian
Stand at the curb	Wait at the curb
Listen and Look	Be alert (using cues that can be visual, audible, and/or tactile; some cues are even smells!)

Be Clear about Provisions

Provide all participants in your SRTS programming an overview of what you plan to offer and what extra information you need from teachers or IEP team members. Then ask for or about additional support a student may need to facilitate their learning. Providing this information helps to provide each involved team member with greater context to make the right choice for them/the student, which in turn, honors their autonomy.

Share Broadly. Follow up Individually

Communicate how your program is inclusive, the accessibility options you plan to provide, and contact information for any questions. Then, follow up individually to known students with disabilities and/or their families about wanting to include them and see them participate, checking in on potential needs, and discussing ways to address any barriers.⁶

⁶ The SRTS Program does not communicate individually with students. The recommendations are for school staff and/or authorized school representatives when communicating details of SRTS programs.

Roles for Inclusive SRTS Programming

Table 3 provides suggested roles in being an inclusion champion and steps that each stakeholder can take to improve access to and inclusion in SRTS educational programs.

Table 3. Roles for Creating Inclusive SRTS Educational Programs

Stakeholder	How Can You Champion Inclusion?	Steps You Can Take
Teacher	You can provide access to your student(s) with disabilities the needed resources so that they can participate fully along with other students.	<ul style="list-style-type: none"> • Provide the SRTS team with information on adaptive needs • Loop in the IEP staff members • Elevate parent/guardian concerns • Advise and advocate for your student
Student with disability(ies)	You can and are welcome to participate with your classmates. You can ask for and find support as you need.	<ul style="list-style-type: none"> • Participate and show your classmates that you are also a pedestrian/bicyclist
Parent/Guardian	We want your child to feel included and be integrated into this learning opportunity. The SRTS Program wants to hear from you and welcomes your feedback.	<ul style="list-style-type: none"> • Share details about your child's needs with the event or educational coordinator • Participate in the safety units as needed or desired
IEP support team	You can advise and participate to support the student. The SRTS Program wants to hear from you and welcomes your feedback.	<ul style="list-style-type: none"> • Advise on best strategies and tools for the student's learning • Step in to provide suggestions and support, as you are able
Other students/families	This Program is for all your classmates, with or without disabilities! It's a great opportunity to learn how we all get around in different ways and we all want to be safe while doing so.	<ul style="list-style-type: none"> • Welcome, encourage, respect, and celebrate our differences • Be willing to be a buddy to another student, if that student's needs and wants your buddy-support!

Conclusion

Recognizing differences in human ability and strategies to achieve the same goal is an important component of Safe Routes to School education. You play a critical role in helping students without disabilities see their classmates with disabilities as able participants. Most importantly, you can provide students with disabilities with the opportunity to learn essential life skills to support living independently later in life. Thank you for championing inclusion and accessibility!

EQUITY STRATEGIES FOR SCHOOLS

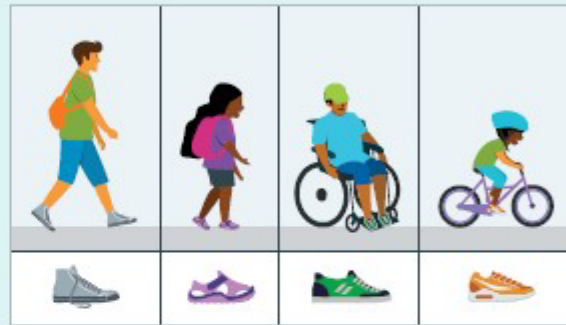
Equity is the core of the comprehensive Massachusetts Safe Routes to School (SRTS) Program. The Program prioritizes safe, active, and healthy opportunities for public elementary and middle school students regardless of ability, socio-economic status, race, or culture. This tip sheet will help schools identify and build safety and accessibility strategies that will benefit all students.

EQUITY VS. EQUALITY: Understanding the difference can *make all the difference*.

Equality is treating everyone the same.



Equity is giving everyone what they need to be successful.



EDUCATION

LESS INVOLVEMENT MORE

BEGINNER

- Include students of all abilities in annual SRTS safety trainings, including tactile pad and beg button use
- Share SRTS safety flyers with students and families



INTERMEDIATE

- Include all district elementary and/or middle schools in annual SRTS safety trainings
- Include parents/guardians and student volunteers to help provide safety instruction
- Employ SRTS videos and virtual lessons to augment in-person instruction
- Explore local ped/bike concerns with your students and focus on infrastructure, behavior, or location. An example is how to safely navigate railroad crossings

ADVANCED

- Adopt SRTS pedestrian and bicycle safety lessons into K-8 Health and Wellness curriculum
- Host a district-wide professional development session to train your teachers on the SRTS curriculum
- Use interpreters when holding community events, such as Bike Rodeos or Wellness Fairs
- Participate in SRTS webinars and other annual events



EVALUATION

LESS INVOLVEMENT MORE

BEGINNER

- Conduct a Parent/Guardian Travel Survey. It is available online and on paper in nine different languages
- Aim for 50% or higher survey participation rate to earn the school safety award package
- SRTS can provide promotional language for principal newsletters
- Develop a walking/biking route map from the survey data

INTERMEDIATE

- Conduct a Parent/Guardian Travel Survey in all elementary and/or middle schools in the district
- Share this data with local school administration
- Develop district-wide walking/biking route maps from survey or student address data

ADVANCED

- Conduct a Parent/Guardian Travel Survey in all K-8 schools every 2-3 years. This provides data to observe trends and gauge SRTS program effectiveness
- Share this data with local school administration and municipal staff
- Collaborate with local pedestrian/bicycle committees and planning departments to develop a community-wide walking/biking route map

ENCOURAGEMENT

LESS INVOLVEMENT MORE

BEGINNER

- Participate in SRTS's three annual flagship events
- SRTS can provide promotional language for principal newsletters
- Work with your SRTS Coordinator to modify these events if walking/biking is not an option
- Participate in SRTS's Yard Sign Contest to further encourage students to learn about safety

INTERMEDIATE

- Consider hosting monthly walking/biking events
- Use SRTS's library of no-cost/low-cost ideas to make the events fun for all ages
- Use route maps to develop Walking School Buses, Bike Trains, and Park and Walk locations
- Have bussed and driven students meet at select locations on flagship days so everyone can participate
- Have faculty and staff participate district-wide on flagship days

ADVANCED

- All K-8 schools participate in regular walking/biking days
- Partner with community organizations and police departments when organizing Walking School Buses, Bike Trains, and flagship events
- Submit local newspaper articles or social media pieces celebrating the school district's great work promoting active transportation

ENGINEERING

LESS INVOLVEMENT MORE

BEGINNER

- Create an arrival and dismissal plan that includes all types of travel to school
- Adopt arrival/dismissal report recommendations and implement based on the 6 E's
- Re-examine the location of special education vans and handicapped parking
- Join the DEP Green Team to get anti-idling signage and education materials for the school

INTERMEDIATE

- Host a walk audit with community and school stakeholders to examine neighborhood access
- Adopt and implement the walk audit report's recommendations based on the 6 E's
- Create separation of transportation modes in school zones
- Identify funding for projects and use the SRTS reports and travel surveys to support the application(s)

ADVANCED

- Provide adequate infrastructure for walking and biking at all schools, including bike racks, crosswalk locations, and pedestrian plazas
- Strive for ADA compliance for all crosswalks
- Collaborate with Department of Public Works and School Facilities on snow removal around school zone crosswalks and sidewalks

**ENGAGEMENT**

LESS INVOLVEMENT MORE

BEGINNER

- Communicate the arrival/dismissal plan through multiple channels, including website and school newsletters
- Utilize SRTS crossing guard training materials
- Participate in the SRTS annual Crossing Guard Appreciation day

INTERMEDIATE

- Develop an annual SRTS strategic plan with your Outreach Coordinator
- Invite local police to participate in SRTS bike assemblies to discuss local challenges and successes

ADVANCED

- Invite police and other community groups to participate in bike rodeos
- Form a taskforce to build a sustainable and inclusive SRTS program
- Utilize SRTS crossing guard training materials district-wide

Consider having your school district adopt active transportation amendments on walking, biking, and related infrastructure to your Wellness policy.

RESOURCES

Click on an "E" to access resources on the SRTS website.

**EQUITY****EDUCATION****ENCOURAGEMENT****EVALUATION****ENGAGEMENT****ENGINEERING**

MASS.GOV/SAFE-ROUTES-TO-SCHOOL

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. 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](#)³, (2) physical posting of the Notice in the public facing offices off MassDOT, including the Office of Diversity and Civil Rights, Human Resources, and the Secretary's Office (see photographs below), (3) displaying the Notice during public meetings/hearings (virtual and in-person), and (4) including the Notice in key publications (such as the [FFY 2023-2027 Capital Investment Plan](#)⁴). MassDOT has customized and provided the Notice text to all the state's MPOs/RPAs and continue to make the notice available as a template to all subrecipients. 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.

Please note: the MassDOT Title VI Notice to Beneficiaries is considered a "vital document" for language access purposes. As such, in keeping with the agency's Language Access Plan, the document is maintained and disseminated in the top ten languages in the Commonwealth (Portuguese, Spanish, Chinese simplified and traditional, Russian, Haitian Creole, Vietnamese, French, Italian, Khmer, and Arabic).

Following this notice, there are several figures for consideration that demonstrate the physical placement of the Notice to Beneficiaries throughout MassDOT's public facing offices (see Figures 1-4).

³ <https://www.mass.gov/service-details/title-vi-rights-and-protections>

⁴ <https://www.mass.gov/service-details/capital-investment-plan-cip>

Figure 1 – Notice to Beneficiaries posted the Office of the Secretary of Transportation

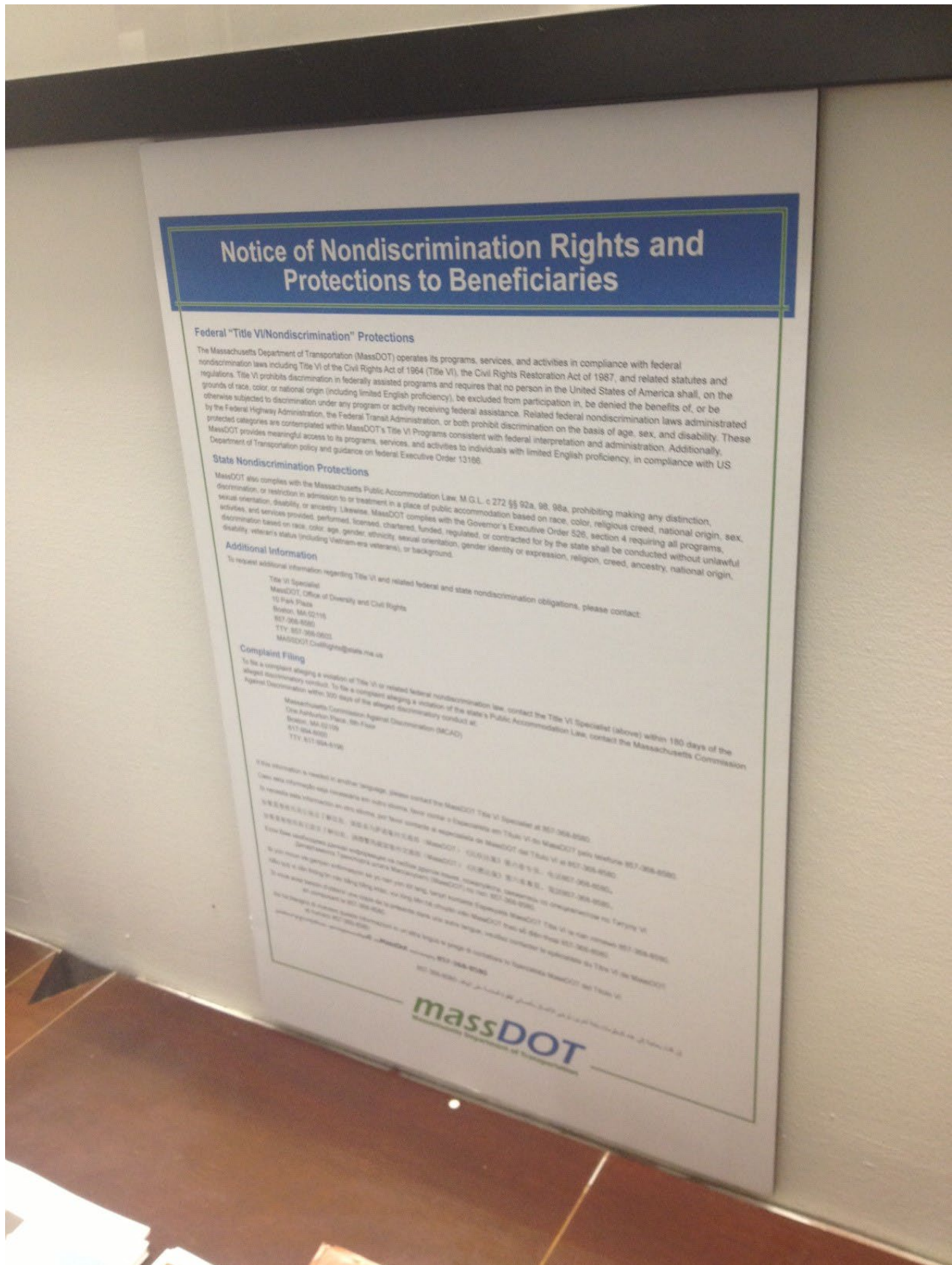


Figure 2 – Notice to Beneficiaries posted the Office of the Secretary of Transportation



Figure 3 – Notice to Beneficiaries posted the Office of Diversity and Civil Rights

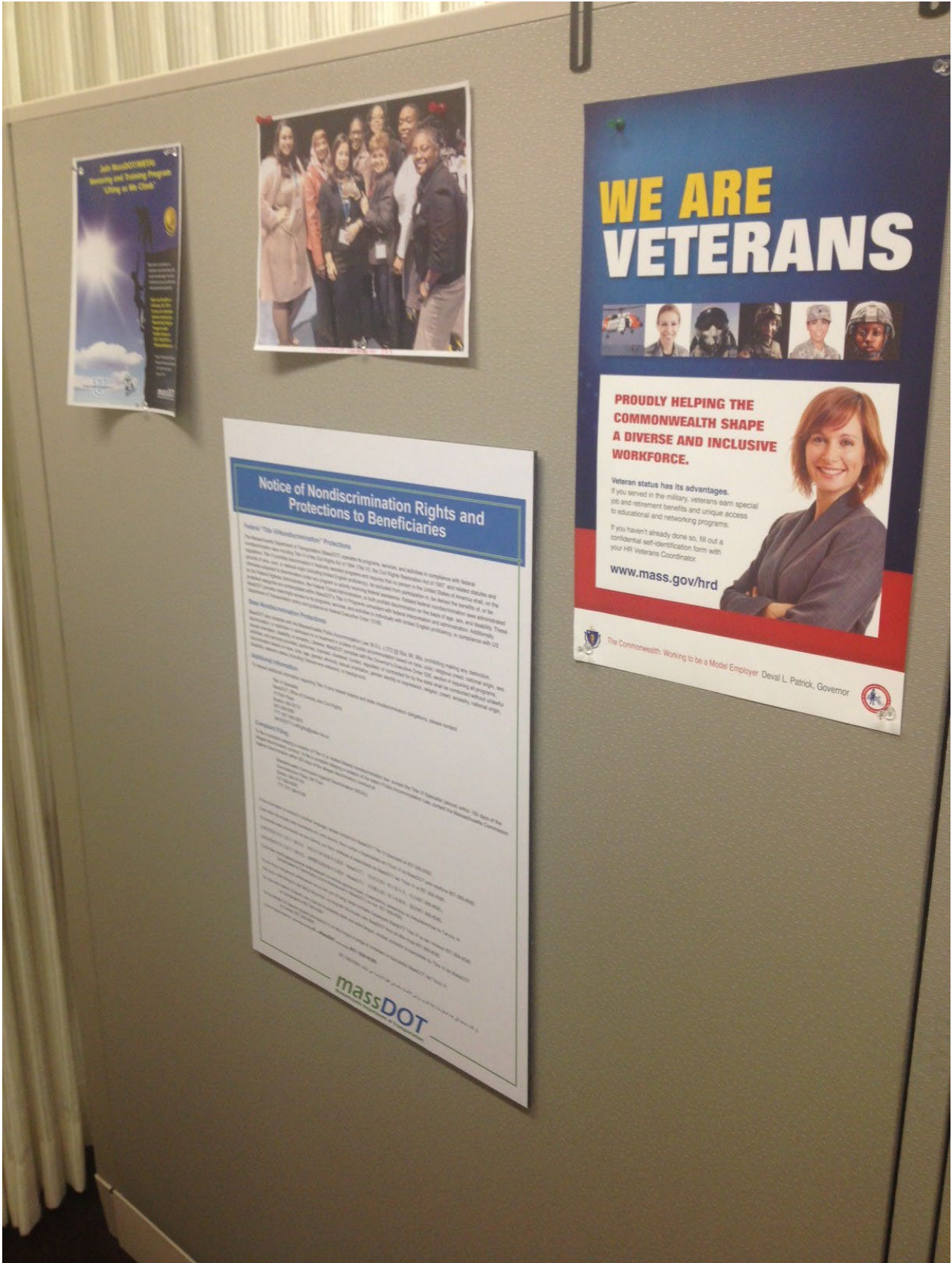


Figure 4 – Notice to Beneficiaries posted the Office of Diversity and Civil Rights



- *The Title VI Complaint Form and Procedure*

Similarly to the Notice to Beneficiaries, [the materials related to MassDOT's Title VI complaint procedure](#)⁵ 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.

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

- *The Public Participation Plan (PPP) and the Language Access Plan (LAP)*

MassDOT routinely updates the Public Participation Plan and the Language Access Plan as new demographic data on the public becomes available and as new strategies and protocols are identified and developed to meet Title VI/Nondiscrimination obligations in public engagement. Both the PPP and the LAP are maintained on the public facing MassDOT website and staff undergoes recurring trainings 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.

Note: the Public Participation Plan presented below reflects draft changes that have been incorporated during 2022 detailing MassDOT's ongoing virtual public involvement activities.

⁵ <https://www.mass.gov/how-to/how-to-file-a-transportation-related-discrimination-complaint>

MassDOT Public Participation Plan

1 INTRODUCTION

In accordance with state and federal law requirements⁶, and to ensure inclusive and accessible public engagement processes for transportation related activities and decision making, the Massachusetts Department of Transportation (MassDOT) has developed this Public Participation Plan (PPP or Plan). This Plan serves to guide agency public participation efforts to achieve inclusivity, diversity, and accessibility for members of the public to engage in the information sharing and decision making activities of MassDOT. This Plan guides MassDOT in its efforts to offer early, continuous, and meaningful opportunities for the public to help identify social, economic, and environmental impacts of proposed transportation policies, projects and initiatives across MassDOT. This Plan shapes all MassDOT public engagement, from instances of simply disseminating information to the formalized instances of public involvement in the transportation project development and decision making process.

The Plan is based on federal and state requirements and guidance for community participation.⁷ It describes MassDOT's overall goals, guiding principles, and strategic approach to achieving stated objectives. The Plan also details specific opportunities members of the public have to provide feedback on MassDOT programs, services, and activities. Specifically, the Plan states the methods that MassDOT uses to reach out to persons who are low-income, minority, Limited English Proficient (LEP), or have a disability, and other traditionally underrepresented populations. This Plan provides a toolbox of techniques to be applied, as appropriate, to achieve effective participation.

This Plan is a living document which will change and grow to help MassDOT deepen and sustain its work to engage diverse community members throughout the state. Therefore, MassDOT will modify its public participation methods and activities over time, based on ideas and feedback from community members and MassDOT's evaluation of our public participation effectiveness.

The Plan was developed through a collaborative effort between the MassDOT Highway Division, the Rail and Transit Division (including the Massachusetts Bay Transportation Authority's Systemwide Accessibility Department), the Office of Transportation Planning and the Office of Diversity and Civil Rights. It is intended as a document that will govern MassDOT's public participation activities, but also serve as a useful guide for the metropolitan planning organizations and cities and towns MassDOT works with, as well as for the consultants we contract with for public engagement support. The Plan also empowers the public through its clear definition of how MassDOT conducts its public participation activities, and sets a standard for our public facing departments, including managers and staff, to achieve.

⁶ The federal and state statutory and regulatory requirements are included at Public Participation Plan - Attachment 1.

⁷ This includes drawing from and adapting the FHWA's "*Public Involvement Techniques for Transportation Decision-Making*" document.

https://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/fhwahep15044.pdf

This Plan is not intended to be a step-by-step checklist where compliance is can only be achieved by performing each identified task. Rather, this plan identifies numerous recommended methodologies for diverse outreach and engagement. Also, it is important to note that some areas within MassDOT have pre-existing and approved policies for public engagement that are unique to the functions they carry out or the targeted audiences served, and in such instances (for example, Disadvantaged Business Enterprise goal setting), there may be departures from this Plan that are legitimate and reasonable.

In order for this Plan to take full effect, MassDOT requires public comment. Changes and improvements on this Plan and related protocols and policies will improve our ability to provide an equal opportunity for public input in our transportation decision making processes.

1.1 MassDOT's Structure, Mission and Values

MassDOT includes four divisions: Highway, Rail and Transit, Aeronautics, and the Registry of Motor Vehicles, with administrators for each division appointed by the Secretary & Chief Executive Officer for MassDOT.

- The Highway Division is responsible for the design, construction, and maintenance of the Commonwealth's state highways and bridges. The division is responsible for overseeing traffic safety and engineering activities to ensure safe road and travel conditions.
- The Rail and Transit Division is responsible for overseeing, coordinating, and planning all transit and rail matters throughout the Commonwealth. The division administers and manages the freight and rail programs of the department, federal transit-related competitive grant programs, urban and rural transit training programs, and oversees the Commonwealth's regional transit authorities.
- The Aeronautics Division has jurisdiction over the Commonwealth's public-use airports, private-use landing areas, and seaplane bases. It is responsible for airport development and improvements, aviation safety, aircraft accident investigation, navigational aids, and statewide aviation planning. The Division certifies airports and heliports, licenses airport managers, conducts annual airport inspections, and enforces safety and security regulations.
- The Registry of Motor Vehicles Division is responsible for vehicle operator licensing and vehicle and aircraft registration, available online and at service centers across the Commonwealth. In addition, the Registry oversees commercial and non-commercial vehicle inspection stations, third-party driver and CDL education courses, and is responsible for issuing state identifications.

MassDOT's mission is to deliver excellent customer service to people who travel in the Commonwealth and to provide our nation's safest and most reliable transportation system in a way that strengthens the Commonwealth's economy and quality of life. MassDOT embraces the following values:

1. **Dedication:** We will provide service around the clock and under all circumstances.
2. **Respect:** We will treat the public as our valued customer, and treat one another as we would like to be treated.
3. **Innovation:** We will improve and integrate transportation services using creative thinking and the best available practices and technology, while minimizing disruption to the public.
4. **Diversity:** We will promote an inclusive workforce and a culture that serves employees and customers fairly.
5. **Honesty:** We will provide the public with accurate information that is understandable and accessible.

