



# TITLE VI PROGRAM

Rail & Transit Division

Prepared By:

Office of Diversity and Civil Rights

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# I. INTRODUCTION

The Massachusetts Department of Transportation (MassDOT), as a recipient of federal financial assistance, has developed this Title VI Program to ensure full compliance with Title VI of the Civil Rights Act of 1964, as amended (Title VI) and related nondiscrimination statutes, Executive Orders, and regulations in all MassDOT programs and activities. Title VI of the Civil Rights Act of 1964 provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” To fulfill this basic civil rights mandate, each federal agency that provides financial assistance for any program is authorized and directed by the United States Department of Justice to apply provisions of Title VI to each program by issuing applicable rules, regulations, or requirements. The Federal Transit Administration’s (FTA’s) Title VI Circular 4702.1B provides guidelines for implementing a compliant Title VI program.

Title VI and its related statutes prohibit two types of discrimination: intentional discrimination and disparate impact. The first, intentional discrimination, is the result of inconsistent application of rules and/or policies to one group of people compared to another. This form of discrimination results when rules and policies are applied in such a way as to intentionally treat a person or persons differently because of race, color, national origin.

The second type of discrimination, disparate impact, results when rules and laws have a different and more negative effect on a protected group defined by race, color, or national origin than on nonmembers of that group. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, inferior services or benefits, or greater burdens for members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than on the intent.

Under Title VI, MassDOT's efforts to prevent both types of discrimination must address, but need not be limited to:

- Unequal access to services, financial aid, or other benefits provided under its programs
- Distinctions in the quality or quantity of a benefit or in the manner in which it is provided
- Segregation or separate treatment
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided without that restriction to others
- Different standards or requirements for participation
- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination
- Discrimination in any activities related to a highway or other infrastructure or facility built or repaired, in whole or in part, with federal funds
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment

MassDOT has developed this Title VI/Nondiscrimination Program to help ensure that all of its services, programs, and activities, whether federally assisted or not, are offered, conducted, and administered in a nondiscriminatory manner.

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 both MassDOT and the MBTA.

The following sections describe MassDOT's organizational structure and responsibilities.

## **A. 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.

### **i. 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.

### **ii. Rail and Transit Division**

The Rail and Transit Division is responsible for all MassDOT transit initiatives and oversees the MBTA and all regional transit authorities of the commonwealth. The MassDOT Board of Directors serves as the governing body of 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 100 miles of state-owned railroad properties with their operating railroads and manages the administrative program required by M.G.L. 40/54A and M.G.L. 161(d) that protects railroad corridors. The Unit also provides policy and technical assistance for major rail and freight initiatives, including high-speed and intercity rail, major corridor acquisition, and freight access programs.

### **iii. 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.

### **iv. 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.

## **v. 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).

## **vi. 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/Nondiscrimination obligations through effective management of the agency's Title VI/Nondiscrimination 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 Manager of Federal Programs reports to the Assistant Secretary for Civil Rights. The Manager of Federal Programs 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/Nondiscrimination Program, fulfilling reporting obligations, and developing and implementing effective and innovative compliance strategies. The Manager of Federal Programs is a senior leader within MassDOT who is also responsible for developing and managing MassDOT's ADA Transition Plan. The Manager of Federal Programs focuses on the following efforts related to MassDOT's Title VI/Nondiscrimination 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 Manager of Federal Programs, the Title VI Specialist manages all elements of MassDOT's commitment and obligations to prohibit discrimination. The Title VI/Nondiscrimination 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 the federal financial assistance.

The Title VI Specialist is responsible for developing, implementing, coordinating, and monitoring MassDOT's Title VI/Nondiscrimination 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

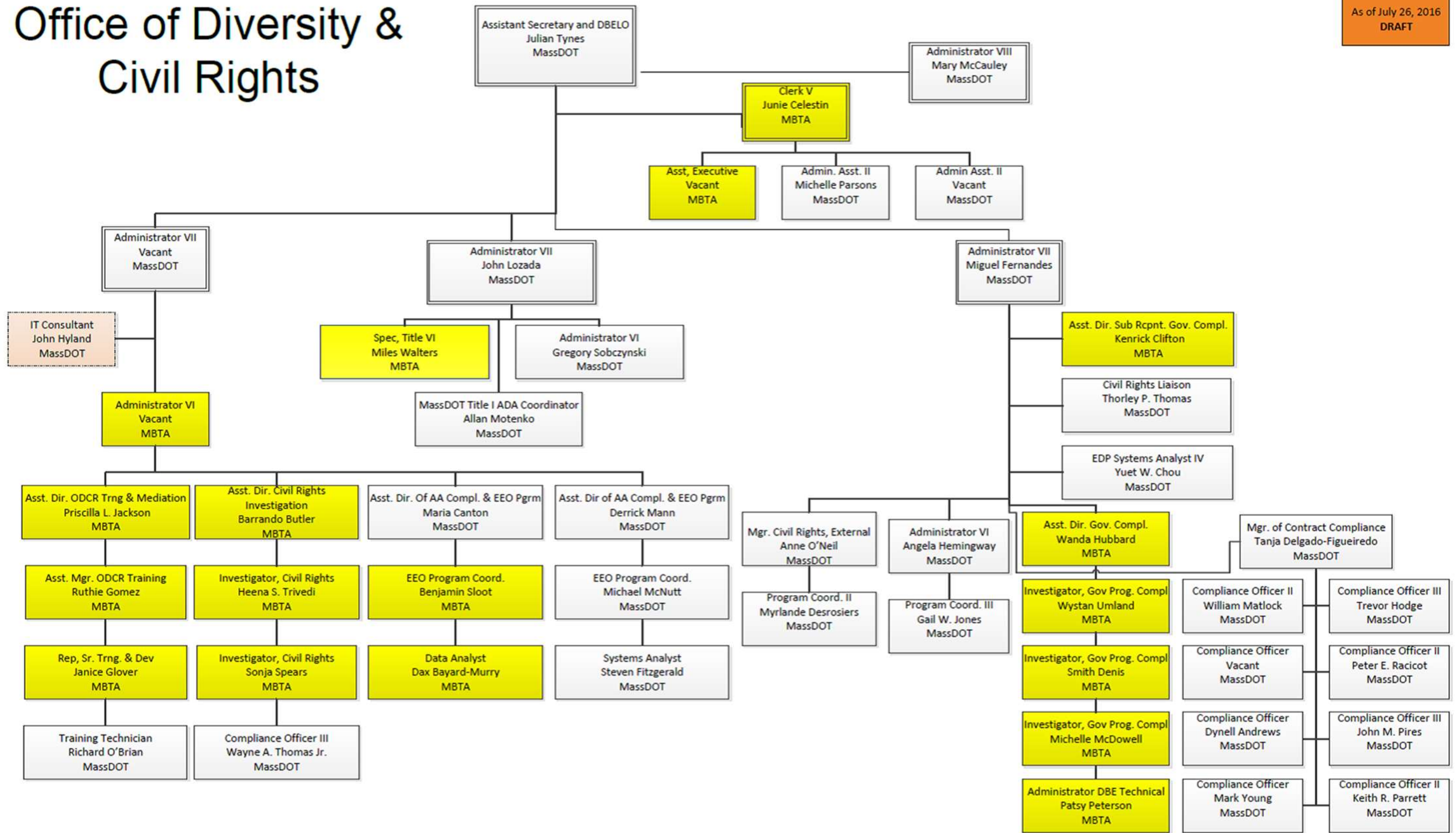
- In collaboration with the ODCR Investigations Unit, conducts complaint intakes, investigates discrimination complaints, and prepares reports and recommendations based on investigatory findings, as needed
- Maintains relationships and works cooperatively with upper-level administrators, managers, and 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, Manager of Federal Programs, 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 Manager of Federal Programs 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.

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# Office of Diversity & Civil Rights

As of July 26, 2016  
DRAFT



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## II. POLICY STATEMENT



Policy: CR-001b

Date: March 13, 2015

### POLICY DIRECTIVE

*(signature on original)*

**Stephanie Pollack, Secretary and CEO**

Supersedes Policy CR-001a (1-28-13)

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, as amended, and the Civil Rights Restoration Act of 1987 (P.L. 100.259). Title VI of the Civil Rights Act of 1964 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, 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 and/or ancestry, along with the bases previously referenced. In addition, MassDOT will facilitate meaningful and nondiscriminatory public participation in the transportation planning and project development process.

To obtain additional information on MassDOT and/or its subrecipients' nondiscrimination obligations, to request a copy of the Department's Title VI

program, or to request such materials in alternative formats (large-print, braille, audio, etc.) or translated, please contact MassDOT's Title VI Specialist in the Office of Diversity and Civil Rights at (857) 368-8580, or (857) 368-0603 (TTY), or via e-mail to [MASSDOT.CivilRights@state.ma.us](mailto: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 (857) 368-0603 (TTY), or via our website at <http://www.massdot.state.ma.us/OfficeofCivilRights.aspx> 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 Chief Diversity and Civil Rights Officer within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.



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-អ្នកត្រូវការបកប្រែពីភាសានេះ:

សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី6 របស់**MassDot** តាមរយៈ ទូរស័ព្ទ **857-368-8580**

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





### III. CERTIFICATION AND ASSURANCES

The FTA Certifications and Assurances (49 U.S.C. 5323(n)) are executed annually by MassDOT and submitted to FTA, electronically via the “TrAMS” platform, each fiscal year with the first application for federal financial assistance. By executing this agreement, MassDOT acknowledges its obligations under Title VI of the Civil Rights Act of 1964, as referenced in General Assurance Category 01.D.

## IV. GENERAL REQUIREMENTS

The following sections address FTA Title VI requirements as articulated in Chapter 3 of FTA Circular 4702.1B (October 2012).

## **B. NOTICE TO THE PUBLIC**

The Massachusetts Department of Transportation (MassDOT) maintains and disseminates a Title VI Notice to Beneficiaries document which informs members of the public of their rights and protections under MassDOT's programs, services, and activities receiving federal financial assistance from the Federal Transit Administration (FTA). The text of the current notice is provided immediately below.

### **i. NOTICE TEXT**

#### **a. FEDERAL "TITLE VI/NONDISCRIMINATION" PROTECTIONS**

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

## **b. STATE NONDISCRIMINATION PROTECTIONS**

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

## **c. ADDITIONAL INFORMATION**

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

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

## **d. COMPLAINT FILING**

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist (above) within 180 days of the alleged discriminatory conduct.

To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

Massachusetts Commission Against Discrimination (MCAD)

One Ashburton Place, 6th Floor  
Boston, MA 02109  
617-994-6000  
TTY: 617-994-6196

## **ii. LANGUAGE ACCESS CONSIDERATIONS**

MassDOT considers the Title VI Notice to Beneficiaries to be a vital document in that it is a primary mechanism for informing the public of the agency's nondiscrimination obligations and the procedures through which beneficiaries can request more information or file Title VI complaints. For that reason, and in accordance with MassDOT's Language Access Plan, the Notice is translated into the top ten languages across the Commonwealth (Portuguese, Spanish, Chinese simplified and traditional, Russian, Haitian Creole, Vietnamese, French, Italian, Khmer, and Arabic). These translated versions of the Notice are included below. The English language version of the Notice also includes instructions in each of the same ten languages on how to request any needed translations or additional information (referred to as the "language riders"), also included below.

### **a. MULTILINGUAL CONTENT FOR ENGLISH NOTICE**

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

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

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

**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。

**Chinese Traditional: (Hong Kong & Taiwan):** 如果需要使用其它语言了解信息，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。

**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.

**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.

**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.

**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.

**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.

**Khmer:** ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែពីភាសានេះសូមទាក់ទងអ្នកឯកទេសលើជំពូកទី6 របស់MassDot តាមរយៈ៖ ខន្ធរស័ព្ទ **857-368-8580**

**Arabic:** 857-368-8580

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

## **b. NOTICE TRANSLATIONS**

The content that follows immediately below includes the full translations of the MassDOT Title VI Notice to the Public. As stated above, this vital document is disseminated in the top ten languages in the Commonwealth (Portuguese, Spanish, Chinese simplified and traditional, Russian, Haitian Creole, Vietnamese, French, Italian, Khmer, and Arabic).



## بيان بالحقوق والحماية ضد التمييز للمستفيدين

### الحماية الفيدرالية - الفقرة السادسة/عدم التمييز"

يُدير قسم النقل في ولاية ماساتشوستس برامج، وخدمات، وأنشطته بالامتثال لقوانين عدم التمييز الفيدرالية، بما في ذلك الفقرة السادسة من قانون الحقوق المدنية لعام 1964 (الفقرة السادسة)، وقانون استعادة الحقوق المدنية لعام 1987، والقوانين واللوائح التنظيمية ذات الصلة. تمنع الفقرة السادسة التمييز في البرامج التي تدعمها الحكومة الفيدرالية وتنص على عدم استبعاد أي شخص في الولايات المتحدة الأمريكية من المشاركة في الفوائد الفيدرالية، أو حرمانه منها، أو تعريضه للتمييز بأي شكل من الأشكال بناءً على **العرق أو اللون أو الأصل الوطني** (بما في ذلك أصحاب المهارات المحدودة في اللغة الإنجليزية) ضمن أي برنامج أو نشاط يتلقى مساعدة فيدرالية. كما تمنع القوانين المضادة للتمييز والتي تلتزم بها الإدارة الفيدرالية للطرق السريعة، أو الإدارة الفيدرالية للنقل، أو كلاهما، التمييز ضد الأشخاص بناءً على **العمر، والجنس، أو الإعاقة**. تتمتع هذه الفئات المحمية بأحقية المشاركة ضمن برامج قسم النقل في ولاية ماساتشوستس المتعلقة بالفقرة السادسة و المتسقة مع التفسير الفيدرالي و مع الإدارة الفيدرالية. بالإضافة إلى ذلك، يوفر قسم النقل في ولاية ماساتشوستس كافة خدماته لأصحاب المهارات المحدودة في اللغة الانجليزية للاستفادة الكاملة من كافة برامج، وخدمات، وأنشطته، بالامتثال لسياسة وزارة النقل الأمريكية والتنظيمات الخاصة بالأمر التنفيذي الفيدرالي رقم 13166.

### الحماية التي تقدمها الولاية ضد التمييز

يمتثل قسم النقل لولاية ماساتشوستس مع قانون التكييف العام لولاية ماساتشوستس - قوانين ماساتشوستس العامة - رقم ج 272 القسم 92 أ، و 98، و 98 أ، والذي يمنع أي تمييز أو تحديد لإمكانية دخول أو علاج في الأماكن العامة التي تتطلب التكييف بناءً على **العرق، أو اللون، أو العقيدة الدينية، أو الأصل الوطني، أو الجنس، أو التوجه الجنسي، أو الإعاقة، أو الأصول العرقية للفرد**. وكذلك، يمتثل قسم النقل في ولاية ماساتشوستس للقسم رقم 4 للأمر الإداري لحاكم الولاية رقم 526 والذي ينص على إتاحة كل البرامج، والأنشطة، والخدمات التي يتم تقديمها، أو تنفيذها، أو ترخيصها، أو تأجيرها، أو تمويلها، أو تنظيمها، أو جعلها على شكل عقود والخاصة بالولاية و توفيرها دون أي تمييز غير قانوني بناءً على **العرق، أو اللون، أو العمر، أو الجنس، أو القومية، أو التوجه الجنسي، أو الهوية أو التعبير الجنسي، أو الدين، أو المعتقد، أو الأصل، أو الأصل الوطني، أو الإعاقة، أو وضع الفرد كمحارب قديم** (بما في ذلك المحاربين القدامى من حرب فيتنام)، أو خلفية المرء.

معلومات إضافية

لطلب المزيد من المعلومات الإضافية بخصوص الفقرة السادسة و التزامات الحكومة الفيدرالية أو الولاية المضادة للتمييز، يُرجى الاتصال بـ :

أخصائي الفقرة السادسة  
قسم النقل في ولاية ماساتشوسيتس، مكتب التنوع والحقوق المدنية  
10 بارك بلازا  
مدينة بوسطن، ولاية ماساتشوسيتس، الرمز البريدي 02116  
رقم الهاتف: 857-368-8580  
خدمات فاقدي السمع: 857-368-0603  
البريد الإلكتروني: [MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

تقديم الشكاوى:

لتقديم شكوى تخص انتهاكاً للفقرة السادسة أو القانون الفيدرالي المضاد للتمييز، يُرجى الاتصال بأخصائي الفقرة السادسة (أعلاه) خلال 180 يوماً من يوم وقوع حالة التمييز محل الشكوى.

لتقديم شكوى تخص انتهاكاً لقانون التكيف العام الخاص بالولاية، يُرجى الاتصال بمفوضية ماساتشوسيتس لمكافحة التمييز خلال 300 يوماً من وقوع حالة التمييز محل الشكوى وذلك على العنوان التالي:

مفوضية ماساتشوسيتس لمكافحة التمييز  
1 أشبرتون بليس، الطابق السادس  
مدينة بوسطن، ولاية ماساتشوسيتس، الرمز البريدي 02109  
رقم الهاتف: 617-994-6000  
خدمات فاقدي السمع: 617-994-6196

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## 致不歧视权与保护受益人的通知

### 联邦“第六章/不歧视”保护

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，包括1964年颁发的《民权法案》第六章、1987年的《民权复原法案》，以及其它相关法规和条例。《民权法案》第六章禁止联邦资助机构实施歧视行为并规定，在美国，任何人不得因**种族、肤色和族裔**（含**英语水平受限**）而被联邦资助机构或活动拒绝参与、拒绝福利、或遭受歧视。由联邦公路管理局、联邦运输管理局或两个机构共同发布的相关联邦不歧视法律禁止任何基于**年龄、性别和残障**的歧视。马萨诸塞州交通部第六章各项目与联邦的阐释和实施一致，对这些保护类别作了深入考虑。此外，依据美国交通部对13166号联邦行政命令的政策和指导，马萨诸塞州交通部为英语水平受限人士提供有效途径供其使用州交通部各项目机构、服务和活动。

### 马萨诸塞州不歧视保护

马萨诸塞州交通部同时遵守《马萨诸塞州公众辅助服务法》（见M.G.L. c 272 §§ 92a, 98, 98a），禁止基于**种族、肤色、宗教信仰、性别、性取向、残障**，或**祖籍**而对公众辅助服务设施的准入使用或接待进行区分、歧视或限制。同样，马萨诸塞州交通部遵守州长行政命令526号第四节；该节规定，所有由州

提供、执行、许可、特许、资助、调控，或承包的项目、活动和服务皆不得有基于种族、肤色、年龄、性别、族群、性取向、性别认同或表达、宗教、教义、祖籍、族裔、残障、退伍军人身份（包括越战老兵）或背景的违法歧视。

## 其它信息

欲知更多有关第六章以及相关联邦和州不歧视法的更多信息，请联系：

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY: 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

## 投诉

欲投诉违反第六章或相关联邦不歧视法，请于指控被歧视行为发生后的180天之内联系《民权法案》第六章专员（Title VI Specialist）（联系方式如上）。

欲投诉违反马萨诸塞州公众便利法，请于指控被歧视行为发生后的300天之内联系马萨诸塞州反歧视委员会（Massachusetts Commission Against Discrimination），联系方式如下：

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

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## 致不歧視權與保護受益人的通知

### 聯邦“第六章/不歧視”保護

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，包括1964年頒發的《民權法案》第六章、1987年的《民權復原法案》，以及其他相關法規和條例。《民權法案》第六章禁止聯邦資助機構實施歧視行為並規定，在美國，任何人不得因**種族、膚色和族裔**（含**英語水準受限**）而被聯邦資助機構或活動拒絕參與、拒絕福利、或遭受歧視。由聯邦公路管理局、聯邦運輸管理局或兩個機構共同發佈的相關聯邦不歧視法律禁止任何基於**年齡、性別和殘障**的歧視。馬薩諸塞州交通部第六章各項目與聯邦的闡釋和實施一致，對這些保護類別作了深入考慮。此外，依據美國交通部對**13166**號聯邦行政命令的政策和指導，馬薩諸塞州交通部為英語水準受限人士提供有效途徑供其使用州交通部各項目機構、服務和活動。

### 馬薩諸塞州不歧視保護

馬薩諸塞州交通部同時遵守《馬薩諸塞州公眾輔助服務法》（見M.G.L. c 272 §§ 92a, 98, 98a），禁止基於**種族、膚色、宗教信仰、性別、性取向、殘障，或祖籍**而對公眾輔助服務設施的准入使用或接待進行區分、歧視或限制。同樣，馬薩諸塞州交通部遵守州長行政命令**526**號第四節；該節規定，所有由州提供、執行、許可、特許、資助、調控，或承包的專案、活動和服務皆不得有基於**種族、膚色、年齡、性別、族群、性取向、性別認同或表達、宗教、教義、祖籍、族裔、殘障、退伍軍人身份**（包括越戰老兵）或背景的違法歧視。



### 其他資訊

欲知更多有關第六章以及相關聯邦和州不歧視法的更多資訊，請聯繫：

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY: 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

### 投訴

欲投訴違反第六章或相關聯邦不歧視法，請於指控被歧視行為發生後的**180**天之內聯繫《民權法案》第六章專員（**Title VI Specialist**）（聯繫方式如上）。

欲投訴違反馬薩諸塞州公眾便利法，請於指控被歧視行為發生後的**300**天之內聯繫馬薩諸塞州反歧視委員會（**Massachusetts Commission Against Discrimination**），聯繫方式如下：

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

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# Deklarasyon sou Dwa kont Diskriminasyon ak Pwoteksyon Benefisyè

## Pwoteksyon Federal "Kont Diskriminasyon dapre Tit 6"

Depatman Transpò Massachusetts (MassDOT, ki vle di "Massachusetts Department of Transportation") òganize pwogram, sèvis, ak aktivite li yo dapre lwa federal kont diskriminasyon. Lwa sa a gen ladan l: Tit 6 nan Lwa pou Dwa Sivik 1964 la (Title VI of the Civil Rights Act of 1964, ki rele tou "Title VI"), Lwa sou Restorasyon Dwa Sivik 1987 la (Civil Rights Restoration Act of 1987), ansanm ak tout règleman ak regilasyon ki an rapò avèk lwa sa yo. Tit 6 la defann fè diskriminasyon nan pwogram ki resevwa asistans federal, epi li mande pou yo pa anpeche pèsonn ki sou teritwa Etazini pou yo jwenn avantaj, ak pou yo pa refize yo èd legal, ni pou yo pa fè diskriminasyon okenn lòt jan kont yo nan okenn pwogram ni okenn aktivite ki resevwa asistans federal poutèt **ras, koulè, oswa peyi kote yo soti** (sa ki vle di tou, **moun ki pa pale angle byen**). Lwa federal sa yo, ki kont diskriminasyon, epi ki sou kontwòl Federal Highway Administration (Administrasyon Federal pou Granwout), oswa Federal Transit Administration (Administrasyon Federal pou Transpò), oubyen toude ajans sa yo, defann fè diskriminasyon kont moun poutèt **laj yo, poutèt yo se gason oubyen fi**, oswa poutèt **andikap yo genyen**. Kategori moun sa yo ki jwenn pwoteksyon sa yo kouvri anba Pwogram Tit 6 MassDOT yo ki annakò avèk entèpretasyon ak administrasyon federal. Epi tou, MassDOT pèmèt moun ki pa fin pale angle byen patisipeasyon san pwoblèm tout bon nan pwogram, nan sèvis, ak nan aktivite li yo dapre règleman ak direktiv Depatman Transpò Etazini a, jan Dekrè Egzekitif gouvènman federal 13166 la vle l la.

## Pwoteksyon kont Diskriminasyon nan Eta a

MassDOT respekte tou yon lwa nan Massachusetts ki rele "Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a", ki defann tout kalite distenksyon, ak diskriminasyon, ak

restriksyon nan resevwa moun oubyen nan jan yo trete moun nan yon kote ki louvri pou piblik la, poutèt **ras, koulè, konviksyon relijye, peyi kote moun soti, si yon moun se gason oubyen fi, oryantasyon seksyèl, andikap**, oswa **zansèt moun lan**. Menm jan an, MassDOT respekte yon règleman ki rele "Governor's Executive Order 526, section 4", ki vle pou tout pwogram, aktivite, ak sèvis Eta a mete, fè, bay lisans, bay sibvansyon, finanse, règleman, oswa siyen kontra avèk yo, dwe travay san fè diskriminasyon ilegal kont pèsonn poutèt **ras, koulè, laj, konviksyon, relijyon, peyi kote moun soti, si yon moun se gason oubyen fi oswa jan li prezante tèt li sou kesyon sa a, oryantasyon seksyèl, andikap**, oswa **si moun lan te nan sèvis militè** (sa ki vle di tou pandan epòk veteran Vyetnam lan), oswa poutèt **jan moun lan ye oubyen jan li te aji nan tan pase**.

### Enfòmasyon siplemantè

Pou mande plis enfòmasyon sou Tit 6 ak sou règleman federal oubyen règleman Eta a ki an rapò avèk li, sou kesyon diskriminasyon, ou mèt pran kontak avèk biwo ki nan adrès sa a:

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
(857) -368-8580  
Nimewo TTY pou moun ki pa tande byen: (857) -368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

Pou depoze yon plent

Pou depoze yon plent kont sa ou kwè ki yon vyolasyon Tit 6 la oubyen yon lwa federal ki gen rapò avèk li kont diskriminasyon, kontakte biwo Title VI Specialist la (ki nonmen pi wo la a) anvan 180 jou pase, apre dat diskriminasyon ou kwè yo komèt la.