1.2 MassDOT's Public Participation Goals

MassDOT has the following public participation goals which agency representatives and those working in concert with MassDOT on transportation projects and initiatives should strive to achieve:

1. Obtain Quality Input and Participation

Comments received by MassDOT are to be encouraged and reviewed to the extent they can be useful, relevant, and constructive, and contribute to better plans, projects, programs, and decisions.

2. Establish Consistent Commitment

MassDOT strives to communicate regularly and develop trust with communities, while helping build community capacity to provide public input, as needed.

3. Increase Diversity

Participants who are encouraged to participate in public engagement processes should represent, as appropriate to a project or those impacted, a range of socioeconomic, ethnic, and cultural perspectives and include people from low-income and minority neighborhoods, people with limited English proficiency, and other traditionally underserved people.

4. Ensure Accessibility

Every effort should be made to ensure that participation opportunities are physically, geographically, temporally, linguistically and culturally accessible.

5. Provide Relevance

Issues should be framed clearly and simply such that the significance and potential effect may be understood by the greatest number of participants.

6. Foster Participant Satisfaction

MassDOT should encourage the public to participate in project and initiative related discussions, recognizing that people who take the time to participate feel it is worth the effort to join the discussion and provide feedback.

7. Clearly Define Potential for Influence

The process should clearly identify and communicate where and how participants can have influence and direct impact on decision making.

8. Establish and Maintain Partnerships

MassDOT seeks to develop and maintain partnerships with communities and community-based organizations through the activities described in the PPP.

9. Provide Opportunities to Build Trust and Compromise

MassDOT should ensure that discussions, particularly where there are conflicting views, are structured to allow for levels of compromise and consensus that will satisfy the greatest number of community concerns and objectives. MassDOT recognizes that processes which allow for consensus to be achieved are critical to enable public support for recommended actions.

1.3 Guiding Principles for Public Participation at MassDOT

To help MassDOT achieve its goals for public participation, the following principles have been adopted:

1. Promote Respect

All transportation constituents and the views they promote should be respected. All feedback received should be given careful and respectful consideration. Members of the public should have opportunities to debate issues, frame alternative solutions, and affect final decisions.

2. Provide Proactive and Timely Opportunities for Involvement

Avenues for involvement should be open, meaningful, and organized to let people participate comfortably, taking into consideration accessibility, language, scheduling, location and the format of informational materials. Meetings should be structured to allow informed, constructive dialogue, be promoted broadly and affirmatively; and be clearly defined in the early stages of plan or project development. Participation activities should allow for early involvement and be ongoing and proactive, so participants can have a fair opportunity to influence MassDOT decisions.

3. Offer Authentic and Meaningful Participation

MassDOT should support public participation as a dynamic and meaningful activity that requires teamwork and commitment at all levels. Public processes should provide participants with purposeful involvement, allowing useful feedback and guidance. Participants should be encouraged to understand and speak with awareness of the many competing interests, issues, and needs that lead to transportation ideas and projects.

4. Provide a Clear, Focused, and Predictable Process

The participation process should be understandable and known well in advance. This clarity should be structured to allow members of the public and officials to plan their time and use their resources to provide input effectively. Activities should have a clear purpose, the

intended use of input received made clear, and all explanations described in language that is easy to understand.

5. *Foster Diversity and Inclusiveness*

MassDOT should proactively reach out to and engage people with disabilities, as well as low-income, minority, limited English proficient disabled and other traditionally underserved populations.

6. *Be Responsive to Participants*

MassDOT meetings should facilitate discussion that addresses participants' interests and concerns. Scheduling should be designed to meet the greatest number of participants possible and be considerate of their schedules and availability. Informational materials provided should be clear, concise and responsive to known community concerns, while avoiding misleading or biased suggestions or solutions.

7. *Record, Share and Respond to Public Comments*

Public comments, written and verbal, should be given consideration in MassDOT decision making processes and reported in relevant documents. Specifically, public comments provide an opportunity for shared knowledge among MassDOT departments and transportation partners, but also require clear responses that are documented to demonstrate that community input was in fact addressed. MassDOT should communicate the impact of the public input on decisions at a broad summary level, describing the major themes, the decisions reached, and the rationales for the decisions.

8. *Self-evaluation and Plan Modification*

The effectiveness of this Plan will be reviewed periodically to ensure it meets the needs of the public, and will be revised to include new strategies and approaches.

2. MassDOT's APPROACH TO PUBLIC PARTICIPATION

Transportation decision making and project development processes are regulated and follow set procedures, including the need to give the public opportunities to participate. These public involvement objectives are further shaped by MassDOT's commitment to civil rights related obligations, such as removal of barriers to participation, diversity, and inclusive outreach. This Public Participation Plan (PPP) describes participation opportunities generally and includes specific protocols and resources that are designed to facilitate diverse and inclusive public outreach and involvement. The plan is a flexible and evolving document. As necessary, MassDOT will revise the PPP based on recurring assessments of successes and/or challenges associated with outreach, as well as suggestions made and the results of public engagement processes.

In response to the COVID-19 pandemic, all Commonwealth agencies, including the Massachusetts Department of Transportation, have embraced a new tool to facilitate public engagement – virtual discussions. This Plan has been updated to inform staff, members of the public, project partners, and consultants of the new public engagement tools, resources, and protocols that have been designed to promote effective engagement during the time of an ongoing public health situation. In order to meet federal, state, and local public health guidelines during the COVID-19 pandemic, such as social distancing and the temporary closure of certain government offices, and permitted by certain temporary modifications to applicable public engagement requirements, such as the open meeting law, Commonwealth agencies are relying on virtual public engagement. By conducting the business of the agency virtually, MassDOT was able to ensure that members of the public were still able to participate in decision making processes and access programs, services, and activities in a manner consistent with public health requirements.

As early as March 2020, the MassDOT's Secretary of Transportation convened a multidisciplinary committee of representatives from across the agency to manage the roll out of virtual public engagement. This group was tasked with developing a strategy to implement virtual engagement in a manner that allowed for greater inclusivity and participation than traditional methods. Since then, this Virtual Public Involvement Committee (VPI Committee) has developed extensive trainings, resources, guidance, and templates for all staff, consultants, and partners involved in MassDOT's public engagement activities. The VPI Committee meetings also serve as a weekly forum for troubleshooting and exploring new ideas, technology, and approaches to improve and enhance the effectiveness of virtual engagement. As of this PPP update, the VPI Committee is exploring how to implement "Hybrid" public meetings, which combine virtual and in-person engagement. The group also continues to train a growing pool of in-house volunteers who work to ensure that public meetings are effectively run, inclusive, and accessible.

Looking ahead to a post-COVID-19 future, MassDOT is committed to continue relying on virtual public engagement as a key tool to effectively reaching all interested stakeholders and members of the public. Where possible, the new VPI related public engagement procedures that the agency has implemented since March 2020 have been integrated into or referenced in this Plan. There are also several attachments that now accompany this Plan, including training materials and other resources that staff and project partners currently rely on to implement virtual engagement. New VPI related

sections have also been added into this Plan, where needed. This Plan will continue to be updated to reflect substantive changes and major developments in the agency's public engagement strategies.

In this chapter, a general description of MassDOT's public participation activities is presented. Chapter 3 contains the specific civil rights protocols utilized by MassDOT for all public outreach activities, categorized by types of communication formats, including large group discussions, targeted group engagement and one-on-one interactions. Chapter 3 also contains the MassDOT Accessible Meeting Policy. Our view is that if these objectives and standards are appropriately applied to the different types of public meetings MassDOT convenes or participates in, the resulting discussions and resolution of issues will be inclusive and accessible to all.

In the subsequent chapters, specific opportunities to participate are described in the context of the development of:

- Long-term transportation plans
- Statewide Transportation Improvement Programs (STIP)
- Rail and Transit Division Programs and Policies
- Highway and Bridge Divisions Project Development

The outreach described for these specific activities should be read in concert with the civil rights protocols set forth in Chapter 3, as they are both congruent with and structured to facilitate inclusion in all MassDOT public participation efforts.

In addition, relevant federal policy guidance, principles, and techniques are referenced that enhance the potential for successful public participation processes. These ideas are derived from the U.S. DOT– sponsored guidance for systematically setting up and implementing a public participation program for a specific plan, program, or project. See Appendix 2, U.S. DOT Guidance, *Public Involvement Techniques for Transportation Decision-Making*.

2.1 Information Sharing Techniques

MassDOT takes pride in its work to maintain a collaborative relationship with community and municipal stakeholders and has strategically developed this Public Participation Plan to foster collaboration in an all-inclusive manner. The MassDOT public outreach effort rests on utilizing multiple communication channels to distribute information to, and solicit input from, affected constituencies. MassDOT typically communicates with the general public through one or more of the following methods:

- MassDOT website
- Public media (including local minority and non-English newspapers, radio stations, and television stations)
- Press releases

- Posters, display boards, and flyers
- Project fact sheets
- Brochures
- Newsletters
- Public service announcements
- Mailing and email lists
- Information stands at local events
- Social media
- Legislative briefings
- Presentations, public meetings, public hearings, open houses, and workshops (both virtual and in-person)
- Civic advisory committees and working groups

MassDOT Website Specifics:

Many people use the Internet as their main source of data and information. The MassDOT website is a comprehensive resource for people wanting information about MassDOT programs, projects, and activities. Public notices of all MassDOT meetings, public hearings, and public comment periods are posted on this site, along with information about MassDOT programs, projects, and activities. Some programs and projects have dedicated web pages on the MassDOT website that include:

- Information about upcoming meetings
- Project presentations and fact sheets
- Summary notes for meetings/workshops on the project
- A way to be added to the project's electronic distribution list
- Video recordings of project details and/or prior public meetings

Project websites are important tools for people who cannot attend meetings, either virtually or in-person. Members of the public can review presentations and meeting summaries and provide comments through emails, letters, and surveys to the project team. People who are unable to attend in-person or virtual meetings at the times they are scheduled can also review project information and provide comments on the website, and thereby have an alternative to attending a meeting.

Meeting Notice Content and Distribution:

MassDOT announces all meetings, public hearings, open houses, workshops, and public comment periods through press releases, mailings and email distribution lists, informing project partners, and/or disseminating informational meeting flyers as well as placing meeting information on the

MassDOT website. Notices are published in local English newspapers, and if the project has an impact on low income or minority populations, an effort is made to place notices in media that serves local, minority and non-English communities in regions across the Commonwealth. In the greater Boston area, such publications include *El Mundo*, *El Planeta*, *Vocero Hispano*, *Mattapan Reporter*, *Haitian Reporter*, *Sampan*, and *The Bay State Banner*. Meeting notices will include information about getting to a meeting location using public transportation, when transit is available. MassDOT notices also let people know they can request foreign language assistance, and that sign-language interpreters and other accommodations are available on request for people with disabilities (with timely notification). There is also information that lets people know who they can contact with questions or concerns. The information for these meetings and the informational materials provided at the meetings are translated into languages other than English, as needed, consistent with MassDOT's Language Access Plan.

2.1.1 Public Meetings, Open Houses, and Workshops

As of March 2020, in response to the COVID-19 pandemic, and looking ahead to the post-COVID-19 future, MassDOT is committed to effectively utilizing virtual public engagement tools and techniques to ensure that public engagement opportunities are inclusive and accessible to all interested attendees. The types of public engagements detailed in this section as well as Section 2.2.2 below can be held virtually or in-person.

1) Public Meetings

Public meetings are held to present information to the public and obtain input from community. Meetings provide a time and place for real-time communication. They are generally tailored to specific issues or projects and can be either informal or formal. Public meetings are used to disseminate information, provide a setting for public discussion, and receive feedback from the community.

2) Open Houses

Open houses are informal settings where people can obtain information about a plan, program, or project. They do not have formal agendas, and no formal discussions or presentations take place. At open houses, people receive information informally from exhibits and staff, and they are encouraged to give opinions, make comments, and state preferences to staff, orally or in writing. Informal presentations, slide shows, and one-on-one discussions take place continuously throughout the event, which usually includes a series of stations or virtual break-out rooms: a reception area; a presentation area for slide shows or short talks; areas for one-on-one discussions between community people and agency staff members; and displays of background information, activities to date, work flow, and anticipated next steps, accompanied by an array of primary subject panels. Since there is no fixed agenda, open houses are usually scheduled for substantial portions of a day or evening, so that people can drop in at their convenience and fully participate.

Note that Open Houses often involve one-on-one discussion of issues or concerns between meeting participants and project engineers or other MassDOT representatives. The content and nature of these informal exchanges is not easily captured in documents such as meeting summaries or notes. Thus, those MassDOT representatives that have such an exchange are instructed to relay the content to the Project Manager so that these issues are catalogued and tracked, as needed.

3) Workshops

Workshops are organized around a particular topic or activity and typically involve a relatively small group of people who want to participate intensively. These events are usually one to three hours in duration, and small groups work on a specific agenda. MassDOT staff members provide information, answer questions, and participate as individuals in workshops. Workshops are inherently participatory and encourage a “working together” atmosphere.

2.1.2 Public Hearings

A public hearing is more formal than a public meeting. The public hearing is an opportunity for members of the public to make recorded statements of their views before project decision making – such as 25% Design Public Hearings related to the development of a specific project. In the case of an environmental impact statement (EIS), a public hearing is held prior to preparation of the final environmental impact statement (FEIS). MassDOT views the hearing as a specific, observable administrative benchmark for public involvement.

A public hearing is held as part of the project development process or if otherwise required by state or federal law, prior to a decision point, to gather community comments and hear the positions of all interested parties for the public record. Public hearings are required for many transportation projects and have specific legal requirements.

2.1.3 Meeting Accessibility and Language Access

MassDOT is required to hold public hearings, meetings, open houses, and workshops in accessible facilities that are, wherever possible, at locations close to or served by fixed-route transit service. Likewise, virtual meetings must also be accessible – meaning the platforms and tools used to facilitate virtual engagement as well as the information shared during these sessions must be accessible. Meeting planners must conduct an analysis of the demographics of the area where the meeting is to be held to determine whether notices should be translated into languages other than English. The availability of handout materials in alternative formats—Braille, large print, and/or audio cassette, and languages other than English—as well as other accommodations (language interpreters, sign language interpreters, CART translators, etc.) must be indicated in the meeting notices along with specific information on how to request these accommodations.

MassDOT meeting planners should research and make every effort to select the location, size, and setup of meeting facilities based on the specific characteristics of the audience and the type of

information to be presented. For virtual meetings, this requires picking the platforms and tools that not only serve the purposes of the meeting (such as the need for break-out groups or live polling) but that are also accessible to individuals with disabilities and/or individuals with limited English proficiency. Whenever possible, hearings, meetings, and workshops should be held in places that are centrally located to the project and likely to attract a cross section of the people and businesses representative of the community stakeholders. Public libraries, public schools, and community centers are often used.

2.2 Tailoring Outreach to Underserved People

Effective meeting planning requires more than just setting up a virtual session, scheduling a room, disseminating notices, and ensuring that accommodations are in place. All MassDOT meeting planners should be striving for their meetings to be well attended. Not only does this help ensure that all interested parties have an opportunity to provide input, but this also helps address our nondiscrimination obligations to reach out to and solicit participation from diverse individuals and groups.

Outreach to traditionally underserved groups helps ensure that all constituents have opportunities to affect the decision-making process. It sets the tone for subsequent project activities and promotes a spirit of inclusion. The greater the consensus among all community members, the more likely the position agreed upon will aid in decision making for the plan, program, or project. Inclusive outreach efforts are particularly useful because they:

- Provide fresh perspectives to project planners and developers
- Give MassDOT firsthand information about community-specific issues and concerns
- Allow MassDOT to understand potential controversies
- Provide feedback to MassDOT on how to get these communities involved
- Ensure that the solutions ultimately selected will be those that best meet the communities' needs

MassDOT staff should strive to understand the full range of a community's needs in order to create more responsive and more innovative plans. By interacting with community members, MassDOT staff will gain insight into the reasons why community members agree or disagree with proposed plans or projects. The perspective of traditionally underserved people can inform the goals and outcomes of planning and project development, and ignoring this input can seriously threaten a project from being approved.

MassDOT's public outreach efforts are designed to accommodate the needs of low-income, minority, Limited English Proficiency, and other traditionally underserved people throughout all phases of any public participation process. MassDOT staff should recognize that traditional techniques are not always the most effective with all populations. Staff and managers employ a variety of public involvement techniques when working with underserved populations and communicate with

community leaders to find out the best techniques for working with a particular group (e.g., which approaches to use, where and when to hold events, how to recruit people, and what to avoid doing).

2.3 Virtual Public Involvement – An Evolving Strategy

The COVID-19 pandemic required all Commonwealth agencies to immediately incorporate virtual public involvement as a solution to continue meeting public engagement requirements during a public health situation. By directive from the Secretary of Transportation and the VPI Committee, MassDOT worked to ensure that the effectiveness of public engagement wasn't negatively impacted by the sudden forced reliance on virtual engagement strategies. In fact, MassDOT actively worked to improve its public engagement by incorporating new virtual platforms and tools, operating under the premise that some individuals may not have been effectively reached with traditional in-person meeting techniques and that virtual options could afford greater options and greater accessibility to actually increase participation.

Critical content related to MassDOT's virtual public involvement efforts is available online here:

<https://www.mass.gov/guides/guidelines-for-successful-virtual-public-meetings>

2.3.1 Platforms and Tools

MassDOT is committed to utilizing virtual public engagement platforms and tools that are accessible and allow for the integration of assistive services. When the COVID-19 pandemic began, MassDOT had access to limited number of licenses for various virtual meeting platforms. Through research and outreach, the VPI Committee learned that Zoom was regarded as one of the more accessible platforms for virtual meetings. However, at that time, the Commonwealth did not have any licensing agreements with Zoom. One of the first initiatives of the VPI Committee became procuring an appropriate number of Zoom licenses to support the number of public meetings being held. MassDOT is currently in possession of several dozen Zoom licenses, including licenses for Zoom Webinar. This has allowed MassDOT to make virtual public meetings a consistent experience, insisting that all meetings use our licenses for the appropriate platform. The VPI Committee continues to track accessibility related developments with this and other platforms and continues to solicit feedback from the public regarding the decision to rely on Zoom. To date, MassDOT is still operating under the understanding that Zoom remains a popular favorite for virtual public meetings due to its accessibility features.

MassDOT has developed a close relationship with the Zoom development team, including those responsible for the software's accessibility features. The VPI Committee regularly meets with the Zoom development team to relay information about the experiences of using the Zoom platform, especially in the context of providing accommodations, such as ASL and CART, and incorporating language access services, like foreign language interpreters. The VPI Committee encourages all MassDOT staff, consultants, and partners responsible for public engagement to share their experiences with these aspects of the software platform so that they can be discussed in detail with the Zoom team. Feedback can be directed to DOTVPICommittee@dot.state.ma.us.

For detailed information regarding the proper way to setup and utilize the software platforms and tools used by MassDOT for virtual public engagement, please review Attachment 8-02

2.3.2 Training for Virtual Engagements

To successfully implement and integrate virtual public engagement strategies, a comprehensive training program is critical. MassDOT's VPI Committee has developed a multi-faceted training program to ensure that all staff, consultants, and partners are fully prepared for their responsibilities in conducting and supporting virtual engagements.

The Learning Hub

The VPI Committee, in collaboration with MassDOT's Human Resources department, makes use of an online electronic training platform – The Learning Hub – to facilitate internal and external trainings regarding VPI. This platform houses training presentations and videos and allows managers and supervisors to assign required trainings to staff. All training activities are tracked and users can be notified when significant changes are made to training materials that would necessitate a follow up training session to be brought fully up to speed on latest developments. This platform, which is restricted access only to approved users, can facilitate not only internal trainings but external partners can also be granted access to the system. Using this mechanism, the VPI Committee has granted access to key partners, such as MPOs, design consultants, outreach consultants, and municipal project managers, all of whom have access to the same training resources used internally for MassDOT staff.

To request access to the Learning Hub, please contact the VPI Committee at DOTVPICommittee@dot.state.ma.us.

VPI Training – Foundation (100 Series)

The purpose of this training is to not only introduce the concept of virtual public engagement, but also to provide the framework of fundamental knowledge, skills, and abilities that anyone involved in virtual public engagement will need in order to be successful. This includes understanding the legal framework underpinning MassDOT's engagement responsibilities, including civil rights related obligations under Title VI and the ADA. Critical details regarding preparing for and conducting virtual public engagements are covered and comprehensive checklists are provided to support the work. Ground rules for meetings and strategies for effectively managing presentations and public feedback are addressed as are strategies for developing an engagement process that is well suited to fulfilling the purpose of the meeting.

For a copy of the VPI Foundation (100 Series) training, please review Attachment 8-01.

VPI Training – 200 Series

This training provides significant detail on the platforms and tools used to facilitate virtual public engagement. Due to MassDOT's understanding that the Zoom platform remains the most accessible option for virtual public engagement, much of the 200 Series training focuses on the technical aspects of setting up and using Zoom Meeting and Zoom Webinar to facilitate virtual engagements. Individuals who take this training will understand how to make informed choices between the various platforms and tools to best suite the needs of the particular engagement event being planned. They will also gain an understanding of the common barriers to participation and how they can be mitigated. The various tool available to facilitate engagement (such as breakout rooms, polling, and Q&A) are covered in detail, including troubleshooting techniques.

For a copy of the VPI 200 Series training, please review Attachment 8-02.

VPI Training – Videos

As part of the overall training strategy to prepare MassDOT staff and project partners for virtual public involvement, the VPI Committee produced a series of training videos. Each video focuses on developing a particular skill that is integral to successful virtual engagements. Topics covered include: establishing partnerships with local stakeholders, hosting virtual public hearings, accessibility considerations in the virtual context, and effectively using the Engage suite of GIS tools to develop diverse outreach plans. The full compliment of videos is hosted on the Learning Hub online training platform and are an integral part of the training process.

An example of one of the VPI training videos is available online here:

<https://www.youtube.com/watch?v=8XMthCzF7GU>

VPI Training – Troubleshooting

MassDOT acknowledges that even with the best planning, virtual public involvement events can still experience myriad technical difficulties. In order to understand these risks and to develop skills to effectively troubleshoot technical difficulties that may arise, the VPI Committee developed a standalone training module specifically tailored to this purpose. This training endeavors to identify frequently encountered issues and provide links to step-by-step instructions for effective solutions.

For a copy of the VPI Troubleshooting training, please review Attachment 8-03.

2.3.3 Producer and Facilitator Certification Program

At MassDOT, the majority of public engagement activities are planned by project managers who, as part of their project management responsibilities, are expected to fulfill public engagement requirements built into the project development process. For example, conducting a 25% Design Public Hearing when a construction project reaches that stage in development. With the

implementation of virtual public involvement, MassDOT wanted to ensure that all project managers had sufficient support to effectively roll out these new engagement technologies. While it's true that each project manager is trained, as detailed above, it's important for MassDOT to ensure that best practices are adhered to in a consistent manner across all public engagement activities. In response, the VPI Committee created a volunteer pool of staff who, in order to produce and facilitate virtual engagements in coordination with project managers, are required to complete a certification process and meet with the VPI Committee on a regular basis to provide the envisioned level of consistency.

VPI Producer Role

The role of the Producer is to manage the mechanics of virtual public engagements during the events themselves. Producers are trained to manage the virtual platform as well as the various tools that are used to facilitate participation during virtual events. By managing the technology, the Producer frees the project manager, designer, proponent, and others from the project team to focus on giving the substantive presentation, answering questions, and otherwise directly engaging with meeting attendees.

VPI Facilitator Role

The role of the Facilitator is to guide early action items related to public engagement, prior to the events themselves. A primary responsibility is working with the project manager to develop a public engagement strategy tailored to the specific project based on project location, project type, anticipated impacts, and local demographics. This includes developing relationships with community-based organizations and advocates as well as identifying and building local partnerships. By activating these local networks, the Facilitator is able to bolster the outreach strategy.

Producer and Facilitator Certification Process

While these roles are currently provided by a pool of volunteers, each one is expected to complete a multi-phase certification process in order to be effective. The aforementioned Learning Hub is used to assign required trainings to each new volunteer. These trainings are facilitated by members of the VPI Committee. The training process includes reviewing and scrutinizing video recordings of past meetings that have been successful as well as those that experienced challenges. Trainees are also required to shadow certified volunteers during several virtual engagements to gain a detailed understanding of the process. Once the VPI Committee training staff is comfortable that a new volunteer has successfully completed all these steps, that new volunteer is officially certified and ready to be assigned to a project. Once certified, each volunteer is required to meet regularly with the VPI Committee to provide feedback on their experiences over time and to stay up-to-date on latest developments in the technology, tools, and policies that shape this work.

For a copy of the Producer and Facilitator trainings, please review Attachments 8-04 and 8-05.

2.3.4 Internal Communication Regarding Virtual Public Involvement

In order to facilitate regular internal communication regarding VPI-related developments, including updated trainings, newly available resources, revised best practices, etc., the VPI Committee developed a dedicated email address as well as a SharePoint page. All members of the VPI Committee have access to the dedicated email and it is used to communicate important developments with project managers, producers and facilitators, project partners, the consultant community, and others. This email address also serves as a troubleshooting mechanism during public engagement events. For instance, a producer may be having technical difficulties during an event or perhaps a member of the public needs some assistance with the technology – the VPI Committee email, which is monitored during such events, is available and staff are able to assist as messages are received. The VPI Committee SharePoint pages serves as an internal repository of documents and other materials that project teams may need to access as part of the virtual engagement process. This can include template documents, forms, checklists, and scripts. The SharePoint page also facilitates discussion among staff by providing a forum for posting questions, experiences, lessons learned, and other such feedback.

2.3.5 Public Feedback Mechanisms

Whether conducted virtually or in-person, a key purpose of MassDOT’s public engagement activities is to solicit feedback from the public. This feedback is critical to gauge public sentiment and to determine appropriate paths forward on key decisions. With the introduction of virtual public involvement, MassDOT focused on two goals regarding public feedback – first, to ensure that the virtual engagement process included opportunities for effective feedback and second, to ensure that traditional feedback mechanisms were still available.

Virtual engagement platforms and associated tools allow for myriad feedback opportunities – commenting during a live event, real-time polling, sharing electronic surveys and comments forms, requesting attendee details during the event registration process, etc. MassDOT has implemented all of these strategies to solicit feedback from the public. However, it may not be possible for all interested parties to participate in virtual meetings. Therefore, MassDOT requires that traditional low-tech and no-tech feedback mechanisms still be available for each public engagement opportunity. This includes providing a phone number where the public can leave messages, a mailing address where the public can mail written comments, providing hardcopy survey and comment forms at local public offices and partner organizations (libraries, municipal offices, advocacy groups, etc.), and other such approaches.

2.3.6 Hybrid Meetings

Having recognized the benefits of virtual public involvement, MassDOT is committed to continue making use of virtual engagement, even if no longer necessitated by the COVID-19 pandemic or other public health situation. Having added virtual public engagement to the suite of tools the agency utilizes to interact with and receive feedback from the public and having seen its effectiveness in breaking down barriers to participation, MassDOT staff and project partners are being instructed to continue incorporating virtual engagement into their outreach activities.

While not currently operationalized, it is anticipated that future MassDOT public events will combine virtual and in-person engagements. These “Hybrid” meetings are required to adhere to the same nondiscrimination and accessibility requirements as exclusively in-person or virtual events. The VPI Committee is developing additional training modules for staff and project partners to understand how to effectively deploy a hybrid meeting strategy, but such trainings have not yet commenced. It is anticipated that MassDOT will take an iterative approach to hybrid meetings. During the first stage, virtual meetings will remain the default and additional follow up in-person sessions will only be considered under compelling circumstances. The second stage will focus on standardizing an approach where virtual meetings are then consistently followed by in-person sessions. The third and final stage would involve conducting virtual and in-person meetings concurrently.

In order to facilitate the eventual incorporation of hybrid meetings, the VPI Committee has initiated a project with local and regional partners to update MassDOT’s database of accessible meeting locations. Part of MassDOT’s “Engage” suite of GIS tools includes a database of accessible meeting locations. Acknowledging that hybrid meetings during an ongoing public health situation requires physical locations to have certain attributes that weren’t contemplated before, the VPI Committee is working to update this data with these details. For instance, to support concurrent virtual and in-person meetings, physical locations will require the availability of certain technology resources – high speed internet, audio and video capture devices, etc. In addition, the ability to meet federal and state public health recommendations regarding crowd size and attendee capacity in enclosed spaces requires a level of detail not previously captured in the existing datasets. By surveying local and regional partners to provide these details, the VPI Committee is anticipating developing an updated list of accessible meeting locations that cover the entire Commonwealth.

3 TITLE VI and ADA PROTOCOLS, POLICIES, AND RESOURCES

The civil rights protocols set forth in this document provide guidance on achieving compliance with Title VI and ADA public engagement requirements, both for in-person public engagement as well as virtual.

3.1 Civil Rights Protocols for Public Engagement

Many MassDOT departments conduct public meetings, hearings, open-houses, and one-on-one interactions with public. These Protocols are designed to support existing departmental Standard Operating Procedures. Further, these Protocols provide links, resources, and contacts to achieve public engagement that is compliant with civil rights law. The obligation to comply with these Protocols begins with the person(s) responsible for organizing and/or conducting the event. Because multiple MassDOT departments participate in the same public meetings, fulfilling this obligation should be viewed as a shared responsibility.

These protocols provide strategies for successful public engagement prior to and during public events. Due to the varied nature of MassDOT's engagement with the public, it is not the intention within these Protocols to include all required actions specific to varying stages of the planning process, or varying departmental standard operation procedures. However, where a Project Manager or other staff member encounters a difficult public involvement situation, he/she is advised to contact the Title VI Specialist and/or the Director of Title VI and Accessibility to identify strategies and alternatives to address such situations.

Similarly, this plan identifies an array of public engagement strategies that can be used, as applicable. The approaches, platforms, and tools used to conduct meetings should be tailored to the specific needs of the community and informed by the target audience and subject matter to be addressed. Effective public participation from a civil rights perspective requires knowing something about the target audience, including languages spoken, represented cultural groups, community organizations, local leaders and key players. This knowledge informs the communication strategy for timely notices, early response, and coordination on requests for language assistance for limited English proficient individuals or reasonable accommodation for people with disabilities.

Federal nondiscrimination obligations, through Title VI of the Civil Rights Act of 1964, Section 504 and 508 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), require nondiscrimination and equal access across the categories of race, color, national origin (including LEP), age, sex, and disability. These protocols are designed to ensure that sufficient consideration of outreach to and inclusion of these groups is incorporated into MassDOT's public engagement procedures. Adherence to these protocols will also sufficiently address State-level nondiscrimination obligations⁸.

⁸ State level protections include the federal protections plus ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, veteran's status (including Vietnam-era veterans), and background.

While the following protocols endeavor to highlight specific steps to follow and available resources to achieve civil rights obligations in public engagement, past experience with the public can and should be considered an important element of understanding individual and community needs, including civil rights related considerations such as language assistance needs, accessibility accommodations and inclusive public participation. Please use these Protocols as a guide and use good professional judgment in the decisions you make as you implement them.

3.1.1 Civil Rights Protocols by Type of Public Engagement

The following represents the four most common types of public engagement at MassDOT:

- Public meetings/hearings
- Open houses
- Stakeholder meetings
- One-on-one interactions

General Public Meetings (Sec 3.1.2)

Public meetings, both at the project level and more broadly, are an opportunity for members of the public to learn about MassDOT activities, collaborate, and provide feedback. Public hearings are a more formalized opportunity for the public to provide on-the-record comments regarding MassDOT decisions.

Open Houses (Sec 3.1.3)

MassDOT staff and project partners regularly interact with members of the public through “open house” sessions prior to meetings/hearings. These sessions afford members of the public an opportunity to view design plans for projects that will be discussed at the formal public outreach event. MassDOT staff and consultants (Designers, Planners, Right of Way Agents, Environmental Agents, etc.) are on hand to discuss particular details of interest with members of the public. While the interactions during these sessions are informal, critical issues are often raised. MassDOT staff and consultants strive to address these issues accurately and effectively during these sessions. *[Practice Tip: Some attendees choose to forego the meeting/hearing if satisfied with the information gained or with the opportunity to express concerns at the open house session.]*

Stakeholder Meetings (Sec 3.1.4)

At times, the complexity of a project, controversial issues, or the reality of having multiple interest groups to address may require engaging targeted audiences of stakeholders. Similarly, MassDOT may at times convene selected people within advisory committees, research efforts, focus groups and the like. Including trusted community leaders across diverse populations is a useful strategy to solicit representative feedback.

One-on-One Interactions (Sec 3.1.5)

MassDOT staff members interact directly with the public by virtue of the public facing programs, services, and activities the organization provides. These interactions can include planned meetings and spontaneous interactions with members of the public.

3.1.2 General Public Meetings and Hearings

3.1.2.1 Front Work – Know Your Audience

- 1) Identify who may be impacted. Consider:
 - a. The nature of the program, service, or activity (is it connected to the project development process? is it statewide, regional or local?).
 - b. Project parameters, such as location, areas that will be impacted by construction phases, areas that may benefit from the completed project, and the areas that may be burdened by the completed project.
 - c. Populations who reside in, travel to, and utilize community services in the geographic area of interest.
- 2) Determine the Title VI features of those identified above. Reference:
 - a. MassDOT’s online public engagement platform – “Engage”
<https://gis.massdot.state.ma.us/engage/>
 - b. EPA’s Environmental Justice screening and mapping tool – “EJ Screen”
<https://ejscreen.epa.gov/mapper/>
 - c. Housing and Transportation Affordability Index
<http://htaindex.cnt.org/map/>
[Practice Tip: explore the features of this tool to understand community characteristics across a number of transportation related metrics such as access to opportunities, transportation usage and options, housing patterns, GHG impacts, and community resource needs.]
 - d. National Equity Atlas
<http://nationalequityatlas.org/>
[Practice Tip: for local data, go to “Indicators” where information is available as text, charts, and maps.]
 - e. Social Vulnerability Index
<https://svi.cdc.gov/map.html>
 - f. Institutional knowledge

- 3) Build an outreach strategy. *[Practice Tip: You may already have well established connections with individuals and groups throughout the Commonwealth. You are encouraged to continue reaching out to those. These instructions provide you with steps to identify previously unknown points of contact to diversify outreach.]* Meeting planners should strive to develop an outreach strategy that reaches the diverse populations identified, including language groups and stakeholders across the nondiscrimination categories. Reference:
- a. MassDOT’s online public engagement platform – “Engage”
<https://gis.massdot.state.ma.us/engage/>
 - b. Consult the following MassDOT departments:
 - a. Office of Communications
 - b. Office of Legislative Affairs
 - c. Office of Transportation Planning
 - d. Office of Diversity and Civil Rights
 - c. Contact the local MPO to identify organizations and key stakeholders.
MPO Liaisons in the Office of Transportation Planning can assist in identifying regional contacts.
 - d. For outreach in the Boston area, contact the Mayor’s Office of Neighborhood Services.
<https://www.boston.gov/departments/neighborhood-services>
[Practice Tip: This office maintains liaisons in each neighborhood of Boston.]

3.1.2.2 Meeting Location and Time

- 1) Title VI Considerations
 - a. Consult with community leaders and community-based organizations to identify any factors that may help determine appropriate times and locations for public engagement activities. *[Practice Tip: These individuals can help you understand the cultural, ethnic, religious, gender, and political histories/experiences of the demographic groups in the locale to better inform meeting planning.]*
 - b. Consider factors such as cultural sensitivities and/or professional, personal, and academic commitments in setting the time, location, and number of meetings. Multiple meetings can be held at various locations and times if doing so promotes meaningful access to the public engagement opportunity.

- c. Virtual engagements allow for increased flexibility with meeting timing. Consider holding multiple virtual sessions to afford the public with maximum opportunities to participate.
- d. Where possible, select a meeting location near public transportation options. *[Practice Tip: A general rule of thumb is within ½ mile walking distance.]*

2) ADA Considerations

- a. Identify a venue for the public meeting that is accessible. Reference:
 - i. MassDOT’s online public engagement platform – “Engage”
<https://gis.massdot.state.ma.us/engage/>
 - ii. The Massachusetts Office on Disability
<https://www.mass.gov/orgs/massachusetts-office-on-disability>
 - iii. The Disability Commissions
<https://www.mass.gov/doc/current-list-of-active-massachusetts-commissions-on-disability/download>
 - iv. The Independent Living Centers
<https://masilc.org/cils/>
- b. For in-person meetings, when communicating with a meeting venue, determine if assistive technologies are available, such as assistive listening devices. *[Practice Tip: Even though you don’t know if such devices will be needed yet, this is a good opportunity to take stock of what is available should the need arise.]* While these details should be captured in the Engage database, it is appropriate to use these communications to confirm their availability and operability.
- c. For virtual engagements, the accessibility of the virtual meeting location is primarily related to the platforms and tools being used. Each meeting planner should confirm that they are using the recommended platforms and tools, and the appropriate recommended settings, as identified by the VPI Committee trainings and resources – attached.

3.1.2.3 Coordinating Public Notice

- 1) Draft the public meeting notice document ensuring that the following civil rights related components are included. This content is available in multiple languages to support outreach to limited English proficient populations.
 - a. Notice of Nondiscrimination
 - i. English

The Massachusetts Department of Transportation (MassDOT) operates its programs, services, and activities in compliance with federal nondiscrimination laws.

ii. Chinese Simplified

马萨诸塞州交通部（MassDOT）的各机构、服务和活动遵守联邦不歧视法

iii. Chinese Traditional

馬薩諸塞州交通部（MassDOT）的各機構、服務和活動遵守聯邦不歧視法

iv. Haitian Creole

Depatman Transpò Massachusetts (MassDOT, ki vle di "Massachusetts Department of Transportation") òganize pwogram, sèvis, ak aktivite li yo dapre lwa federal kont diskriminasyon.

v. French

Le ministère des transports du Massachusetts (Massachusetts Department of Transportation ou MassDOT) gère ses programmes, services et opérations conformément à la législation fédérale sur la non-discrimination.

vi. Italian

Il Dipartimento dei Trasporti del Massachusetts (Massachusetts Department of Transportation, MassDOT) porta avanti i propri programmi, servizi e attività in conformità alle leggi federali contro la discriminazione.

vii. Khmer

មន្ទីរគមនាគមន៍នៃរដ្ឋម៉ាសាឈូសេត (MassDot) ផ្តល់សេវាកម្ម និងដំណើរការកម្មវិធី និងសកម្មភាពទាំងអស់ ស្របតាមច្បាប់សហព័ន្ធលើការបំបាត់ភាពរើសអើង

viii. Portuguese

O Departamento de Transportes de Massachusetts (MassDOT) realiza seus programas, serviços e atividades em conformidade com as leis federais de não discriminação.

ix. Russian

Департамент Транспорта штата Массачусетс (MassDOT) проводит свои программы и оказывает услуги в соответствии с федеральными законами недискриминации.

x. Spanish

El Departamento de Transporte de Massachusetts (MassDOT) lleva a cabo sus programas, servicios y actividades de conformidad con las leyes federales contra la discriminación.

xi. Vietnamese

Sở giao thông tiểu bang Massachusetts [Massachusetts Department of Transportation (MassDOT)] vận hành các chương trình, dịch vụ, và hoạt động theo các luật chống phân biệt.

xii. Arabic

يُدير قسم النقل في ولاية ماساتشوستس برامج، وخدمات، وأنشطته بالامتثال لقوانين

b. Availability of language services and reasonable accommodations

i. English

The meeting is accessible to people with disabilities and those with limited English proficiency. Accessibility accommodations and language services will be provided free of charge, upon request, as available. Such services include documents in alternate formats, translated documents, assistive listening devices, and interpreters (including American Sign Language). For more information or to request a reasonable accommodation and/or language services please contact [email address] or [phone number].

ii. Spanish

Esta reunión es accesible para personas con discapacidades y los que tienen un dominio limitado del inglés. Se proveerá accesibilidad y servicios lingüísticos sin cargo, si los solicita y están disponibles. Dichos servicios incluyen documentos en otros formatos, documentos traducidos, dispositivos de ayuda para escuchar e intérpretes (incluyendo el American Sign Language). Para más información o para solicitar ayuda y/o servicios lingüísticos, por favor comuníquese con [email address] o al [phone number].

iii. French

La réunion est accessible aux personnes handicapées et aux personnes ayant une compétence limitée en anglais. Les arrangements d'accessibilité et les services linguistiques seront fournis gratuitement, sur demande, selon les disponibilités. Ces services comprennent des documents sous une forme adaptée, des documents traduits, des dispositifs d'écoute assistée et des interprètes (y compris la Langue des Signes Américaine - ASL). Pour plus de renseignements ou pour demander un accommodement raisonnable et / ou des services linguistiques, veuillez contacter [email address] ou [phone number].

iv. Haitian Creole

Reyinyon sa aksesib pou moun ki gen andikap ansanm avèk moun sila yo ki pa pale Angle byen. Yap bay akomodasyon aksesibilite ak sèvis lang gratis, sou demann, jan sa. Kalite sèvis sa yo gen ladan tradiksyon dokiman nan lòt fòm yo, aparèy kap ede pou tandè, ak entèpretè (sa ki gen ladan Lang Siy Ameriken). Pou w jwenn plis enfòmasyon oswa pou mande yon akomodasyon rezonab ak/oswa sèvis lang tanpri kontakte [email address] oswa [phone number].

c. International Symbol of Access

http://en.wikipedia.org/wiki/International_Symbol_of_Access

d. If no limited English proficient (LEP) population is readily identifiable in your area of interest you may not need to provide full translations of the notice text. However, to ensure we are not unintentionally creating a barrier to public access, the following lines of text provide an abbreviated statement of the availability of language services.

i. English

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

ii. Portuguese

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

iii. Spanish

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

iv. Chinese Simplified: (mainland & Singapore)

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。

v. Chinese Traditional: (Hong Kong & Taiwan)

vi. 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。

vii. Russian:

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.

viii. Haitian Creole:

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

ix. Vietnamese:

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.

x. French:

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.

xi. Italian:

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.

xii. Khmer:

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែពីភាសានេះ
សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី៦ របស់MassDot
តាមរយៈលេខទូរស័ព្ទ 857-368-8580

xiii. Arabic:

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

2) Public meeting notices must be accessible. *[Practice Tip: Since public meeting notices are disseminated in a variety of ways, including physical postings, website postings, and email blasts, it is important that the appropriate font and font size be used and that the electronic document be compatible with assistive technologies, like screen readers.]* Consult the following for instructions on developing accessible documents:

- a. Best practices for text and color contrast considerations when preparing hardcopy and electronic visual aids (such as maps, posters, plans, PowerPoint templates/graphics, charts, graphs, etc.)

<https://www.thc.texas.gov/public/upload/preserve/museums/files/Accessibility%20Resources.pdf>

- b. Creating accessible Microsoft Office documents:

<https://support.microsoft.com/en-us/accessibility>

- c. Creating accessible PDFs with Microsoft Office products:

<https://support.microsoft.com/en-us/office/create-accessible-pdfs-064625e0-56ea-4e16-ad71-3aa33bb4b7ed>

- d. General information on accessibility from Adobe:

<http://www.adobe.com/accessibility/>

- 3) To translate notice content other than that provided here, the following resources are available:
 - a. UMass Translation Center
<https://www.umass.edu/translation>
 - b. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>
- 4) Notice dissemination logistics:
 - a. Time the release of the notice to give the public enough time for language and accessibility accommodation requests (and to give staff enough time to process the requests). *[Practice Tip: Distributing notice four weeks in advance of a public engagement opportunity is generally regarded as sufficient.]*
 - b. The public notice and advance meeting materials should be provided to the diverse individuals and organizations incorporated into the outreach strategy.

3.1.2.4 Preparation for the Meeting

- 1) While preparing for the meeting, consider the following questions: (1) Are there civil rights implications in the background/history of the project? (2) What public engagement has already been conducted and did it illuminate civil rights concerns? and (3) What are the known benefits and burdens of the MassDOT program, service, or activity on Title VI populations? Consult the following resources:
 - a. Public meeting/hearing transcripts from prior projects in the area
 - b. Written public comments regarding prior projects in the area
 - c. MassDOT staff involved in planning and/or conducting prior related meetings
- 2) Convene the project team, including the VPI Committee's Producers and Facilitators, to coordinate early preparation activities. This can include drafting and reviewing presentation materials, rehearsing the presentation, refining the outreach strategy, securing accommodations and language access requests, and troubleshooting the technology that will be used to host the event.
- 3) Meeting planners should maintain an ongoing dialogue with the individuals and organizations identified as part of the outreach strategy in order to remain well informed on the level of community interest and likely involvement in the event.
- 4) The subject matter of transportation-related public engagement can often be based on highly technical studies, project designs that address difficult engineering requirements, multi-faceted long-range plans, and other complex documents. In such instances, project managers and meeting planners should create summary documents to present complex information in as simple and clear manner as possible to members of the public who have widely varying backgrounds, including

varied education levels. This guidance document produced by the Navy and Marine Corps Public Health Center gives pointers on writing effective executive summaries of highly technical documents:

<https://www.med.navy.mil/Portals/62/Documents/NMFA/NMCPHC/root/Environmental%20Programs/Pages/riskcommunication/Appendix-E-Guide-to-Writing-Effective-Executive-Summary.pdf>.

The key points and tips, such as avoiding industry jargon, replacing complex words with simple words, and using acronyms carefully, apply not only to the development of executive summaries, but also the development of documents that effectively convey information to the public.

- 5) Similarly to #3 above, any spoken presentation of complex topics should be as simple as possible to effectively communicate the subject matter across the varying background of meeting attendees. The guidance document below describes good strategies for presenting technical information to nontechnical audiences:

[http://www.cedma-europe.org/newsletter%20articles/WorkplaceXpert/Presenting%20Technical%20Information%20to%20Nontechnical%20Audiences%20\(Aug%2008\).pdf](http://www.cedma-europe.org/newsletter%20articles/WorkplaceXpert/Presenting%20Technical%20Information%20to%20Nontechnical%20Audiences%20(Aug%2008).pdf) .

- 6) Ensure that electronic documents related to the project that will be used during the meeting are accessible. *[Practice Tip: Adobe Acrobat Professional and Microsoft Word have built-in “accessibility checkers.”]* This applies to documents produced by MassDOT staff as well as consultants.
- 7) The period between notice dissemination and the meeting date should be used to identify and arrange reasonable accommodations and produce meeting materials in alternate languages and formats (such as Braille and large-print), if requested.