Pou depoze yon plent kont sa ou kwè ki yon vyolasyon lwa nan Eta a ki rele "Public Accommodation Law", kontakte Komisyon Massachusetts kont Diskriminasyon an (Massachusetts Commission Against Discrimination) anvan 300 jou pase, apre dat diskriminasyon ou kwè yo komèt la. Men adrès la:

Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, 6th Floor  
Boston, MA 02109  
(617) -994-6000  
Nimewo TTY pou moun ki pa tande byen: (617) -994-6196

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## Avis sur les principes de non-discrimination et de protections des bénéficiaires

### Protections dans le cadre du programme fédéral « Titre VI / non-discrimination »

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 y compris la loi « Titre VI » du Civil Rights Act de 1964 (Titre VI), le Civil Rights Restoration Act de 1987, et les décrets et règlements connexes. Le Titre VI interdit toute discrimination dans les programmes recevant des aides financières du gouvernement fédéral et prévoit que nul aux États-Unis d'Amérique ne peut être exclu de participer, ne peut se voir refuser les avantages, ni être victime de discrimination, sur la base de sa **race**, de la **couleur de sa peau** ou de son **origine nationale** (y compris une **mauvaise maîtrise de la langue anglaise**) dans le cadre de tout programme ou activité recevant une aide financière fédérale. Les lois fédérales connexes sur la non-discrimination gérées par la Federal Highway Administration, la Federal Transit Administration, ou les deux interdisent toute discrimination basée sur l'**âge**, le **sexe** et le **handicap** d'une personne. Ces catégories protégées sont prises en considération dans le cadre des programmes du Titre VI de MassDOT conformément à l'interprétation et à l'administration fédérales. De plus, MassDOT offre un large éventail d'accès à ses programmes, services et opérations aux personnes dont les connaissances en anglais sont limitées, conformément au règlement du ministère des transports américain (US Department of Transportation) et aux directives du décret-loi fédéral 13166.

### Protections dans le cadre du programme de non-discrimination de l'état

MassDOT applique également la loi Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, qui offre une protection contre le traitement différentiel, la discrimination ou la restriction de l'accès ou du traitement reçu dans un lieu public sur la base de la **race**, de la **couleur de la peau**, des

**croyances religieuses, de l'origine nationale, du sexe, de l'orientation sexuelle, du handicap ou des origines.** De même, MassDOT respecte le décret-loi 526 du gouverneur, section 4, qui exige que tous les programmes, opérations et services fournis, exécutés, agréés, affrétés, financés, réglementés ou sous-traités par l'état doivent être gérés sans discrimination illégale basée sur la **race, la couleur de la peau, l'âge, le sexe, l'appartenance ethnique, l'orientation sexuelle, l'identité ou l'expression sexuelles, la religion, les croyances, les origines, l'origine nationale, le handicap, le statut de vétéran** (y compris les vétérans de la guerre du Vietnam) ou sur les **antécédents** d'une personne.

### Renseignements supplémentaires

Pour plus de renseignements relatifs au Titre VI et aux règlements fédéraux et de l'état connexes sur la non-discrimination, veuillez contacter :

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY : 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

### Procédure de dépôt de plainte

Pour déposer une plainte alléguant une violation du Titre VI ou d'une loi fédérale connexe de non-discrimination, veuillez contacter le spécialiste du Titre VI « Title VI Specialist » (coordonnées ci-dessus) dans les 180 jours qui suivent l'acte discriminatoire allégué.



Pour déposer une plainte alléguant une violation de la loi Public Accommodation Law de l'état, veuillez contacter la commission du Massachusetts contre la discrimination (Massachusetts Commission Against Discrimination) dans les 300 jours qui suivent l'acte discriminatoire allégué à l'adresse suivante :

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

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# Avvertenza ai beneficiari su diritti e tutele legali contro la discriminazione

## Diritti legali federali “Titolo VI/contro la discriminazione”

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, incluso il Titolo VI della Legge statunitense sui Diritti Civili del 1964 (Titolo VI), la Legge statunitense per il Ripristino dei Diritti Civili del 1987 (Civil Rights Restoration Act) e relativi statuti e regolamentazioni. Il Titolo VI proibisce ogni tipo di discriminazione nei programmi che ricevono assistenza finanziaria federale e stabilisce che nessun individuo negli Stati Uniti d’America possa essere escluso dalla partecipazione in qualunque programma o attività ricevente fondi federali – o gli possano essere negati i benefici, o possa essere soggetto a qualunque forma di discriminazione – sulla base di **razza, colore o origine nazionale** (inclusa **limitata padronanza della lingua inglese**). Le relative leggi federali contro la discriminazione, gestite dall’Amministrazione Federale delle Autostrade (Federal Highway Administration), dall’Amministrazione Federale dei Trasporti (Federal Transit Administration) o da entrambe, proibiscono la discriminazione sulla base di **età, sesso e disabilità**. La tutela di suddette categorie è contemplata dai Programmi del Titolo VI di MassDOT in accordo con le interpretazioni e amministrazioni federali. Inoltre MassDOT fornisce accesso comprensibile ai suoi programmi, servizi e attività a individui con limitata padronanza della lingua inglese, secondo le direttive del Dipartimento dei Trasporti degli Stati Uniti (US Department of Transportation) specificate nell’Ordine Esecutivo Federale 13166.

## Tutele legali statali contro la discriminazione

MassDOT opera anche in accordo con la Legge sulle strutture pubbliche del Massachusetts (Massachusetts Public Accommodation Law), M.G.L. c 272 §§ 92a, 98, 98a, che proibisce ogni forma di distinzione, discriminazione o distinzione riguardante l’ ammissione o il

trattamento in strutture pubbliche, sulla base di **razza, colore, credo religioso, origine nazionale, sesso, orientamento sessuale, disabilità o discendenza**. Allo stesso tempo MassDOT opera in conformità con l'Ordine Esecutivo del Governatore n. 526 sez. 4 (Governor's Executive Order) il quale stabilisce che tutti i programmi, attività e servizi forniti, attuati, dati in licenza, in concessione, finanziati, regolati o appaltati dallo Stato debbano essere condotti senza alcuna discriminazione illecita, sulla base di **razza, colore, età, genere, etnia, orientamento sessuale, identità o espressione di genere, religione, credo, discendenza, origine nazionale, disabilità, stato di reduci di guerra** (inclusi reduci della guerra del Vietnam) o **estrazione sociale**.

### Informazioni aggiuntive

Per ricevere informazioni aggiuntive sul Titolo VI e informazioni relative agli obblighi federali e statali contro la discriminazione si prega di contattare:

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY: 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

### Presentazione di reclami

Per presentare un reclamo di presunta violazione del Titolo VI o di altra legge federale contro la discriminazione, contattare lo Specialista del Titolo VI (Title VI Specialist) all'indirizzo specificato qui sopra entro 180 giorni dalla data del presunto atto discriminatorio.

Per presentare un reclamo di presunta violazione della Legge Statale sui Luoghi Pubblici (Public Accommodation Law), contattare la Commissione del Massachusetts contro la Discriminazione (Massachusetts Commission Against Discrimination) entro 300 giorni dalla data del presunto atto discriminatorio al seguente indirizzo:

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

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សេចក្តីជូនដំណឹងស្តីពីសិទ្ធិ និងការការពារផលប្រយោជន៍របស់អ្នកទទួលបានផលដោយគ្មានភាពរើសអើង

ការការពារផលប្រយោជន៍ “ដោយគ្មានភាពរើសអើង/ជំពូកទី៦” របស់សហព័ន្ធ

មន្ទីរគមនាគមន៍នៃរដ្ឋម៉ាសាឈូសេត (MassDot) ផ្តល់សេវាកម្ម និងដំណើរការកម្មវិធី និងសកម្មភាពទាំងអស់ ស្របតាមច្បាប់សហព័ន្ធស្តីពីការបំបាត់ភាពរើសអើង ដែលរួមមានជំពូកទី៦ក្នុងច្បាប់ស្តីពីសិទ្ធិប្រជាពលរដ្ឋឆ្នាំ១៩៦៤ (ជំពូកទី៦) ច្បាប់ស្តីពីប្រក្សស្ថាប័នសិទ្ធិឆ្នាំ១៩៨៧ បញ្ញត្តិ និងលក្ខន្តិកៈផ្សេងៗដែលពាក់ព័ន្ធ។ ជំពូកទី៦ ហាមមិនឲ្យមានការរើសអើងក្នុងកម្មវិធីទាំងឡាយណាដែលឧបត្ថម្ភដោយសហព័ន្ធ។ ជំពូកទី៦ ទាមទារមិនឲ្យមានការបដិសេធពលរដ្ឋអាមេរិកាំងណាម្នាក់មិនចូលរួម ឬមិនផ្តល់ផលប្រយោជន៍ ឬត្រូវបានគេរើសអើង ដោយសារជាតិសាសន៍ ពណ៌សម្បុរ ឬដើមកំណើត (រួមទាំងកម្រិតភាសាអង់គ្លេសទាប) ក្នុងកម្មវិធី ឬសកម្មភាព ណាមួយដែលឧបត្ថម្ភដោយសហព័ន្ធនោះទេ។ ច្បាប់សហព័ន្ធស្តីពីការបំបាត់ភាពរើសអើងដែលពាក់ព័ន្ធ អនុវត្តដោយការិយាល័យរដ្ឋបាលផ្លូវជំរុញរបស់សហព័ន្ធ និងការិយាល័យផ្លូវឆ្លងកាត់របស់សហព័ន្ធ ហាមមិនឲ្យមានការរើសអើងអាយុ ភេទ និងពិការភាព។ កត្តាទាំងបីនេះក៏ត្រូវបានគេរាប់បញ្ចូលផងដែរក្នុងកម្មវិធីទាំងឡាយណា ដែលកំពុងដំណើរការ ស្របតាមជំពូកទី៦របស់ MassDot និងស្របតាមរដ្ឋបាល និងការបកស្រាយរបស់សហព័ន្ធ។ បន្ថែមពីលើនេះទៀត MassDot ផ្តល់សិទ្ធិដល់ បុគ្គលណាដែលមិនសូវចេះភាសាអង់គ្លេសក្នុងការប្រើប្រាស់សេវាកម្ម និងចូលរួមក្នុងសកម្មភាព និងកម្មវិធីទាំងអស់ ទៅតាមគោលនយោបាយ និងសេចក្តីណែនាំរបស់ក្រសួងគមនាគមន៍នៃសហរដ្ឋអាមេរិក ដែលមានចែងក្នុងសេចក្តីបង្គាប់របស់អង្គនីតិប្រតិបត្តិ១៣៦៦។

ការការពារផលប្រយោជន៍ដោយគ្មានភាពរើសអើងរបស់រដ្ឋ

MassDot គោរពច្បាប់ស្តីពីការប្រើប្រាស់ទីសាធារណៈរដ្ឋម៉ាសាឈូសេត M.G.L. c 272 §§ 92a, 98, 98a ដែលហាមមិនឲ្យមានការការរើសអើង ការបង្ហាញភាពខុសគ្នា ឬការដាក់កម្រិតលើសិទ្ធិប្រើប្រាស់ទីសាធារណៈ ទៅតាម **ជាតិសាសន៍ ពណ៌សម្បុរ ជំនឿសាសនា ដើមកំណើត ភេទ ទំនោរផ្លូវភេទ ពិការភាព ឬពូជពង្ស**នោះទេ។ MassDot ក៏គោរពតាមសេចក្តីបង្គាប់របស់អភិបាលរដ្ឋ៥២៦ ផ្នែកទី៤ ដែលតម្រូវឲ្យកម្មវិធី សកម្មភាព និងសេវាកម្មទាំងអស់ដែលដំណើរការ អនុញ្ញាត ឧបត្ថម្ភ ឬកំណត់ដោយរដ្ឋ ឬជាប់កិច្ចសន្យាជាមួយនឹងរដ្ឋ ធ្វើដោយគ្មានការរើសអើងខុសច្បាប់ លើ**ជាតិសាសន៍ ពណ៌សម្បុរ អាយុ ភេទ ទំនោរផ្លូវភេទ អត្តសញ្ញាណជន ជំនឿ សាសនា ពូជពង្ស ដើមកំណើត ពិការភាព ឋានៈអតីតយុទ្ធជន** (រួមទាំងអតីតយុទ្ធជនក្នុងសង្គ្រាមវៀតណាម) ឬប្រវត្តិ។

សម្រាប់ព័ត៌មានបន្ថែម

ប្រសិនបើលោក-អ្នកត្រូវការព័ត៌មានបន្ថែមស្តីពីជំពូកទី៦ និងកាតព្វកិច្ចបំបាត់ភាពមិនរើសអើងរបស់រដ្ឋនិងសហព័ន្ធសូមទាក់ទង៖

អ្នកឯកទេសលើជំពូកទី៦

MassDot ការិយាល័យសិទ្ធិប្រជាពលរដ្ឋ និងភាពចម្រុះ

10 Park Plaza

Boston, MA 02116

857-368-8580

[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

សម្រាប់ការដាក់ពាក្យបណ្តឹង

ប្រសិនបើលោក-អ្នកចង់ដាក់ពាក្យបណ្តឹងអំពីការបំពានលើសិទ្ធិកម្មសិទ្ធិទី៦

ឬលើច្បាប់ស្តីពីការបំបាត់ភាពរើសអើងរបស់សហព័ន្ធដែលពាក់ព័ន្ធ សូមទាក់ទង អ្នកឯកទេសលើជំពូកទី៦ (ខាងលើ) ក្នុងរយៈពេល ១៨០ថ្ងៃរាប់ចាប់ពីថ្ងៃដែលកើតមានសកម្មភាពនោះ។

ប្រសិនបើលោក-អ្នកចង់ដាក់ពាក្យបណ្តឹងអំពីការបំពានលើច្បាប់ស្តីពីការប្រើប្រាស់ទីសាធារណៈរដ្ឋម៉ាសាឈូសេត សូមទាក់ទងមក គណៈកម្មការប្រឆាំងការរើសអើង រដ្ឋម៉ាសាឈូសេត ក្នុងរយៈពេល ៣០០ថ្ងៃរាប់ចាប់ពីថ្ងៃដែលកើតមានសកម្មភាពនោះ តាមរយៈ៖

គណៈកម្មការប្រឆាំងការរើសអើងរដ្ឋម៉ាសាឈូសេត (MCAD)

One Ashburton Place, 6<sup>th</sup> Floor

Boston, MA 02109

617-994-6000

TTY: 617-994-6196



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## Aviso de Direitos de Não Discriminação e Proteções aos Beneficiários

### Proteções Federais “Título VI/Não Discriminação”

O Departamento de Transportes de Massachusetts (MassDOT) realiza seus programas, serviços e atividades em conformidade com as leis federais de não discriminação, incluindo o Título VI da Lei dos Direitos Civis de 1964 (Título VI), a Lei de Restauração dos Direitos Civis de 1987, e os estatutos e regulamentos relacionados. O Título VI proíbe discriminação em programas que recebem assistência do governo federal, e exige que nenhuma pessoa nos Estados Unidos da América deverá, por motivo de **raça, cor ou origem nacional** (incluindo **proficiência limitada em inglês**), ser excluída de participar, ser negada benefícios, ou de outro modo ser sujeitada à discriminação em qualquer programa ou atividade que receba assistência federal. Leis federais de não-discriminação relacionadas, administradas pela Administração Federal de Rodovias, pela Administração Federal de Trânsito, ou por ambas, proíbem a discriminação baseada em **idade, sexo e deficiência**. Essas categorias protegidas são contempladas dentro dos programas Título VI do MassDOT's, consistente com a interpretação e administração federal. Além disso, o MassDOT fornece um acesso significativo aos seus programas, serviços e atividades a indivíduos com proficiência limitada em inglês, em conformidade com as políticas do Departamento de Transporte dos EUA e orientação da Ordem Executiva federal 13166.

### Proteções de Não Discriminação do Estado

O MassDOT também está em conformidade com a Lei de Acomodação Pública de Massachusetts, M.G.L. c 272 §§ 92a, 98, 98a, que proíbe que se faça qualquer distinção, discriminação ou restrição

na admissão ou tratamento em um lugar de acomodação pública, com base em **raça, cor, credo religioso, origem nacional, sexo, orientação sexual, deficiência** ou **antepassados**. Da mesma maneira, o MassDOT está em conformidade com a Ordem Executiva 526, seção 4 do Governador, que exige que todos os programas, atividades e serviços prestados, executados, licenciados, alugados, financiados, regulados ou contratados pelo estado deverão ser conduzidos sem discriminação ilegal baseada em **raça, cor, idade, sexo, etnia, orientação sexual, identidade de gênero ou de expressão, religião, credo, antepassados, origem nacional, deficiência, veterano de guerra** (incluindo veteranos da guerra do Vietnã) ou **antecedentes**.

### Informação Adicional

Para solicitar informações adicionais sobre o Título VI e as obrigações federais e estaduais relacionadas a não discriminação, favor contatar:

Especialista em Título VI  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY: 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

### Para Apresentar uma Queixa

Para registrar uma queixa com alegações de violação do Título VI, ou leis federais relacionadas à não discriminação, contatar o Especialista em Título VI (acima) dentro de 180 da alegada ocorrência da conduta discriminatória.

Para registrar uma queixa alegando a violação da Lei de Acomodação Pública de Massachusetts, contatar a Comissão Contra Discriminação de Massachusetts dentro de 300 dias da alegada ocorrência da conduta discriminatória, contate-nos:

Comissão Contra a Discriminação de Massachusetts(MCAD)  
One Ashburton Place, 6th Floor  
Boston, MA 02109  
617-994-6000  
TTY: 617-994-6196

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## Уведомление о недискриминации прав и гарантий для бенефициариев

### Федеральные гарантии защиты в соответствии с “Титулом VI/Недискриминация”

Департамент Транспорта штата Массачусетс (MassDOT) проводит свои программы и оказывает услуги в соответствии с федеральными законами недискриминации, в том числе Титулом VI Закона о гражданских правах 1964 года (Титул VI), Законом о восстановлении гражданских прав 1987 года и связанными с ними законами и правилами. Титул VI запрещает дискриминацию в рамках программ, получающих федеральную поддержку, и требует, чтобы ни одному лицу в Соединенных Штатах Америки не могло быть отказано в участии в программах и предоставлении льгот на основании **расы, цвета кожи или национального происхождения** (включая **ограниченное знание английского языка**), а также ни одно лицо не должно подвергаться дискриминации в любой программе или мероприятии, получающим федеральную финансовую помощь. Дополнительные федеральные законы недискриминации, администрируемые Федеральным Дорожным Управлением и/или Федеральной Транзитной Администрацией, запрещают дискриминацию на основании **возраста, пола и инвалидности**. Данные защищаемые категории рассматриваются в рамках программ Титула VI MassDOT в соответствии с федеральными интерпретацией и администрированием.

В дополнение, MassDOT предоставляет широкий доступ к своим программам, услугам и мероприятиям физическим лицам с ограниченным знанием английского языка, в соответствии с правилами Департамента Транспорта США и руководством по федеральному распоряжению 13166.

### Гарантии защиты от дискриминации в штате Массачусетс

В своей работе MassDOT также следует положениям Закона о предоставлении услуг населению штата Массачусетс, M.G.L. c 272 § § 92а, 98, 98а, запрещающим проявление дискриминации,

ограничение в доступе или несправедливое обращение в местах оказания общественных услуг **по признаку расы, цвета кожи, религиозных убеждений, национальной принадлежности, пола, сексуальной ориентации, инвалидности или происхождения**. Кроме того, MassDOT оперирует в соответствии с распоряжением губернатора за номером 526, раздел 4, которое требует, чтобы все программы, мероприятия и услуги, предоставляемые, оказываемые, лицензированные, зафрахтованные, финансируемые, регулируемые или заключенные по контракту с властями штата, осуществлялись без незаконной дискриминации **на основе расы, цвета кожи, возраста, пола, этнической принадлежности, сексуальной ориентации, гендерной идентичности, религии, убеждений, происхождения, национальной принадлежности, инвалидности, статуса ветерана** (в том числе ветеранов войны во Вьетнаме) или **личных данных**.

Дополнительная информация

Для запроса дополнительной информации, касающейся Титула VI и смежных федеральных и государственных обязательств недискриминации, пожалуйста, обращайтесь:

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY (телетайп): 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

Подача жалоб

Чтобы подать жалобу о предполагаемом нарушении Титула VI или связанных с ним федеральных законов недискриминации, обратитесь к специалисту по Титулу VI (см. выше) в течение 180 дней с момента предполагаемого дискриминационного поведения.

Для подачи жалобы о предполагаемом нарушении Закона о предоставлении услуг населению штата Массачусетс, обратитесь в Комиссию штата Массачусетс по борьбе с дискриминацией в течение 300 дней с момента предполагаемого дискриминационного поведения по адресу:

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



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## Aviso sobre derechos y protecciones contra la discriminación para beneficiarios

### Protecciones federales del “Título VI/No discriminación”

El Departamento de Transporte de Massachusetts (MassDOT) lleva a cabo sus programas, servicios y actividades de conformidad con las leyes federales contra la discriminación, incluido el Título VI de la Ley de Derechos Civiles de 1964 (Título VI), la Ley de Reinstauración de los Derechos Civiles de 1987, así como otras leyes y normas relacionadas. El Título VI prohíbe la discriminación en los programas subvencionados por el gobierno federal y establece que ninguna persona en los Estados Unidos de América debe ser excluida, por motivos de **raza**, **color** u **origen nacional** (incluido el **dominio limitado de la lengua inglesa**), de la participación ni de los beneficios de ningún programa o actividad que reciba subvenciones federales, ni debe ser sometida de ningún otro modo a discriminación en ninguno de dichos eventos. Las leyes federales relacionadas contra la discriminación que son gestionadas por la Administración Federal de Carreteras, la Administración Federal de Tránsito o por ambas prohíben la discriminación por motivos de **edad**, **sexo** y **discapacidad**. Estas categorías protegidas están contempladas en los programas del Título VI del MassDOT en coherencia con la interpretación y la administración federales. Además, el MassDOT ofrece un acceso significativo a sus programas, servicios y actividades a personas con un dominio limitado de la lengua inglesa, de conformidad con la política y el consejo del Departamento de Transporte de los Estados Unidos sobre el Decreto federal 13166.

### Protecciones estatales contra la discriminación

El MassDOT también cumple la Ley de Alojamiento Público de Massachusetts, M.G.L. c 272 §§ 92a, 98, 98a, que prohíbe cualquier distinción, discriminación o restricción en la admisión o el tratamiento en un lugar de alojamiento público por motivos de **raza**, **color**, **credo**, **origen nacional**, **sexo**, **orientación sexual**, **discapacidad** o **ascendencia**. Del mismo modo, el MassDOT cumple el

Decreto del Gobernador 526, sección 4, que exige que todos los programas, actividades y servicios proporcionados, ejecutados, autorizados, fletados, financiados, regulados o contratados por el estado deben llevarse a cabo sin discriminación ilegal por motivos de **raza, color, edad, sexo, etnia, orientación sexual, identidad o expresión sexual, religión, credo, ascendencia, origen nacional, discapacidad, condición de veterano** (incluidos los veteranos de la época de Vietnam) o **antecedentes**.

### Información adicional

Para solicitar información adicional sobre el Título VI y las obligaciones federales y estatales relacionadas contra la discriminación, por favor, póngase en contacto con:

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY: 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

### Presentación de reclamaciones

Para presentar una reclamación afirmando que se ha producido una violación del Título VI o de una ley federal relacionada contra la discriminación, por favor, póngase en contacto con el Especialista en el Título VI (arriba) en un plazo de 180 días desde la conducta discriminatoria denunciada.

Para presentar una reclamación afirmando que se ha producido una violación de la Ley de Alojamiento Público del estado, por favor, póngase en contacto con la Comisión de Massachusetts Contra la Discriminación en un plazo de 300 días desde la conducta discriminatoria denunciada en:

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

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## Thông báo về quyền không bị phân biệt đối xử và quyền được bảo vệ đối với người thụ hưởng

### Quyền được bảo vệ không phân biệt đối xử trong Luật VI của Liên Bang

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 đối xử của liên bang bao gồm Luật VI của Đạo luật về quyền dân sự 1964 (gọi tắt là Luật VI), Đạo luật dân sự về phục hồi 1987, và các luật và quy định liên quan khác. Luật VI nghiêm cấm sự phân biệt đối xử trong các chương trình do liên bang hỗ trợ và quy định rằng không một cá nhân nào tại Hiệp chủng quốc Hoa Kỳ bị loại trừ không được tham gia, bị từ chối các phúc lợi, hay bị phân biệt đối xử trong bất cứ chương trình hay hoạt động nào có sự hỗ trợ của liên bang, trên cơ sở **chủng tộc, màu da, hay nguồn gốc quốc tịch** (kể cả khi **khả năng Anh ngữ hạn chế**). Những luật chống phân biệt đối xử của liên bang được quản lý bởi Ban quản lý đường cao tốc liên bang [Federal Highway Administration], Ban quản lý giao thông vận tải liên bang [Federal Transit Administration], hay bởi cả hai ban trên, nghiêm cấm sự phân biệt trên cơ sở **tuổi tác, giới tính, và khuyết tật**. Những quyền được bảo vệ trên được nêu trong các chương trình thuộc Luật VI của MassDOT, nhất quán với sự diễn dịch và điều hành của liên bang. Ngoài ra, MassDOT cũng cung cấp các hỗ trợ thiết thực giúp tham gia các chương trình, dịch vụ, và hoạt động cho các cá nhân có khả năng Anh ngữ hạn chế, theo chính sách và hướng dẫn của Bộ Giao thông Hoa Kỳ dựa theo Chỉ thị 13166 của liên bang.

### Quyền được bảo vệ không phân biệt đối xử tiểu bang

MassDOT cũng tuân thủ theo Luật Cơ sở công tiểu bang Massachusetts, M.G.L. c 272 §§ 92a, 98, 98a, theo đó nghiêm cấm việc phân biệt, phân biệt đối xử, hay hạn chế chấp nhận hay điều trị tại các

cơ sở hành chính công dựa trên cơ sở **chủng tộc, màu da, tôn giáo, nguồn gốc quốc tịch, giới tính, khuynh hướng giới tính, khuyết tật, hay gia phả**. Tương tự vậy, MassDOT tuân thủ Chỉ thị 526 của Thống đốc tiểu bang, phần 4, theo đó yêu cầu tất cả các chương trình, hoạt động, dịch vụ được cung cấp, thực hiện, cấp phép, thuê mướn, hỗ trợ tài chính, quy định, hay hợp đồng bởi tiểu bang sẽ được thực hiện mà không có sự phân biệt đối xử bất hợp pháp nào trên cơ sở **chủng tộc, màu da, tuổi, giới tính, dân tộc, khuynh hướng giới tính, xác định hay thể hiện giới tính, tôn giáo, gia phả, nguồn gốc quốc tịch, khuyết tật, hay tình trạng thương binh** (gồm cả thương binh trong giai đoạn chiến tranh Việt Nam), hay **thân thể**.