- a. Alternate formats can be obtained by contacting:

- i. MBTA System Wide Accessibility

<https://mbta.com/accessibility>

- ii. Massachusetts Office on Disability

<https://www.mass.gov/orgs/massachusetts-office-on-disability>

- b. Foreign language document translation can be provided by:

- i. UMass Translation Center

<https://www.umass.edu/translation>

- ii. Statewide Language Services Contract

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

- c. To obtain accessibility accommodations, contact:

- i. Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)

<https://www.mass.gov/orgs/massachusetts-commission-for-the-deaf-and-hard-of-hearing>

Services: American Sign Language (ASL) and Communications Access Realtime Reporting (CART)

- ii. MBTA System Wide Accessibility

<https://mbta.com/accessibility>

- iii. Massachusetts Office on Disability

<https://www.mass.gov/orgs/massachusetts-office-on-disability>

- d. If unsure how to provide a particular accommodation or for guidance on recommended accommodations, consult:

- i. The following MassDOT/MBTA departments:

- 1. Office of Diversity and Civil Rights

massdot.civilrights@state.ma.us

- 2. Systemwide Accessibility

<https://www.mbta.com/accessibility>

- ii. The Massachusetts Office on Disability

<https://www.mass.gov/orgs/massachusetts-office-on-disability>

- iii. The Disability Commissions

<https://www.mass.gov/doc/current-list-of-active-massachusetts-commissions-on-disability-as-of-july-2021/download>

- iv. The Independent Living Centers

<https://masilc.org/cils/>

- e. Funding Considerations

- i. All accommodations must be provided to the public free of charge.

- ii. For public outreach events necessitated by the project development process, each project contains an administration budget that should be utilized, if available.

- iii. For all other requests, contact the MassDOT Budget Office at (857) 368-9150.

3.1.2.5 Meeting Setup

1) In-Person Meetings

- a. Title VI considerations can be addressed through the following:

- i. Has signage in other languages been posted, where needed?

- ii. Has space been given to foreign language interpreters to sit with individuals who need language assistance?
- iii. Have Title VI related materials been made available at the welcome desk and/or in the meeting packet? This should include:
 - a) “I speak” language cards
<http://www.lep.gov/ISpeakCards2004.pdf>.
 - b) Translated versions of the written materials, where available.

2) Virtual Meetings

- a. ADA considerations can be addressed through the following:
 - i. Are the virtual platforms and tools set up consistent with the VPI 200 Training Series guidance? See Attachment 8-02.
 - ii. Have you tested the functionality of the virtual platform to incorporate ASL and CART into the meeting?
- b. Title VI considerations can be addressed through the following:
 - i. Have you tested the functionality of the virtual platform to incorporate foreign language interpreters into the meeting?

3.1.2.6 During the Meeting

- 1) In the event that this public meeting/hearing is preceded by an open house, please refer to Section 3.1.3 below regarding civil rights considerations in that setting.
- 2) At the start of the meeting, identify the Title VI and ADA related services that are available. This can include, foreign language interpreters, translated documents, ASL interpreters, CART reporter, alternate format documents (such as Braille and large print), and others. Instruct attendees how to access these services. *[Practice Tip: If foreign language interpreters are available, ensure they have an opportunity to interpret this statement for the attendees prior to commencing with the substance of the meeting.]*
- 3) For virtual events, identify the process attendees should use to address technical difficulties accessing the event/presentation.
- 4) Identify all of the available mechanisms for attendees to provide comment. This includes making a statement during the live event but should also include leaving voicemails, sending emails, mailing correspondence, participating in electronic or hardcopy surveys, utilizing a web form, etc.
- 5) MassDOT is required to “demonstrate explicit consideration and response to public input” ([23 CFR 450.210](#)). During a public outreach event, this requires affording attendees with opportunities to voice comments, questions, and concerns and

provide an adequate response at the event or by following up in writing or at subsequent public outreach opportunities. *[Practice Tip: All MassDOT staff in attendance at open houses and similar informal meetings should take written note of any oral comments made by the public during the meeting and during one-on-one interactions and give this information to the Project Manager as part of post-meeting follow up.]*

- a. For virtual events, it is important to make sure that attendees that are listening on separate foreign language audio feeds have an opportunity to provide comment through the interpreters. During comment periods, each interpreter should be asked whether any of their attendees would like to comment.

3.1.2.7 Post Meeting

- 1) All public comments (written and oral) expressed during the public outreach event should be compiled by the Project Manager (or designee). *[Practice Tip: This can be accomplished through in-person debriefing sessions following the meeting or reviewing the meeting transcript, if available.]*
- 2) The Project Manager is responsible for coordinating responses to public comments.
 - a. Methods of responses can include:
 - i. Individualized written responses
 - ii. General distribution of written statements (web, email, newsletter, newspaper, etc.)
 - iii. Postings to project specific website, if available
 - iv. In-person or virtual follow-ups with individuals/organizations regarding the topics of discussion at the public outreach event.
 - b. The Project Manager (or designee) reviews the public comments to determine which MassDOT program areas (such as Civil Rights, Right of Way, Design, Environmental, Planning, etc.) should be consulted with or assigned the responsibility of drafting a response that “demonstrate[s] explicit consideration... to public input.”
- 3) In instances where MassDOT will draft a written response to a public comment, the content of the response itself can “demonstrate explicit consideration” by:
 - a. Describing changes to the recommended design prompted/requested by the comment and how they will be considered
 - b. Describing alternate designs prompted/requested by the comment and how they will be considered

- c. Describing mitigation measures prompted/requested by the comment and how they will be considered
 - d. Describing the MassDOT program areas that were consulted in formulating the response
 - e. Noting whether the comment is new or previously encountered
 - f. Noting whether the comment has been received from multiple sources
- 4) Responses should also contain:
- a. Contact information for additional information and follow-up
 - b. Notice of upcoming related public engagement opportunities
- 5) The Project Manager should note, through Project INFO “comments,” civil rights considerations encountered through the planning and conducting of the outreach event, such as translation requests or foreign languages encountered. *[Practice Tip: For projects that have received a Project INFO number, the “comments” section can be used to highlight civil rights related comments or concerns from the public. The document database for these projects can also be used to store scans of comment forms.]*
- 6) The community leaders that assisted in the outreach campaign should be thanked for their assistance/efforts with a call or written correspondence.

3.1.3 Open Houses

3.1.3.1 Title VI Considerations

- 1) For in-person meetings, make sure “I Speak” language cards have been provided at the welcome desk. <http://www.lep.gov/ISpeakCards2004.pdf>
- 2) If MassDOT is providing interpretive services at the public meeting/hearing session, then they should also be available during the open house session and their availability should be made clear through signage and/or announcements. *[Practice Tip: Those running the meeting should ask interpreters to announce their presence and the availability of their services several times during the open house.]*
- 3) After the session, MassDOT staff and consultants in attendance should relay the nature of questions and concerns identified through interaction with the public to the Project Manager (or designee). *[Practice Tip: It is important for MassDOT staff working on all stages of project development to know community concerns. Sometimes these are made evident during informal open house interactions. Just because they don't make it onto a public hearing transcript doesn't mean we don't have an obligation to be aware of them and respond accordingly.]*
- 4) Written descriptions of items on display may need to be translated depending on requests received and/or the anticipated level of LEP participation.

3.1.3.2 ADA Considerations

- 1) For virtual meetings, confirm that the virtual platforms and tools are set up consistent with the VPI 200 Training Series guidance. See Attachment X-03.
- 2) Consider the following when setting up the physical space for an in-person open house venue:
 - a. Consult the following guide on best practices for text and color contrast considerations when preparing hardcopy and electronic visual aids (such as maps, posters, plans, PowerPoint templates/graphics, charts, graphs, etc.) <https://www.thc.texas.gov/public/upload/preserve/museums/files/Accessibility%20Resources.pdf> *[Practice Tip: Choose color schemes that are least likely to be problematic for individuals with common types of color blindness and visual impairments.]*
 - b. Pathways that guide attendees to display materials should be clear of obstructions. *[Practice Tip: Rule of Thumb: remove tripping hazards (such as electrical cords) and keep the pathway at least 3' wide.]*
 - c. Proper heights and viewing angles of display materials make them accessible. *[Practice Tip: Rules of Thumb: For display materials mounted on the wall, they should be no higher than 48" from the floor and provide clear floor space 30" wide and 48" wide. For tabletop displays, the table should be between 28 and 34" inches in height and there should be at least 27" of knee space from the floor to the underside of the table.]*
 - d. Horizontal surfaces used for display should be at a height accessible to individuals that are short of stature and/or rely on assistive mobility devices.
- 3) MassDOT staff and consultants should be prepared to describe displays to blind or visually impaired attendees.
- 4) Alternate versions (Braille, large print, etc.) of public documents (such as informational packets) should be available, if requested.

3.1.4 Targeted Outreach Gatherings (Small Group Meetings/Committees/Task Forces/Studies)

3.1.4.1 Strategic Planning for Group and Individual Inclusion

Strategic planning for the involvement of Title VI community members on special purpose meeting groups or committees is essential to an inclusive and successful effort.

Preliminary Steps:

- 1) Identify and analyze the location affected by the project or initiative at issue to determine the Title VI populations in the area.

- 2) Establish a clear objective and role for the envisioned targeted group, including the nature of community involvement and particular skills which may be needed for meaningful discussion or deliberations.
- 3) Create an outline or public participation matrix to identify the different types of community representation and interests that reflect the community affected by a project or initiative with careful attention to Title VI populations. Types of organizations or interests that may include representatives of Title VI populations:
 - a. Transit-dependent communities
 - b. Transportation advocates
 - c. Socio-economic advocacy organizations
 - d. Affected businesses
 - e. Civic organizations (women, seniors, youth, veterans, people with disabilities, etc.)
 - f. Freight interests
 - g. The disability community
 - h. Neighborhood associations
 - i. Schools
 - j. Places of worship
 - k. Community development corporations
 - l. Professional organizations
 - m. Chambers of commerce

Beyond demographic data and identification of the types of Title VI related groups or individuals in the community, there are certain key questions to help define the individuals or groups to invite. Consider meeting with a small group of internal staff and/or managers from among key MassDOT departments who know the community (Highway Design, Planning, Leg. Affairs, ODCR, OPMI, etc.) and who can help answer these key questions:

- 1) Who needs to be at the table for the work to be accomplished?
- 2) What is the history of relationships between stakeholder representatives and groups? Is there any past tension that may be a deterrent to participation? If so, are there other community leaders who could help mediate to encourage participation despite differences?
- 3) If known from past experience, are there stakeholders critical to the process who may be reluctant to participate? How can this reluctance be alleviated? What would be the impact of their refusal to participate in the process? Is there an alternative to their participation?
- 4) What commitments do you want from participants?

- 5) Other than known stakeholders, what other individuals or groups could have an interest in the project that are not in the immediate project area, and/or are not otherwise represented in the outreach strategy?
- 6) Do you have natural allies on an issue? Natural adversaries?

3.1.4.2 Consult Internal Resources

Based on MassDOT and the MBTA's vast prior experience in communities across the Commonwealth, we have significant corporate knowledge of local groups, key individuals and community issues or concerns. Consider consulting the following:

- 1) MassDOT's online public engagement platform – "Engage"
<https://gis.massdot.state.ma.us/engage/>
- 2) Office of Diversity and Civil Rights (which does a range of outreach across the Commonwealth, responds to complaints and works with key Title VI leadership on transportation matters)
- 3) Office of Transportation Planning (which conducts significant long-range studies that engage the public and builds knowledge of communities and has access to, and key relationships with, the Metropolitan Planning Organizations in all regions of Massachusetts)
- 4) Community Relations and Legislative Affairs (which can reach out to state legislators and their aides for suggestions)
- 5) Highway Design (which works directly with project proponents, especially in instances of municipally proposed projects, although there can be a risk of bias in favor of suggestions that support the project)

There may be other sources of contact in additional MassDOT and MBTA departments or Divisions (Environmental, Right of Way, Registry, Aeronautics, Customer Experience, Systemwide Accessibility) that may have had experience with a location and or community representatives, which could also be helpful to explore.

3.1.4.3 Consult External Resources

The following external partners can be consulted to help identify groups and individuals who should be invited to participate on these projects.

- For outreach in the Boston area, contact the Mayor's Office of Neighborhood Services.
<https://www.boston.gov/departments/neighborhood-services>
- The Metropolitan Planning Organizations
<https://www.mass.gov/service-details/regional-planning>

- The Massachusetts Office on Disability

<https://www.mass.gov/orgs/massachusetts-office-on-disability>

3.1.4.4 Conduct Research on the Leads you Gather

Conduct a Google-type search on the communities involved and the groups and individuals who have been identified. This information is useful in gaining a basic understanding of traditions and holidays which may impact participation, through to a more thorough understanding of complex considerations like past perspectives and stances on relevant issues and relationship to government and/or transportation.

3.1.4.5 Reaching out to Invitees – Anticipating Potential Obstacles to Participation

Consider utilizing the following outreach approaches to engage with invitees:

- Look for formal and informal opportunities to engage, collaborate, and build relationships, including calls of introduction.
- Use multiple outreach methods and do not rely on e-mail or websites alone.
- Tailor materials to the audience, including translations.
- Identify existing channels of communication through communities.
- Experiment and reflect on the effectiveness of new approaches.

There are a range of factors leading to reluctance to participate for individuals and groups that could be helpful in a transportation-related discussion. For example, many times leaders are either the heads or senior leaders of organizations or community groups; this limits their ability to participate because there are many existing demands on their time, resources and commitment. Think through and identify the factors which would encourage participation and involvement before reaching out, to be in the best position to explain how it is important for this individual or group to participate.

The following are some common barriers to participation, and possible resolutions:

- Limited English language skills and/or limited literacy** – it is first important to know that MassDOT has the ability and obligation to fund translation and interpretation support and to convey this message.
- Lack of trust due to past experiences** - it is important to be in a position to respond with as much information as will demonstrate that both participation and the project are being honestly and openly addressed.
- Lack of experience with transportation decision making processes** – it is important to have a member of the project team available who can explain and contextualize the decision making process so that expectations are clear.
- Economic barriers** – (such as transportation costs and work schedules) meetings should be sited in the community to avoid cost factors, and they should be timed

to meet the schedule of the majority of participants, after due consideration of all schedules, alternatives and needs. Virtual meetings offer an option that may help reduce some of these economic barriers.

- e. **Cultural barriers** – there may be intergroup dynamics that make bringing people together problematic. Early research will help build understanding of this possibility, and suggest whether a mediated way of bringing the groups together is an option, or identify the need to have separate meetings.
- f. **Common barriers** – time, other demands. The key to this element is making sure that the importance of an effort is clear and well stated to the candidate, including the benefit to an individual or group representative being recruited. Virtual meetings offer an option that may help reduce some of these common barriers.

3.1.4.6 Responding to a Refusal to Participate from an Invitee

- 1) If a person or group declines to participate in a particular effort, it is important not to get frustrated but instead to handle the refusal diplomatically because that same group might be the subject of an outreach effort in the future, and may wish to participate on another occasion.
- 2) In responding to a decision not to participate, thank the person or group for considering the invitation and suggest that they might accept an invitation for a different opportunity in the future. In this way, no feelings are hurt, doors are left open and the person or group remains feeling that they are valued in the future.
- 3) Consider sending the individual or organizations updates on the effort that are sent to others. This effort could be informative and demonstrate a good faith effort to be inclusive.

3.1.4.7 Documenting the Effort to Achieve Diversity and Next Steps

It may be impossible to achieve a perfectly diverse committee for purposes of transportation planning, given the difficulty of recruitment and obstacles to participation. Simply put, the concept of diversity in transportation planning is elastic - it will change based on the geographic location, the issue under study or discussion or the nature of the need for input. Nonetheless, our federal partners, and even community members will expect to know about our efforts and may wish to question whether MassDOT truly conducted outreach in an inclusive manner. Documentation of our efforts is good evidence of the opportunity that was given to the public. Our Title VI obligation requires us to provide an equal opportunity to participate in transportation planning exercises and ultimately, it is an exercise in demonstrating that MassDOT has been thoughtful and reached out effectively to increase diversity in our community engagement.

For purposes of proving that an outreach effort was genuine and reached out to diverse communities, there are steps that the meeting convener or planner should take:

- 1) The meeting planner should keep a file on available resources and methods used to identify individuals and groups, the nature of the outreach effort, the people invited and the results of a recruitment effort. Possible resources:
 - a. Lists of potential invitees who were considered and/or accepted
 - b. Samples of research conducted and/or consultations made for recruitment
 - c. Copies of invitation e-mails or other correspondence
 - d. Group membership lists, with indications of the Title VI communities represented
 - e. Meeting sign in sheets
 - f. Correspondence from invited individuals
- 2) The meeting planner should make the list of actual participants available.
- 3) Meeting planners should plan to discuss with the members of the group that is ultimately recruited the efforts made to reach out to and recruit diverse individuals and organizations.
- 4) Effective management of the group that is ultimately formed is key to the productivity and longevity of relationships with Title VI community members. Following-through with stakeholders to demonstrate that input was considered and/or had an impact on project parameters, study outcomes, and planned activities can demonstrate to participants the value added to their interests and communities through continued involvement in these activities.

3.1.5 One-on-One Interactions

3.1.5.1 Communicating with Individuals with Limited English Proficiency (LEP)

If a member of the public is attempting to interact with you but there is a language barrier, the following procedures are recommended based on the types of interactions.

- 1) In-person (such as MassDOT reception areas, district offices, construction sites, RMV Service Centers, EZ Pass Service Centers, etc.)
 - a. The first step is to identify the preferred language of the individual. The following resources are available:
 - i. "I Speak" cards
<http://www.lep.gov/ISpeakCards2004.pdf>
 - ii. Google Translate, or a similar real-time free online language translator can be used to identify the language.
<http://translate.google.com/>

[Practice Tip: If the member of the public is directed to type (or speak into the computer's microphone, if available) on the webpage in a language

other than English, the software can "Auto-Detect" which language is being used and provide real-time translations. Please note that the accuracy and effectiveness of these translation systems is not complete and should not be relied on as an exclusive means of providing language access to LEP individuals.]

- iii. Assistance from co-workers in your unit that may be able to identify the language.
- b. Once the language has been identified, the methods you use to address the needs of the individual will change depending on the circumstances.
 - i. You may be able to address simple inquiries informally on-the-spot with the aid of multi-lingual staff or Google Translate (<http://translate.google.com/>) or a similar product. *[Example: providing directions around the building/office to an LEP individual.]*
 1. If you work in one of the MassDOT Highway or Registry units that has been surveyed for multi-lingual staff (Registry, ROW, OTP, Environmental, Design, and OREAD), refer to the database (available by contacting the Office of Diversity and Civil Rights) to identify a co-worker in your unit that can assist. *[Practice Tip: Assisting in this way is purely voluntary and the nature of the communication should be incidental.]*
 2. An employee and an LEP individual can type or speak into Google Translate software and carry out a rudimentary conversation. This should remain limited to incidental interactions.
 - ii. If the conversation turns to more complex issues or you have reached the limitations of the technology or your knowledge of the subject at issue, the MassDOT staffer providing informal translations or Google Translate should inform them that professional language services are available that may be better suited to meeting their need. More complex issues may require professional translators/interpreters. *[Example: An LEP individual who needs assistance to engage in the complaint resolution process or to participate in a MassDOT program, service, or activity that requires an application process. (such as a driver's licenses, EZ Pass, etc.)]* Complex issues are those that affect the legal rights of the individual and therefore depend on the accuracy of translations/interpretations. The following services are available in those instances:
 1. UMass Translation Center
<https://www.umass.edu/translation>
 2. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>

- iii. Should you require time to secure professional language services (such as scheduling a meeting with an interpreter or sending out documents to be translated) then you should try to make this clear to the individual on-the-spot with the aid of multi-lingual staff or Google Translate. *[Practice Tip: Using Google Translate to convey this information allows you to include details such as expected turnaround times, meeting dates and locations, and contact information.]*

2) Over the Phone and Virtual

- a. If you are able to identify the language of the caller/virtual attendee and you work in one of the MassDOT Highway or Registry units that has been surveyed for multi-lingual staff (Registry, ROW, OTP, Environmental, Design, and OREAD), refer to the database to identify a co-worker in your unit that can assist. The database is available by contacting the Office of Diversity and Civil Rights.
- b. If interacting during a virtual event where interpreters have been provided, ask the interpreters if they can assist in determining the language of the participant and whether real-time communication will be possible.
- c. If you are unable to identify the language of the caller/virtual attendee consider the real-time telephonic interpretation options provided by:
 - i. UMass Translation Center
<https://www.umass.edu/translation>
 - ii. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>

3) Electronically (includes email, website comment form, etc.)

- a. If you receive such correspondence in a language other than English, use Google Translate (<http://translate.google.com/>) or similar product to determine the language and nature of the interaction.
- b. Once the language and the nature of the interaction has been identified, the methods you use to address the needs of the individual will change depending on the circumstances.
 - i. You may be able to address simple inquiries informally with the aid of multi-lingual staff or Google Translate (<http://translate.google.com/>) or a similar product. *[Example: emailing a link to requested web content.]*
 - 1. If you work in one of the MassDOT Highway and Registry units that has been surveyed for multi-lingual staff (Registry, ROW, OTP, Environmental, Design, and OREAD), refer to the database to

identify a co-worker in your unit that can assist. The database is available by contacting the Office of Diversity and Civil Rights.

- ii. If the conversation turns to more complex issues or you have reached the limitations of the technology or your knowledge of the subject at issue, the MassDOT staffer providing informal translations or Google Translate should inform them that professional language services are available that may be better suited to meeting their need. More complex issues may require professional translators/interpreters. *[Practice Tip: Complex issues are those that affect the legal rights of the individual and therefore depend on the accuracy of translations/interpretations.] [Example: An LEP individual who needs assistance to engage in the complaint resolution process or to participate in a MassDOT program, service, or activity that requires an application process. (such as a driver's licenses, EZ Pass, etc.)]* The following services are available in those instances:

- 1. UMass Translation Center

<https://www.umass.edu/translation>

- 2. Statewide Language Services Contract

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

3.1.5.2 Communicating with People with Disabilities

- 1) Outlined below are tips to help you in communicating with persons with disabilities.

- a. General Tips:

- i. When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
- ii. If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- iii. Relax. Don't be embarrassed if you happen to use common expressions such as "See you later," or "Did you hear about that?" that seem to relate to a person's disability.
- iv. Don't be afraid to ask questions when you're unsure of what to do.

- b. Tips for Communicating with Individuals who are Blind or Visually Impaired:

- i. Speak to the individual when you approach him or her.
- ii. State clearly who you are; speak in a normal tone of voice.

- iii. When conversing in a group, remember to identify yourself and the person to whom you are speaking.
 - iv. Never touch or distract a service dog without first asking the owner.
 - v. Tell the individual when you are leaving.
 - vi. Do not attempt to lead the individual without first asking; allow the person to hold your arm and control her or his own movements.
 - vii. Be descriptive when giving directions; verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps.
 - viii. If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat.
- c. Tips for Communicating with Individuals who are Deaf or Hard of Hearing:
- i. Gain the person's attention before starting a conversation (i.e., tap the person gently on the shoulder or arm).
 - ii. Look directly at the individual, face the light, speak clearly, in a normal tone of voice, and keep your hands away from your face. Use short, simple sentences.
 - iii. If the individual uses a sign language interpreter, speak directly to the person, not the interpreter.
 - iv. If you telephone an individual who is hard of hearing, let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call and who you are.
- d. Tips for Communicating with Individuals with Mobility Impairments:
- i. If possible, put yourself at the wheelchair user's eye level.
 - ii. Do not lean on a wheelchair or any other assistive device.
 - iii. Never patronize people who use wheelchairs by patting them on the head or shoulder.
 - iv. Do not assume the individual wants to be pushed —ask first.
 - v. Offer assistance if the individual appears to be having difficulty opening a door.
 - vi. If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone.
- e. Tips for Communicating with Individuals with Speech Impairments:

- i. If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back.
 - ii. Be patient. Take as much time as necessary.
 - iii. Concentrate on what the individual is saying.
 - iv. Do not speak for the individual or attempt to finish her or his sentences.
 - v. If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable.
 - f. Tips for Communicating with Individuals with Cognitive Disabilities:
 - i. If you are in a public area with many distractions, consider moving to a quiet or private location.
 - ii. Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not "over-assist" or be patronizing.
 - iii. Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.
- 2) Additional information can be provided by:
- a. Office of Diversity and Civil Rights
massdot.civilrights@state.ma.us
 - b. Systemwide Accessibility
<https://www.mbtta.com/accessibility>

4 PUBLIC PARTICIPATION IN LONG-RANGE TRANSPORTATION PLANNING

MassDOT's Office of Transportation Planning (OTP) is responsible for long-term transportation planning activities. OTP's long-term planning activities include:

- the Long-Range Statewide Transportation Plan
- statewide strategic and modal plans, and
- plans and studies of specific areas or transportation corridors.

The Long-Range Statewide Transportation Plan

The long-range statewide transportation plan for Massachusetts, which is required by Title 23 USC, Section 135(f), is the federally recognized transportation plan for the Commonwealth of Massachusetts. It is a policy document intended to present a long-term, multimodal vision of the state's transportation system and serve as a framework for preparing future, and more project-specific plans such as MassDOT's federally mandated statewide transportation improvement program (STIP).

Statewide and Modal Plans

Statewide transportation planning is a mechanism for the Commonwealth to articulate and strategize long-term transportation goals. MassDOT continually undertakes statewide transportation planning processes, which include both outreach to the public and internal analysis.

Typically, the Commonwealth's statewide transportation plans reflect the mission and vision of MassDOT, MassDOT's policies and their connections to programs and projects, the condition and need of MassDOT-owned and managed infrastructure, and the sources and uses of transportation funding. Statewide plans will often identify major proposals for transportation projects, as well as important corridors for future growth and development. Corridors are defined as geographic area between two points, linking multiple centers, and moving people and freight.

Statewide transportation plans are grounded in thoughtful public involvement, and will generally gather public input at the outset, mid-point, and end of the planning process. Statewide plans also include collaboration with the metropolitan planning organizations (MPOs), regional planning agencies (RPAs), transportation interest groups, and other relevant stakeholders.

Ongoing and recently completed statewide and modal plans include:

- the State Bicycle Transportation Plan,
- the State Rail Plan,
- the Massachusetts Freight Plan,
- the Highway Capital Investment Plan, and

- the Intelligent Transportation Systems (ITS) Strategic Plan.

Corridor and Area Plans

Corridor and area planning studies are used to help MassDOT identify transportation issues and develop potential solutions along a specific corridor or within a general area of the Commonwealth. The studies identify the transportation issues by closely examining the existing and expected future conditions within each study area. Elements evaluated include the design of the existing transportation facilities, transit services available, accommodation of non-motorized modes of transportation, traffic volumes, levels of congestion, and potentially unsafe conditions.

After the issues have been identified, OTP works with the public to develop potential alternative improvement scenarios to address them. These alternatives are evaluated and screened using evaluation criteria developed with the public's input. Once the alternatives have been screened, a set of recommendations are developed to address the issue.

These recommendations are generally assigned to one of two groups based on a number of factors including overall cost and expected impacts. The projects with relatively low costs and few impacts are generally more short-term, with an expected implementation time frame of 5 to 10 years. The projects with a relatively high construction cost and more impacts are generally more long-term, with an expected implementation time frame of more than 10 years.

The process for soliciting public input and engaging public involvement differs for these different types of planning efforts; for example, the study area and the pool of geographically-based stakeholders will differ greatly for a statewide modal plan (e.g. the State Bicycle Transportation Plan) and for a study of a defined, local transportation corridor (e.g. the Grounding McGrath Study).

However, the basic approach to engaging the public in transportation planning is consistent across a range of planning efforts. This process consists of the phases described in the following three sections. At every step in this process, OTP reaches out not only to the public in general, but also specifically to populations that have often been underserved by the transportation system and/or have lacked access to the decision-making process. OTP relies on the protocols articulated in Chapter 3 of this Plan to achieve diverse and inclusive outreach.

4.1 Solicitation of Public Input Prior to the Development of a Plan or Study

MassDOT takes a proactive approach to developing the vision for a plan or study, and sets the following goals for the transportation planning process:

- To engage the public – through a website, statewide workshops, virtual and in-person meetings, email, telephone, and U.S. mail – in a dialogue about our current and future transportation needs
- To use the products of that discussion to form the foundation of a plan or study

- To coordinate transportation policy with the education, employment, and civic engagement agenda of the Administration
- To create a plan or study that describes the challenges facing our transportation network and begins to prioritize and advocate for new projects, programs, and approaches

MassDOT starts with an open mind and asks the public to participate from the outset. Outreach begins with workshops in geographically-appropriate locations to solicit input from members of the public. The dates, times, and locations (virtual and/or in-person) of the workshops are posted on MassDOT's website calendar, which includes an option to request accessibility accommodations and language assistance. The event posting on the calendar includes a link to MassDOT's planning webpage, which includes more detailed information on the plan or study.

The dates, times, and locations (virtual and/or in-person) of public meetings are published at least once in newspapers with appropriate geographic coverage, including those with distribution to minority and non-English-speaking populations. These notices also include contact information for submitting comments, and a telephone number and email address for requesting accessibility accommodations or language assistance at a workshop. The same information contained in the notices is included in press releases that are issued to newspapers, radio stations, and television stations and in brochures that are mailed and/or emailed to various interested parties.

MassDOT staff also notifies interested parties by making the brochures available at various meetings and events they attend and making announcements about the workshops at such events. Metropolitan planning organizations (MPOs), regional planning agencies (RPAs), and other appropriate organizations in Massachusetts are asked to assist in notifying people of the opportunities to provide input into MassDOT's long-range planning process using their existing outreach methods including email and U.S. Mail distribution lists, posting information on their websites, and providing links to MassDOT's long-range planning webpage.

The informational brochures about the public meetings are sent to:

- MPOs,
- RPAs,
- federal transportation agencies,
- transit agencies,
- representatives of federally recognized Indian tribes,
- freight shippers, and
- other groups and individuals that are identified in federal laws, regulations, and executive orders pertaining to statewide transportation planning;
- heads of appropriate state agencies, boards, and commissions;
- the chief elected officials of all Massachusetts municipalities;
- state legislators;

- members of Massachusetts’s congressional delegation;
- public and academic libraries;
- centers for seniors and people with disabilities;
- representatives of transportation advocacy groups;
- environmental organizations;
- individuals who have asked to be added to MassDOT’s mailing list, and
- other appropriate individuals and groups that staff members become aware of through our own resources and experiences or through contact lists from organizations we work with, such as the MPOs.

At the public meetings, participation by members of the public is facilitated by a series of questions they are invited to answer about their day-to-day experiences with the transportation network, their observations of the workings of the system, and the issues they see as most important for transportation agencies to address. In addition to conducting public meetings, MassDOT solicits input via letters, its website, emails, and telephone calls.

MassDOT uses the input gathered via these various outreach methods to form “problem statements,” which define the identified mobility gaps and challenges in geographic and topical terms. The problem statements are then used to develop core “themes,” which are statements of fundamental importance that encapsulate the public’s concerns, needs, and aspirations related to Massachusetts’s transportation network. The themes are action-oriented ideas that help build a vision of what the transportation system of the future can and should be. MassDOT uses these themes as a framework for reporting back to the public via both the website and a written report for the plan or study.

Both the report and the website provide readers with an overview of the process, present some detail on each of the themes (the problems identified, the context and implications of the issues involved, and potential solutions), and summarize the work to date. MassDOT notifies (via email) an extensive list of interested individuals and organizations when the report is available. The report is made available in for download from the MassDOT website; a limited number of hard copies are distributed.

After MassDOT has provided this feedback, it continues to communicate with and solicit input from the public via its interactive website. For those members of the public without access to the internet or a computer, MassDOT continues to communicate through mailings and public information meetings where comment cards are distributed. It focuses on learning how people are using the existing transportation system and what the system means to them in terms of mobility and opportunity. Together with the identified mobility challenges, this input is used to identify, evaluate, and prioritize policy, program, and project solutions to the problems identified by the public and MassDOT for that plan or study.

MassDOT also frequently establishes smaller stakeholder advisory groups to inform the plan development process. These groups meet regularly during the planning process to discuss the framework and procedures that will be used to guide transportation decisions, in consideration of the priorities and themes identified in the outreach, specific policy objectives, and other considerations. Such stakeholder advisory groups generally follow the plan or study more closely than the general public, provide more frequent feedback, and serve as active public representation to the planning process on a detailed level. MassDOT makes affirmative efforts to ensure that a wide range of interests and perspectives is represented in its stakeholder advisory groups, including minority and low-income individuals, people with disabilities, and those with limited English proficiency. As MassDOT begins to prioritize and advocate for new projects, programs, and approaches, it continues to use study websites and public outreach processes as tools for communicating with the public.

4.2 Solicitation of Public Input on a Draft Plan or Study

Once a draft plan or study is completed, MassDOT conducts a new round of public outreach. MassDOT provides comprehensive information about both the draft report and the public participation process on its webpage for that plan or study. The webpage includes information about public meetings and other opportunities for discussion of the draft document, and both an email address and an online form for submitting comments and questions about the draft document and/or the ongoing public participation process. The draft document is typically made available in hard copy (both standard and large-print formats), on CD-ROM, and through the MassDOT website (in multiple formats, including those readable by software compliant with the Americans with Disabilities Act). If possible, a streaming media presentation that provides an overview of the contents of the document and the process used to develop it is created and posted on the website.

Interested parties are notified of the availability of the document and informed of the time frame and ways in which they can provide input on the document. This information is conveyed via electronic mail, the MassDOT website, statements at monthly and quarterly meetings of various organizations, and direct mailings, including an extensive mailing of informational brochures.

The brochures provide information on:

- the purpose of the plan or study
- the process for updates
- opportunities to review and comment on the draft document
- the anticipated publication date of the final document.

The brochures are printed in a format suitable for posting on community boards; are posted at selected rail and bus stations; are distributed to municipalities, public and academic libraries, and various regional, state, and federal personnel, as well as other interested parties (including, but not limited to, transit operators, federally recognized Indian tribes, airport managers, bicycle enthusiasts,

and motor transport representatives); and are forwarded in a large-print version to senior/disability centers throughout the state. Plan/study details can also be found on the MassDOT website.

Legal notices announcing the availability of the draft plan or study for public review and comment, opportunities to review and provide input on the draft document, and contact information for submitting comments are placed in media publications with regional and state coverage, including publications with distributions to minority and LEP populations.

MassDOT issues press releases to newspaper, television, and radio organizations, including organizations serving minority, low-income, and LEP populations, before, during, and just before the end of the public review and comment period on the draft document. The press releases announce the availability of the draft plan or study for public review and comment; provide information on opportunities to learn about, review, and comment on the draft document; give contact information for requesting reasonable accommodations, including language assistance, at public information meetings; promote attendance; and provide reminders of the deadline for submitting comments on the draft document.

In addition, MassDOT may utilize the following approaches to soliciting input on the draft LRSTP:

- *Meetings with elected and appointed officials*

Immediately following the release of the draft long-range statewide transportation plan, MassDOT holds meetings for members and representatives from MPOs, regional competitiveness councils, and elected and appointed officials to solicit comments on all aspects of the plan.

- *Meetings with stakeholder organizations*

As it is often difficult to get broad-based attendance at public meetings, it is often useful to attend meetings of local and regional organizations. Thus, MassDOT reaches out to numerous organizations across the Commonwealth, representing a diversity of interests and viewpoints, to offer individual, tailored briefings and discussions on the draft long-range statewide transportation plan, and staff members are made available to any organization that desires the opportunity to speak directly with MassDOT representatives about the draft long-range statewide transportation plan.

- *Roundtables*

MassDOT identifies particular issues that are of fundamental importance to the long-range statewide transportation plan, identifies individuals or groups that are recognized as opinion makers for each of the identified issues, and brings each group together for a facilitated in-depth discussion to solicit detailed input and well-formulated ideas for the long-range statewide transportation plan.

- *Public meetings – Virtual and In-Person*

MassDOT holds up to ten meetings in locations across the Commonwealth, including virtually. MassDOT works to schedule these meetings at times and locations that are convenient to members of the public. The public meetings are advertised through the MassDOT website calendar, the long-range planning webpage, distribution of a flyer, local media outlets, and at all events at which the draft plan is discussed. Meeting notices include information about how to get to the meeting using public transportation when meetings are offered in a transit-accessible location; offer foreign-language assistance when appropriate; offer sign-language interpreters and other accommodations, to be provided upon request; and provide accessibility information. The publicity information for these meetings and the informational materials provided at the meetings are translated into languages other than English as determined by the four-factor analysis.

The dates, times and locations of the meetings are posted on MassDOT's website calendar, which includes an option to request accessibility accommodations and language assistance. The event posting on the calendar includes a link to MassDOT's dedicated long-range planning webpage. The dates, times, and locations of the meetings are published at least once in newspapers with regional and state coverage, including those with distributions to minority and non-English-speaking populations. The notices also include contact information for submitting comments, and a telephone number and email address for requesting accessibility accommodations or language assistance at a meeting. This information is also included in press releases that are issued to newspapers, radio stations, and television stations and in brochures that are mailed and/or emailed to various interested parties. MassDOT staff members also notify interested parties by making the brochures available at various meetings and events they attend and making announcements about the meetings at such events. Metropolitan planning organizations (MPOs), regional planning agencies (RPAs), and other appropriate organizations in Massachusetts are asked to assist in notifying people of the opportunities to provide input on the draft plan by distributing information through their existing outreach processes, including posting information on their websites and providing links to MassDOT's long-range planning webpage.

MassDOT staff members attend all of the public meetings, which start with an open house format, followed by a formal visual presentation, which provides an overview of the contents of the draft long-range statewide transportation plan and the process used to develop it, and a question-and-answer session. Written comments on the draft long-range statewide transportation plan may be submitted at the public meetings.

- *Plan Advisory Committee*

When appropriate, MassDOT may invite a range of organizations with members interested in and knowledgeable about relevant subjects to participate in a Plan Advisory Committee. The organizations invited represent a cross section of nonprofit and private-sector interests. The committee meets numerous times to review and comment on the draft long-range statewide transportation plan and the comments received, and to help guide completion of the draft long-range statewide transportation plan.

On the basis of the public review and comments, MassDOT reviews and revises the plan or study. MassDOT works closely with the stakeholder advisory group to ensure that a variety of viewpoints are considered in finalizing the plan. After the final document is published, it is posted on the MassDOT website, organizations and individuals that are listed on the MassDOT distribution list are notified via email or U.S. mail of its availability, and a press release that includes the MassDOT webpage address is issued to inform the general public of its availability. Hard copies, electronic copies, and copies in alternative formats are provided upon request.

4.3 Posting of Information on Web Pages for Plans and Studies

Throughout the public outreach process for a plan or study, the following items related to its development are posted on the MassDOT website:

- informational brochures
- display ads
- legal notices
- press releases
- material distributed during the workshops and public meetings
- contact information
- recorded meeting sessions (from virtual events)

Whenever possible, press releases are posted on the Commonwealth's master website and on the various individual websites maintained by the Metropolitan Planning Organizations, Regional Planning Agencies and Regional Transit Authorities in the state. The final plan or study document is posted on the MassDOT website.

5 PUBLIC PARTICIPATION IN THE STATE TRANSPORTATION IMPROVEMENT PROGRAM

The State Transportation Improvement Program (STIP), which is required by Title 23 USC, Section 134 (h), is a four-year federally-mandated financial document that lists all transportation projects expected to be funded in that four-year period utilizing federal funds. This document must be updated annually and submitted for approval to the Federal Highway Administration and Federal Transit Administration.

The draft STIP is developed in cooperation with the MPOs and RPAs in the Commonwealth and made available for public review and comment for a period of at least 21 days. The draft document is placed on MassDOT's webpage for review. Additionally, the Commonwealth places a legal notice in a general use newspaper in each of the thirteen regions within the Commonwealth that states the period that the State Transportation Improvement Program will be available for public review and that MassDOT will receive comments. Moreover, MassDOT requests that the availability of the STIP is also cited on each region's web site.

Since the STIP is a compilation of all federally-funded transportation projects – both state and regional – outreach in each region includes the STIP by reference. Each MPO and RPA has developed procedures to provide opportunities for the public to provide input on its regional transportation improvement program. MassDOT utilizes the MPO and RPA public involvement processes as important vehicles for soliciting public comments on the Commonwealth's STIP.

5.1 Public Notice and Comment Period

The Commonwealth requests that all Metropolitan Planning Organizations, Regional Planning Agencies and Regional Transit Authorities place the notice of the STIP's availability onto their respective websites, in newsletters, and in other public communications. In many instances the draft STIP's 21-day comment period will coincide with or overlap an individual region's 21-day transportation improvement program public comment period. These agencies make the draft project listings in the STIP available for public comment and review during their regular business hours. They also use this time to ensure that the listings encompass all the projects found in their own regional transportation improvement programs, which have undergone their own public review as required by federal statute. If discrepancies exist between a regional transportation improvement program (TIP) and the STIP, the MPO, the state, and other affected parties work together to achieve consistency. MassDOT staff members attend all MPO informational meetings on the transportation improvement program/STIP and are available to receive comments and answer questions.

The MPO/RPA procedures include mechanisms by which the public can express views and obtain information. Those procedures also provide a general approach for involving the public in transportation-planning studies. In addition, they detail how the transportation needs of persons and groups who are "traditionally underserved by existing transportation systems" are identified and addressed per Executive Order 12898 on "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." For example, some Metropolitan Planning Organizations and Regional Planning Agencies may institute advisory committees to represent

transportation-disadvantaged groups and communities such as transit-dependent people, elderly people, people with disabilities, people with low incomes, and people classified as minorities. An example of this effort is in the Access Advisory Committee to the MBTA (AACT).

The Commonwealth's STIP public participation process is an adjunct to the regions' specific outreach processes but also follows the Commonwealth's commitment to transparency and civic engagement in government. MassDOT encourages its constituents to stay informed on all of its activities, including but not limited to the STIP, through the use of various social media tools such as Twitter ([www.twitter.com/massdot](https://twitter.com/massdot)); YouTube (<https://www.youtube.com/user/youmovemass>).

After review and consideration of all public comments, a final version of the State Transportation Improvement Program is prepared and submitted to the Federal Highway Administration, the Federal Transit Administration, the Environmental Protection Agency and the Massachusetts Department of Environmental Protection for review and approval. Explicit consideration and response is given to public input, and all who submit written comments are notified of the availability of the final approved document. The approved STIP is placed on MassDOT's webpage at: <https://www.mass.gov/topics/massdot-transportation-planning>

6 PUBLIC INVOLVEMENT PROCEDURES FOR RAIL AND TRANSIT DIVISION PROGRAMS

Process

The Rail & Transit Division has a three-step process for outreach to persons with limited English proficiency, minorities and low-income populations.

1. **Project Proposals:** The Rail & Transit Division works with the MassDOT Office of Diversity and Civil Rights to solicit project proposals from all the diverse populations across the Commonwealth and reviews the effectiveness of these efforts to ensure adequate consideration of limited English proficient, minority, and low-income populations.
2. **Grant Awards:** The MassDOT Office of Diversity and Civil Rights is part of the application review team and provides input into the final ranking of projects. The populations served by the complete final project list are compared to the statewide demographics to ensure adequate consideration of project awards to provide services to limited English proficient, minority, and low-income areas.
3. **Project Implementation and Reporting:** Grantees are instructed to conduct outreach and offer their programs, services, and activities consistent with Title VI and ADA obligations.

Transportation Improvement Program (TIP) and Public Comment: All applicants receiving a grant award have their project placed on the TIP and Statewide Transportation Improvement Program (STIP). All TIP documents and the STIP undergo a public comment period on an annual basis. The public comment period for TIP development is governed by the Public Participations Plan of the MPO/RPA that represents the region where a proposed project is located. The public comment period for STIP development is governed by this Public Participation Plan. See Chapter 5.

Engaging Stakeholders

1. **Grant Application and Grant Management Process**
 - MassDOT Rail & Transit Division provides annual training sessions for all applicants who are seeking grant funds through the FTA competitive grant application process (FTA grants administered by MassDOT). These training sessions are conducted in coordination with MPOs, which assist MassDOT with public outreach.
 - MassDOT Rail & Transit Division works with MPOs to help conduct outreach and identify all potential applicants. MPOs also assist MassDOT in the solicitation of program specific projects, to help improve the success rate of every applicant.
 - MassDOT Rail & Transit Division encourages applicants and all existing sub-recipients to engage the public prior to the development of new projects. Applicants and sub-recipients are encouraged to work with MPOs to ensure a sufficient level of outreach.
 - MassDOT Rail & Transit Division notifies all existing sub-recipients of annual competitive grant application training and availability dates.

- MassDOT Rail & Transit Division works with the MassDOT Public Affairs Office and the Office of Diversity and Civil Rights to locate and identify all possible applicants through traditional and social media outlets.

Guidance is provided to grantees through MassDOT staff technical assistance, site visits, grant training, and the Guide to Managing your Public Transportation Grant handbook.

2. Feedback for Policy Documents

- MassDOT Rail & Transit Division seeks feedback from all MPOs, RTAs, sub-recipients and all other recognized stakeholders and interested parties. This feedback and outreach process is conducted via MPO outreach, email requests, and traditional and social media notifications

MassDOT Rail & Transit Division works closely with the aforementioned organizations in an effort to identify and notify all possible future sub-recipients and stakeholders. Public participation is carried out for programs administered by the Rail & Transit Division (RTD) and is conducted in coordination with metropolitan planning organizations (MPOs) as a part of the MPOs' coordinated public-transit/human-services transportation-planning process. MassDOT assists the MPOs in these processes, which are conducted in a manner consistent with this plan. These processes are not discussed in detail in this PPP, but can be found in the MassDOT Rail and Transit Division's State Management Plan.

6 PUBLIC PARTICIPATION DURING THE PROJECT DEVELOPMENT PROCESS

7.1 Project Development

The project development process covers a range of activities extending from the identification of a project need to a finished set of contract plans, through construction and project completion. The sequence of decisions made through the project development process progressively narrows the project focus and, ultimately, leads to a project that addresses the identified needs. MassDOT's Highway Division is committed to providing ample opportunities for public participation throughout the entire project development process. This work and coordination follow the planning phase to take advantage of research already conducted on the communities impacted by a project and the level of public support, measured through the public participation process.