### Thông tin thêm

Để biết thêm thông tin về Luật VI và các quy định chống phân biệt đối xử của tiểu bang và liên bang, vui lòng liên hệ:

Title VI Specialist  
MassDOT, Office of Diversity and Civil Rights  
10 Park Plaza  
Boston, MA 02116  
857-368-8580  
TTY: 857-368-0603  
[MASSDOT.CivilRights@state.ma.us](mailto:MASSDOT.CivilRights@state.ma.us)

### Khiếu nại

Để khiếu nại về vi phạm Luật VI hay những luật chống phân biệt đối xử liên quan của liên bang, liên hệ Chuyên viên Luật VI (nêu trên) trong vòng 180 ngày kể từ ngày xảy ra hành vi phân biệt đối xử.

Để khiếu nại về vi phạm Luật Cơ sở công của tiểu bang [Public Accommodation Law], liên hệ Ủy ban chống phân biệt đối xử tiểu bang Massachusetts [Massachusetts Commission Against Discrimination] trong vòng 300 ngày kể từ ngày xảy ra hành vi phân biệt đối xử:

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



### iii. NOTICE POSTING

MassDOT's 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](#)<sup>1</sup>, (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, and (4) including the Notice in key publications (such as the [FFY 2016 Capital Investment Plan](#)<sup>2</sup>). 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 populates 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.

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<sup>1</sup> <https://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI/NoticetothePublic.aspx>

<sup>2</sup> [https://www.massdot.state.ma.us/Portals/0/docs/infoCenter/docs\\_materials/FY16\\_FinalCapitalBudget.pdf](https://www.massdot.state.ma.us/Portals/0/docs/infoCenter/docs_materials/FY16_FinalCapitalBudget.pdf)

**Figure A** – Notice to Beneficiaries posted the Office of the Secretary of Transportation

## Notice of Nondiscrimination Rights and Protections to Beneficiaries

### Federal "Title VI/Mandiscrimination" Protections

Ministry of the Interior, Bureau of Citizenship and Immigration Services (CIS) operates its programs, services, and activities in compliance with federal immigration laws including Title 8 of the Code of Federal Regulations (8 CFR) and Title 42 of the Code of Federal Regulations (42 CFR), and related statutes and regulations. It is possible discrimination in federal programs, services, and activities may be based on race, ethnicity, or national origin. In the United States, the laws and policies that prohibit discrimination on the basis of race, ethnicity, or national origin are found in Title 42 of the Code of Federal Regulations (42 CFR) and Title 8 of the Code of Federal Regulations (8 CFR). These laws and policies are enforced by the Department of Justice, Office of the Inspector General, and the Department of Justice, Office of the Inspector General. The Department of Justice, Office of the Inspector General, and the Department of Justice, Office of the Inspector General, are responsible for ensuring that federal programs, services, and activities are provided in a nondiscriminatory manner. The Department of Justice, Office of the Inspector General, and the Department of Justice, Office of the Inspector General, are responsible for ensuring that federal programs, services, and activities are provided in a nondiscriminatory manner. The Department of Justice, Office of the Inspector General, and the Department of Justice, Office of the Inspector General, are responsible for ensuring that federal programs, services, and activities are provided in a nondiscriminatory manner.

### Mass Notification Protection

**Additional Information:**

**Registration Information**

For more information regarding Title II and related federal and state nondiscrimination regulations, please contact:  
 Title II Specialist  
 Disability Office at University and Civil Rights  
 1100 West 19th Avenue  
 Denver, CO 80202  
 303.733.1111

Company Name

**Assessment:** The Commission has received information from several sources, including the Department of Justice, regarding the activities of the group. The Commission has also conducted its own investigation and has interviewed several individuals who have been associated with the group.

[illegible]

1. The first part of the document is a list of names and their corresponding addresses. The names are written in Chinese characters, and the addresses are written in English. The list is as follows:

Name	Address
Mr. John Doe	123 Main Street, New York, NY 10001
Mr. Jane Smith	456 Elm Street, Los Angeles, CA 90001
Mr. Robert Brown	789 Oak Street, Chicago, IL 60601
Mr. Mary White	101 Pine Street, San Francisco, CA 94101
Mr. David Green	202 Cedar Street, Boston, MA 02101
Mr. Susan Black	303 Birch Street, Philadelphia, PA 19101
Mr. Michael Red	404 Spruce Street, Washington, DC 20001
Mr. Elizabeth Blue	505 Willow Street, Houston, TX 77001
Mr. James Yellow	606 Ash Street, Portland, ME 04101
Mr. Patricia Purple	707 Hickory Street, Denver, CO 80201
Mr. Christopher Grey	808 Maple Street, Salt Lake City, UT 84101
Mr. Jennifer Pink	909 Poplar Street, Minneapolis, MN 55401
Mr. Daniel Brown	1010 Walnut Street, St. Paul, MN 55101
Mr. Rebecca White	1111 Chestnut Street, Kansas City, MO 64101
Mr. Steven Black	1212 Olive Street, Omaha, NE 68101
Mr. Kimberly Red	1313 Elm Street, Lincoln, NE 68501
Mr. Matthew Blue	1414 Maple Street, Des Moines, IA 50301
Mr. Ashley Green	1515 Birch Street, Ames, IA 50010
Mr. Benjamin Yellow	1616 Spruce Street, Ames, IA 50010
Mr. Victoria Purple	1717 Willow Street, Ames, IA 50010
Mr. Alexander Grey	1818 Ash Street, Ames, IA 50010
Mr. Isabella Pink	1919 Hickory Street, Ames, IA 50010
Mr. William Brown	2020 Maple Street, Ames, IA 50010
Mr. Sophia White	2121 Poplar Street, Ames, IA 50010
Mr. Benjamin Black	2222 Walnut Street, Ames, IA 50010
Mr. Charlotte Red	2323 Chestnut Street, Ames, IA 50010
Mr. Daniel Blue	2424 Olive Street, Ames, IA 50010
Mr. Emily Yellow	2525 Elm Street, Ames, IA 50010
Mr. Jacob Purple	2626 Maple Street, Ames, IA 50010
Mr. Hannah Grey	2727 Birch Street, Ames, IA 50010
Mr. Isaac Pink	2828 Spruce Street, Ames, IA 50010
Mr. Olivia Brown	2929 Willow Street, Ames, IA 50010
Mr. Peter White	3030 Ash Street, Ames, IA 50010
Mr. Rachel Black	3131 Hickory Street, Ames, IA 50010
Mr. Samuel Red	3232 Maple Street, Ames, IA 50010
Mr. Taylor Blue	3333 Poplar Street, Ames, IA 50010
Mr. Victoria Yellow	3434 Walnut Street, Ames, IA 50010
Mr. William Purple	3535 Chestnut Street, Ames, IA 50010
Mr. Zachary Grey	3636 Olive Street, Ames, IA 50010
Mr. Benjamin Pink	3737 Elm Street, Ames, IA 50010
Mr. Daniel Brown	3838 Maple Street, Ames, IA 50010
Mr. Emily White	3939 Birch Street, Ames, IA 50010
Mr. Jacob Black	4040 Spruce Street, Ames, IA 50010
Mr. Hannah Red	4141 Willow Street, Ames, IA 50010
Mr. Isaac Blue	4242 Ash Street, Ames, IA 50010
Mr. Olivia Yellow	4343 Hickory Street, Ames, IA 50010
Mr. Peter Purple	4444 Maple Street, Ames, IA 50010
Mr. Rachel Grey	4545 Poplar Street, Ames, IA 50010
Mr. Samuel Pink	4646 Walnut Street, Ames, IA 50010
Mr. Taylor Brown	4747 Chestnut Street, Ames, IA 50010
Mr. Victoria White	4848 Olive Street, Ames, IA 50010
Mr. William Black	4949 Elm Street, Ames, IA 50010
Mr. Zachary Red	5050 Maple Street, Ames, IA 50010

2. The second part of the document is a list of names and their corresponding addresses. The names are written in Chinese characters, and the addresses are written in English. The list is as follows:

Name	Address
Mr. John Doe	123 Main Street, New York, NY 10001
Mr. Jane Smith	456 Elm Street, Los Angeles, CA 90001
Mr. Robert Brown	789 Oak Street, Chicago, IL 60601
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Mr. David Green	202 Cedar Street, Boston, MA 02101
Mr. Susan Black	303 Birch Street, Philadelphia, PA 19101
Mr. Michael Red	404 Spruce Street, Washington, DC 20001
Mr. Elizabeth Blue	505 Willow Street, Houston, TX 77001
Mr. James Yellow	606 Ash Street, Portland, ME 04101
Mr. Patricia Purple	707 Hickory Street, Denver, CO 80201
Mr. Christopher Grey	808 Maple Street, Salt Lake City, UT 84101
Mr. Jennifer Pink	909 Poplar Street, Minneapolis, MN 55401
Mr. Daniel Brown	1010 Walnut Street, St. Paul, MN 55101
Mr. Rebecca White	1111 Chestnut Street, Kansas City, MO 64101
Mr. Steven Black	1212 Olive Street, Omaha, NE 68101
Mr. Kimberly Red	1313 Elm Street, Lincoln, NE 68501
Mr. Matthew Blue	1414 Maple Street, Des Moines, IA 50301
Mr. Ashley Green	1515 Birch Street, Ames, IA 50010
Mr. Benjamin Yellow	1616 Spruce Street, Ames, IA 50010
Mr. Victoria Purple	1717 Willow Street, Ames, IA 50010
Mr. Alexander Grey	1818 Ash Street, Ames, IA 50010
Mr. Isabella Pink	1919 Hickory Street, Ames, IA 50010
Mr. William Brown	2020 Maple Street, Ames, IA 50010
Mr. Sophia White	2121 Poplar Street, Ames, IA 50010
Mr. Benjamin Black	2222 Walnut Street, Ames, IA 50010
Mr. Charlotte Red	2323 Chestnut Street, Ames, IA 50010
Mr. Daniel Blue	2424 Olive Street, Ames, IA 50010
Mr. Emily Yellow	2525 Elm Street, Ames, IA 50010
Mr. Jacob Purple	2626 Maple Street, Ames, IA 50010
Mr. Hannah Grey	2727 Birch Street, Ames, IA 50010
Mr. Isaac Pink	2828 Spruce Street, Ames, IA 50010
Mr. Olivia Brown	2929 Willow Street, Ames, IA 50010
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Mr. Samuel Red	3232 Maple Street, Ames, IA 50010
Mr. Taylor Blue	3333 Poplar Street, Ames, IA 50010
Mr. Victoria Yellow	3434 Walnut Street, Ames, IA 50010
Mr. William Purple	3535 Chestnut Street, Ames, IA 50010
Mr. Zachary Grey	3636 Olive Street, Ames, IA 50010
Mr. Benjamin Pink	3737 Elm Street, Ames, IA 50010
Mr. Daniel Brown	3838 Maple Street, Ames, IA 50010
Mr. Emily White	3939 Birch Street, Ames, IA 50010
Mr. Jacob Black	4040 Spruce Street, Ames, IA 50010
Mr. Hannah Red	4141 Willow Street, Ames, IA 50010
Mr. Isaac Blue	4242 Ash Street, Ames, IA 50010
Mr. Olivia Yellow	4343 Hickory Street, Ames, IA 50010
Mr. Peter Purple	4444 Maple Street, Ames,

*[Faint, illegible text from the reverse side of the document]*

massDOT

**Figure B** – Notice to Beneficiaries posted the Office of the Secretary of Transportation



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



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



## **C. COMPLAINTS**

### **i. COMPLAINT PROCEDURES**

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.

#### **a. PURPOSE AND APPLICABILITY**

The purpose of this chapter is to establish procedures for the processing and disposition of both discrimination complaints filed directly with MassDOT and discrimination complaints that MassDOT has 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 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 and its subrecipients, contractors, and subcontractors in their administration of federally funded programs and activities.

#### **b. DEFINITIONS**

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



*Complaint* – Written 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), and the National Highway Traffic Safety Administration (NHTSA), that fund transportation programs or activities.

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

## **c. FILING COMPLAINTS**

### **Persons Eligible to File**

Any person or specific class of persons who believe that MassDOT, a MassDOT subrecipient, or a MassDOT contractor has engaged in discrimination may submit a written complaint. Complaints may be on behalf of only the person(s) submitting the complaint or on behalf both of the person(s) submitting the complaint and one or more others who are represented by the person(s). Written complaints should be submitted to:

Massachusetts Department of Transportation (MassDOT)  
Office of Diversity and Civil Rights  
Attn: Title VI Specialist  
10 Park Plaza, Suite 3800  
Boston, MA 02116  
Phone: (857) 368-8580  
Email: [MassDOT.civilrights@state.ma.us](mailto:MassDOT.civilrights@state.ma.us)

Complainants may also file directly with the USDOT:



Departmental Office of Civil Rights  
U.S. Department of Transportation  
1200 New Jersey Ave.  
Washington, D.C. 20590  
Phone: (202) 366-4648

## **Time Limits for Filing**

Pursuant to 49 C.F.R. § 21.11(b), any person who believes that MassDOT, a MassDOT subrecipient, or a MassDOT contractor has engaged in discrimination has 180 days after the last date of the alleged discrimination to file a complaint. Individuals will never be discouraged from filing a complaint. When a complainant files a complaint more than 180 days after the last date of the alleged discrimination, MassDOT will notify the complainant of the right to request an extension from the Office of Civil Rights at the appropriate operating administration.

## **Form of Complaints**

A complainant may complete, sign, and submit a Title VI/Nondiscrimination Complaint form provided by the Massachusetts Department of Transportation. Alternatively, a complainant may submit correspondence in an alternative format that:

- Explains the alleged discrimination or violation
- Provides contact information for the complainant (if the complaint is filed electronically, MassDOT will request the sender's full name, telephone number, and mailing address, if not provided)
- Identifies the person or group injured by the alleged discrimination, as well as the person, agency, organization, or institution alleged to have discriminated
- States the basis or bases for the alleged discrimination (e.g., race, national origin, language, etc.)

- Provides sufficient information for understanding the alleged facts that led the complainant to believe that discrimination has occurred, as well as the date of the alleged discrimination

Complaints will be accepted in any recognized language. Any complainant requiring technical assistance with filing a complaint may contact MassDOT's Title VI Specialist at (857)368-8580.

#### **d. RECEIPT, REVIEW, AND INITIAL HANDLING OF COMPLAINT**

Upon receipt of correspondence concerning alleged discrimination, MassDOT will proceed according to the following process:

- The Title VI Specialist or designee will date-stamp the correspondence and review it to confirm that it is a complaint within the meaning of these procedures.
- The Title VI Specialist or designee will record the complaint in MassDOT's Title VI/Nondiscrimination Complaint Log and assess whether (a) additional information is required, (b) the filing of the complaint was timely, and (c) MassDOT has jurisdiction over the subject matter of the complaint.
- The Title VI Specialist or designee will handle all complaints in a confidential manner and will not disclose the complainant's identity to a respondent unless (a) disclosure is necessary in order to conduct a preliminary investigation *and* (b) the complainant has checked the disclosure consent box on the complaint form.
- After reviewing and recording the complaint, MassDOT's Title VI Specialist or designee will acknowledge receipt of the complainant's correspondence and notify the complainant that either: MassDOT has the delegated authority to proceed with an investigation; or MassDOT does not have the delegated authority and the complaint has been forwarded for investigation by the USDOT operating administration having jurisdiction over the matter.

- Where MassDOT requires additional information to identify more precisely the nature of the discrimination complaint or its connection to MassDOT's federally funded programs and activities, MassDOT will include with its correspondence acknowledging receipt of the complaint a request that the complainant provide such information within 15 days of receiving the acknowledgment. If the complainant fails to submit the required information within 15 business days, the lack of information may be good cause for a determination of no investigative merit.
- If the complaint has not been received on a complaint form, MassDOT includes with its correspondence acknowledging receipt of the complaint a request that the complainant complete the disclosure consent statement.

## **e. PROCESSING COMPLAINTS**

### **Jurisdiction**

The USDOT operating administrations each have an office of civil rights that is responsible for all phases of the Title VI complaint process, including accepting, rejecting, and investigating complaints; making and issuing findings; and obtaining voluntary compliance.

Upon receipt of a complaint and, if necessary, any additional information needed to identify more precisely the nature of the alleged discrimination or the connection to MassDOT's federally funded programs and activities, MassDOT will assess whether it has jurisdiction over the subject matter of the complaint.

MassDOT will also identify the specific practice, procedure, policy, or service involved in the alleged discrimination. When a complaint alleges matters that are outside of MassDOT's jurisdiction, MassDOT will make a good-faith effort to refer the complaint to the appropriate agency and notify the complainant accordingly.

When MassDOT receives a complaint alleging that a subrecipient or contractor has engaged in employment discrimination, MassDOT will refer the complaint to the U.S. Equal Employment Opportunity Commission or the Massachusetts Commission Against Discrimination (MCAD).

### **Dismissal of a Complaint**

MassDOT will contact the regional or division office Civil Rights Specialist of the appropriate operating administration and recommend dismissal in the following circumstances:

- The complainant withdraws the complaint
- The complainant fails to respond to repeated requests for information needed to process the complaint or otherwise fails to cooperate in the investigation
- The complaint is so weak, insubstantial, or lacking in detail that it is without merit, or so replete with incoherent or unreadable statements that MassDOT cannot consider the complaint, on the whole, to be grounded in fact
- MassDOT cannot locate the complainant after making reasonable attempts to contact him or her

### **Responsibility of MassDOT**

After receipt, review, and initial handling, MassDOT will process discrimination complaints filed directly with MassDOT or through one of its subrecipients according to the procedures detailed herein.

## **f. COMPLAINTS AGAINST MASSDOT**

Complaints submitted to MassDOT in which MassDOT is named as the Respondent will be processed by the Investigations Unit in ODCR, as designated to perform this function by MassDOT's Title VI Coordinator. MassDOT may forward such complaints to the FTA Office of Civil Rights, where necessary for consultation, jurisdictional determinations, or investigation. As articulated in the memorandum attached as **Appendix 04-A**, MassDOT will "check-in" with FTA upon receipt of disability-based discrimination complaints against MassDOT FTA subrecipients for jurisdictional and processing determinations.

## **g. COMPLAINTS AGAINST MASSDOT SUBRECIPIENTS OR CONTRACTORS**

When MassDOT receives a complaint alleging that a MassDOT subrecipient or contractor has discriminated against a complainant and/or other person(s) in its programs, services, or activities on the basis of Title VI (race, color, or national origin), the Title VI Specialist or designee shall process the complaint according to the procedures outlined in this document. Any subrecipient who receives a complaint with a basis under Title VI shall check in with the MassDOT Title VI Specialist for assistance in processing the matter.

## **h. INVESTIGATIONS**

### **Preliminary Investigation Plan**

After assessing jurisdiction and identifying the specific practice, procedure, policy, or service involved in the discrimination alleged in the complaint, MassDOT's Title VI Specialist shall confer with the MassDOT Title VI Coordinator. The preliminary investigation may be assigned to either the Title VI Specialist or designee, who will prepare a 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:

- Complainant name and contact information
- Respondent name and contact information
- Date filed
- Last date of alleged discrimination
- Complaint allegations
- Potential violations (applicable laws)
- Basis/bases of alleged discrimination
- Background information on file
- Information needed
- 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:

- The basis/bases for the complaint
- Allegations over which MassDOT has jurisdiction
- MassDOT's jurisdiction over the respondent
- 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
- 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
- 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:

- Name(s) and address(es) of complainant(s)
- Name(s) and address(es) of respondent(s)
- Applicable law/regulation
- Basis/bases
- Issues
- Findings for each issue, with a corresponding conclusion for each issue
- Recommended decision
- Recommendations (if applicable)

## **i. INVESTIGATIONS UNDER THE AMERICANS WITH DISABILITIES ACT**

Under the Americans with Disabilities Act (ADA), (1)<sup>footnote?</sup> MassDOT has the delegated authority to investigate complaints of discrimination based on disability against its sub-recipients and contractors, and (2) based on the nature of the complaint, the operating agency may authorize MassDOT to investigate its own ADA complaint. In these cases, the investigation procedures will differ slightly from that for Title VI.

In the case of an ADA complaint against a subrecipient/contractor, MassDOT will conduct the investigation in the following manner.

### **Investigative Plan**

After assessing jurisdiction and identifying the specific practice, procedure, policy, or service involved in the discrimination alleged in the complaint, MassDOT's Title VI Specialist or designee shall confer with the MassDOT Title VI Coordinator. The investigation may be assigned to either the Title VI Specialist or or designee, who will prepare an Investigation Plan. The Investigative Plan defines the issues raised in the complaint and serves as a guide for completing the investigation. The Investigation Plan will include the following elements:

- Complainant name and contact information
- Respondent name and contact information
- Date filed
- Last date of alleged discrimination
- Complaint allegations
- Potential violations (applicable laws)
- Basis/bases of alleged discrimination
- Background information on file
- Information needed
- 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:

- The basis/bases for the complaint
- Allegations over which MassDOT has jurisdiction
- MassDOT's jurisdiction over the respondent
- 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



- 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
- 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 an Investigation Plan, MassDOT will gather information needed to complete the 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.

## **Investigation Report**

No later than 60 days after receiving a complaint, MassDOT will transmit the complaint and the Investigation Report to the complainant and the regional or division Civil Rights Specialist of the appropriate USDOT operating administration. The 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 Investigation Report will also include an analysis of each allegation and provide MassDOT's recommendations.

The Investigation Report shall include the following components:

- Name(s) and address(es) of complainant(s)
- Name(s) and address(es) of respondent(s)
- Applicable law/regulation
- Basis/bases
- Issues
- Findings for each issue, with a corresponding conclusion for each issue

- Recommended decision
- Recommendations (if applicable)

If MassDOT is given the authority to investigate a complaint against itself based on disability, the Title VI Specialist or or designee will investigate the complaint according to the procedures described for ADA complaints against subrecipients and contractors, but will instead complete a draft Report of Investigation. The Report of Investigation will contain the following sections:

- Name(s) and address(es) of complainant(s)
- Name(s) and address(es) of respondent(s)
- Applicable law
- Basis
- Issues
- Findings for each issue, with a corresponding conclusion for each issue
- Recommended decision
- Recommendations (if applicable)

MassDOT will transmit the draft Report of Investigation to the regional or division Civil Rights Specialist of the appropriate USDOT operating administration no later than 60 days after receiving a complaint.

The operating administration will review the draft Report of Investigation and provide feedback to MassDOT. MassDOT will consider the feedback provided and prepare a final Report of Investigation. The Report of Investigation will be released to the complainant within 120 days of original receipt of the complaint. The complainant will be advised of the right to file directly with the USDOT should the findings and action taken by MassDOT be unsatisfactory to the complainant.

## **j. RECORD KEEPING**

A complaint log will be maintained for all USDOT complaints filed with and investigated by MassDOT. The log will identify: the basis for the complaint (race, color, national origin, language, etc.); 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.

## **k. INVESTIGATION PROCEDURE DETAILS**

### **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.

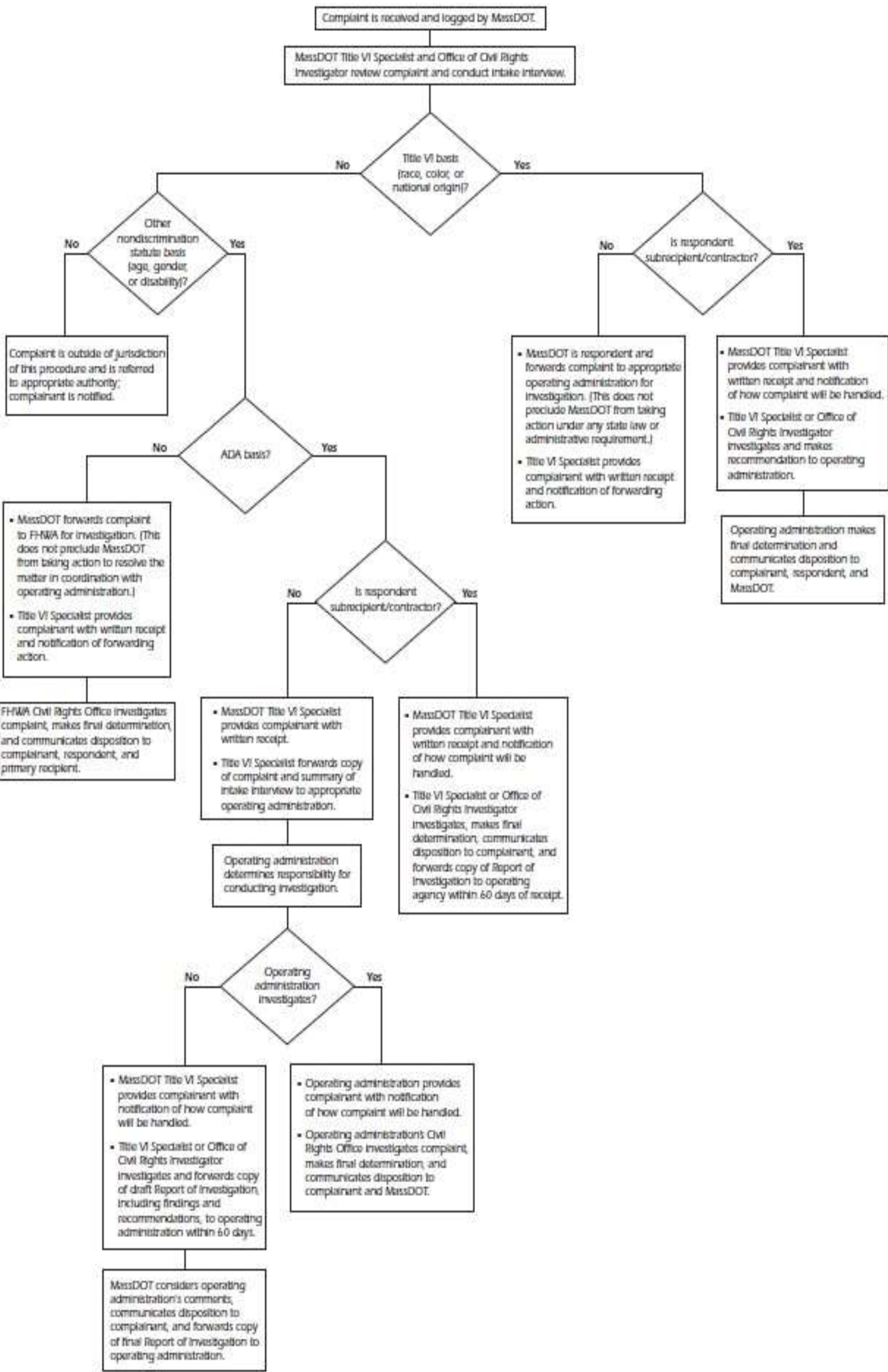
## **Analyzing Data**

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.

ii. COMPLAINT FLOWCHART

To make MassDOT’s Title VI complaint handling activities as clear as possible, the following flowchart has been developed to detail the procedure which is described above.