7.1.1 Need Identification

The project development process is initiated in response to an identified need in the transportation system. This need can result from suggestions or concerns about a regularly maintained asset or by the operation of a performance-management system, such as MassDOT's bridge management system, the top 1,000 intersections safety list, or a recent corridor or area planning process. Problem, need, or opportunity identification can also occur through the regional planning initiatives of a planning organization or arise from community, legislative, or citizen input.

The development of solutions to address identified needs often involves input from transportation planners, community leaders, citizens, environmental specialists, landscape architects, natural resource agencies, local public works officials, permitting agencies, design engineers, financial managers, and agency executives. Solutions might target a single mode of transportation, or address the range of road users including pedestrians, bicyclists, transit operators, automobile drivers, and truckers moving freight and goods. It is important to engage from the beginning of project development.

Transportation improvements tend to be categorized as either transit related or roadway related. Transit projects are usually generated from the project selection and development processes conducted by the transit authorities in the region. Most roadway projects begin at the local level with the identification of a particular need or deficiency by a municipality. Upon the identification of such a need, the municipality engages with MassDOT to advance project development. The procedures that guide the interactions between municipalities and MassDOT during the project development process are captured in the *Project Development and Design Guide (Guide)*. This award winning guide was developed by MassDOT in conjunction with stakeholders and industry experts over the course of several years.

The purpose of the guide is to provide designers and decision makers with a framework for incorporating context-sensitive design and multimodal elements into transportation improvement projects. The emphasis of the *Guide* is to ensure that investments in transportation infrastructure

encourage projects that are sensitive to the local context while meeting the important needs of the people they serve. Chapter 2 of the *Guide* details the project development process and the specific opportunities for public outreach and involvement in the process. The instances of public outreach and involvement required as part of the project development process are conducted in accordance with this Plan.

A copy of the full *Guide* can be found here: <https://www.mass.gov/lists/design-guides-and-manuals>

Transportation decision making is complex and can be influenced by legislative mandates, environmental regulations, financial limitations, agency programmatic commitments, and partnering opportunities. Decision makers and reviewing agencies, when consulted early and often during the project development process, can ensure that all participants understand the potential impact these factors can have on project implementation.

7.1.2 Project Planning

Upon identification of a transportation improvement need, the planning process commences. As part of the planning process, the project proponent must conduct a public participation outreach and involvement program, provide information regarding the project, and decide, based on the totality of information gathered during the planning process as well as public input, whether to continue the project development process.

In the planning phase, the proponent identifies issues, impacts, and potential required approvals in order to determine which design and permitting processes are called for. This phase also helps to define project responsibilities and benefits.

Public participation in a project should begin early in project planning and before there is a recommended course of action. Consultation with public involvement specialists on early and long-term efforts is recommended wherever a broad-based public involvement effort is planned and implemented. The initial public outreach process starts with an early informational meeting and continues at strategic milestones during the planning process. Substantial effort should be made to reach a broad spectrum of interested parties at this early project stage and throughout the project.

Public meetings are conducted during the planning phase in order to relay information to the general public and to solicit input to the project. The public meetings serve as forums at which MassDOT can learn about and respond to community concerns. A public meeting typically begins in an open house format to allow individuals to speak one-on-one with MassDOT staff regarding their concerns and questions with respect to the project, and then formal presentations are made to share information and elicit public comments and suggestions.

Just as with the need identification stage of project development, the planning stage is detailed in Chapter 2 of the *Project Development and Design Guide*. For a comprehensive breakdown of public outreach and involvement opportunities during the planning stage of project development, please follow the instructions found in Section 7.1.1 of this Plan for accessing the *Guide*.

During the scoping of projects, MassDOT coordinates with the affected metropolitan planning organizations (MPOs), regional planning agencies (RPAs), regional transit authorities (RTAs), and municipalities to determine the amount and type of public outreach that will be required for the project. These entities maintain Public Participation Plans of their own and should be contacted directly for a copy of their region's plans.

Following review by all constituents and by environmental agencies of the alternatives and proposed project, the Project Planning Report can be completed and made ready for review. The report documents the need for the project, existing and future conditions, alternatives considered, public participation outcome, and solution recommended.

If a proponent is seeking to have its project constructed using state or federal funds, the project needs to be approved by the MassDOT Project Review Committee (PRC), which is comprised of MassDOT staff and chaired by the Chief Engineer, and later programmed by the relevant MPO in its TIP. After approval by the PRC, projects to be programmed by the MPO are forwarded for review and assessment for future regional transportation resource allocations. It is expected that the MPO (and its Regional Planning Agency) will begin its review by examining the project planning documentation and the PRC comments. The MPO will assess the project in comparison to other projects under consideration in its region and determine the potential year for funding in the TIP.

7.1.3 Environmental, Design, and Right-of-Way Processes

Continued public outreach in the environmental, design, and ROW processes is essential to maintain public support for the project and to seek meaningful input on the design elements. This public outreach is often in the form of required public hearings, but it can also include less formal dialogues with those interested in and affected by a proposed project. The public participation processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. There are many opportunities for public meetings or hearings on the project throughout these stages of the project development process. Chapter 2 of the aforementioned *Project Development and Design Guide* details the opportunities for public outreach and involvement during these stages. Please follow the instructions found in Section 7.1.1 of this Plan for accessing the *Guide*.

At a minimum, there will be at least one opportunity for a public meeting to be held for any federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or

for which the MassDOT determines that a public meeting is in the public interest. Some of the major requirements for public involvement/public hearing procedures (23 CFR 771.111) that are relevant to the environmental, design, and Right of Way processes are:

- Coordination of public involvement activities and public hearings with the entire environmental review process under the National Environmental Policy Act (NEPA). There is a similar requirement for projects under the Massachusetts Environmental Policy Act (MEPA).
- Early and continuing opportunities during project development for the public to be involved in the evaluation of alternatives and the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings or the opportunity for hearing(s) to be held by MassDOT at a convenient time and place for any federal-aid project that requires significant amounts of ROW, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing if one or the other is required. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.
- Explanation at the public hearing of the following information, as appropriate:
 - The project's purpose the need for the project, and the project's consistency with the goals and objectives of any local community planning
 - The project's alternatives and major design features
 - The social, economic, environmental, and other impacts of the project
 - The relocation assistance program and ROW acquisition process
 - MassDOT's procedures for receiving both oral and written comments from the public
- Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public submitted at the public hearing or during an announced period after the public hearing.
- An opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action subject to the project development procedures in 23 USC 139. Public notice of, and an opportunity for public review and comment on a Section 4(f) *de minimis* impact finding, in accordance with 49 USC 303(d).

7.1.4 Construction

After a construction contract is awarded, the proponent and the contractor will need to develop a construction management plan. The permitting agencies, local authorities, businesses, and affected members of the general public need to be informed of the plan. These entities should also be notified as changes in detours, traffic operations, and construction areas and activities occur throughout the project.

Before construction activities begin, the proponent and construction manager must determine the appropriate type of public notification and participation needed. Different projects result in different types of disruption to transportation and other nearby activities. For simple projects, including resurfacing, a minimal degree of public participation may be needed. For these projects, the proponent should, at a minimum, notify abutters (in languages other than English, if appropriate) of the impending construction activity.

For complex projects, the proponent may need to schedule a construction management plan meeting with abutters and other project participants (local boards, interest groups, business associations, etc.). At this meeting, the proponent can describe the types of construction activity needed, construction phasing, and durations. Issues and concerns associated with the construction period can be identified and adjustments made to the construction management program to minimize community impacts.

It is critical to remain in contact with stakeholders, neighbors, abutters, legislators, and municipal officials throughout the duration of a project, including the construction phase. Monthly or quarterly stakeholder and abutter meetings should be held when the size or location of a project calls for them. In addition, MassDOT will utilize the following communication tools to share project information and receive feedback.

- MassDOT website: By the time construction is underway, many projects already have their own project page on the MassDOT website. The project page should be a clearinghouse for accurate, up-to-date information. It is important that the Project Manager or a Public Affairs staff person assigned to the project page update the content regularly throughout the duration of the project. In addition, any public meetings scheduled for a project should always be posted in the MassDOT website calendar.
- Media: MassDOT utilizes press releases, advisories, alerts, and other traditional forms of media outreach.
- Social media tools: MassDOT currently uses twitter, a blog, Flickr, email distribution lists, and other new media venues for project updates, traffic advisories, and notices of upcoming project meetings.
- Community Relations email account: MassDOT has an email account that is used to send meeting notices and traffic advisories to the project contact lists and to receive public input.

The opportunities for public outreach and involvement during the project construction stage are fully detailed in Chapter 2 of the *Project Development and Design Guide*. Please follow the instructions found in Section 7.1.1 of this Plan for accessing the *Guide*.

Chapter 9

Review of STA Directives

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Review of STA Directives	
Activity	Description
Equity Analyses	MassDOT continually refines the equity analysis methodology used to evaluate the Capital Investment Plan (CIP). This analysis is performed annually and the project team strives to make revisions and improvements to this analysis wherever possible.
Virtual Public Engagement	Due to the increased reliance on virtual engagement strategies during the ongoing COVID-19 pandemic, MassDOT's Title VI Staff will continue to monitor the effectiveness of these strategies to ensure that Title VI populations are not being burdened or excluded. Similarly, the Title VI Staff will continue working with the Secretary's Office to train staff, project partners, subrecipients, and consultants on best practices for Title VI and ADA compliant virtual public engagement.

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 in order 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;
- 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);
- 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:

- The agency's strategy for relying on virtual public involvement during the COVID-19 pandemic;
- Revisions to the Highway Division's Project Development and Design Guide regarding curb ramp accessibility and other matters pertaining to accessibility in the public right of way;

- Project-level design considerations that could impact public accessibility during construction;
- Data accuracy/granularity issues related to the 2020 Decennial Census and how this could impact updates to MassDOT's demographic profiles, language access strategies, equity analyses, and public outreach activities;
- The incorporating of Title VI and EJ components into project scores and prioritization decisions;
- Reviewing project-level public engagement plans to determine if Title VI and related obligations were adequately addressed, prior to implementation;
- Equity analysis of the agency's Capital Investment Plan (CIP);
- Evaluating the process for developing socio-economic projections used in long-range planning;

During 2022, MassDOT's Title VI staff was contacted by a community member and advocate regarding ADA accessibility concerns pertaining to the use of strobe LED lights on roadway signage, particularly on signs denoting pedestrian crossings. This individual claimed that the use of strobe LED lights constituted a threat to the health and safety of individuals with certain disabilities that could be triggered or exacerbated by the strobing lights, such as epilepsy, autism, traumatic brain injury, vision impairments, etc. In order to evaluate this claim, the Title VI unit convened a team of staff from HQ and the District offices, including Legal, the state's Accessibility Engineer, and district asset management staff, among others. Working together, this team was able to determine that the use of strobe LED lights had received interim approval by FHWA as an appropriate mechanism for increasing the visibility of safety signage and improving roadway safety for all users. MassDOT had received authorization from FHWA to utilize these signs on state owned roadways. However, to date, no such signs had been deployed. This team further deduced that the signs in question were municipally owned and were being operated on a municipally owned roadway. All of these details were communicated back to the community member that had brought this issue to the attention of MassDOT and with these new details this individual is now working with FHWA engineering and accessibility staff to scrutinize the interim approval that such signs had received from the federal government. This demonstrates an example of MassDOT's Title VI staff responding in a holistic way to allegations of a civil rights non-compliance issue and reviewing agency practices to determine whether corrective actions are warranted.

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

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Compliance and Enforcement Procedures	
Activity	Description
Review of MPO Title VI Programs	In August 2022, MassDOT's Title VI unit issued annual Title VI work plans to each of the thirteen subrecipient MPOs/RPAs across the Commonwealth. In response, the MPOs are required to submit full Title VI program submissions by December 31, 2022. During 2023, the MassDOT Title VI unit will be reviewing these submissions and evaluating them for compliance. Any risks of non-compliance will be identified and each region will be put on a tailored corrective action plan to address any potential deficiencies.

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, oversight, 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

The following table provides a summary of Title VI program implementation activities that MassDOT intends to implement during 2023 within the subject matter of this specific chapter of the agency's implementation plan. The nature of each listed activity and the role it plays in Title VI program implementation is detailed in the text of the corresponding chapter, but the table provides a snapshot for ease of planning and review.

2023 Program Implementation Activities – Limited English Proficiency	
Activity	Description
Centralized Procurement Option for Language Access Services	Currently, the process for securing language access services for public meetings is decentralized. This means that each department with public facing responsibilities can find itself ordering and paying for such services if/when they are requested by members of the public. To date, the most common mechanism is for such services to be paid for out of project budgets in order to provide language access services during public meetings and hearings associated with a particular project. There is enough variety in the approach to funding individual projects (municipal involvement, state involvement, federal involvement, etc.) that this can sometimes lead to inconsistent results when trying to procure third-party services under this decentralized strategy. For instance, municipalities may not have incorporated funds for language access services into their own project budgets. In order to address this risk for inconsistency, MassDOT's civil rights and public engagement offices have identified a backup solution that allows for the centralized procurement of such services, minimizing the impacts on individual projects teams and budgets. Funding in the amount of \$250,000 has already been allocated to this initiative and ODCR and OPEO will address the implementation logistics during 2023.

Introduction

On December 14, 2005, the United States Department of Transportation (U.S. DOT) published revised guidance for its funding recipients on the implementation of Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” U.S. DOT guidance defines limited English proficient (LEP) persons as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.”

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 supports the goals of the U.S. DOT LEP guidance and 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.

To ensure that MassDOT complies with the requirements of Title VI, Executive Order 13166, and the U.S. DOT LEP implementation guidance, this Language Access Plan incorporates the five elements that the federal guidance identifies as 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. Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies are instructed to publish guidance for their respective funding recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

3. 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.
4. State Executive Order 526, 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.

U.S. DOT published revised LEP guidance for its recipients on December 15, 2005, that reflects Executive Order 13166, stating that Title VI and its implementing regulations require that its recipients take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Language Access Plan and Four-Factor Analysis

A foundational component of MassDOT's Language Access Plan is the requisite Four-Factor Analysis. This analysis was updated in September 2022. 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 below for a number of maps depicting the concentration of language groups statewide.

Identifying Individuals Who Need Language Assistance

As a recipient of federal funding from U.S. DOT, MassDOT must assess the language access needs of LEP populations in relation to all MassDOT programs, activities, and services. This needs assessment, as defined by U.S. DOT and incorporated into this MassDOT Language Access Plan, 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. Following U.S. DOT guidelines, 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

Based on the results of the four-factor analysis, MassDOT continues to implement a phased schedule for translating vital information and providing 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 a number of them were identified by MassDOT staff as having 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 whether any translations are requested and whether the translation is an effective means of communicating the information to the requestor. Processing such requests typically includes 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):

- 2013 American Community Survey (ACS) 5-year Summary File data from the U.S. Census Bureau⁹
- 2009-2013 ACS 5% Public Use Microdata Sample (PUMS) data from the U.S. Census Bureau
- 2016-2022 ACS 5% Public Use Microdata Sample (PUMS) data from the U.S. Census Bureau

⁹ Despite not being the most recent ACS data set available, this data set was used because it represents the most recent ACS data set that can be defensibly normalized to 2010 Census controls.

- Data from the MA Department of Education
- Qualitative data obtained from outreach to CBOs that work with LEP populations

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

ANALYSIS OF 2009-2013 ACS 5% PUBLIC USE MICRODATA SAMPLE

The 2009-2013 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 total number of LEP persons was estimated by adding the numbers of persons who speak English “less than well” and “not at all.” The total, including all languages, is 275,066, which represents 4.4% of the total statewide population. The largest proportion of these LEP persons speaks Spanish and makes up approximately 2% of the Commonwealth’s population. The LEP populations meeting the U.S. DOT definition of LEP “safe harbor” thresholds statewide (5% or 1,000 individuals, whichever is less) are shown in Table 1.

TABLE 1
LEP Populations by Language

Language	Number of LEP Persons	% of State Population	Language Rank
Spanish	124,123	1.99%	1
Portuguese	43,545	0.70%	2
Chinese	28,695	0.46%	3
Vietnamese	14,143	0.23%	4
Haitian Creole	13,322	0.21%	5
Russian	7,490	0.12%	6
Mon-Khmer	5,719	0.09%	7
Arabic	4,302	0.07%	8
Italian	3,860	0.06%	9
French	2,959	0.05%	10
Greek	2,894	0.05%	11
Korean	2,856	0.05%	12

Polish	2,199	0.04%	13
Albanian	1,776	0.03%	14
Gujarati	1,089	0.02%	15
Japanese	1,088	0.02%	16
Nepali	1,071	0.02%	17

PRELIMINARY ANALYSIS OF 2016-2020 ACS 5% PUBLIC USE MICRODATA SAMPLE

The 2016-2020 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, including all languages, is 610,126 people, or approximately 8.9 percent of the total population above the age of five. The largest single group of LEP persons is composed of Spanish speakers, who represent 41.1 percent of the LEP population in the state. Approximately 250,959 people in Massachusetts are limited-English Spanish speakers. The LEP populations meeting the U.S. DOT definition of LEP “safe harbor” thresholds statewide (5% or 1,000 individuals, whichever is less), from this dataset, are shown in Table 2.

TABLE 2
LEP Populations by Language

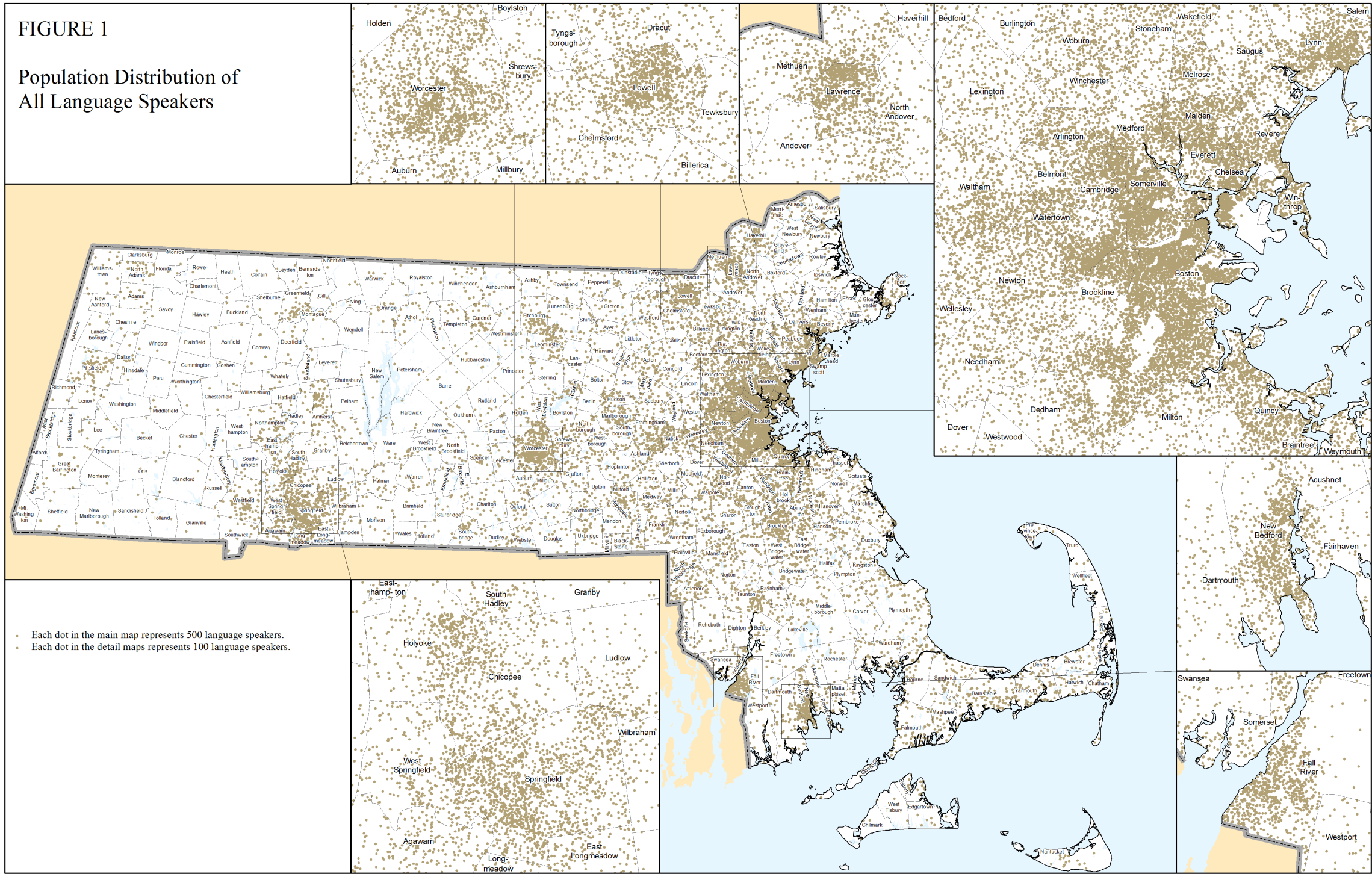
Language	2020 LEP Speakers	Percentage of Total Population	Percentage of LEP Population
Spanish	250,959	3.60%	41.100%
Portuguese	79,127	1.10%	13.000%
Chinese	68,464	1.00%	11.200%
Haitian Creole	39,116	0.60%	6.400%
Vietnamese	25,698	0.40%	4.200%
Russian	16,286	0.24%	2.670%