### **iii. COMPLAINT FORM**

The complaint forms provided below are recommended for use when filing a Title VI/Nondiscrimination complaint with MassDOT related to Rail and Transit Division activities and/or those activities funded by the Federal Transit Administration. In accordance with the MassDOT Language Access Plan, the forms 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 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.



## 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

### 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.

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**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](mailto:MassDOT.CivilRights@state.ma.us)

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## Жалоба о Дискриминации

Пожалуйста, предоставьте следующую информацию для того, чтобы мы могли обработать вашу жалобу. Эта форма доступна в альтернативных форматах и на нескольких языках. Если вам потребуются эти услуги или любая другая помощь в заполнении этой формы, пожалуйста, сообщите нам об этом.

ФИО: \_\_\_\_\_

Адрес: \_\_\_\_\_

Телефонные номера: (Дом) \_\_\_\_\_ (Раб) \_\_\_\_\_ (Моб) \_\_\_\_\_

Электронный адрес: \_\_\_\_\_

### Пожалуйста укажите характер предполагаемой дискриминации:

Категории, защищаемые в соответствии с Титулом VI Закона о Гражданских Правах 1964 года:

☐ Раса ☐ Цвет кожи ☐ Национальное происхождение (в том числе ограниченное знание английского языка)

Дополнительные категории, защищаемые соответствующими законами/ приказами на уровне федерации и/или штата:

☐ Инвалидность ☐ Возраст ☐ Пол ☐ Сексуальная Ориентация ☐ Религиозные убеждения ☐ Происхождение

☐ Гендер ☐ Этничность ☐ Гендерная Идентичность ☐ Гендерное Выражение  
☐ Убеждения ☐ Статус Ветерана ☐ Биография

### Кто, согласно Вашим предположениям, являлся жертвой дискриминации?

☐ Вы ☐ Третье лицо ☐ Класс лиц

Имя лица и / или название организации, которые, согласно Вашим предположениям, осуществляют дискриминацию:

\_\_\_\_\_

Согласны ли Вы, чтобы рассматривающий жалобу предоставил Ваше имя и прочую личную информацию другим сторонам, если это окажет помощь в расследовании и разрешении Вашей жалобы?

☐Да ☐Нет

**Пожалуйста, опишите Вашу жалобу.** Вы должны включить конкретные детали, такие как имена, даты, время, свидетели, а также любую другую информацию, которая поможет нам в расследовании Ваших утверждений. Просьба включить любую другую документацию, которая имеет отношение к этой жалобе. Вы можете приложить дополнительные страницы, чтобы объяснить вашу жалобу.

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**Подавали ли Вы данную жалобу в любое другое учреждение (Федеральное, на уровне Штата или Местное)?**

☐Да ☐Нет

Если да, пожалуйста укажите: \_\_\_\_\_

**Подавали ли Вы в суд по поводу этой жалобы?**

☐Да ☐Нет

Если да, пожалуйста предоставьте копию жалобы.

Подпись: \_\_\_\_\_ Дата: \_\_\_\_\_

**Почтовый адрес:**

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

**Электронный адрес:** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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**ពាក្យបណ្តឹងស្តីពីភាពរើសអើង**

សូមផ្តល់ព័ត៌មានខាងក្រោម ដើម្បីអោយយើងខ្ញុំធ្វើការលើបណ្តឹងរបស់អ្នក។ ពាក្យបណ្តឹងនេះមានទម្រង់ផ្សេងៗគ្នា និងមានជាច្រើនភាសា។ ប្រសិនបើអ្នកចង់បានសេវាកម្មទាំងនោះ ឬជំនួយផ្សេងៗទៀតក្នុងការបំពេញពាក្យបណ្តឹង សូមប្រាប់យើងខ្ញុំ។

ឈ្មោះ: \_\_\_\_\_  
អាសយដ្ឋាន: \_\_\_\_\_  
លេខទូរស័ព្ទ: (ផ្ទះ) \_\_\_\_\_ (កន្លែងការងារ) \_\_\_\_\_ (ដៃ) \_\_\_\_\_  
អ៊ីម៉ែល: \_\_\_\_\_

**សូមបង្ហាញពីប្រភេទនៃភាពរើសអើង លអ្នកចោទប្រកាន់:**

ប្រភេទទាំងឡាយណាដែលត្រូវបានការពារដោយ *មាត្រាទីVI នៃច្បាប់សិទ្ធិស៊ីវិលឆ្នាំ1964*:

☐ អម្បូរ ☐ ពណ៌សម្បុរ ☐ ប្រភពកំណើត (រួមទាំងសមត្ថភាពប្រើភាសាអង់គ្លេសមានកម្រិត)

ប្រភេទផ្សេងទៀតដែលត្រូវបានការពារដោយដីការ/ច្បាប់រដ្ឋ ឬ/និងដីការ/ច្បាប់សហព័ន្ធដែលពាក់ព័ន្ធ:

☐ ពិការភាព ☐ អាយុ ☐ ភេទ ☐ ទំនោរផ្លូវភេទ ☐ សាសនា ☐ ដូនតា

☐ យេនឌ័រ ☐ ជាតិសាសន៍ ☐ អត្តសញ្ញាណយេនឌ័រ ☐ ការបង្ហាញយេនឌ័រ ☐ ជំនឿ ☐

អតីតយុទ្ធជន ☐ ប្រវត្តិ

**តើនរណាជាមនុស្ស លអ្នកចោទប្រកាន់ថាជាអ្នករងគ្រោះពីភាពរើសអើង?**

☐ អ្នក ☐ បុគ្គលទីបី ☐ មនុស្សមួយក្រុម

**សូមផ្តល់ឈ្មោះបុគ្គល និង/ឬអង្គភាព លអ្នកចោទប្រកាន់ពីភាពរើសអើង:**

\_\_\_\_\_

**តើអ្នកអនុញ្ញាតអោយអ្នកស៊ើបអង្កេតបង្ហាញឈ្មោះនិងព័ត៌មានផ្ទាល់ខ្លួនរបស់អ្នកទៅកាន់បុគ្គលផ្សេងទៀត ទាក់ទងនឹងបញ្ហានេះដែរឬទេ ប្រសិនបើព័ត៌មានទាំងនេះជួយដល់ការស៊ើបអង្កេត និងដោះស្រាយបណ្តឹងរបស់អ្នក?**

☐ បាទ/ចាស ☐ ទេ

**សូមរៀបរាប់បណ្តឹងរបស់អ្នក៖** អ្នកគួរសរសេរព័ត៌មានលម្អិតជាក់លាក់ដូចជា ឈ្មោះ កាលបរិច្ឆេទ ពេលវេលា សាក្សី និងព័ត៌មានផ្សេងទៀត ដែលអាចជួយយើងខ្ញុំក្នុងការស៊ើបអង្កេតការចោទប្រកាន់របស់អ្នក។ សូមសរសេរទាំងឯកសារទាំងឡាយណាដែលទាក់ទងនឹងបណ្តឹងនេះ។ អ្នកអាចសរសេរលើក្រដាសផ្សេងបន្ថែមទៀត ដើម្បីពន្យល់ពីបណ្តឹងរបស់អ្នក រួចភ្ជាប់មកជាមួយ។

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**តើអ្នកធ្លាប់បានសរសេរបណ្តឹងនេះទៅកាន់ភ្នាក់ងារផ្សេងទៀតដែរឬទេ (សហព័ន្ធ រ ឬ ប្រតិបត្តិ)?**

☐ បាទ/ចាស ☐ ទេ

ប្រសិនបើធ្លាប់ សូមបញ្ជាក់៖ \_\_\_\_\_

**តើអ្នកធ្លាប់បានដាក់ពាក្យបណ្តឹងទៅកាន់តុលាការអំពីបញ្ហានេះ រឬទេ?**

☐ បាទ/ចាស ☐ ទេ

ប្រសិនបើធ្លាប់ សូមភ្ជាប់ពាក្យបណ្តឹងនោះមកជាមួយ។

ហត្ថលេខា៖ \_\_\_\_\_ កាលបរិច្ឆេទ៖ \_\_\_\_\_

**សូមផ្ញើទៅកាន់៖** អ្នកសម្របសម្រួលមាត្រាទីVI, MassDOT Office of Diversity and Civil Rights, Suite 3800, 10 Park Plaza, Boston, MA 02116

**សូមផ្ញើអ៊ីម៉ែលទៅកាន់៖** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)



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## Đơn Khiếu nại Phân biệt đối xử

Vui lòng cung cấp các thông tin sau để chúng tôi xử lý khiếu nại của quý vị. Đơn này có sẵn ở các định dạng khác nhau và bằng nhiều ngôn ngữ. Hãy cho chúng tôi biết nếu quý vị cần các dịch vụ này hoặc bất kỳ hỗ trợ nào khác để điền đơn này.

Tên: \_\_\_\_\_

Địa chỉ: \_\_\_\_\_

Số điện thoại: (Nhà) \_\_\_\_\_ (Cơ quan) \_\_\_\_\_ (Di động) \_\_\_\_\_

Địa chỉ email: \_\_\_\_\_

### Vui lòng cho biết bản chất của sự việc bị cho là phân biệt đối xử:

Các thể loại được bảo vệ theo Đạo luật VI của Luật dân quyền năm 1964:

☐ Chủng tộc ☐ Màu da ☐ Quốc gia xuất xứ (bao gồm tiếng Anh không thông thạo)

Các thể loại bổ sung được bảo vệ theo luật/lệnh liên quan của Liên bang và/hoặc Tiểu bang:

☐ Khuyết tật ☐ Tuổi ☐ Giới tính (Sex) ☐ Định hướng tình dục

☐ Tôn giáo ☐ Tổ tiên

☐ Phái tính (Gender) ☐ Dân tộc ☐ Xác định phái tính ☐ Thể hiện phái tính

☐ Tín điều (Creed) ☐ Tình trạng thương binh ☐ Lý lịch

### Ai là người quý vị cho là nạn nhân của phân biệt đối xử?

☐ Quý vị ☐ Một cá nhân thứ ba ☐ Một lớp người

### Tên của Cá nhân và/hoặc tổ chức mà quý vị cho là đang phân biệt đối xử:

\_\_\_\_\_

**Quý vị có đồng ý** cho điều tra viên chia sẻ tên và các thông tin cá nhân khác của quý vị với các bên khác về vấn đề này để hỗ trợ việc điều tra và giải quyết khiếu nại của quý vị không?

☐ Có ☐ Không

**Vui lòng mô tả khiếu nại của quý vị.** Quý vị nên bao gồm các chi tiết cụ thể như là những tên, ngày tháng, thời gian, nhân chứng, và bất kỳ thông tin nào khác sẽ hỗ trợ chúng tôi trong việc điều tra của chúng tôi về cáo buộc của quý vị. Vui lòng bao gồm bất cứ tài liệu nào khác liên quan đến khiếu nại này. Quý vị có thể đính kèm thêm nhiều trang để giải thích khiếu nại của mình.

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**Quý vị có nộp khiếu nại này cho bất kỳ cơ quan nào khác (Liên bang, Tiểu bang, hoặc Địa phương) chưa?**

☐ Có    ☐ Chưa

Nếu có, vui lòng cho biết tên cơ quan đó: \_\_\_\_\_

**Quý vị có nộp đơn kiện liên quan đến khiếu nại này chưa?**

☐ Có    ☐ Chưa

Nếu có, vui lòng cung cấp một bản sao của khiếu nại.

Ký tên: \_\_\_\_\_ Ngày: \_\_\_\_\_

**Gởi qua đường bưu điện đến:** Title VI Coordinator, MassDOT Office of Diversity and Civil Rights, Suite 3800, 10 Park Plaza, Boston, MA 02116

**Gởi email đến :** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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## نموذج شكوى حول وقوع حالة تمييز

يُرجى توفير المعلومات التالية لكي نتعامل مع الشكوى التي تقدمتم بها. يتوفر هذا النموذج بأشكال بديلة وبلغات متعددة. إذا رغبتكم بهذه الخدمات أو أي مساعدة أخرى لتعبئة هذا النموذج، يُرجى إبلاغنا.

الاسم: \_\_\_\_\_  
العنوان: \_\_\_\_\_  
أرقام الهواتف: (المنزل) \_\_\_\_\_ (العمل) \_\_\_\_\_ (الجوال) \_\_\_\_\_  
البريد الإلكتروني: \_\_\_\_\_

يُرجى الإشارة إلى طبيعة التمييز الذي تدّعون:

الفئات التي يحميها القسم السادس من قانون حقوق الانسان لعام 1964:

☐ العرق ☐ اللون ☐ الأصل الوطني أو القومي (بما في ذلك الكفاءة المحدودة في اللغة الانجليزية)

الفئات الاضافية التي تحميها القوانين/ الاوامر الفيدرالية و/ أو الخاصة بالولاية ذات الصلة:

☐ الإعاقات ☐ العمر ☐ الجنس ☐ التوجه الجنسي ☐ الدين ☐ سلالة المرء  
☐ النوع ☐ الاثنية ☐ هوية النوع ☐ التعبير عن النوع  
☐ العقيدة ☐ الوضع كمحارب قديم ☐ الخلفية

من هو الشخص الذي تدّعون بأنه ضحية عمل تمييزي؟

☐ أنت ☐ فرد آخر أو طرف ثالث ☐ مجموعة أفراد

اسم الفرد و/ أو المنظمة التي تدّعون بأنها تُمارس التمييز؟

\_\_\_\_\_

هل توافقون على أن يقوم المحقق بمشاركة اسمكم ومعلوماتكم الشخصية الأخرى مع أطراف أخرى متعلقة بهذا الموضوع إذا كانت هذه المشاركة ستساعد في عملية التحقيق وإيجاد حل لشكواكم؟

☐ نعم ☐ لا

يُرجى وصف الشكوى الخاصة بكم. يجب ان تذكروا تفاصيل مُحددة مثل اسماء وتواريخ وأوقات وشهود وأي معلومات اخرى من شأنها ان تساعدنا في التحقيق الذي سوف نجريه في ادعاءاتكم. ويُرجى ذكر أي وثائق اخرى لها علاقة بهذه الشكوى. يجوز لكم ان تُرفقوا صفحات اضافية لتوضيح شكواكم.

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هل قدمت هذه الشكوى لدى أي هيئة أخرى (فيدرالية، تابعة لولاية، أو محلية)؟

☐ نعم ☐ لا

إذا كانت الاجابة نعم، يُرجى تحديد الجهة: \_\_\_\_\_

هل قُمتم برفع دعوى بخصوص هذه الشكوى؟

☐ نعم ☐ لا

إذا كانت الاجابة نعم، يُرجى تزويدنا بنسخة من الشكوى.

التوقيع: \_\_\_\_\_ التاريخ: \_\_\_\_\_

يُرجى إرسال الشكوى إلى العنوان التالي:

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

يُرجى ارسال الشكوى إلى البريد الالكتروني: [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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## Fòmilè pou Pote Plent pou Diskriminasyon

Tanpri, ekri enfòmasyon yo mande la yo, pou ede nou travay sou plent ou pote a. Ou ka jwenn fòmilè sa a nan lòt fòm, ak nan plizyè lang. Si ou bezwen li nan lòt fòm oubyen lòt lang, oubyen si ou vle mande lòt kalite asistans pou reponn kesyon nan fòmilè sa a, tanpri fè nou konnen.

Non ou: \_\_\_\_\_

Adrès: \_\_\_\_\_

Nimewo telefòn: (Lakay ou) \_\_\_\_\_ (Nan Travay ou) \_\_\_\_\_ (Tel. Selilè) \_\_\_\_\_

Adrès elektwonnik: \_\_\_\_\_

### Tanpri, ekri pi ba la a pou ki kalite diskriminasyon w ap pote plent:

Kategori ki pwoteje dapre *Tit 6 nan Lwa sou Dwa Sivik 1964 la*:

☐ Ras ☐ Koulè ☐ Nasyonnalite (oubyen moun ki pa konn pale angle byen)

Lòt kategori ki pwoteje dapre lwa/òdonnans Eta a oswa gouvènman federal la:

☐ Andikap ☐ Laj ☐ Gason oubyen Fi ☐ Oryantasyon seksyèl ☐ Relijyon ☐ Zansèt

☐ Gason ak Fanm ☐ Gwoup Etnik ☐ Idantite gason oswa fanm ☐ Deklarasyon

idantite Gason oswa Fanm ☐ Kwayans ☐ Kondisyon Veteran ☐ Antesedan

### Ki moun ou vle di ki viktim diskriminasyon an?

☐ Oumenm ☐ Yon Lòt Moun ☐ Yon Gwoup Moun

### Di non moun ak/oswa òganizasyon ou kwè ki fè diskriminasyon an:

\_\_\_\_\_

**Èske ou dakò** pou moun k ap mennen ankèt la bay lòt moun ki fè pati nan ka a, non ou ak lòt enfòmasyon pèsennèl sou ou, si sa kapab ede nan ankèt sou plent ou fè a, oswa rezoud pwoblèm lan?

☐ Wi ☐ Non





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## Formulaire de plainte pour discrimination

Veillez fournir les informations suivantes afin que nous puissions considérer votre plainte. Ce formulaire est disponible dans d'autres formats et en plusieurs langues. Si vous avez besoin de ces services ou de toute autre assistance pour remplir ce formulaire, merci de nous le faire savoir.

Nom : \_\_\_\_\_

Adresse : \_\_\_\_\_

Numéro de téléphone : (Domicile) \_\_\_\_\_ (Travail) \_\_\_\_\_ (Portable) \_\_\_\_\_

Courriel : \_\_\_\_\_

### Veillez indiquer la nature de la discrimination alléguée :

Catégories couvertes en vertu du *titre VI de la loi sur les droits civils (Civil Rights Act) de 1964* :

☐ Race ☐ Couleur de peau ☐ Nationalité d'origine (Inclus connaissance limitée de l'anglais)

Catégories supplémentaires couvertes en vertu des lois/ordonnances fédérales et/ou des États :

☐ Handicap ☐ Age ☐ Sexe ☐ Orientation sexuelle ☐ Religion ☐ Filiation  
☐ Genre ☐ Ethnicité ☐ Identité de genre ☐ Expression sexuelle  
☐ Croyance ☐ Statut d'ancien combattant ☐ Antécédent

### Qui, d'après vous, serait victime de discrimination?

☐ Vous ☐ Un tiers ☐ Un ensemble de personnes

**Nom de la personne et/ou de l'organisation qui, d'après vous, exercerait la discrimination :**

**Consentez-vous** que l'enquêteur communique votre nom et informations personnelles à d'autres parties à ce sujet, sachant que votre accord assistera dans l'examen des faits et la décision de votre plainte?

☐ Oui ☐ Non

**Veillez décrire la discrimination alléguée.** Vous devez inclure des détails précis comme des noms, des dates, des rendez-vous, des témoins ainsi que toute autre information qui pourrait nous aider dans l'enquête menée au sujet de vos allégations. Incluez toute autre documentation que vous jugez pertinente pour votre plainte. Vous pouvez attacher des pages supplémentaires pour expliquer votre plainte.

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**La plainte a-t-elle été déposée auprès d'un autre organisme ou d'un tribunal (fédéral, d'état ou local)?**

☐ Oui ☐ Non

Si oui, nom complet de l'organisme : \_\_\_\_\_

**Avez-vous engagé une action en justice à propos de cette plainte?**

☐ Oui ☐ Non

Si oui, veuillez fournir une copie de la plainte.

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

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

**Courriel :** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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## 歧视投诉表

请提供以下信息以便我们处理您的投诉。本表有特殊版式以及多语种版本可供选择。如您需要此类版本或其它任何协助以填写投诉信息，请联系我们。

姓名：\_\_\_\_\_

地址：\_\_\_\_\_

电话号码：（家）\_\_\_\_\_（工作）\_\_\_\_\_（手机）\_\_\_\_\_

电子邮件地址：\_\_\_\_\_

请说明投诉歧视的性质：

1964年颁发的民权法案第六章保护的类别：

☐ 种族 ☐ 肤色 ☐ 国籍（包括有限的英文水平）

相关的联邦和/或州法律/条例保护的其它类别：

☐ 残障 ☐ 年龄 ☐ 性别 ☐ 性取向 ☐ 宗教 ☐ 祖籍

☐ 社会性别 ☐ 族群 ☐ 性别认同 ☐ 性别表达 ☐ 教义 ☐ 退伍军人身份 ☐ 背景

您投诉的歧视受害者是谁？

☐ 本人 ☐ 第三方个人 ☐ 一个类别的人士

您投诉的歧视的个人和/或组织的姓名或名称：

\_\_\_\_\_

您同意让调查人员同其他相关方共享您的姓名和其它个人信息以协助调查并解决投诉吗？

☐ 是 ☐ 否

请描述您的投诉。您在描述中应提供细节信息，如姓名、日期、时刻、证人以及其它任何有助于我们调查您所投诉的信息。请提供任何其它与本投诉相关的证明材料。您可另页附上您对投诉的解释。

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您向其它机构（联邦、州或当地机构）提交过本投诉吗？

☐ 是 ☐ 否

如投诉过，请说明： \_\_\_\_\_

您对本投诉提起过诉讼吗？

☐ 是 ☐ 否

如果提起过诉讼，请提交一份诉讼副本。

签名： \_\_\_\_\_ 日期： \_\_\_\_\_

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

**电子邮件：** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)



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## 歧視投訴表

請提供以下信息以便我們處理您的投訴。本文檔具有特殊版式以及多個語種版本供選用。如您需要此類版本或其它任何協助以報告投訴，請聯系我們。

姓名：\_\_\_\_\_

地址：\_\_\_\_\_

電話號碼：（家）\_\_\_\_\_（工作）\_\_\_\_\_（手機）\_\_\_\_\_

電子郵件地址：\_\_\_\_\_

請說明投訴歧視的性質：

1964 年頒發的民權法案第六章保護的類別：

☐ 種族 ☐ 膚色 ☐ 國籍（包括有限的英文水平）

相關的聯邦和/或州法律/條例保護的其它類別：

☐ 殘障 ☐ 年齡 ☐ 性別 ☐ 性取向 ☐ 宗教 ☐ 祖籍

☐ 社會性別 ☐ 族群 ☐ 性別認同 ☐ 性別表達 ☐ 教義 ☐ 退伍軍人身份 ☐ 背景

您投訴的歧視受害者是誰？

☐ 本人 ☐ 第三方個人 ☐ 一個類別的人士

您投訴的歧視的個人和/或組織的姓名或名稱：

\_\_\_\_\_

您同意讓調查人員同其他相關方共享您的姓名和其它個人信息以協助調查並解決投訴嗎？

☐ 是 ☐ 否

**請描述您的投訴。**您在描述中應提供具體細節，如姓名、日期、時刻、證人以及其它任何有助於我們調查您本次投訴的信息。請提供任何其它與本投訴相關的證明檔案。您可另頁附上您對投訴的解釋。

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**您向其它機構（聯邦、州或當地機構）提交過本投訴嗎？**

☐是 ☐否

如投訴過，請說明：\_\_\_\_\_

**您對本投訴提起過訴訟嗎？**

☐是 ☐否

如果提起過訴訟，請提交一份訴訟副本。

簽名：\_\_\_\_\_ 日期：\_\_\_\_\_

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

**電子郵件地址：** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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## Formulario de queja por discriminación

Por favor, complete la siguiente información para que podamos tramitar su queja. Este formulario está disponible en otros formatos y en varios idiomas. Si usted necesitara estos servicios o cualquier otro tipo de asistencia para completar este formulario, por favor, avísenos.

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Nos. de teléfono: (Casa) \_\_\_\_\_ (Trabajo) \_\_\_\_\_ (Celular) \_\_\_\_\_

Dirección de correo electrónico: \_\_\_\_\_

### Por favor, indique la índole de la presunta discriminación:

Categorías protegidas por el *Artículo VI de la ley de derechos civiles de 1964*:

☐ Raza ☐ Color ☐ Origen nacional (incluido un nivel limitado del idioma inglés)

Otras categorías protegidas por leyes o disposiciones federales y/o estatales:

☐ Discapacidad ☐ Edad ☐ Sexo ☐ Orientación sexual ☐ Religión ☐ Abolengo

☐ Género ☐ Etnia ☐ Identidad de género ☐ Expresión de género ☐ Credo

☐ Categoría de veterano ☐ Origen

### ¿Quién afirma usted que fue víctima de discriminación?

☐ Usted ☐ Un tercero ☐ Una clase de personas

### Nombre de la persona u organización que usted afirma que está discriminando:

¿Consiente usted en que el investigador facilite su nombre y otros datos personales a otras partes de este asunto con el fin de que ayuden en la investigación para poder resolver su queja?

☐ Sí ☐ No

**Por favor, describa su queja.** Incluya detalles específicos, como nombres, fechas, horarios, testigos y otra información que pudiera ayudarnos en nuestra investigación de sus alegatos. También incluya cualquier otra documentación que fuera relevante para esta queja. Puede adjuntar páginas adicionales para explicar su queja.

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**¿Ha presentado esta queja en algún otro organismo (federal, estatal o local)?**

☐ Sí ☐ No

Si contestó que sí, identifíquelo: \_\_\_\_\_

**¿Ha presentado una demanda con respecto a esta queja?**

☐ Sí ☐ No

Si contestó que sí, entregue una copia de la queja.

Firma: \_\_\_\_\_ Fecha: \_\_\_\_\_

**Enviar por correo postal a:** Title VI Coordinator, MassDOT Office of Diversity and Civil Rights, Suite 3800, 10 Park Plaza, Boston, MA 02116

**Enviar por correo electrónico a:** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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## Modulo di denuncia per discriminazione

Si prega di fornire le seguenti informazioni per consentirci di elaborare la denuncia. Questo modulo è disponibile in formati alternativi e in più lingue. Se si necessita usufruire di tali servizi o di qualsiasi altro tipo di assistenza nella compilazione del modulo, La preghiamo di farcelo sapere.

Nome: \_\_\_\_\_

Indirizzo: \_\_\_\_\_

Numeri di telefono: (Casa) \_\_\_\_\_ (Ufficio) \_\_\_\_\_ (Cellulare) \_\_\_\_\_

Indirizzo e-mail: \_\_\_\_\_

### Indicare la natura della presunta discriminazione:

Categorie protette in virtù del *Title VI of the Civil Rights Act of 1964*:

☐ Razza ☐ Colore

☐ Origine nazionale (compresa la limitata padronanza della lingua inglese)

Altre categorie protette da norme/ordinanze federali e/o statali:

☐ Disabilità ☐ Età ☐ Sesso ☐ Orientamento sessuale ☐ Religione ☐ Stirpe

☐ Gender ☐ Etnicità ☐ Identità di genere ☐ Espressione di genere ☐ Fede

☐ Veterano ☐ Storia personale

### Chi ritiene essere stato vittima di discriminazione?

☐ Lei stesso/a ☐ Una terza persona ☐ Un gruppo di persone

**Nome della persona e/o dell'organizzazione che Lei ritiene abbia compiuto l'azione discriminante:**

\_\_\_\_\_

**Rilascia il consenso** all'investigatore di condividere il Suo nome ed altre informazioni personali con altre parti inerenti a questo caso quando così facendo si collabora nell'investigazione e nella risoluzione del Suo reclamo?

☐ Sì ☐ No

**Descriva il Suo reclamo.** Includere dettagli specifici come nomi, date, orari, testimoni e qualsiasi altra informazione che potrebbe aiutarci nella nostra indagine in base alle Sue affermazioni. Includere inoltre qualsiasi altra documentazione pertinente alla presente denuncia. È possibile allegare pagine aggiuntive per spiegare il Suo reclamo.

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**Ha presentato questa denuncia presso altre agenzie (federali, statali o locali)?**

☐ Sì ☐ No

Se sì, specificare: \_\_\_\_\_

**Ha presentato querela in relazione a questo reclamo?**

☐ Sì ☐ No

In caso affermativo, fornire una copia della denuncia.

Firma: \_\_\_\_\_ Data: \_\_\_\_\_

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

**Inviare per email a:** [MassDOT.CivilRights@state.ma.us](mailto:MassDOT.CivilRights@state.ma.us)

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## Formulário de Reclamação por Discriminação

Por favor, preencha com as seguintes informações para que possamos processar sua reclamação. Este formulário está disponível em formatos alternativos e em múltiplas línguas. Se você precisar de outro tipo de formulário ou de auxílio no preenchimento, por favor, avise um de nossos funcionários.

Nome: \_\_\_\_\_

Endereço: \_\_\_\_\_

Números de Telefone: (Res.) \_\_\_\_\_ (Com.) \_\_\_\_\_ (Celular) \_\_\_\_\_

Endereço de Email: \_\_\_\_\_

### Por favor, indique a natureza da discriminação alegada:

Categorias protegidas sob o *Título VI da Lei de Direitos Civis de 1964*:

☐ Raça ☐ Cor ☐ Origem Nacional (incluindo proficiência limitada do inglês)

Categorias adicionais protegidas sob leis e/ou disposições federais e estaduais:

☐ Deficiência ☐ Idade ☐ Sexo ☐ Orientação Sexual ☐ Religião ☐ Antepassados

☐ Gênero ☐ Etnia ☐ Identidade de Gênero ☐ Expressão de Gênero ☐ Credo ☐

☐ Condição de Veterano ☐ Antecedentes

### Quem você alega ter sido a vítima da discriminação?

☐ Você ☐ Terceiro ☐ Uma Classe de Pessoas

### Nome do indivíduo e/ou organização que você alega estar discriminando:

\_\_\_\_\_

**Você consente** que seu nome e suas informações pessoais sejam compartilhados pelo investigador com as outras partes, auxiliando na resolução de sua reclamação?

☐ Sim ☐ Não



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## iv. COMPLAINT LOG

The table below summarizes the Title VI complaints received and processed by MassDOT, regarding transit activities, since March 2014.

Date Filed	Forum	Basis	Summary of Allegation	Status/Action Taken
3-7-14	RTA	National Origin	RTA driver alleged to have used an ethnic slur when addressing a rider (Polish).	RTA Title VI Coordinator, with Legal Counsel, performed investigation. No cause. ODCR reviewed investigative report and concurred. Closed 3/21/14.

No Title VI lawsuits have been brought against MassDOT related to transit activities since the previous program update in 2014.

## D. PUBLIC PARTICIPATION PLAN

### 1 INTRODUCTION

In accordance with state and federal law requirements<sup>3</sup>, and to ensure inclusive and accessible public engagement processes for transportation 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 include those populations that have been underserved by the transportation system and/or have lacked access to the decision-making process. 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 encouraging and ensuring community participation.<sup>4</sup> It describes MassDOT's overall goals, guiding principles, and strategic approach to achieving stated objectives. The Plan also defines how MassDOT incorporates public participation into its transportation decision-making processes, and how the agency ensures access for people with disabilities and the inclusion of low income and minority stakeholders. Specifically, the Plan states the methods that MassDOT will use to reach out to persons who are low-income, minority, Limited English Proficient (LEP), or have a disability, and other traditionally underrepresented populations. Because different transportation decisions to be made require different techniques for reaching the public, 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.

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<sup>3</sup> The federal and state statutory and regulatory requirements are included at Public Participation Plan - Attachment 1.

<sup>4</sup> This includes drawing from and adapting the FHWA's "*Public Involvement Techniques for Transportation Decision-Making*" document. [http://www.fhwa.dot.gov/planning/public\\_involvement/publications/techniques/](http://www.fhwa.dot.gov/planning/public_involvement/publications/techniques/)



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 its managers and staff, to achieve.

This Plan is not intended to be applied in a wooden manner, meaning that there may be occasions where the facts or circumstances may not allow for absolute compliance with the protocols and policies stated, but that we will make every effort to meet the standards we have set. 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 and will seek public comment, and make such changes and improvements on this Plan and related protocols and policies as 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 Registry of Motor Vehicles, with administrators for each division appointed by the Secretary & Chief Executive Officer 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 and the intercity bus capital assistance program, and oversees the Massachusetts Bay Transportation Authority (MBTA) and all regional transit authorities in the Commonwealth. The MassDOT Board of Directors serves as the governing body of the MBTA.
- 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 branch offices across the Commonwealth. The Registry oversees commercial and non-commercial vehicle inspection stations.

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:

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

- *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.

- *Establish Consistent Commitment*

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

- *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.

- *Ensure Accessibility*

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

- *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.

- *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.

- *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.

- *Establish and Maintain Partnerships*

MassDOT develops and maintains partnerships with communities and community-based organizations through the activities described in the PPP.

- *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:

- *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.

- *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.

- *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.

- *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.

- *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.

- *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.

- *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.

- *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 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 consistently 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*.

## **2.2 Public Participation 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 tools, including Twitter, the blog, Flickr, YouTube, email distribution lists, and other new media venues
- Legislative briefings
- Presentations, public meetings, public hearings, open houses, and workshops
- 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

Project websites are important tools for people who cannot attend meetings. Members of the public can review presentations and meeting summaries and provide comments through emails and letters to the project team. People with disabilities that limit their ability to attend meetings can also review project information and provide comments on the website, and thereby have an alternative to physically 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/or the distribution of 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.

### **2.2.1 Public Meetings, Open Houses, and Workshops**

#### **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 face-to-face contact and two-way communication. They are generally tailored to specific issues or community groups 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: 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.

### **2.2.2 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

immediately before project decision making and, in the case of an environmental impact statement (EIS), 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 near the end of a project development process or if 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 and input into decisions. Public hearings are required by the federal government for many transportation projects and have specific legal requirements.

### **2.2.3 Meeting Facilities and Accessibility**

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, to let people know that the meeting location is 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. 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.

MassDOT meeting planners should strive to create a welcoming environment. The staff members charged with the coordination of any meeting are responsible for providing resources, including free accessibility assistance and language assistance, to ensure that the event is accessible to all people and to provide the greatest opportunity for participation by interested parties.

### ***2.3 Tailoring Outreach to Underserved People***

Meeting planners should not only schedule a room, post notices and ensure that accommodations are in place for a meeting to be well attended. There is also an obligation to conduct outreach to encourage attendance, particularly among groups protected by the anti-discrimination laws with which MassDOT has promised to comply.

Many people in minority and low-income communities, as well as those with low literacy and/or limited English proficiency, have traditionally been underserved by conventional outreach methods. 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 all of 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. Such individuals can suggest fresh approaches to transportation issues that otherwise might not be raised.

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 these populations. Staff and managers employ a variety of public involvement techniques when working with underserved populations and communicates 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).

### **3 TITLE VI and ADA PROTOCOLS, POLICIES, AND RESOURCES**

The civil rights protocols set forth in this document are a baseline for holding inclusive, accessible and responsive public meetings, hearings and the like. There are two primary sections in this chapter. Section 3.1 contains protocols and resources for ensuring diversity and inclusivity in public engagement. Section 3.2 contains protocols and resources for ensuring the accessibility of MassDOT's public activities. These efforts are related and appropriate references are made between these sections, as needed.

#### ***3.1 Civil Rights Protocols for Public Engagement***

Many MassDOT departments conduct public meetings and hearings. 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 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 Manager of Federal Programs 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. Meetings should be tailored to the specific needs of the community, and/or 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 and leaders and key players. This front work 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), reach 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 obligations<sup>5</sup>.

While the following protocols endeavor to highlight specific resources where available, past experience with the public can and should be considered a resource to identify 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 represent the four types of public engagement most commonly encountered by MassDOT employees:

- General public meeting
- Open houses
- Stakeholder meetings
- One-on-one interactions

#### **General Public Meetings (Sec 2.1)**

Public meetings and hearings, both at the project level and more broadly, are an opportunity for members of the public to engage in the transportation decision making process.

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<sup>5</sup> 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.

## **Open Houses (Sec 2.2)**

MassDOT staff and consultants 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 satisfied with the information gained or with the opportunity to express concerns at the open house session.]*

## **Stakeholder Meetings (Sec 2.3)**

At times, the complexity of a project, controversial issues, or the reality of having multiple large Title VI 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 2.4)**

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**

#### **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"  
<http://gis.massdot.state.ma.us/maptemplate/engage>
  - b. EPA's Environmental Justice screening and mapping tool – "EJ Screen"  
<https://ejscreen.epa.gov/mapper/>
  - c. US Census Bureau – "Language Mapper"  
[http://www.census.gov/hhes/socdemo/language/data/language\\_map.html](http://www.census.gov/hhes/socdemo/language/data/language_map.html)
  - d. 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.]*
  - e. National Equity Atlas  
<http://nationalequityatlas.org/>  
*[Practice Tip: for local data, go to "Indicators" where information is available as text, charts, and maps.]*
  - f. Social Vulnerability Index  
<https://svi.cdc.gov/map.aspx>
  - g. 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”

<http://gis.massdot.state.ma.us/maptemplate/engage>

- b. Consult the following MassDOT departments:

- a. Office of Community Relations
- 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.

[http://www.cityofboston.gov/ons/coor\\_list.asp](http://www.cityofboston.gov/ons/coor_list.asp)

*[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 aspects of the community which may be central in determining the time and location of the public engagement activity. *[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 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. 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"  
<http://gis.massdot.state.ma.us/maptemplate/engage>
  - ii. The Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
  - iii. The Disability Commissions  
<http://www.mass.gov/anf/docs/mod/commission-listing.pdf>
  - iv. The Independent Living Centers  
<http://www.masilc.org/membership/cils>
- b. When communicating with a meeting venue, determine if assistive technologies are available, such as assistive listening devices and Communication Access Real-Time Translation (CART) equipment. *[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.]*
  - c. For comprehensive protocols regarding ADA in the public outreach context, reference the MassDOT Accessible Meeting Policy in Section 3.2, below. The policy provides a checklist for holding an ADA accessible public meeting. *[Practice Tip: If you are planning on using a venue for the first time, this checklist can help you verify its accessibility. The completed checklist should be shared with ODCR's Manager of Federal Programs for incorporation into the database.]*

### 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 le 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 ماساتشوسيتس 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 tande, 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](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.

English:

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

Portuguese:

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

Spanish:

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

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。

Chinese Traditional: (Hong Kong & Taiwan): 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。

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.

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.

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.

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.

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.

Khmer:

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែពីភាសានេះ  
សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី៦ របស់MassDot  
តាមរយៈលេខទូរស័ព្ទ 857-368-8580

Arabic:

857-368-8580

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

- 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.)  
<http://li129-107.members.linode.com/accessibility/design/accessible-print-design/>
  - b. Creating accessible Word documents:  
<http://office.microsoft.com/en-us/word-help/creating-accessible-word-documents-HA101999993.aspx>
  - c. Creating accessible Excel workbooks:  
<http://office.microsoft.com/en-us/excel-help/creating-accessible-excel-workbooks-HA102013545.aspx?CTT=3>

- d. Creating accessible PowerPoint presentations:  
<http://office.microsoft.com/en-us/powerpoint-help/creating-accessible-powerpoint-presentations-HA102013555.aspx?CTT=3>
  - e. Creating accessible PDFs with Microsoft Office products:  
<http://office.microsoft.com/en-us/excel-help/create-accessible-pdfs-HA102478227.aspx?CTT=3>
  - f. General information on accessibility from Adobe:  
<http://www.adobe.com/accessibility/>
  - g. Video on preparing accessible InDesign files:  
<http://tv.adobe.com/watch/accessibility-adobe/preparing-indesign-files-for-accessibility/>
- 3) To translate notice content other than that provided here, the following resources are available:
- a. UMass Translation Center  
Request Procedure:  
<http://www.umasstranslation.com/services/request-an-estimate/>  
Rates:  
<http://www.umasstranslation.com/services/rates/>
  - b. Statewide Language Services Contract  
Instructions:  
<http://www.mass.gov/anf/docs/osd/uguide/prf63.pdf>
- 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 three weeks in advance of a public engagement opportunity is generally regarded as appropriate, with two weeks or 10 business days considered the minimum limit for reasonable notice.]*
  - b. The public notice and advance meeting materials should be delivered to the diverse invitees 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 involvement has already been accomplished 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
  - b. Written public comments
  - c. MassDOT staff involved in planning and/or conducting prior related meetings
  - d. Project INFO comments
- 2) 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.
- 3) 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 [http://www.med.navy.mil/sites/nmcphc/Documents/environmental-communication/Appendix E AGuideToWritingAnEffectiveExecutiveSummary.pdf](http://www.med.navy.mil/sites/nmcphc/Documents/environmental-communication/Appendix_E_AGuideToWritingAnEffectiveExecutiveSummary.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.
- 4) 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) .

- 5) Ensure that electronic documents related to the subject of the public meeting and intended for public dissemination and review 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.
- 6) 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. MassDOT Copy and Print Center
    - ii. MBTA System Wide Accessibility  
[http://www.mbta.com/riding\\_the\\_t/accessible\\_services/default.asp?id=16901](http://www.mbta.com/riding_the_t/accessible_services/default.asp?id=16901)
    - iii. Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
  - b. Foreign language document translation can be provided by:
    - i. UMass Translation Center  
Request Procedure:  
<http://www.umasstranslation.com/services/request-an-estimate/>  
Rates:  
<http://www.umasstranslation.com/services/rates/>
    - ii. Statewide Language Services Contract  
Instructions:  
<http://www.mass.gov/anf/docs/osd/uguide/prf63.pdf>
  - c. To obtain accessibility accommodations not provided by the venue, contact:
    - i. MassDOT Facilities  
Phone: (857) 368-9560

Email: [dotgeneralservices@dot.state.ma.us](mailto:dotgeneralservices@dot.state.ma.us)

- ii. MBTA System Wide Accessibility  
[http://www.mbta.com/riding\\_the\\_t/accessible\\_services/default.asp?id=16901](http://www.mbta.com/riding_the_t/accessible_services/default.asp?id=16901)
  - iii. Metropolitan Planning Organizations  
<http://www.massdot.state.ma.us/Portals/17/Images/Data Maps/boundry/MPOs-RPAs-Statewide.pdf>
  - iv. Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
- 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
    - 2. Systemwide Accessibility
  - ii. The Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
  - iii. The Disability Commissions  
<http://www.mass.gov/anf/docs/mod/commission-listing.pdf>
  - iv. The Independent Living Centers  
<http://www.masilc.org/membership/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 Set-Up**

- 1) ADA considerations in public outreach are fully articulated in the MassDOT Accessible Meeting Policy in Section 3.2, below..
- 2) Title VI considerations can be addressed through the following:
  - a. Has signage in other languages been posted?
  - b. Has space been given to foreign language interpreters to sit with individuals who need language assistance?
  - c. Have Title VI related materials been made available at the welcome desk and/or in the meeting packet? This should include:
    - i. "I speak" language cards  
<http://www.lep.gov/ISpeakCards2004.pdf>.
    - ii. Translated versions of the written materials, where available.

### **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 official start of the meeting, make the following statements. If a foreign language translator(s) is present, instruct them to repeat.
  - a. "To make sure all of you have an equal opportunity to participate in this event, we have foreign language interpreters available in [identify languages, in the non-English language if possible] and the meeting materials are available in alternate formats, such as large print. If you need such services, let a member of staff know."
  - b. Include instructions on site-specific accessibility considerations, such as accessible emergency exits.
- 3) 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.]*

### 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 written statements (web, email, newsletter, newspaper, etc.)
    - iii. Postings to project specific website, if available
    - iv. In-person or telephonic 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 novel or previously encountered
  - f. Noting whether the comment has been received from a multitude of 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) “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) The open house should be set up in an ADA compliant manner. Please see the MassDOT Accessible Meeting Policy in Section 3.2, below.
- 2) Consider the following when setting up the 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.) <http://li129-107.members.linode.com/accessibility/design/accessible-print-design/> *[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 Title VI 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. Engaging the public in a targeted context is complex, political and always challenging, and ensuring diverse participation adds even more difficulty to meeting this objective.

#### 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 fruitful 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 community
  - b. affected businesses
  - c. civic organizations (women, seniors, youth, people with disabilities)
  - d. freight interests
  - e. the disability community
  - f. neighborhood association
  - g. schools
  - h. places of worship

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 and who can help answer these key questions:

- 1) Who can represent these diverse groups and constituencies in a credible and responsible way?
- 2) Who needs to be at the table for the work to be accomplished?
- 3) 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?



- 4) 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?
- 5) What commitments do you want from participants?
- 6) 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?
- 7) Do any necessary parties have possible concerns about participating? How can those concerns be alleviated?
- 8) Do you have natural allies on an issue? Natural adversaries?

### **3.1.4.2 Consult MassDOT and MBTA and State 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 that can help answer these questions.

- 1) 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 in contracting and employment)
- 2) 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)
- 3) Community Relations and Legislative Affairs (which can reach out to state legislators and their aides for suggestions)
- 4) 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)
- 5) MassDOT's online public engagement platform – "Engage"

<http://gis.massdot.state.ma.us/maptemplate/engage>

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

### 3.1.4.3 Consult Statewide Resources

- 1) Reach out at the state level for help in identifying and possibly supporting our outreach to potential Title VI related groups and individuals to contact. These resources may also have particular information that is important to know about the locality, its history and community challenges or controversy which may be critical to support your outreach:

- a. Office of Access and Opportunity – Office of the Governor  
Office of Access and Opportunity  
State House, Room 373, Boston, MA 02133  
Phone: (617) 725-4000

- b. Massachusetts Office on Disability  
One Ashburton Place #1305  
Boston, MA 02108  
(617) 727-7440 or (800) 322-2020 toll free (both V/TTY)

### 3.1.4.4 Conduct Targeted 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 effort is potentially time consuming, but will both educate the meeting convener and potentially identify “landmines” that could complicate the effort to organize a group.

*[Practice Tip: In carrying out this task, it is useful to limit searches which can be done through linking key words to a query such as a year, a past issue or individual words like “bio,” “biography,” “background,” “transportation,” “complaint” and the like.]*

If a meeting planner is not aware of the racial, ethnic or national origin background of the individual or group being engaged, it is similarly possible to research Title VI groups individually, using query strings to the group or individuals and Massachusetts, the regional area or the locality where the group or individual is based. 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 values, beliefs and relationship to government and/or transportation.

### 3.1.4.5 Reaching out to Potential Title VI Group Members – Anticipating Potential Obstacles to Participation

#### 1) Outreach approaches:

- i. Look for formal and informal opportunities to engage, collaborate, and build relationships, including calls of introduction made by volunteers you identify who are trusted in the community.
- ii. Use multiple outreach methods and do not rely on e-mail or websites alone
- iii. Tailor materials to the audience, including translations
- iv. Identify existing channels of communication through communities
- v. Experiment and reflect on the effectiveness of new approaches

In Title VI communities, there are a range of factors leading to reluctance to participate for individuals and groups that could be helpful in a transportation planning or development process. For example, many times natural leaders are either the heads or well-placed leaders of agencies or community groups; this limits their ability to participate because there are many demands on their time, resources and commitment.

#### 2) 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. If there is a possibility of grant funding to support participating groups, this can certainly provide an incentive for participation, but such ideas should only be shared if the possibility is real.

#### 3) The following are some common barriers to participation, and reasonable responses that a meeting planner should anticipate, understand and be able to articulate to encourage potential participants to get involved:

- a. **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. It would be ideal to have a colleague or staff person who speaks the language or is of the culture in question to support the outreach effort, or to use a translator as an intermediary.
- b. **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.

- c. **Lack of experience with transportation decision making processes** – if this process is not well understood or the meeting convener has a difficult time explaining the process, it is important to have a representative from Planning involved to explain the process.
- d. **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.
- e. **Cultural barriers** – there may be intergroup dynamics that make bringing groups together problematic due to class, racial ethnic or political differences. Early research will help build understanding of this possibility, and suggest whether a mediated way of bringing the groups together is an option, or there is a 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.

#### **3.1.4.6 Responding to a Refusal to Participate from a Potential Title VI Participant**

- 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 for Title VI inclusion purposes. For Title VI purposes, this documentation is good evidence of the opportunity that was given to the public, such that complaints after the fact about the lack of inclusion can be responded to. Our Title VI obligation requires us to provide an equal opportunity to participate in transportation planning exercises and ultimately, it is an exercise in trying and proving 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 easily available and strive to secure a means for the public to reach out to these individuals should they have questions, comments or concerns that they may not be willing to air publicly.
- 3) Meeting planners should plan to discuss with the members of the group that is ultimately recruited the efforts made to reach out and recruit

individuals, including the potential need that may remain after the fact for additional participation by certain Title VI group members or related 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.

- iv. (Note: MassDOT is currently procuring the services of a firm that will be providing telephonic real-time interpretation. When finalized, that information will be included here for use in this context.)
- 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 units that has been surveyed for multi-lingual staff (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. (Note: MassDOT is currently procuring the services of a firm that will be providing telephonic real-time



interpretation. When finalized, that information will be included here for use in this context.)

## 2. Statewide Language Services Contract

Instructions:

<http://www.mass.gov/anf/docs/osd/uguide/prf63.pdf>

- 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

- a. If you are able to identify the language of the caller and you work in one of the MassDOT Highway units that has been surveyed for multi-lingual staff (ROW, OTP, Environmental, Design, OREAD, and the RMV), 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 you are unable to identify the language of the caller and/or you do not work in ROW, OTP, Environmental, Design, OREAD, or the RMV, contact: (Note: MassDOT is currently procuring the services of a firm that will be providing telephonic real-time interpretation. When finalized, that information will be included here for use in this context.)

## 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 units that has been surveyed for multi-lingual staff (ROW, OTP,



Environmental, Design, OREAD, and the RMV), 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. (Note: MassDOT is currently procuring the services of a firm that will be providing telephonic real-time interpretation. When finalized, that information will be included here for use in this context.)
2. Statewide Language Services Contract

Instructions:

<http://www.mass.gov/anf/docs/osd/uguide/prf63.pdf>

### **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. The following MassDOT/MBTA departments:
  - i. Office of Diversity and Civil Rights

- ii. Systemwide Accessibility
  - b. The Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
  - c. The Disability Commissions  
<http://www.mass.gov/anf/docs/mod/commission-listing.pdf>
  - d. The Independent Living Centers  
<http://www.masilc.org/membership/cils>

## **3.2 *MassDOT Accessible Meeting Policy***

### **1.0 Purpose**

This policy outlines criteria that must be fulfilled in order to ensure that all MassDOT public meetings are fully accessible to persons with disabilities. This document will also address issues related to attendees with limited English proficiency.

The ability to access and participate in state government, including participating in public meetings, is a fundamental right protected by both State and Federal law. The Massachusetts Public Accommodation Law and the Americans with Disabilities Act mandate that persons with disabilities must not be denied participation in public meetings, and that reasonable accommodation requests made by attendees shall be honored. For these reasons, when planning and executing public meetings, MassDOT personnel must ensure that all aspects of the meeting are accessible to persons with disabilities.

Under Title VI of the Civil Rights Act of 1964 and Commonwealth Executive Order 526, MassDOT must also ensure that programs and activities do not discriminate based on race, color or national origin, age, disability and sex, among other protected categories. A public participation plan is being developed for Title VI purposes, which should be consulted by meeting planners in coordination with this Accessible Meeting Policy to ensure that MassDOT includes Title VI constituencies in transportation programs and activities. The method for determining whether and/or what non-English languages need to be translated or interpreted is called a “four factor analysis.” See 2.1.6. Essentially, to determine whether translation is needed, meeting planners must analyze the number of limited English proficiency persons (LEP) by language group where a meeting will be held, the frequency of contacts with the program, the importance of the program and cost factors.

This document will provide guidelines for ensuring the accessibility of public meetings hosted by MassDOT. Components such as the meeting location, room setup, alternate formats and translations of handouts, and the requirement to provide CART and/or sign language and/or foreign language interpreters upon request will be discussed.

### **2.0 Definitions**

## **2.1 Public Meeting**

Any meeting open to the general public, hosted by or on behalf of the MassDOT, during which information is shared.

## **2.2 Attendee**

An individual attending a public meeting.

## **2.3 Reasonable Accommodation**

Any reasonable service, aid, modification or adjustment to the public meeting that gives a person with a disability the opportunity to be an active participant in the meeting process.

## **2.4 Path of Travel**

A continuous, unobstructed way of pedestrian passage by means of which an area may be approached, entered, and exited.