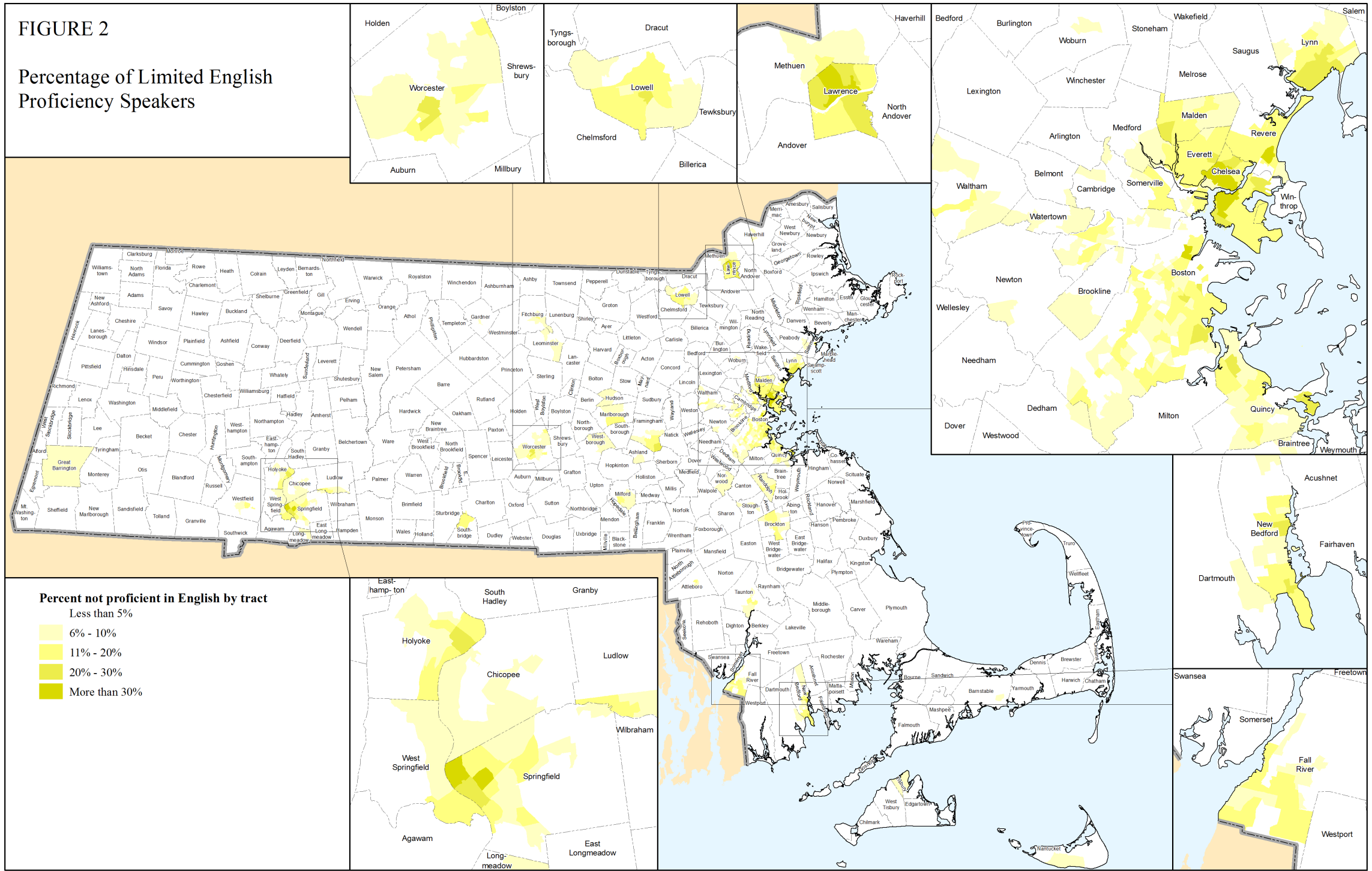
Arabic	12,705	0.18%	2.080%
Khmer	10,995	0.16%	1.800%
French	9,113	0.13%	1.490%
Italian	7,213	0.10%	1.180%
Kabuverdianu	7,122	0.10%	1.170%
Korean	5,805	0.08%	0.950%
Greek	5,558	0.08%	0.910%
Hindi	5,281	0.08%	0.870%
Polish	5,149	0.07%	0.840%
Albanian	4,839	0.07%	0.790%
Gujarati	4,318	0.06%	0.710%
Japanese	3,374	0.05%	0.550%
Nepali	3,223	0.05%	0.530%
Bengali	2,196	0.03%	0.360%
Farsi	2,196	0.03%	0.360%
Akan (including Twi)	1,981	0.03%	0.320%
Turkish	1,970	0.03%	0.320%
Urdu	1,758	0.03%	0.290%
Punjabi	1,672	0.02%	0.270%
Thai	1,570	0.02%	0.260%
Tagalog	1,556	0.02%	0.260%
Armenian	1,552	0.02%	0.250%
Somali	1,522	0.02%	0.250%
Telugu	1,502	0.02%	0.250%

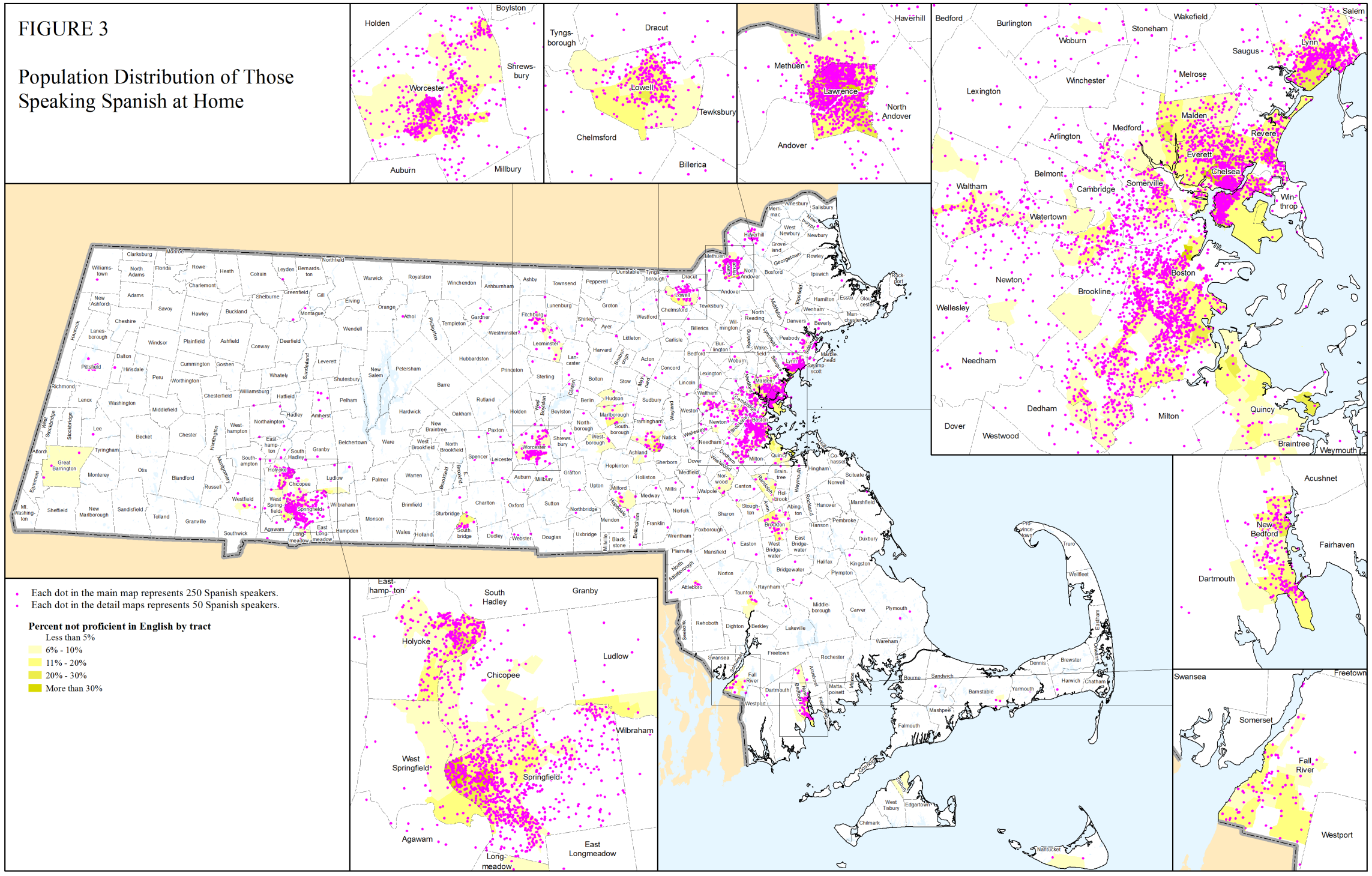
Tamil	1,417	0.02%	0.230%
German	1,341	0.02%	0.220%
Swahili	1,284	0.02%	0.210%
Amharic	1,205	0.02%	0.200%
Lao	1,186	0.02%	0.190%
Ukrainian	1,133	0.02%	0.190%

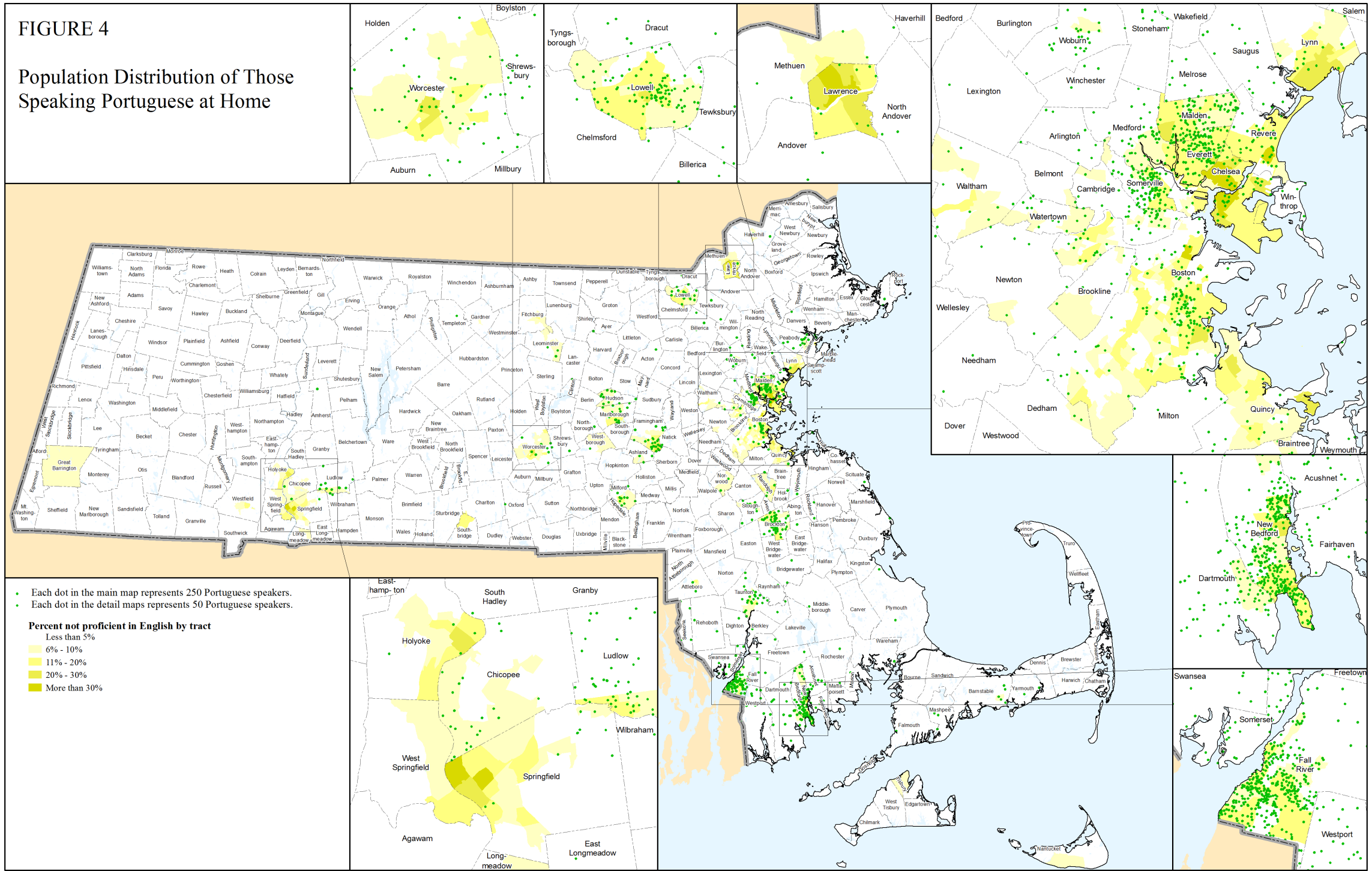
IDENTIFICATION OF CONCENTRATIONS OF PEOPLE WITH LIMITED ENGLISH PROFICIENCY

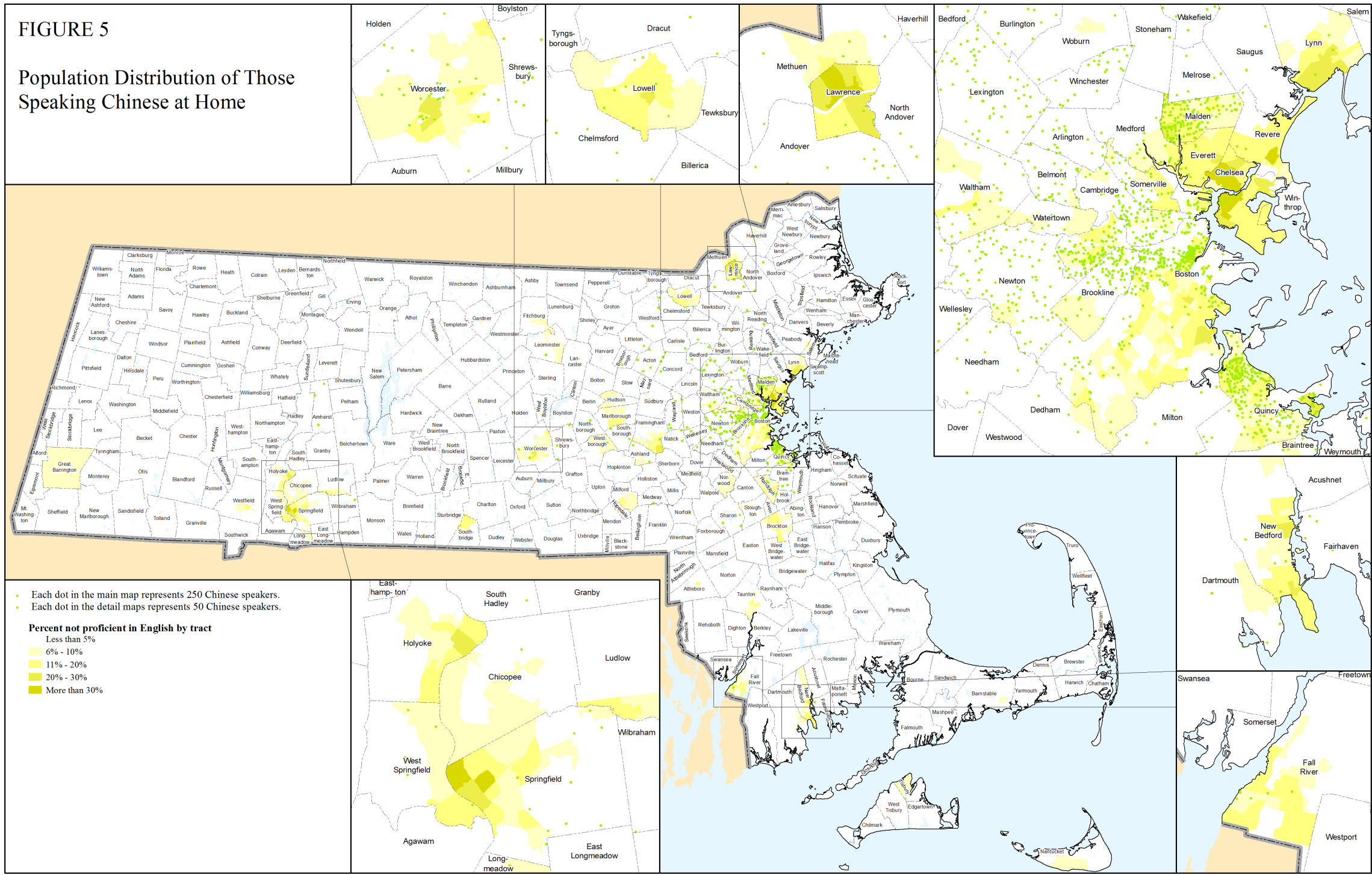
MassDOT mapped the 2013 ACS 5-year summary data in order to provide a geographic representation of locations where specific language assistance may be required. MassDOT mapped the ACS data to provide a geographic representation of where concentrations of LEP persons live and to show what languages are spoken at home in those areas. As a context for this, Figure 1 presents the distribution of population for all language speakers in Massachusetts— that is, the overall population density—and shows the greatest densities occurring, naturally, in the urban areas. Figure 2 presents the percentage of LEP persons by census tract, regardless of language spoken at home. The highest LEP percentages primarily occur in urban areas. Figures 3 through 7 present the distributions of individuals for whom the primary language spoken at home is Spanish, Portuguese, Chinese (all dialects), Haitian Creole, and Vietnamese, respectively, overlaid on the LEP percentages presented in Figure 2. These are the five languages, after English, which are reported as being the most frequently spoken at home and which show the highest levels of limited English proficiency statewide. From the figures it is apparent that some of these languages are spoken primarily in and around Boston, while others are more broadly distributed. Spanish speakers, for example, have a large population in Boston and also in Lawrence, Worcester, and Springfield, while Chinese speakers are more concentrated in and around Boston, Quincy, and Malden. Finally, Figure 8 presents the combined distribution of individuals speaking languages at home other than English or the five languages identified in Figures 3 through 7.

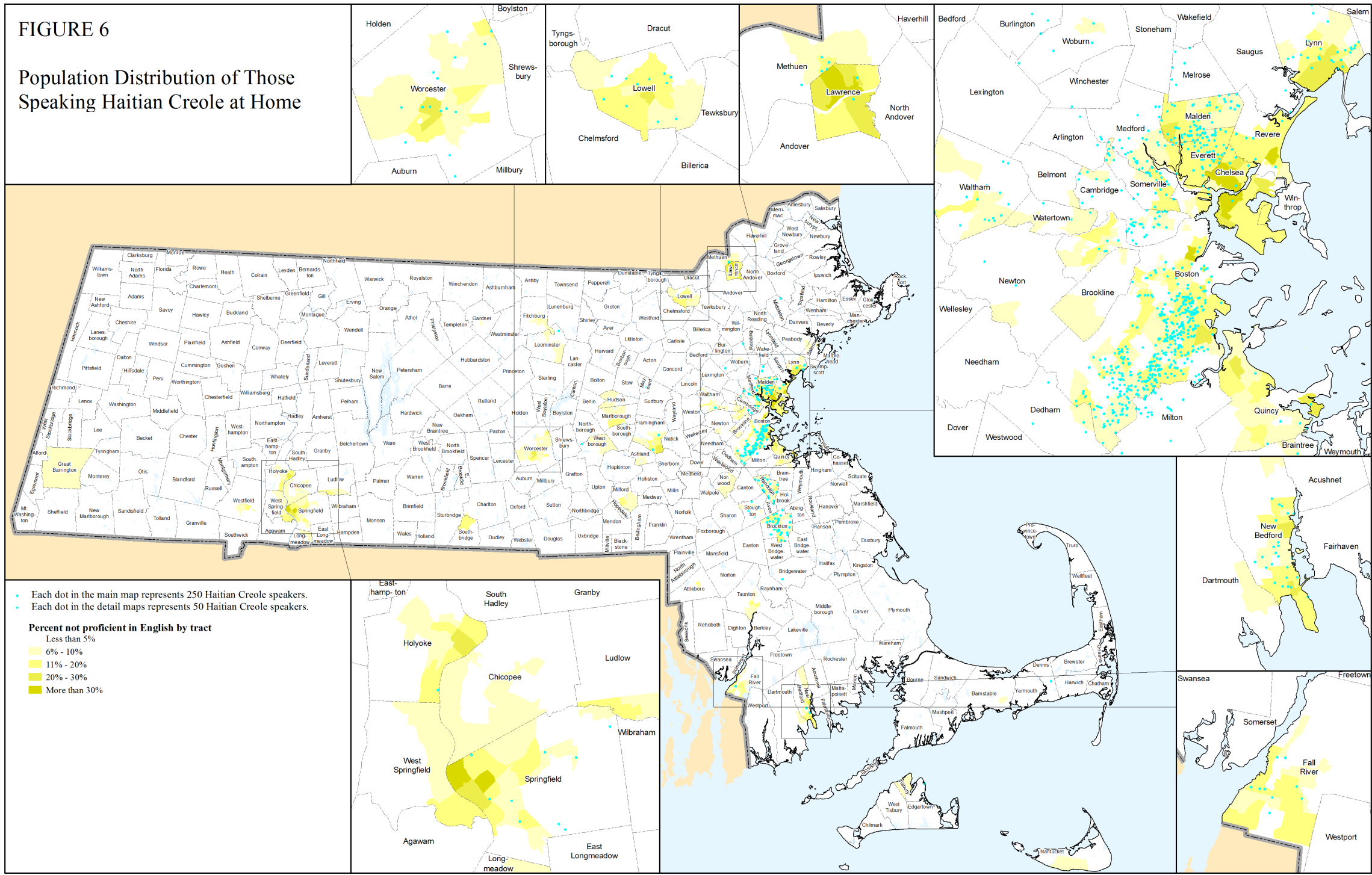


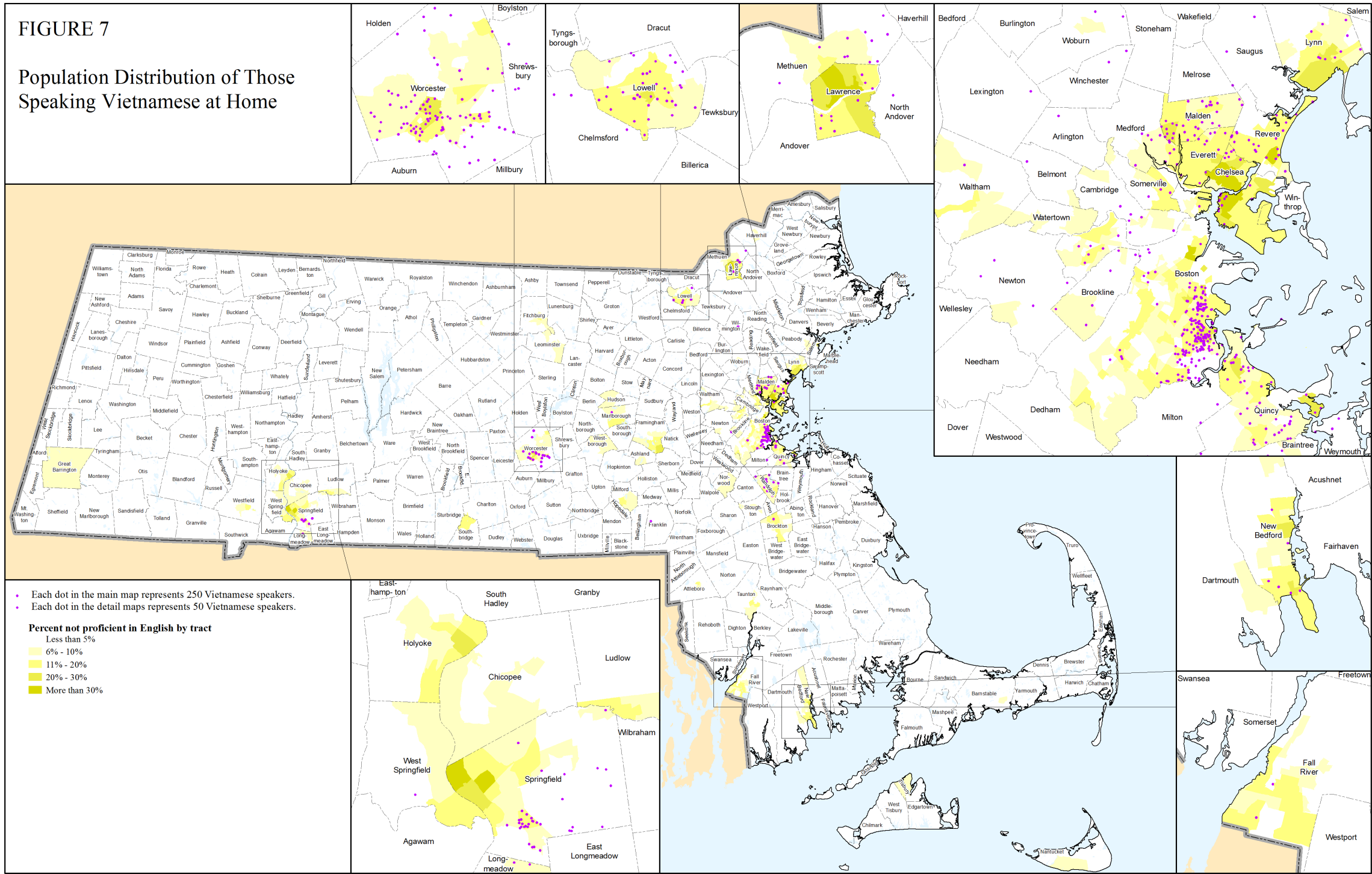












ANALYSIS OF MASSACHUSETTS DEPARTMENT OF EDUCATION DATA

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.

In 2021, the Massachusetts Department of Education published data¹⁰ regarding the top languages, other than English, spoken by students in the state's public school system (covering both years 2020 and 2021). As indicated in the table below, this data correlates with the Census data detailed above in such a manner as to suggest that the top languages identified in appropriate Census data sets remain the top languages of the LEP student population as recently as 2021.

Language Spoken and Ranking by Enrollment #		2020		2021	
		# of ELs	% of ELs	# of ELs	% of ELs
1	Spanish	54,103	53.8%	50,153	54.3%
2	Portuguese	13,671	13.6%	12,691	13.7%
3	Other	6,476	6.4%	5,974	6.5%
4	Cape Verdean	4,237	4.2%	3,869	4.2%
5	Creole	4,080	4.1%	3,707	4.0%
6	Chinese	3,617	3.6%	2,925	3.2%
7	Arabic	2,951	2.9%	2,652	2.9%
8	Vietnamese	2,024	2.0%	1,862	2.0%
9	Khmer	1,537	1.5%	1,507	1.6%
10	Russian	1,235	1.2%	1,114	1.2%
11	French	831	0.8%	702	0.8%

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 analyses. To do so, MassDOT is working with community-based organizations (CBOs), as well public officials and other government entities and interested parties, to identify LEP populations that may need translation services for specific programs or activities. MassDOT continues to conduct outreach to CBOs that work with LEP populations, such as neighborhood community service centers, community development corporations, and ethnic/cultural organizations. These organizations

¹⁰

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.doe.mass.edu%2Fmcas%2Faccess%2F2021%2Fresults%2Fstate.docx&wdOrigin=BROWSELINK>

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 relative to specific projects or public participation efforts, 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 is able to 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.

Prior Experiences with LEP Individuals

In order to determine the extent to which LEP persons have come into contact with MassDOT programs, services, and activities, MassDOT surveys staff, keeps track of translations of the MassDOT website and requests for interpreters at public meetings, and collected anecdotal reports of attendance by people with limited English proficiency at public meetings from community outreach staff. The results of the survey showed that the majority of respondents (70%) had no contact with people with limited English proficiency, and 13% had contact with LEP individuals most days. The survey and its results are detailed under Factor 2. Most of the respondents who had contact with LEP individuals were from MassDOT's Operations and Maintenance divisions. Respondents from the Rail and Transit Division and the Office of Transportation Planning reported no contact with people with limited English proficiency.

Conclusions from Factor 1 Analysis

The Factor 1 analysis shows that 36 languages meet the safe-harbor threshold statewide. In addition, MassDOT staff have had limited contact with LEP individuals. 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.¹¹ The survey instruments can be found in Appendix A of this plan.

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
- 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 2, 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 2. 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.

¹¹ 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 2 represent all surveys returned to date, including those from employees in the Highway Division.

TABLE 2
Frequency of Contact of MassDOT Employees with LEP Individuals

	Most Days	Weekly	Monthly	Yearly	Total	Never
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
Total	2	6	12	65	85	739

*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.

Appendix A also includes summaries of the responses to the survey questions relating to how MassDOT employees currently communicate with LEP individuals and suggested steps that MassDOT could take to facilitate communication with LEP persons and communicate better, as an agency, with LEP persons. These summaries provide valuable information that can be used by the Title VI Specialist when evaluating language assistance measures to implement.

Frequency of Contact – Conclusions

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 French (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.

MASSDOT PROGRAMS, ACTIVITIES, AND SERVICES

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, in general, and LEP individuals in particular, 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 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 is facilitated through an online survey on the MassDOT website, available continually and analyzed on a rolling basis. The current results of this online survey effort are summarized in Table 3 and graphically in Figure 11. MassDOT relies on a phased schedule for implementing translations that first focuses on the most vital documents in the most frequently encountered languages.

MassDOT has identified the following documents as vital, and has begun a phased program for having them translated:

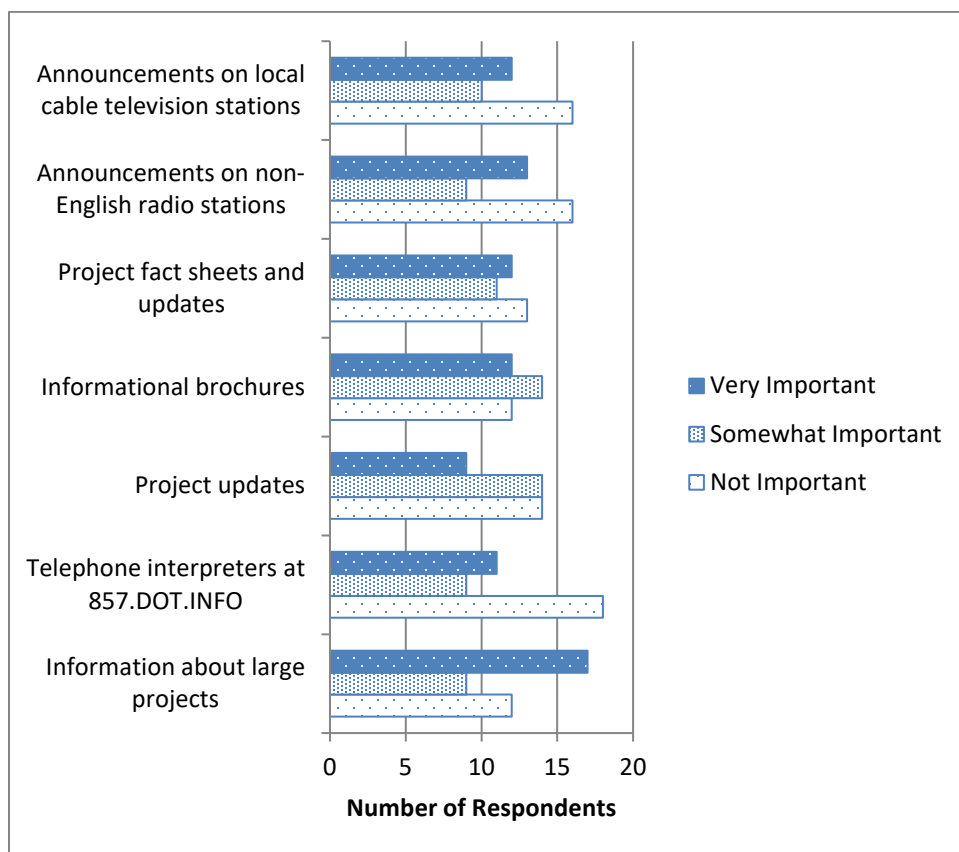
- Notice to Beneficiaries (*currently translated into top 10 languages*)
- Title VI Complaint Form (*currently translated into top 10 languages*)
- Title VI Complaint Procedures (*currently translated into top 10 languages*)
- Notices of public hearings regarding transportation plans, projects, or changes (*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*)
- Notices of reduction, denial, or termination of services or benefits, such as:
 - The Right of Way Guide (*currently translated into Spanish*)
- 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 3
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 11
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. MassDOT will evaluate documents for translation according to the guidance provided by the Department of Justice:

“It is important to ensure that written materials routinely provided in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits, or is required by law. Vital documents include, for example: applications, consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; prison rulebooks; written tests that do not assess English language competency, but rather competency for a particular license, job, or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client. For instance, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be vital. Non-vital information includes documents that are not critical to access such benefits and services. Advertisements of federal agency tours and copies of testimony presented to Congress that are available for information purposes would be considered non-vital information.

Vital documents must be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program's existence, we recognize that it would be impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. Title VI does not require this of recipients of federal financial assistance, and EO 13166 does not require it of federal agencies. Nevertheless, because in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access, it is important for federal agencies to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.”

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 Regarding the Importance of Programs, Activities, and Services

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 most recent 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 incorporated machine translation into the agency's website. While MassDOT does not rely on machine translation to convey vital information to LEP groups, the resource is available for members of the public who would like a basic level of access to incidental MassDOT information on the website.

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 REGARDING COSTS

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. To date, the translation of Title VI related vital documents into the top ten (10) languages in the state typically requires this entire budget allocation.

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 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, 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.

Based on the results of the four-factor analysis, MassDOT is implementing a phased schedule for translating vital information. 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 of these 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:

- MassDOT's Notice to Beneficiaries (nondiscrimination notice)
- MassDOT's Notice of Right to Language Assistance has been incorporated in public notices and documents
- MassDOT's complaint form
- MassDOT's complaint process
- Meeting flyers, meeting notices, press releases, and other announcements in the languages spoken in the affected area when determined important based on the four-factor analysis
- Notices in non-English community newspapers
- Outreach documents, when determined necessary based on the Four-Factor analysis
- MassDOT's New England Regional transportation maps

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 **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 and is working on developing “best practices” materials to be included in the subrecipient training. MassDOT’s Title VI staff regularly holds technical assistance workshops regarding Title VI compliance with subrecipients. With the online public engagement tool (“Engage”), described above, these sessions now include training subrecipient staff on its use to ensure Title VI factors are considered as part of the public engagement process. 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/Public Engagement/Language Access Training

MassDOT’s Title VI staff conducts training for all agency leadership, departmental management, and staff on public engagement and language access obligations under Title VI. These trainings focus on operationalizing the agency’s Public Participation Plan and Language Access Plan and

are tailored to the mission of each department/office. For example, Right of Way staff receive tailored trainings on overcoming language barriers when conducting field work related to transportation projects where LEP abutters may need language assistance to communicate with staff – a function unique to the mission of that office. These trainings are offered on a recurring and rolling basis across all public facing offices within the agency. That way, as new staff comes on board, they are able to receive Title VI training in a timely manner.

New Hire Orientation

MassDOT's Human Resources Department provides orientation training for all new employees. Included within the orientation is a presentation by ODCR of the Agencies policies and obligations to promote fairness, diversity, and inclusion for all employees and customers to ensure compliance with federal and state civil rights laws and regulations, including Executive Order #13166.

The Office of Diversity and Civil Rights training module for new MassDOT employees covers the agency's policies and federal and state civil rights obligations related to diversity, nondiscrimination, inclusive public engagement, and workplace practices. New hires are trained in the importance of being professional, sensitive, and responsive, as well as on the need to treat all customers with equal respect regardless of language spoken. The Title VI element of the presentation includes a focus on staff responsibilities to eliminate language barriers for LEP customers looking to access MassDOT programs, services, and activities. Since 2016, this training has been offered as a modified presentation that better reflects civil rights standards under Title VI and state law and regulation, including Executive Order #13166.

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.

All the training programs mentioned above include:

- A summary of responsibilities under the LEP guidance
- A summary of MassDOT's Language Assistance Plan
- A summary of the Four-Factor Analysis of language assistance needs prepared by MassDOT (Number of LEP persons, frequency of contact, importance of program, and cost factor)
- A description of the language assistance services made available by MassDOT and how staff can access these services

Media resources available to be used in MassDOT training programs include:

- LEP training videos on FHWA and FTA websites
- Resources housed on the national lep.gov website
- Best practices in engaging LEP customers, available at www.fhwa.dot.gov/planning/publications/low_limited/index.cfm

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

LEP Survey of MassDOT Employees

Communication with Limited English Proficient (LEP) Individuals

Survey for MassDOT Program Area Leadership

To meet civil rights requirements, MassDOT must have a strategy to provide written and oral translations for individuals with limited English proficiency (LEP) who do not speak, read or understand English well or at all. Which written or spoken communications are translated into non-English languages will be determined by an analysis that considers the:

Number or proportion of the persons eligible to be served or likely to encounter a program, activity, or service who are LEP

- Frequency with which LEP individuals come into contact with the program, activity, or service
- Nature and importance of the program, activity, or service in people's lives
- Resources available and costs of providing translations

Due to your responsibility for overseeing the public engagement activities of your office/unit, the MassDOT Office of Diversity and Civil Rights (ODCR) is requesting that you answer the following questions to further the language analysis:

- 1. Approximately how many employees who work under you have direct contact with the public in some capacity?**

- 2. What are the job titles and/or functions of those employees?**

3. **What vital documents¹ does your office/unit have that may need to be translated into other languages? (see the Footnote 1 for more information on vital documents)**

When you have answered the questions, please return your completed survey to [email]. If you have any questions regarding the survey, please contact [phone].

If you would like to know more about MassDOT's language access efforts, please visit our [Title VI/Nondiscrimination webpage](#)².

¹ A document should be considered vital if it contains information that is critical for obtaining MassDOT services and/or participating in MassDOT activities (this includes, but is not limited to: notices of rights; notices advising the availability of language assistance; letters or notices that require a response; and consent and complaint forms).

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

Communication with Limited English Proficient (LEP) Individuals

Survey for Front-Line Employees of MassDOT

To meet civil rights obligations MassDOT must provide written and oral translations for individuals with limited English proficiency (LEP)—that is, people who do not speak, read or understand English well or at all. Which written or spoken communications are translated into non-English languages will be determined by an analysis that considers the:

- Number or proportion of the persons eligible to be served by or likely to encounter a program, activity, or service who are LEP
- Frequency with which LEP individuals come into contact with the program, activity, or service
- Nature and importance of the program, activity, or service in people's lives
- Resources available and costs of providing translations

Because you work directly with the public, your answers to the following questions will help the MassDOT Office of Diversity and Civil Rights (ODCR) complete the required analysis and ensure we are aware of and meet the needs of all who we serve.

1. What is your job title? _____
2. What is your job function? _____
3. Please "x" the appropriate boxes in the table below to indicate how frequently you need to communicate with members of the public who do not speak or understand English well or at all. Please answer individually for each language. Some of the most commonly spoken languages are listed in the table. If you have come into contact with individuals who speak other languages: (a) For languages you can identify—please enter them in the "Other" rows. (b) For languages you cannot identify—please mark your answer for all of them combined in the "All other languages" row.

Frequency of Contact

Language	Most Days	At Least Once/ Week	At Least Once/ Month	At Least Once/ Year	Never
Spanish					
Portuguese					
Chinese					
Vietnamese					
Haitian Creole					
Russian					
French					
Italian					
Cambodian (Khmer)					
Arabic					
Other: _____					
Other: _____					
All other languages					

4. How do you communicate when you come into contact with members of the public who do not speak or understand English well or at all? Which techniques have been most effective?

5. How can MassDOT improve your ability to communicate with members of the public who do not speak or understand English well or at all?

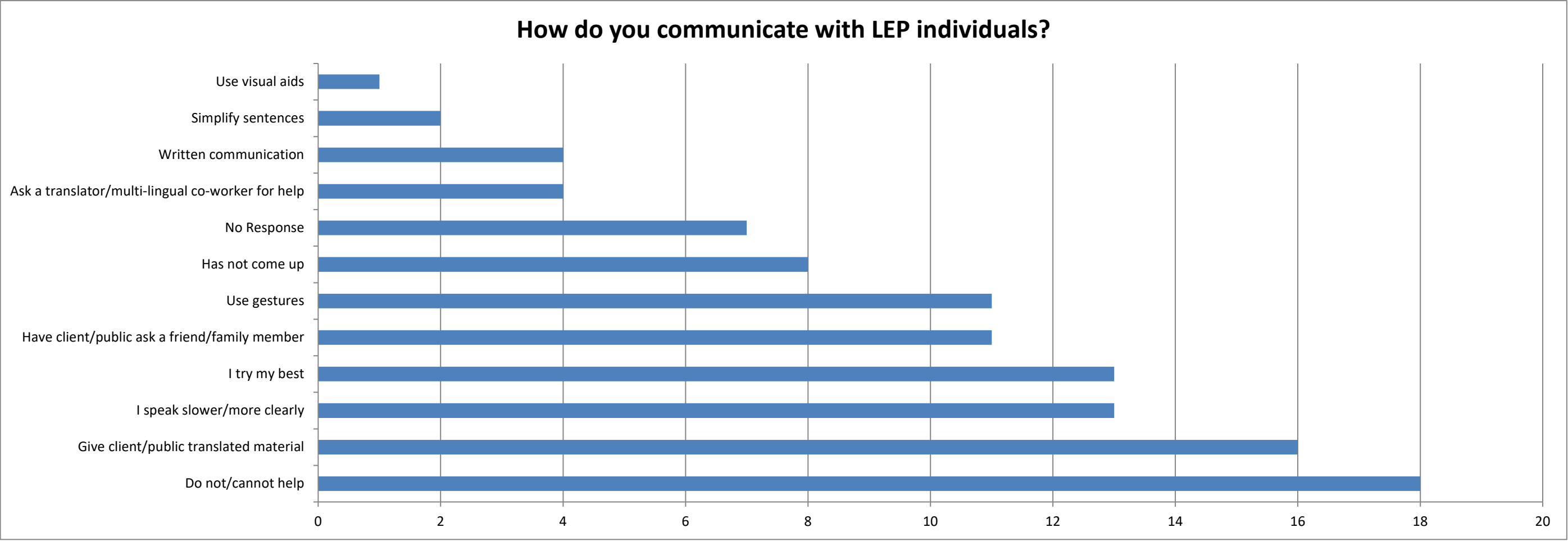
6. How can MassDOT, as an agency, communicate better with LEP individuals?

When you have answered the questions, please return your completed survey to [email]. If you have any questions regarding the survey, please contact [phone].

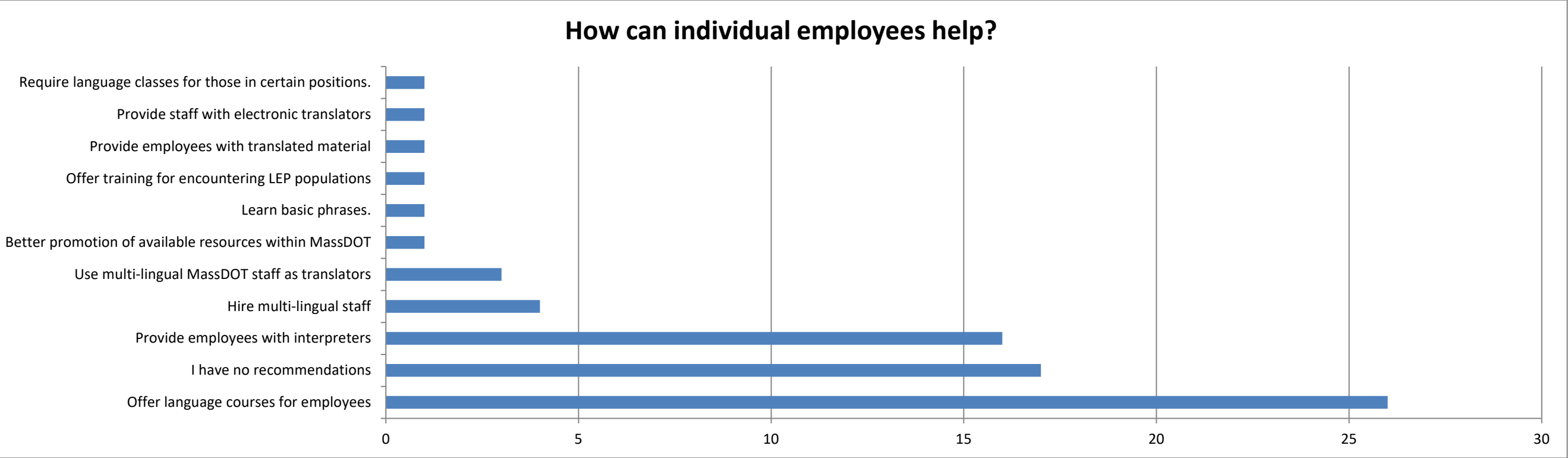
If you would like to know more about MassDOT's language access efforts, please visit our [Title VI/Nondiscrimination webpage](#)¹.

¹ <https://www.mass.gov/nondiscrimination-in-transportation-program>

How to communicate with LEP	Administration	Construction	Contracts	Design	Environment	Planning/Research	Right-of-Way	Safety	Unknown	Grand Total	Rank
Give client/public translated material	5	7	0	0	0	0	4	0	0	16	2
Has not come up	0	8	0	0	0	0	0	0	0	8	7
Ask a translator/multi-lingual co-worker for help	0	0	0	2	0	2	0	0	0	4	9
Simplify sentences	0	0	0	0	0	0	0	0	2	2	11
I speak slower/more clearly	0	6	1	2	0	3	1	0	0	13	3
No Response	5	1	0	0	0	0	1	0	0	7	8
Have client/public ask a friend/family member	3	3	0	0	2	0	0	3	0	11	5
I try my best	5	0	0	0	0	0	8	0	0	13	3
Written communication	0	3	0	0	1	0	0	0	0	4	9
Use gestures	0	11	0	0	0	0	0	0	0	11	5
Do not/cannot help	0	12	0	1	3	0	1	0	1	18	1
Use visual aids	0	1	0	0	0	0	0	0	0	1	12



How to Help	Administration	Construction	Contracts	Design	Environment	Planning/Research	Right-of-Way	Safety	Unknown	Grand Total	Rank
Better promotion of available resources within MassDOT	0	0	0	0	1	0	0	0	0	1	8
Hire multi-lingual staff	0	4	0	0	0	0	0	0	0	4	6
I have no recommendations	1	13	0	1	1	0	1	0	0	17	3
Learn basic phrases.	0	1	0	0	0	0	0	0	0	1	8
No Response	0	8	0	3	0	3	1	0	1	16	4
Offer language courses for employees	4	16	0	0	0	1	4	0	1	26	2
Offer training for encountering LEP populations	0	0	0	0	1	0	0	0	0	1	8
Provide employees with interpreters	3	3	1	0	3	0	6	0	0	16	4
Provide employees with translated material	0	0	0	0	0	0	1	0	0	1	8
Provide staff with electronic translators	0	1	0	0	0	0	0	0	0	1	8
Require language classes for those in certain positions.	0	0	0	0	0	0	0	1	0	1	8
Use multi-lingual MassDOT staff as translators	0	1	0	0	0	0	2	0	0	3	7
(blank)	8	47	1	4	6	4	15	1	2	88	1



How to Help	Administration	Construction	Contracts	Design	Environment	Planning/Research	Right-of-Way	Safety	Unknown	Grand Total	Rank
Ask clients/public to learn English	0	2	0	0	0	0	0	0	0	2	9
Hire multi-lingual staff	2	2	0	0	0	0	1	0	0	5	7
I have no recommendations	1	14	0	2	0	1	0	0	0	18	1
No Response	0	8	0	2	0	1	4	1	1	17	2
Offer language courses for employees	0	4	0	0	1	2	0	0	0	7	4
Offer training for encountering LEP populations	1	1	0	0	0	0	0	0	0	2	9
Provide employees with interpreters	4	2	1	0	1	1	5	0	0	14	3
Provide employees with translated material	0	1	0	0	3	0	1	0	2	7	4
Provide staff with electronic translators	0	2	0	0	2	0	0	0	0	4	8
Use multi-lingual MassDOT staff as translators	1	3	0	0	0	0	3	0	0	7	4
(blank)	0	0	0	0	0	0	0	0	0	0	11