## **2.5 TTY (Text Telephone)**

An electronic device for text communication via a [telephone](#) line, used when one or more of the parties has a hearing or speech-related disability. Public payphones equipped with TTY have a small keyboard that pulls out underneath the phone. Note: TTYs are gradually phasing out for many people due to the increased use of voice and video relay, but they will remain in use for some period into the future.

## **2.6 Clear floor space**

The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

## **2.7 Wheeled mobility device**

Means by which some individuals with physical disabilities travel throughout their environment. Commonly refers to such devices as wheelchairs (manual and

motorized) and scooters. Non-traditional wheeled mobility devices may include Segways and bicycles.

### **2.8 *American Sign Language (ASL) Interpreter***

An individual trained to facilitate communication between a deaf American Sign Language user and hearing individuals via American Sign Language.

### **2.9 *Assistive Listening Device***

An electronic device used by individuals who are hard of hearing to amplify sound. The assistive listening device is usually used as a system where the audio source is broadcast [wirelessly](#) over an FM frequency. The person who is listening may use a small FM [Receiver](#) to tune into the signal and listen at their preferred volume. There are other forms of Assistive Listening Devices that exist and could be used as alternatives.

### **2.10 *CART (Computer Assisted Real-time Transcription)***

A trained operator uses keyboard or stenography methods to transcribe spoken speech into written text. This may be done either on site or remotely by using a voice connection such as a telephone, cell phone, or computer microphone to send the voice to the operator and the real-time text is transmitted back over an Internet connection. For meeting rooms without an internet connection, it is possible to establish connectivity via a WIFI router connection or by using a wireless “hot spot.”

### **2.11 *Video Remote Interpreting***

A contracted video service that allows individuals who are Deaf to communicate over webcams/video phones with hearing people in real-time, via a sign language interpreter.

### **2.12 *Video and Telecommunication (Voice) Relay Services***

Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables persons with hearing disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text. Video equipment links the VRS user with a TRS operator – called a

“communications assistant” (CA) – so that the VRS user and the CA can see and communicate with each other in signed conversation. The VRS caller, using a television or a computer with a video camera device and a broadband (high speed) Internet connection, contacts a VRS CA, who is a qualified sign language interpreter. They communicate with each other in sign language through a video link. The VRS CA then places a telephone call to the party the VRS user wishes to call. The VRS CA relays the conversation back and forth between the parties – in sign language with the VRS user, and by voice with the called party. No typing or text is involved.

Telecommunications Relay Service (TRS) is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party. VRS and TRS are overseen by the Federal Communications Commission and private contractors who perform the intermediary communication service are reimbursed for this service.

### **2.13** *Closed Captioning*

A term describing several systems developed to display [text](#) on a [television](#), computer or [video screen](#) to provide additional or interpretive information to viewers/listeners who wish to access it. Closed captions typically display a [transcription](#) of the [audio](#) portion of a [program](#) (either [verbatim](#) or in edited form), sometimes including non-speech elements.

### **2.14** *Descriptive Video/Described Narration*

A feature that makes television programs, videos, films, and other visual media accessible to people who are blind or visually impaired by providing descriptive narration of key visual elements in programs. Key visual elements in a program that a viewer who is visually impaired would ordinarily miss are described by voice. Actions,



costumes, gestures and scene changes are just a few of the elements that, when described, engage the blind or visually impaired viewer with the story.

### **2.15** *Limited English Proficient (LEP)*

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.” These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

### **2.16** *Four Factor Analysis*

Federal DOT guidance outlines **four factors** recipients should consider to assess language needs and decide what steps they should take to ensure meaningful access for LEP persons:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- 2) The frequency with which LEP individuals come in contact with the program.
- 3) The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
- 4) The resources available to the MassDOT and overall cost.

In each instance, this analysis will enable MassDOT staff to determine the extent of language assistance that must be provided to enable LEP individuals to participate in a program or activity. For further information, including answers to specific situations that meeting planners may encounter, planners should consult the ADA Coordinator, the Title VI Specialist and/or the Language Access Plan.

### **2.17** *Vital Document*

A vital document is determined by the context of a program, service or activity, and can include but not be limited to an application, notice, complaint form, legal contract, and outreach material published by a covered entity in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation.

### **2.18** *Language Access Plan*

Under Federal Executive Order Executive Order 13166, each Federal agency is required to prepare a plan to improve access to its federally conducted programs and activities

by eligible LEP persons. Each plan is required to be consistent with the standards set forth in related guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Just as federal agencies must have LEP Plans, as a condition of receiving federal financial assistance, they must establish guidelines for recipients such as MassDOT to comply with Title VI and LEP requirements, including the provision of language assistance, as needed.

### **3.0 Scope**

All public meetings hosted by, or on behalf of, MassDOT.

### **4.0 Responsibilities**

It is the responsibility of the MassDOT staff or Department(s) charged with the coordination of the public meeting to ensure that the public meeting is accessible to all. The local contacts for the meeting facility, in conjunction with the responsible MassDOT staff, are responsible for filling out the “Accessibility Checklist for Meeting Planners” in Attachment 6.1 to ensure the space is accessible prior to the meeting.

### **5.0 Policy**

#### **5.1 General Considerations**

- 5.1.1** Public meeting planners shall identify at least one person who is responsible for making sure that the public meeting is accessible for all attendees. This individual shall serve as the contact for attendees requesting reasonable accommodations. See, Attachment 6.1 for a Checklist for Meeting Planners.
- 5.1.2** Public meetings should be planned and publicized as early as possible—ideally, at least 21 calendar days, but no less than 14 days in advance.
  - 5.1.2.1** Meeting notices should include a date by which attendees should request reasonable accommodations—typically ten days before the meeting.

Note: After the cutoff date, staff must still try to provide an accommodation but should not guarantee the provision of the requested accommodation. Since it is so difficult to schedule CART and/or sign language interpreters with less than 2-3 weeks’ notice, most meetings should be publicized with 21 days’ notice. This allows attendees ample opportunity to request and receive appropriate reasonable accommodations.

- 5.1.3** Attendees shall not be charged for any reasonable accommodation provided.

## **5.2 Choosing a Location**

- 5.2.1** Access to Nearby Transportation. All public meetings shall be within ¼ mile of an accessible bus stop or rail station, where feasible.
  - 5.2.1.1** The path of travel from the transit stop to the meeting location shall be accessible. Specifically, it should be:
    - 5.2.1.1.1** At least three feet wide
    - 5.2.1.1.2** Unobstructed (not blocked by trash cans, light poles, etc.)
    - 5.2.1.1.3** Free of steps, drop-offs or curbs
- 5.2.2** Parking. If parking is available to meeting attendees, meeting planners shall ensure that the number of accessible parking spaces available complies with state and Federal regulations. See, Attachment 6.2 for state and Federal regulations regarding accessible parking.
  - 5.2.2.1** The path of travel from the accessible parking to the meeting location shall be accessible. Specifically, it shall be:
    - 5.2.2.1.1** At least three feet wide
    - 5.2.2.1.2** Unobstructed (no trash cans, light poles, etc.)
    - 5.2.2.1.3** Free of steps, drop-offs or curbs
- 5.2.3** Identifying the Accessible Entrance. If the main entrance to the building (in which the public meeting is being held) is not the accessible entrance, a sign containing the universal symbol of accessibility with an arrow appropriately pointing to the accessible entrance shall be posted at the main entrance.
- 5.2.4** Ensure the alternate accessible entrance is unlocked and available to be used independently and that the path of travel to the alternate entrance is well lit (if the meeting is taking place at night). If the door is locked and intercom service or another format is used to gain access, an attendant must be at the door to accommodate deaf or hard of hearing individuals, as well as others with disabilities.
- 5.2.5** Accessible Restrooms. If restrooms are available for use by the public then all public meetings shall have at least one accessible

restroom for men and one accessible restroom for women, or one accessible gender neutral restroom. See, Attachment 6.3 for state and Federal regulations regarding accessible restrooms.

5.2.5.1 The accessible restrooms shall be within reasonable proximity to the meeting room.

**5.2.6 Accessible Telephones.** If two or more public payphones are available at the meeting facility, at least one should be:

5.2.6.1 Equipped with TTY

5.2.6.2 Mounted no higher than 48" from the floor and provide clear floor space 30" wide and 48" wide (so that attendees using wheeled mobility can properly access the phone).

5.2.6.3 MassDOT should notify the facility owner if the facility does not comply with the accessible telephone requirement.

**5.2.7 The Meeting Room:** The meeting room in which the public meeting will take place shall be made accessible for persons with disabilities. The following shall be provided:

5.2.7.1 An integrated seating area for wheeled mobility device users shall be made available.

5.2.7.1.1 If possible, meeting planners should remove several chairs to accommodate potential attendees who use wheeled mobility devices.

Note: Remove a chair to the side and to the rear of the designated space to ensure enough room for the wheeled mobility device.

5.2.7.1.2 Such spaces for wheeled mobility device users shall be dispersed throughout the room, and not clustered all in one section (e.g. all in the front or all in the back). This allows attendees using wheeled mobility a variety of seating/viewing options.

5.2.7.2 Space for Sign Language, CART and Foreign Language Interpreters

5.2.7.2.1 A well-lit area and chairs facing the audience shall be made available for sign language interpreters at the front of the room (likely just off to one side of the main presentation area). If a CART provider is to be used, a small table for the laptop and space

for a screen and projector should be provided near an electrical outlet.

5.2.7.2.2 Priority seating at the front of the audience and in direct line of sight of the interpreters/CART provider shall be provided for attendees who are deaf/hard of hearing.

5.2.7.2.3 For foreign language interpreters, there is a need for space where they can sit with the individuals who require language assistance.

5.2.7.3 Aisles within the meeting room shall be

5.2.7.3.1 Clear of tripping hazards (e.g. electric cords).

5.2.7.3.2 At least 3 feet wide.

5.2.7.4 Microphones. The microphones used at public meetings shall be available on a stand that is adjustable in height.

Note: While wireless microphones have become popular, some attendees with disabilities will not be able to hold a microphone independently. In this situation, allowing an attendee use of a microphone stand adjusted to their height is almost always preferable to holding the microphone for them. Alternatively, and particularly for larger meetings, staff with a floating microphone would be preferable to facilitate communication.

5.2.7.5 Podiums. If any attendee may have an opportunity to speak at a podium, meeting planners shall ensure that either:

5.2.7.5.1 The podium is height adjustable, or

5.2.7.5.2 A small table is provided to the side of the podium.

5.2.7.5.2.1 The table shall be between 28 and 34" inches in height.

5.2.7.5.2.2 There shall be at least 27" of knee space from the floor to the underside of the table.

5.2.7.5.2.3 If a microphone is provided at the podium, one shall also be provided at the small table.

5.2.7.6 Raised Platforms. If any attendee may have an opportunity to move onto a raised platform or stage during the meeting, the raised platform or stage shall be accessible by:

5.2.7.6.1 A ramp that

5.2.7.6.1.1 Is at least 3 feet wide.

5.2.7.6.1.2 Does not have a slope that exceeds 1/12.

5.2.7.6.2 Platform lift

5.2.7.7 High Speed internet Connection. Public meeting rooms shall provide for a high speed internet connection to allow attendees who rely on video remote interpreting or CART. There should also be a conference capable telephone with a speakerphone function available.

**5.3 American Sign Language and Foreign Language Interpreters, Assistive Listening Devices, CART and Video Remote Interpreting.**

**5.3.1** American Sign Language and/or foreign language interpreters shall be provided at all public meetings upon request. See, Attachment 6.4 for information on how to request an interpreter.

5.3.1.1 To ensure their availability, interpreters should be requested at least two weeks in advance of the public meeting.

5.3.1.2 The cost associated with providing sign language or foreign language interpreters shall be paid for by the Department hosting the event.

**5.3.2** Assistive Listening Devices. Assistive Listening Devices for attendees who are hard of hearing shall be provided at all public meetings upon request. See, Attachment 6.5 for information on how to provide assistive listening devices.

**5.3.3** CART services shall be provided at all public meetings upon request (See Attachment 6.6 for information on how to provide CART services.). Staff should schedule or make requests for CART services at least two weeks in advance of the meeting, and preferably as soon as an attendee makes this need known. When remote CART services are to be used (the CART reporter is not in the room), staff should try to provide the reporter any technical terms or acronyms to be used, as well as the names of key meeting attendees before the meeting date.

**5.3.4** Video Remote Interpreting shall be provided at all public meetings upon request via a computer/laptop with a webcam and high speed internet connection.

Note: Video Remote Interpreting is a relatively new form of technology and may be an adequate alternative to providing ASL interpreters in certain situations. However, if an

attendee requests Video Remote Interpreting, ASL interpreters will be an adequate substitute, if the meeting planner cannot secure the requested technology.

#### **5.4 Alternative Formats and Translation of Handouts/Presentation Material**

Large print versions of all printed material shall be available at all public meetings. If requests for additional alternative formats are made in advance of the meeting (within the timeframes below), these formats must be available for the start of the meeting. If requests for alternative formats are made at or following the meeting, the alternative format must be provided within seven days of the request.

These requirements are the same with respect to translation into foreign languages, where the language requested is identified through application of the four factor analysis process, set forth in the MassDOT Title VI Language Assistance Plan. When a language group is small, defined as 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, foreign language translations of “vital documents” should be provided, and non-vital documents may be orally translated. This requirement does not affect the requirement to provide meaningful translation to one or more in a small group of LEP individuals through competent oral interpreters or translation where language services are needed and are reasonable.

##### **5.4.1 Creating Alternative Formats**

See attachment 6.7 for step by step instructions on creating alternative formats.

##### **5.4.2 Large Print Version**

5.4.2.1 At least five copies of any text-based printed material to be handed out during the meeting shall be in large print.

5.4.2.2 Large print meeting materials shall:

5.4.2.2.1 Be created using "Arial" font with a font size of 16 pt.

5.4.2.2.2 Have the same information as the original handout.

5.4.2.2.3 Have the highest contrast possible (e.g. black on white).

5.4.2.2.4 If graphics (such as images, tables, or graphs) are used in the original document, the same graphics shall be included in the large print version of the document.



- 5.4.2.2.4.1 If graphics are used in the large print document, a brief description of the image shall be provided. Image descriptions shall be brief and provide the viewer of the document with a general idea of what is in the image.
- 5.4.2.2.4.2 If tables or graphs are used in the large print document, a summary of the table or graph shall be provided.

#### **5.4.3 Electronic Version**

- 5.4.3.1 If an electronic version of materials is requested within 24 hours in advance of the meeting, this version shall be available for the meeting, if no advance request is made but rather is requested at or after the meeting, then meeting materials shall be made available electronically, within 7 calendar days of the request.

Note: Whenever possible, meeting planners should bring several copies of an electronic accessible version of the meeting material to the public meeting. Some individuals with visual impairments or other disabilities may attend with portable screen reading software that would allow them to access electronic material during the meeting.

#### **5.4.4 Braille Version**

- 5.4.4.1 If a Braille version of materials is requested within one week in advance of the meeting, this version shall be available for the meeting, if no advance request is made but rather is requested at or after the meeting, then Meeting materials shall be made available in Braille within 7 calendar days of the request.

#### **5.4.5 Audible Version**

- 5.4.5.1 If an audible version of materials is requested within one week in advance of the meeting, this version shall be available for the meeting, if no advance request is made but rather is requested at or after the meeting, then meeting materials shall be made audible, within 7 calendar days of the request.

#### **5.4.6 Foreign Language Version**

- 5.4.6.1 If a common foreign language version of materials is requested within one week in advance of the meeting, this



version shall be available for the meeting, if no advance request is made but rather is requested at or after the meeting, then Meeting materials shall be made available in the language requested within 7 calendar days of the request.

**5.4.7 Other requests for alternate formats**

5.4.7.1 Individual attendees may have unique specifications for alternate formats. All reasonable requests for alternate formats shall be honored upon request, within 7 calendar days of the request.

**5.4.8** Meeting attendees will not be charged for any cost affiliated with the creation of alternate formats of meeting material.

**5.5 Publicizing the Meeting**

**5.5.1** Public meetings shall be publicized as early as possible—ideally, at least 21 calendar days in advance, but never less than 14 days in advance. This allows attendees time to submit requests for reasonable accommodations and for meeting planners to set deadlines for accommodation requests to be made in a timely manner. The meeting publicity also needs to be translated into the languages that are identified through application of the four factor analysis set forth in the MassDOT Title VI Language Assistance Plan.

**5.5.2** In addition to any other means, all public meetings shall be posted on [www.mbta.com](http://www.mbta.com) or <http://www.massdot.state.ma.us>

**5.5.3** All meeting notices shall include:

- 5.5.3.1 The statement “This location is accessible to persons with disabilities”
- 5.5.3.2 A brief listing of accessibility features that either are available or may be made available upon request during the public meeting (e.g. sign language, CART, assistive listening devices and/or foreign language interpreters).
- 5.5.3.3 Information on how to request reasonable accommodations by phone, e-mail or fax and the deadline for requests.
- 5.5.3.4 Information on how to request foreign language interpreter assistance.

- 5.5.3.5 See Attachment at section 6.7 for a sample meeting posting.

## **5.6 Additional Considerations**

- 5.6.1 Within 48 hours, meeting planners shall follow-up with attendees who have requested reasonable accommodations to let them know their request has been received and will be honored to the extent possible.

Note: Especially in the case of ASL interpreters, the meeting planner may not know of their availability until 24 hours prior to the meeting. It is reasonable to let people know their request has been received and that it is in the process of being put in place, however if no interpreter is available people need to be notified and alternate plans must be made – such as CART or Video Relay.

- 5.6.2 Emergency Preparedness

- 5.6.2.1 In the event of an emergency, some attendees with disabilities may not be able to evacuate independently. Meeting planners shall familiarize themselves with the evacuation plan for the meeting space.

- 5.6.2.2 At the beginning of each meeting, meeting presenters shall announce the safety briefing--including information regarding where those attendees who would require assistance should wait during an emergency.

- 5.6.3 When opening a public meeting, presenters shall announce:

- 5.6.3.1 The presence and function of sign language interpreters (if interpreters are in the room), and/or CART providers
- 5.6.3.2 That assistive listening equipment is available
- 5.6.3.3 The location of accessible restrooms
- 5.6.3.4 The safety briefing (see 5.6.2.2).

- 5.6.4 When presenting, presenters at public meetings shall:

- 5.6.4.1 Speak slowly and clearly so that the sign language interpreters have time to interpret.
- 5.6.4.2 Verbally describe information presented visually (e.g. PowerPoint) so that attendees with visual impairments can access the information.
- 5.6.4.3 Ensure that any videos/DVDs shown during the meeting are encoded with closed captioning and are shown on a

closed caption compatible device. Subtitles are an acceptable alternative.

- 5.6.4.3.1.1 Provide an alternate version of the video/DVD with descriptive video/described narration. (See Attachment 6.9 for captioning resources.)

Note: It may not always be a good choice to use a described video in an open meeting as this can be a problem for other viewers.

## 6.0 Attachments

### 6.1 Accessibility Checklist for Meeting Planners

Meeting Date:

Meeting Time:

Subject of Meeting:

Location:

MassDOT Attendees:

☐ Is there at least one person or Department who is responsible for ensuring that the public meeting is accessible for all attendees?

Print Name/Department:

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Publicizing Meeting:

☐ Has the public meeting been publicized at least 3 weeks in advance?

☐ Has the meeting been publicized on the MassDOT or MBTA website?

☐ Has the meeting been publicized in the required foreign languages and ethnic newspapers for the relevant populations in the community where the meeting is to be held?

☐ Does the public meeting notice include accessibility information, how to request a reasonable accommodation, relevant dates for making requests and information on whom to contact to request a reasonable accommodation?

☐ Does the public meeting notice include information on how to request foreign language interpreters?

Facility:

Date of Facility Assessment:

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☐ Where applicable (in areas where public transportation is available), is the meeting location 1/4 mile or less from the nearest accessible bus stop or rail station?

- ☐ Where applicable, is there an accessible path of travel provided from the public transportation stop to the meeting location and meeting room?
- ☐ If parking will be available at the meeting location, are there accessible parking spaces available (review # of car and van accessible spaces)?
- ☐ Is there an accessible path of travel provided from the accessible parking area to the meeting area?
- ☐ If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
- ☐ Is the accessible entrance unlocked and able to be used independently? If the meeting is taking place at night, is the path leading to the alternate entrance well lit?
- ☐ If there are restrooms that are open to the public, is there a pair of accessible restrooms available within close proximity of the meeting area? If not, is there at least one accessible gender neutral restroom?
- ☐ If there are public phones, is there at least one accessible (TTY and within appropriate height range) telephone available?
- ☐ If a stage or platform will be used during the public meeting, is it accessible?
- ☐ If a podium will be used during the public meeting, is the podium height-adjustable? If not, is there a small table (between 28 and 34 inches in height) provided to the side of the podium?
- ☐ Is there a high speed internet connection within the meeting space?

#### Ensuring Appropriate Accommodations:

- ☐ Have sign language and foreign language interpreters, if requested, been reserved for the public meeting?
- ☐ Have CART services, if requested, been reserved for the public meeting?

☐ Are Assistive Listening Devices available for the public meeting? Does someone know how to use the device? Have you checked the devices at least 24 to 48 hours before the meeting and rechecked immediately before the meeting starts? (Note: For large meetings, to avoid the loss of equipment, it is reasonable to ask for a driver's license or other ID as collateral.)

☐ Are at least five large print copies of meeting handouts available?

☐ Are printed materials available upon request, in alternative formats and/or relevant foreign languages?

☐ Are film or video presentations closed captioned and audio described?

Facility/Room Setup (prior to meeting):

☐ If the main entrance to the building is not accessible, is the accessible entrance unlocked?

☐ Is there an integrated seating area for individuals who use a wheeled mobility device in the meeting room?

☐ Is there seating available for attendees who are deaf or hard of hearing, and have requested an accommodation, near the front of the meeting room so that attendees may see the interpreter/captioner, or lip read?

☐ Is there an appropriately lit area in the front of the room for sign/foreign language interpreters and/or CART providers?

☐ Are the aisles at least three feet wide and clear of obstacles or tripping hazards?

☐ If microphones are used during the public meeting, are adjustable microphone stands available for attendees? Can staff be used as floaters with microphones as an alternative?

For recordkeeping and reporting purposes, please submit a copy of this completed checklist to:

Massachusetts Department of Transportation

Office of Diversity and Civil Rights  
10 Park Plaza, Suite 3170  
Boston, MA 02116  
(For MassDOT hosted or sponsored meetings)

Or

Department of System-Wide Accessibility  
MBTA  
10 Park Plaza, Suite 4470  
Boston, MA 02116  
(For MBTA hosted or sponsored meetings)

## **6.2 Ensuring adequate accessible parking**

**6.2.1** See <http://www.mass.gov/eopss/docs/dps/aab-regs/521023.pdf> for Massachusetts Architectural Access Board (MAAB) regulations

**6.2.2** See [https://www.ada.gov/regs2010/2010ADASTandards/2010ADAStandards\\_prt.pdf](https://www.ada.gov/regs2010/2010ADASTandards/2010ADAStandards_prt.pdf) for Americans with Disabilities Act Architectural Guidelines (ADAAG)

## **6.3 Accessible Restrooms**

**6.3.1** See <http://www.mass.gov/eopss/docs/dps/aab-regs/521030.pdf> for Massachusetts Architectural Access Board (MAAB) regulations

**6.3.2** See [https://www.ada.gov/regs2010/2010ADASTandards/2010ADAStandards\\_prt.pdf](https://www.ada.gov/regs2010/2010ADASTandards/2010ADAStandards_prt.pdf) for Americans with Disabilities Act Architectural Guidelines (ADAAG)

## **6.4 How to request sign language, CART Providers or foreign language interpreters**

### **6.4.1 Sign Language Interpreters**

- Complete and submit an on-line request for interpreting services through the Massachusetts Commission for the Deaf and Hard of Hearing's (MCDHH) website
  - Go to <http://mass.gov/mcdhh>
  - Click on "Interpreter/CART referral services"
  - Select "Request an Interpreter on-line"
  - Note: A copy of the Request Form is attached at 6.7, for reference.
- Requests should be submitted within 21 days, but no later than 14 calendar days in advance of the meeting to ensure interpreter availability.
- If the meeting is cancelled or rescheduled, interpreter requests must be canceled at least 48 hours advance in order to avoid being billed for



the service. CART providers must be cancelled no later than 72 hours in advance of the event.

- Interpreters invoices are billed as a minimum of two hours.
- For meetings that are anticipated to last more than 75 minutes, two interpreters shall be provided. In most situations, one CART provider is sufficient if the meeting is no longer than three hours.

#### **6.4.2 Sign Language Interpreters**

- Complete and submit an on-line request for interpreting services through the Massachusetts Commission for the Deaf and Hard of Hearing's (MCDHH) website
  - Go to <http://mass.gov/mcdhh>
  - Click on "Interpreter/CART referral services"
  - Click on "Request an Interpreter"  
<http://www.mass.gov/eohhs/gov/departments/mcdhh/programs/cart/request-an-interpreter.html>
  - Note: A copy of the Request Form is attached at 6.7, for reference.

#### **6.4.3 Foreign Language Interpreters/Translators**

- MassDOT's policy combines the use of bilingual staff, interpreter services and translated materials to communicate effectively with persons who are not fluent in English. When a request for oral interpretation is made, or a significant language speaking population is expected to attend a public meeting, the following steps should be reviewed and carried out to ensure compliance with Title VI requirements.
- Conduct a four-factor analysis as to the kind of meeting in question and the populations that are in the affected communities, using the language group maps that are contained in the Language Assistance Plan. Identify the languages that are likely to be needed and consult with the Office of Diversity and Civil Rights Title VI Coordinator and/or Specialist for assistance with any problems

concerning the language groups that may require interpreter services.

- Identify the source for interpreter services, recognizing that most providers require one-two weeks advance notice of a meeting, based on the language(s) to be interpreted.

#### **6.4.4 Interpreter Resources**

- Projects should have a line item in the budget allocating funds for translation/interpretive services for public meetings. When additional resources are needed for unexpected or unanticipated documents or meetings, there may be funds available. Please contact your department manager to make a request through Budget to secure state or federal funds, as needed. For shared services or internal operations where there may not be a project number, please contact the Chief Administrative Officer of MassDOT to secure the funds.
- Request and cancellation timeframes
  - Requests should be submitted at least 14 calendar days in advance of the meeting to ensure interpreter availability
  - If the meeting is cancelled or rescheduled, interpreter requests must be canceled at least 48 hours advance in order to avoid being billed for the service
  - Interpreter invoices vary by provider but may have a minimum of two to three hours.
  - For meetings that are anticipated to last more than 75 minutes, two interpreters shall be provided.

### **6.5 How to reserve assistive listening devices**

6.5.3 Contact MassDOT Facilities at 857-368-9560.

6.5.4 Departments that frequently host public meetings are encouraged to purchase Assistive Listening Devices so that they are readily available.

### **6.6 How to Create Alternate Formats**

6.6.1 Electronic Version

- 6.6.1.1** Accessible electronic formats include email, and Microsoft Word Document (DOC or DOCX), a text file (TXT), or Rich Text Format (RTF).

Note: Some attendees requesting material electronically may have a visual impairment and use screen reading software. The formats referenced above are most compatible with such software.

- 6.6.1.2** Public meeting materials that are created electronically shall:

**6.6.1.2.1** Be created using "Arial" font and a font size of 16 pt.

**6.6.1.2.2** Shall have the same information as the original document and shall have the highest contrast possible.

**6.6.1.2.3** If graphics (such as images, tables, or graphs) are used in the original document, the same graphics shall be included in the electronic version of the document.

**6.6.1.2.4** If images are used in the electronic document, a brief description (providing the viewer of the document with a general idea of what's in the image) shall be provided.

**6.6.1.2.5** If tables or graphs are used in the electronic document, a summary of the table or graph shall be provided.

## **6.6.2** Braille Version

- 6.6.2.1** Meeting materials that are in Braille shall:

**6.6.2.1.1** Be created using contracted Braille (Grade 2) and single-spaced.

**6.6.2.1.2** Braille documents shall have the same information as the non-accessible handout.

**6.6.2.1.3** If tables or graphs are used in the regular document, a summary of the table or graph shall be provided in the Braille document.

- 6.6.2.2** In order to create a Braille document:

The Massachusetts Office on Disability maintains a listing of braille printers available to state agency personnel. Contact MOD at:

One Ashburton Place #1305

Boston, MA 02108

(617) 727-7440 or (800) 322-2020 toll free (both V/TTY)

#### 6.6.3 Audible Version

**6.6.3.1** Public meeting material that is recorded audibly shall:

**6.6.3.1.1** Have the same information that's printed on the original handout.

**6.6.3.1.2** Be spoken clearly.

**6.6.3.1.3** Shall describe images used in the original handout.

**6.6.3.1.4** Shall provide an explanation of any table or graph is used in a meeting document. The meeting planner shall ensure that the audible explanation of the table/graph is clearly explained and represents the table or graph on the printed document.

## 6.7 Sample meeting posting (in an MBTA context)

Meeting Date	September 21, 20__
Meeting Time	1:00 P.M.-3:00 P.M.
Subject of Meeting	Judge Patrick King's Update on MBTA/BCIL Settlement Agreement
Location	State Transportation Building, 2nd Floor, Conference Rooms 2-3
MBTA Attendees	Department of System-Wide Accessibility

### Sample Text

Meeting Purpose - Judge Patrick King will be hosting a public meeting to discuss his assessment of the MBTA's progress towards compliance with the MBTA/BCIL settlement agreement. Please come to share your questions and comments regarding accessibility at the T.

Notice: This location is accessible to people with disabilities. MassDOT provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact MassDOT's Chief Diversity & Civil Rights Officer by phone at (857) 368-8580, TTD/TTY at (857) 266-0603, fax (857) 368-0602 or by email to [MASSDOT.CivilRights@dot.state.ma.us](mailto:MASSDOT.CivilRights@dot.state.ma.us). Requests should be made as soon as possible prior to the meeting, and for more difficult to arrange services including sign-language, CART or language translation or interpretation, requests should be made at least ten business days before the meeting.

**(Note: This notice should be translated into the languages other than English that are identified to be necessary for the Limited English Proficient populations represented in the area of the project or initiative to be invited to participate.)**

## **6.8 Resources for adding closed captioning and/or described narration to your video**

- Statewide IT Accessibility Services Contract, ITS61 – <http://www.mass.gov/anf/research-and-tech/policies-legal-and-technical-guidance/tech-guidance/accessibility-guidance/it-accessibility-services-statewide-contract.html>
- WGBH - <http://main.wgbh.org/wgbh/pages/mag/services/captioning/>
- 3 Play Media - <http://www.3playmedia.com/>
- Line 21 - <http://www.line21.tv/>
- TelePrint Digital Media - <http://www.tele-print.com/>
- Broadcast Captioning & Consulting Services - <http://www.closedcaptioning.com/>

## **6.9 Document History (Reserved)**

## **4 PUBLIC PARTICIPATION PROCEDURES FOR LONG-TERM PLANNING IN MASSACHUSETTS**

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 (LRSTP)
- statewide strategic and modal plans, and
- plans and studies of specific areas or transportation corridors.

The planning process consists of a series of related efforts that involve multiple agencies, studies, project coordination efforts, funding mechanisms and extensive public participation. Due to complex regulations, funding availability, and competing needs, there is often an extended period of planning (sometimes from several years to decades) from when an idea is first proposed to when an actual transportation project becomes reality.

The procedures MassDOT has adopted for its long-term planning activities are intended to be implemented in conformity with the MassDOT Title VI and Americans with Disabilities Act protocols, policies and procedures for inclusive and accessible public participation provided in this document.

### **The Long-Range Statewide Transportation Plan**

The long-range statewide transportation plan for Massachusetts, which is required by Title 23 USC, Section 135(e) as amended by the Transportation Equity Act for the 21st Century and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 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 on 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 through the protocols articulated in Chapter 3. These include minority and low-income individuals, people with disabilities, and those who do not speak English well.

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

MassDOT takes a proactive, grassroots 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, 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 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 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 who do not speak English well. 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, 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.

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*

MassDOT holds up to ten meetings in locations across the Commonwealth. 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; provide a TTY contact number; 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

The presentations provided at the public information meetings could be posted on the Department's website in several formats, possibly including a version with audio and a version with speaker's notes to accommodate persons with sight or hearing disabilities. 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 INVOLVEMENT PROCEDURES FOR THE STATE TRANSPORTATION IMPROVEMENT PROGRAM**

The State Transportation Improvement Program (STIP), which is required by Title 23 USC, Section 134 (h) as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users law, and the recently-authorized MAP-21 (Moving Ahead for Progress in the 21<sup>st</sup> Century) law 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 30 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.

The procedures MassDOT adopted for development of the agency's STIP are intended to be implemented in conformity with the MassDOT Title VI and Americans with Disabilities Act protocols, policies and procedures for inclusive and accessible public participation provided in this document.

### ***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 30-day comment period will coincide with or overlap an individual region's 30-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](http://www.twitter.com/massdot)); YouTube (<https://www.youtube.com/user/youmovemass>); the Commonwealth's transportation blog ([www.transportation.blog.state.ma.us](http://www.transportation.blog.state.ma.us)).

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:

<http://www.massdot.state.ma.us/planning/Main/StatewidePlans/StateTransportationImprovementProgram.aspx>

## **6 PUBLIC INVOLVEMENT PROCEDURES FOR RAIL AND TRANSIT DIVISION PROGRAMS**

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.

The procedures MassDOT's Rail and Transit Division has adopted for development of the agency's grant programs are intended to be implemented in conformity with the MassDOT Title VI and Americans with Disabilities Act protocols, policies and procedures for inclusive and accessible public participation provided in this document.

### **Process**

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

1. **Project Proposals:** During the call for projects, the Rail & Transit Division works with the MassDOT Office of Diversity and Civil Rights to review incoming projects 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 report their outreach activities on a quarterly basis.

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.

## **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.



## **7 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.

The procedures MassDOT's Highway Division has adopted for project development are intended to be implemented in conformity with the MassDOT Title VI and Americans with Disabilities Act protocols, policies and procedures for inclusive and accessible public participation provided in this document.

#### **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:

<http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/ManualsPublicationsForms/ProjectDevelopmentDesignGuide.aspx>

Chapter 2 of the *Guide* is available as a standalone document here:

[http://www.massdot.state.ma.us/Portals/8/docs/designGuide/CH\\_2\\_a.pdf](http://www.massdot.state.ma.us/Portals/8/docs/designGuide/CH_2_a.pdf)

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*.



## **PUBLIC PARTICIPATION PLAN - APPENDIX 1**

### ***Federal Public Participation Mandates***

#### **23 CFR 450**

The federal regulations concerning public participation in statewide transportation decision making are specified in Title 23, Section 450.210, of the Code of Federal Regulations (CFR). These regulations require that public involvement processes be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement; they leave the choice of methods for facilitating participation to the discretion of each state. The regulations specify that participation processes must provide:

- Early and continuing opportunities for public involvement
- Timely information on transportation issues and decision-making processes
- Reasonable access to technical and policy information
- Electronically accessible public information on the Web
- Adequate notice of involvement opportunities and time for review and comment at key decision points
- Procedures for demonstrating explicit consideration of and responses to public input
- A process for soliciting and considering the needs of traditionally underserved populations
- Periodic review and evaluation of the participation process
- Public meetings at convenient and accessible locations and convenient times
- Visualization techniques to describe the proposed plans and studies
- 45 calendar days for public review of and written comment on public participation procedures in the development of the Long-Range Statewide Transportation Plan (LRSTP) and the Statewide Transportation Improvement Program (STIP) before new procedures and any major revisions to existing procedures are adopted

Title 23, Section 450.212, specifies the public participation requirements for systems-level, corridor, and subarea planning studies.

Title 23, Section 450.214, specifies the public participation requirements for development of the Long-Range Statewide Transportation Plan.

Title 23, Section 450.216, specifies the public participation requirements for development of the Statewide Transportation Improvement Program.

Title 23, Section 450.218, specifies that the transportation-planning process is to be carried out in accordance with all of the applicable requirements of:

- 23 USC 134 and 49 USC 5303 regarding metropolitan transportation planning, 23 USC 135 and 49 USC 5304 regarding statewide transportation planning, and 23 CFR 450 regarding planning assistance and standards.
- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d–1), and 49 CFR part 21 regarding nondiscrimination in federally-assisted programs of the Department of Transportation.
- 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of SAFETEA-LU (Pub. L. 109–59) and 49 CFR part 26, regarding the involvement of disadvantaged business enterprises in U.S. DOT–funded projects
- 23 CFR part 230, regarding implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts
- Americans with Disabilities Act of 1990 (42 USC 12101 *et seq.*) and 49 CFR parts 27, 37, and 38
- In states containing air pollutant nonattainment and maintenance areas, Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 USC 7504, 7506 [c] and [d]) and 40 CFR part 93
- Older Americans Act, as amended (42 USC 6101), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance
- Section 324 of Title 23 USC, regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and 49 CFR part 27, regarding discrimination against individuals with disabilities

### **Americans with Disabilities Act of 1990 (ADA)**

The Americans with Disabilities Act of 1990 (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from

participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Therefore, ADA requires that locations for public participation activities, as well as the information presented, must be accessible to persons with disabilities.

ADA requires specific public participation efforts for the development of paratransit plans:

- Hold a public hearing
- Provide an opportunity for public comment
- Consult with disabled individuals

### **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, provides that “no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The entire institution, whether educational, private or governmental, must comply with Title VI and related Federal civil rights laws, not just the program or activity receiving federal funds.

FTA C 4702.1A, Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients, provides guidance on promoting inclusive public participation. This circular recommends the seeking out and consideration of the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities. It identifies the following effective practices for fulfilling the inclusive public participation requirement:

- Coordinate with individuals, institutions, or organizations and implement community-based public involvement strategies to reach out to members of the affected minority and/or low-income communities.
- Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture verbal comments.
- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- Utilize different meeting sizes or formats or vary the type and number of news media used to announce public participation opportunities, tailoring communications to the particular community or population.

- Implement DOT's policy guidance concerning recipient's responsibilities to LEP persons to overcome barriers to participation.

Executive orders regarding environmental justice and outreach to persons with limited English proficiency are also regulated under Title VI of the Civil Rights Act:

*Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994*

This executive order states that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Traditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.

*Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000*

This executive order requires that recipients of federal financial aid ensure that their programs and activities that are normally provided in English are accessible to persons with limited English proficiency.

## **23 USC 109(h)**

The U.S. Secretary of Transportation is required by 23 USC 109(h) to promulgate guidelines to ensure that possible adverse economic, social, and environmental effects relating to any proposed project on any federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects as the following:

- Air, noise, and water pollution
- Destruction or disruption of manmade and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services
- Adverse employment effects, and tax and property value losses
- Injurious displacement of people, businesses, and farms

- Disruption of desirable community and regional growth

## **23 CFR 771**

The joint FHWA/FTA regulations of 23 CFR 771 prescribe the policies and procedures for implementing the National Environmental Policy Act of 1969 as amended (NEPA) and the Council on Environmental Quality (CEQ), 40 CFR 1500-1508. It sets forth all FHWA, FTA, and U.S. DOT requirements under NEPA for the processing of highway and urban mass transportation projects and sets forth procedures to comply with 23 USC 109(h), 128 and 138, and 49 USC 303, 1602(d), 1604(h), 1604(i), 1607a, 1607a-1, and 1610.

Section 771.111 discusses early coordination, public involvement, and project development.

Section 771.111 (h) specifies (for the federal-aid highway program) that each state must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 USC 128 and 40 CFR parts 1500 through 1508.

State public involvement/public hearing procedures must provide for:

- Coordination of public involvement activities and public hearings with the entire NEPA process.
- Early and continuing opportunities during project development for the public to be involved in 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)<sup>6</sup> to be held by the state highway agency at a convenient time and place 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 FHWA determines that a public hearing is in the public interest.

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<sup>6</sup> An “opportunity for hearing(s)” is when the public is given the opportunity to request that one or more hearings be held so that members of the public can give formal comments on the public record.

- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. 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.

#### **49 CFR 24.8(b)**

This section requires that the implementation of uniform relocation assistance and real property acquisition for federal and federally-assisted programs is in compliance with Title VI of the Civil Rights Act of 1964.

## PUBLIC PARTICIPATION PLAN - APPENDIX 2

The development of an effective public participation program for a transportation plan, program, or project is a strategic effort that requires techniques designed to meet the particular needs involved. MassDOT has considered and based its public participation approaches on the following guidance from the United States Department of Transportation, to systematically set up and implement a public participation program for a specific plan, program, or project:

1. ***Set goals and objectives for your public participation program.*** *The goals and objectives derive from the specific circumstances of a given transportation plan, program, or project. What decisions, formal or informal, are to be made? When? By whom? What public input is needed? Public input can be in the form of a consensus on a plan or a buildable project. Consensus does not mean that everyone has to agree enthusiastically but that all influential groups and individuals can live with a proposal. Public input can be in the form of information used by staff or decision makers. Agencies use the objectives to form the public involvement program. The more specific the objectives, the better they will guide the involvement program.*
2. ***Identify the people to be reached.*** *The general public and those directly affected, such as abutting property owners, are some of those who should be reached. If the public is not included or there is no proof of our attempt to reach out, there may be grounds for concerned individuals to challenge the fairness of a project development process. Review who is affected directly and indirectly, as well as those who have shown past interest. Look for people who do not traditionally participate, such as minorities and low-income groups. What information do they need to participate? What issues or decisions affect which specific groups or individuals? How can their ideas be incorporated into decisions? New individuals and groups appear throughout a public involvement program; there should be a way to identify and involve them. Conceptualize the public as a collection of discrete groups, individuals, and the general public; each has different interests and different*



*levels of energy for participation. Most importantly, we must be clear that every member of the public we serve has a right to be part of any transportation planning process, and we are obligated to create real opportunities in support of that right.*

*Usually, setting the goals and objectives for a public participation program and identifying the people to be reached should interact and are conducted simultaneously. In addition to brainstorming and analysis by agency staff, MassDOT staff should ask members of the public for their input on goals, objectives, and names of people who might be interested. This can be done through key person interviews or focus groups or public opinion surveys.*

- 3. Develop a general approach or set of general strategies that are connected to the goals and objectives of the participation program and the characteristics of the target audiences.** *For example, if an objective is to find out what people think about a proposal, use several techniques for eliciting viewpoints. Strategies fit the target audience in terms of what input is desired and the level of interest or education. General approaches respect agency resources of time, money, and staff. A general approach can be visualized in terms of a principal technique; for example, a civic advisory committee. It could be visualized as a stream of different activities connected to specific planning or project decisions. Alternatively, a general approach could be viewed as a focus on one or more public groups or interests. Be sure to check with members of the public for ideas on your general approach and whether the public to be reached finds the approach acceptable.*
- 4. Flesh out the approach with specific techniques.** *Consult past experience for what works and does not work. Look at manuals of techniques, such as Public Involvement Techniques for Transportation Decision-Making (<http://www.fhwa.dot.gov/reports/pittd/cover.htm>). Choose techniques that fit your specific purpose and your public. Target individual groups with appropriate techniques. Approaches that fit the general public often do not fit specific*



*groups well and result in lack of attendance at meetings. Do not isolate groups; provide a way for them to come together and for the general public to review what groups have contributed. This linkage can be essential for building consensus, when needed.*

5. ***Assure that proposed strategies and techniques aid decision-making to close the loop.*** Ask agency staff the following questions: Are many people participating with good ideas? Are key groups participating? Is the public getting enough information as a basis for meaningful input? Are decision-makers getting adequate public information when it is needed? If a consensus is needed for decision-making, consensus-building techniques like negotiation and mediation or collaborative task forces may be useful. Ask participants who is missing from the participation process. How can missing participants be attracted? Do participants think discussion is full and complete? Do they think the agency is responsive? Is participation rewarding? If not, why not? Continually evaluate and make mid-course corrections.

## **E. LANGUAGE ASSISTANCE PLAN**

### **i. 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.

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

The LEP requirements have their roots in the civil rights movement and the legislation it produced.

- 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.
- 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.
- 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.
- 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. The Federal Transit Administration (FTA) published its LEP guidance in its Circular 4702.1A, “Title VI and Title VI Dependent Guidelines for FTA Recipients,” on April 13, 2007, which requires recipients to provide meaningful access to LEP persons and recommends development of a language assistance plan consistent with the provisions of Section VII of the U.S. DOT LEP guidance. FTA’s current Title VI Circular, 4702.1B (October 2012) maintains the language access requirement for federally funded programs, services, and activities.

### **iii. 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 March 2017. 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.

In 2011, MassDOT thoroughly revised its Language Access Plan. Based on feedback from FTA, MassDOT further updated this plan in March 2014 (including an updated implementation schedule) and received concurrence from FTA in July 2014. The following sections include the updates MassDOT has made to the Language Access Plan since July 2014. In identifying language assistance measures, MassDOT considers the language access related needs and activities among its subrecipients of federal financial assistance. This can include the Metropolitan Planning Organizations (MPOs) and Regional Planning Agencies (RPAs) and subrecipients of Section 5310, 5311, and 5339 funding—primarily the rural regional transit authorities. As part of its technical assistance to subrecipients, MassDOT provides data and analytical support to facilitate subrecipient four-factor analyses.

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

The language access needs assessment, as defined by U.S. DOT, 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 factor determines what needs to be translated, and the fourth factor identifies translation resources and costs. Following U.S. DOT guidelines, MassDOT explored multiple data sources and conducted targeted outreach to develop its Four-Factor Analysis. In addition to US Census data, MassDOT used other sources of data to inform the four-factor analysis, including:

- surveys of MassDOT staff responsible for providing language assistance and/or interacting directly with the public
- outreach to CBO's serving LEP populations in the areas of highest LEP concentrations 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 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 has begun the process to translate non-Title VI-related vital documents. MassDOT offers free translation of vital and non-vital information in the other languages identified using the FTA-preferred methodology, 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 issues. The remainder of this document provides an update to MassDOT's Four-Factor Analysis.

## **v. 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 Bureau
- 2009–2013 ACS 5% Public Use Microdata Sample (PUMS) data from the U.S. Census Bureau
- Data from school systems and community organizations
- 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 since 2014.

## **a. Quantitative Analysis Techniques**

In 2013, MassDOT conducted analyses of US Census data comparing the top LEP languages results using the population who speaks English less than well, the initial MassDOT method in 2011, to those using the population who speaks English less than very well (FTA-preferred method). We found that the different definitions of limited-English proficiency made little difference in the ranking of the top LEP languages: some of the relative positions changed between the most common languages, and the FTA-recommended definition added seven languages to the group of languages meeting the safe-harbor threshold.

## **b. 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 very well,” “not 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

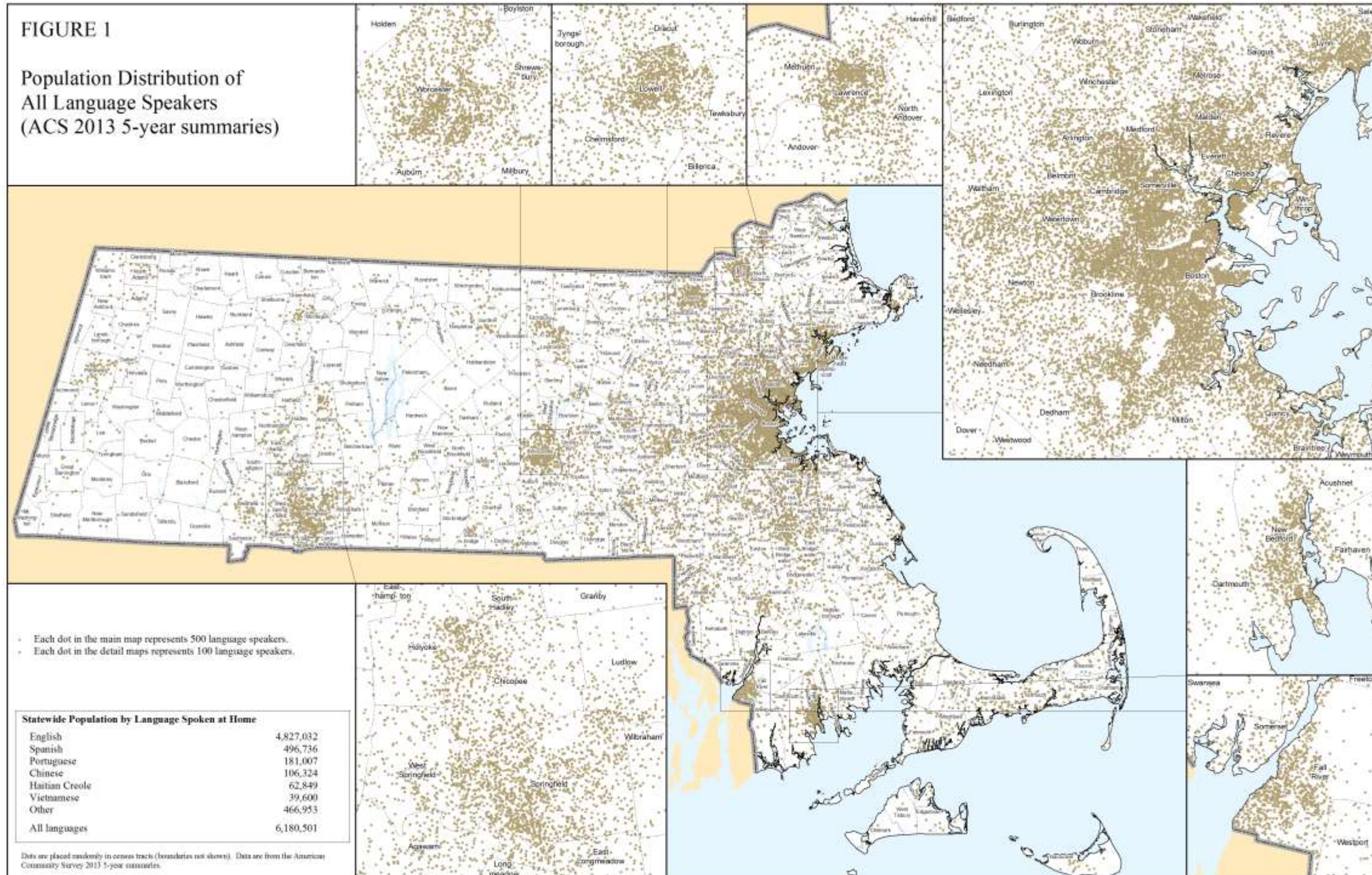
Chinese	28,695	0.46%	3
Vietnamese	14,143	0.23%	4
Haitian Creole	13,322	0.21%	5
Russian	7,490	0.12%	6
Mon-Khmer	5,719	0.09%	7
Arabic	4,302	0.07%	8
Italian	3,860	0.06%	9
French	2,959	0.05%	10
Greek	2,894	0.05%	11
Korean	2,856	0.05%	12
Polish	2,199	0.04%	13
Albanian	1,776	0.03%	14
Gujarati	1,089	0.02%	15
Japanese	1,088	0.02%	16
Nepali	1,071	0.02%	17
<b>Total</b>	<b>261,131</b>	<b>4.18%</b>	

### c. Identification of Concentrations of People with Limited English Proficiency

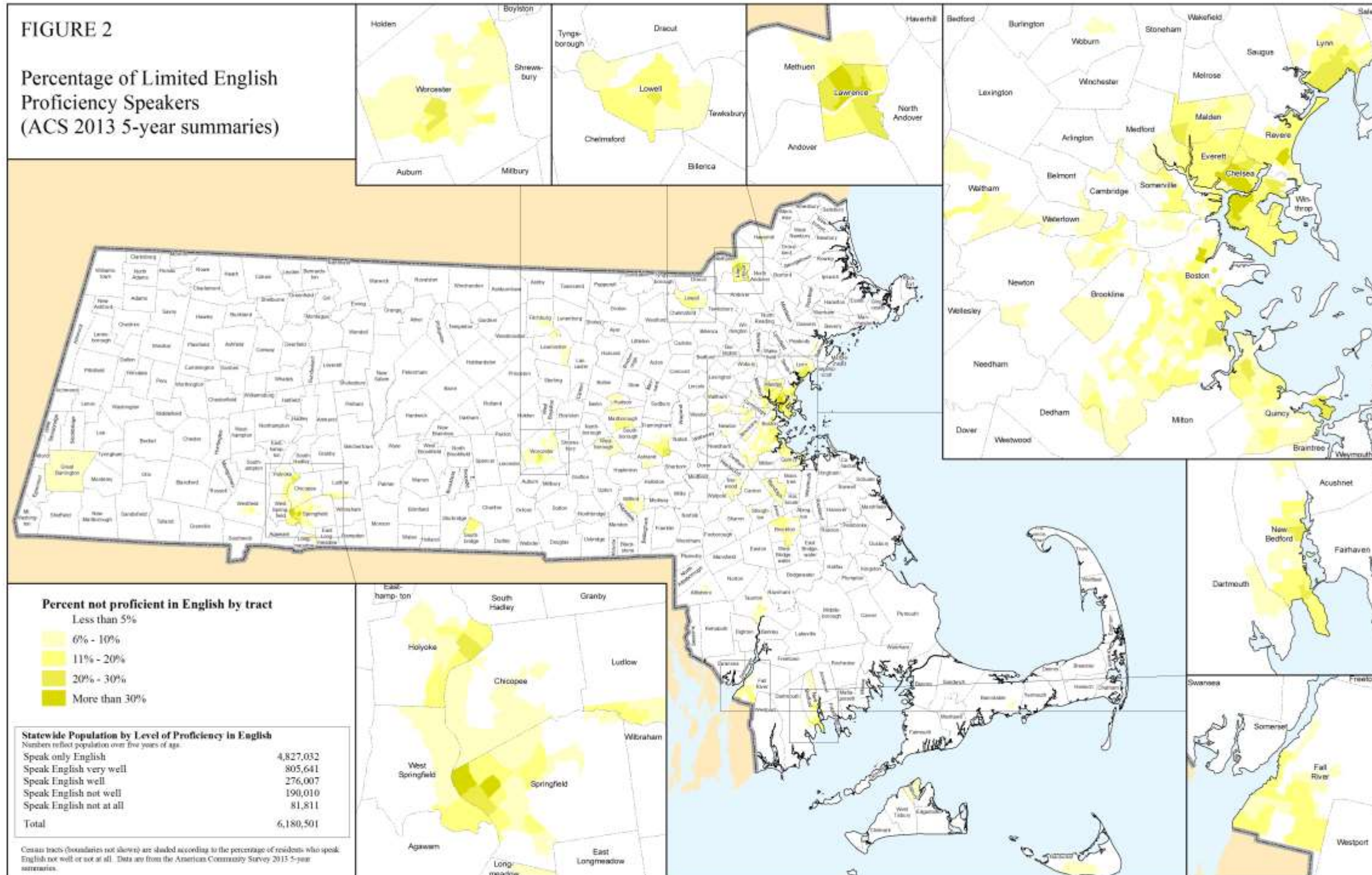
MassDOT mapped the 2013 ACS 5-year summary data in order to provide a geographic representation of locations where specific language assistance may be required. The 2009-2013 ACS dataset does not permit the cross-tabulation of the language spoken at home with LEP status at the census-tract geographic level. However, 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. 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 also 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.









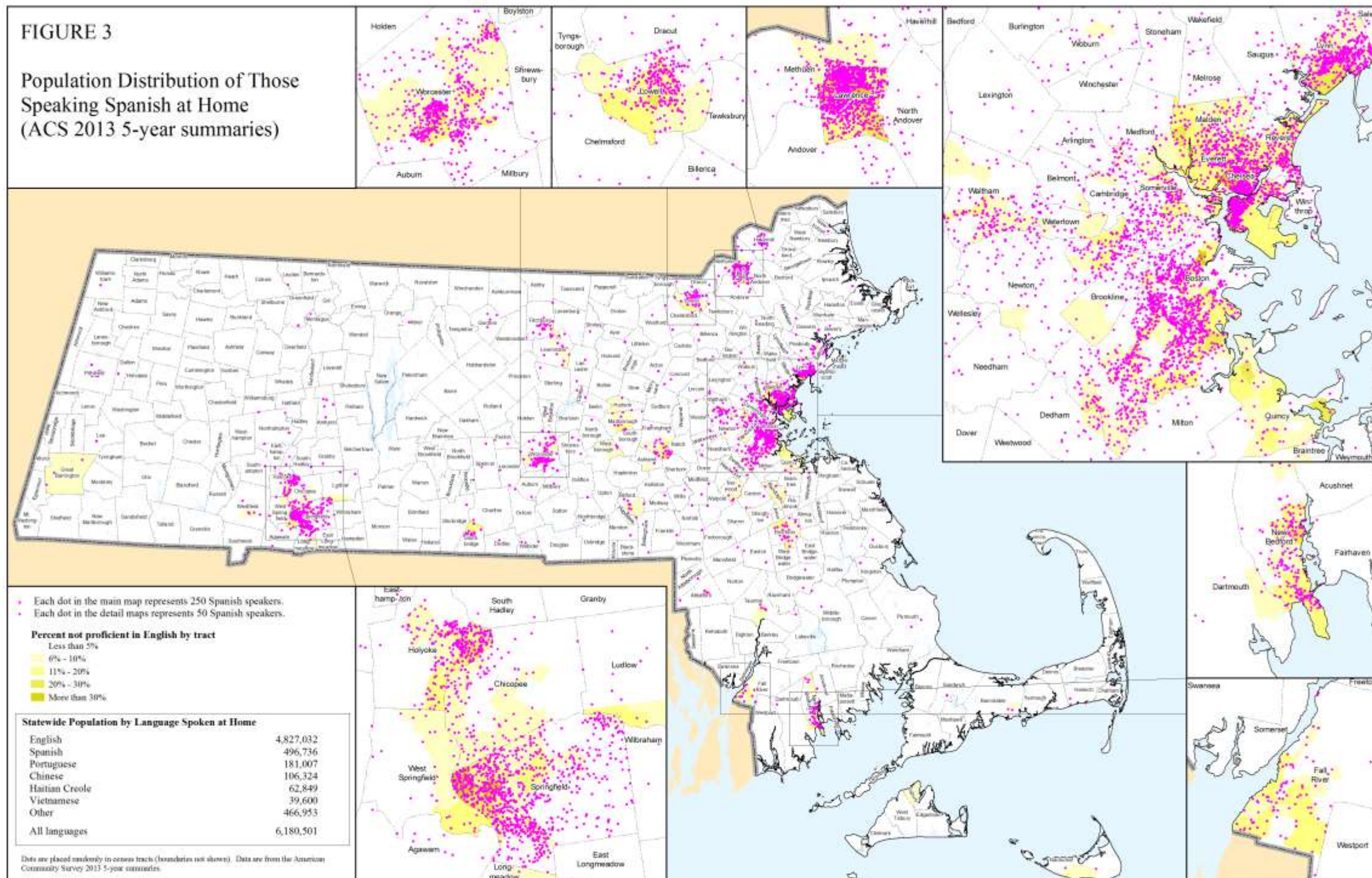
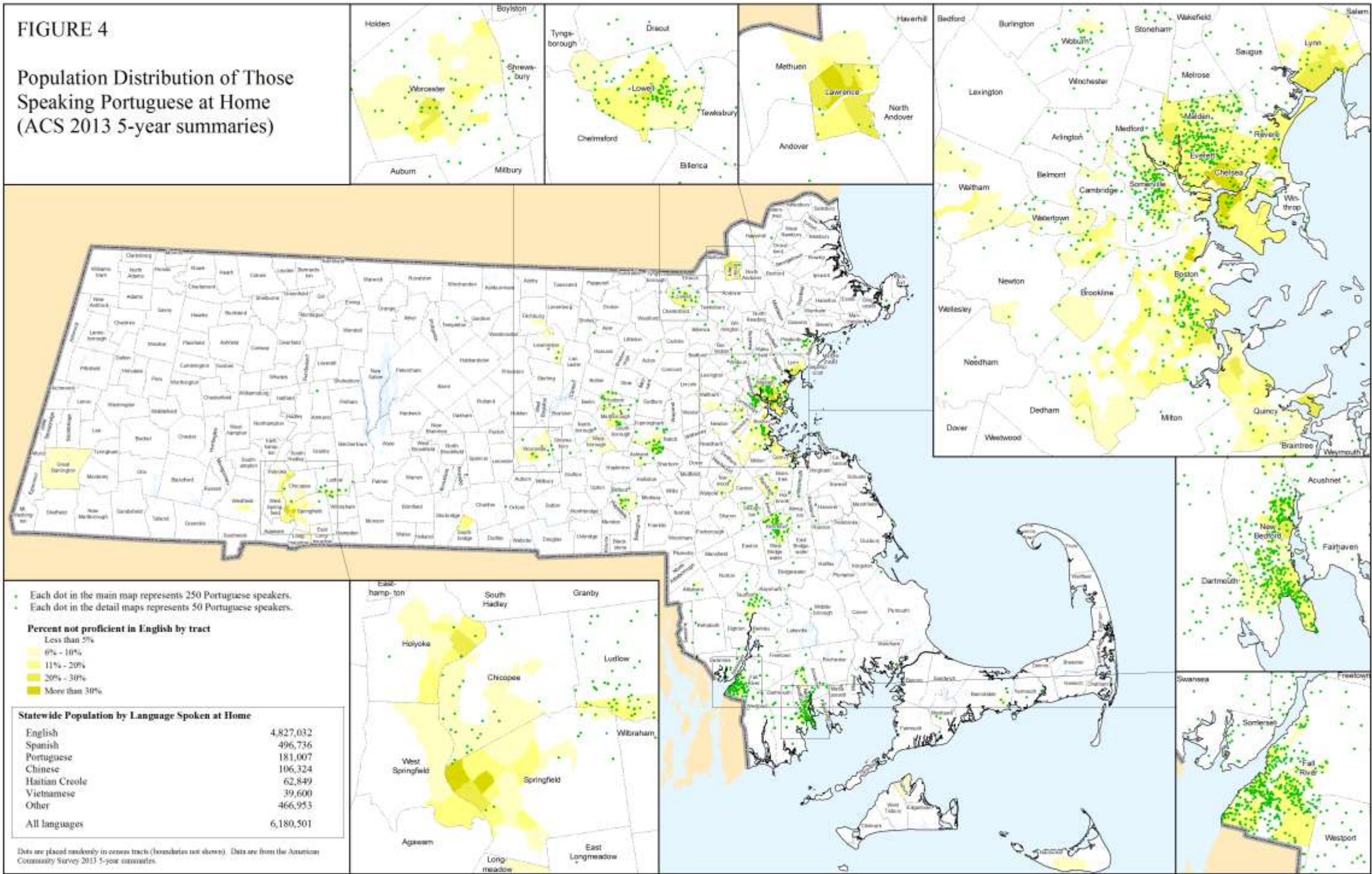


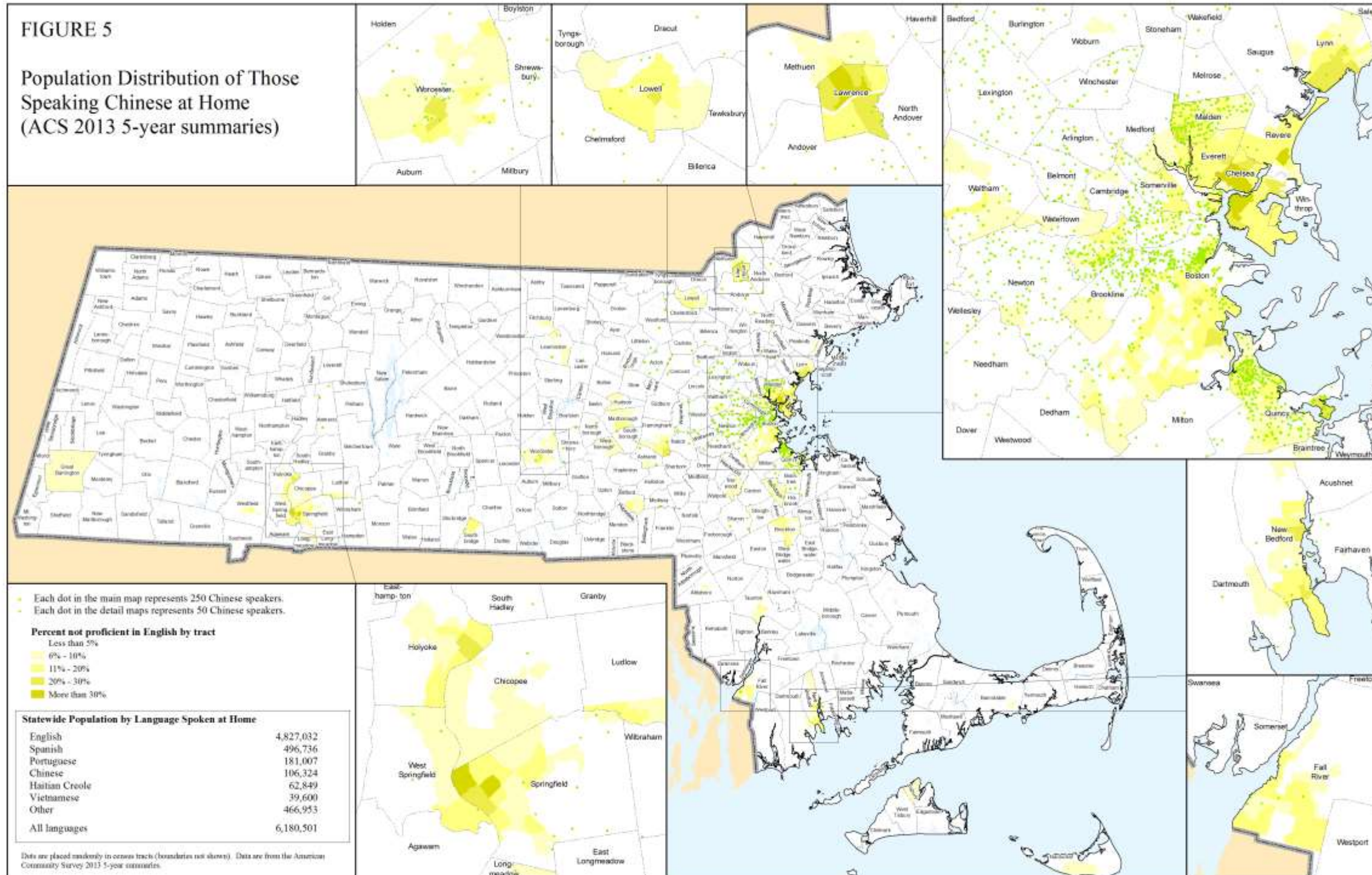


FIGURE 4

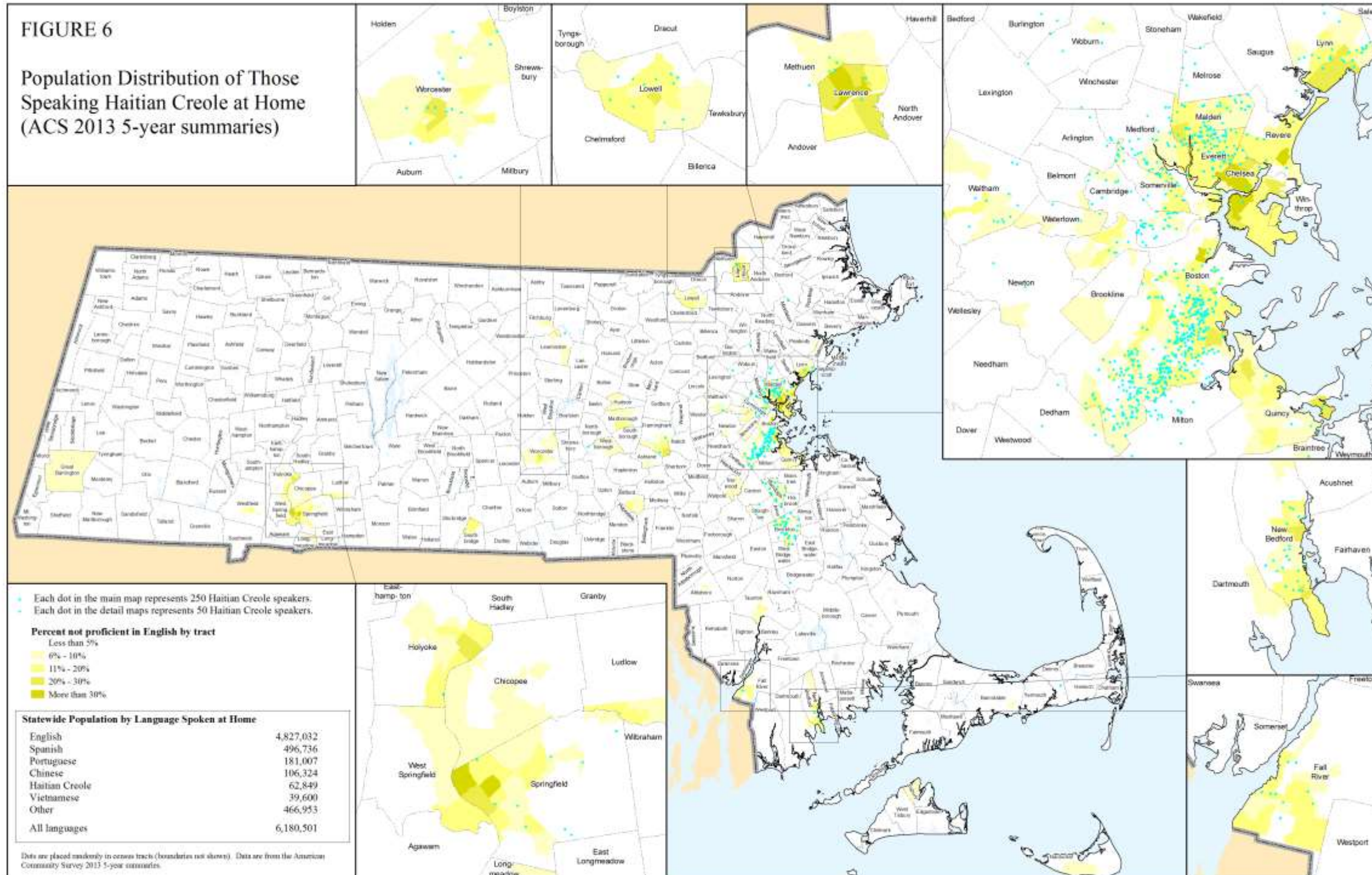
Population Distribution of Those  
Speaking Portuguese at Home  
(ACS 2013 5-year summaries)



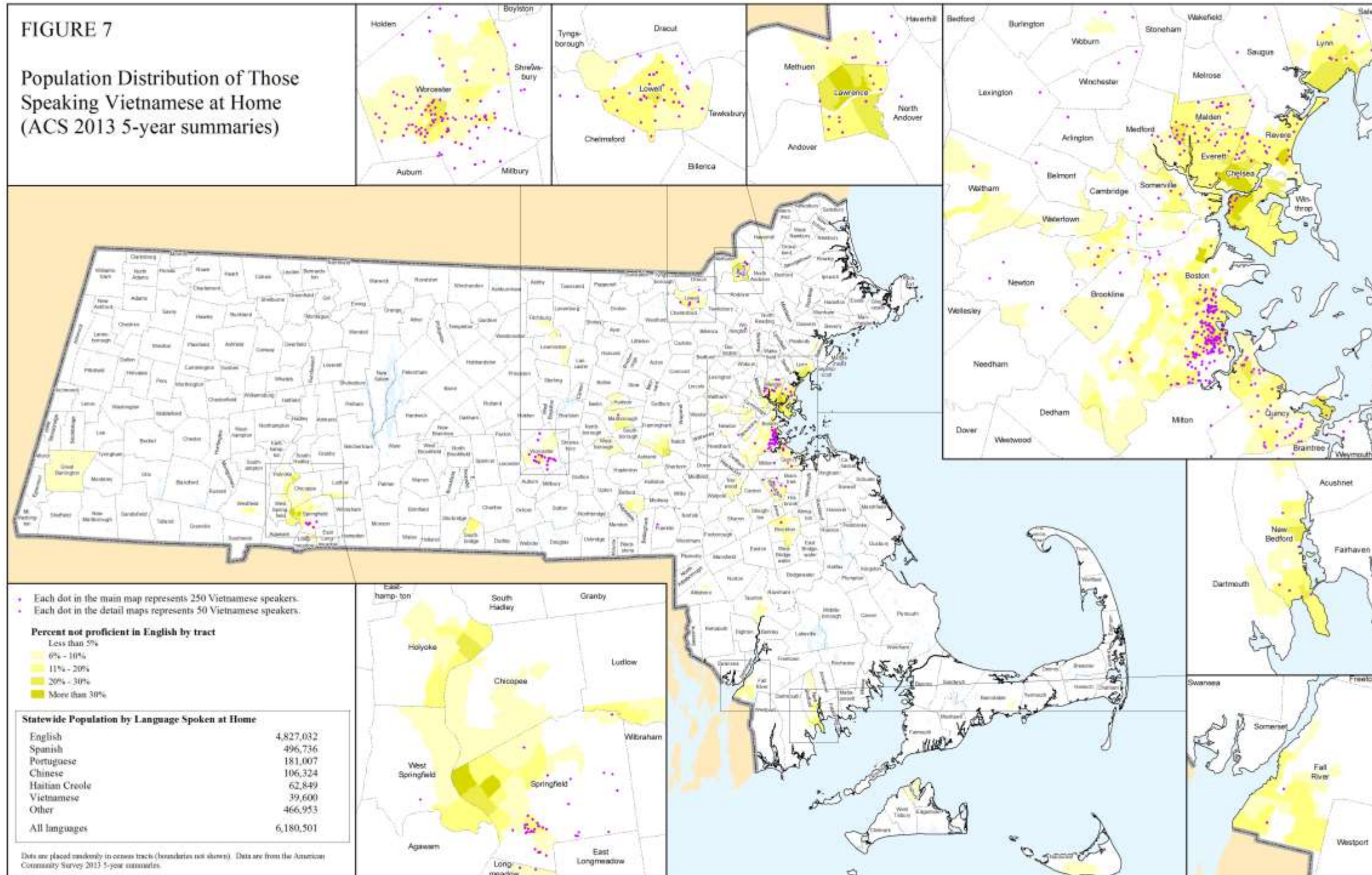








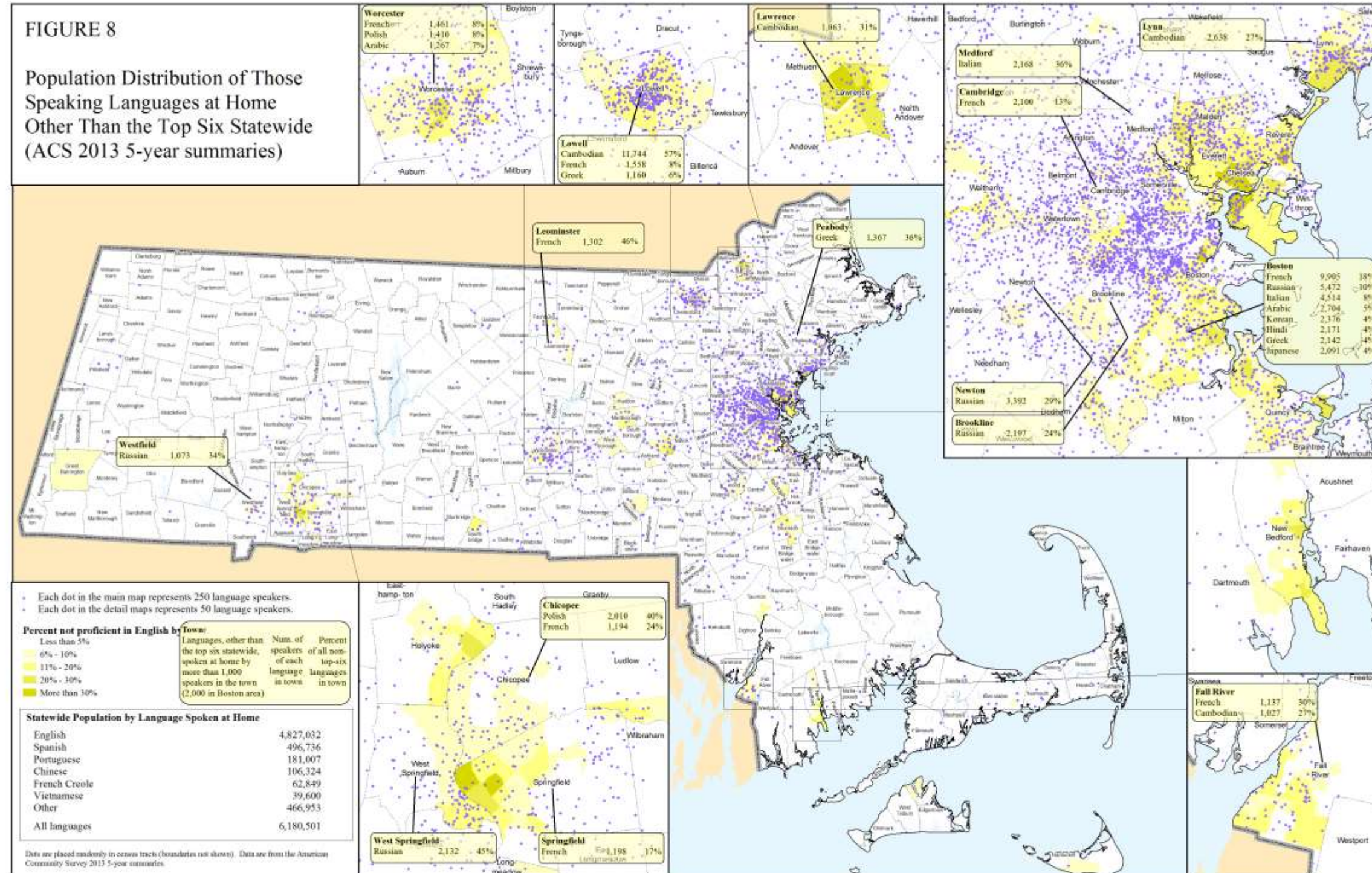






**FIGURE 8**

Population Distribution of Those Speaking Languages at Home Other Than the Top Six Statewide (ACS 2013 5-year summaries)



#### **d. Title VI Online Mapping Tool for Public Engagement**

MassDOT is currently creating a web-based mapping application to facilitate language access, public engagement, and other Title VI related public engagement activities. 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. ODCR has provided each MPO region with spreadsheets of registered not-for-profit organizations and with instructions on how to filter this data to identify previously unknown individuals and organizations to include in outreach efforts. These lists are to be updated annually. With the mapping tool currently in a live beta, ODCR has begun incorporating this technology into staff trainings on Title VI, public participation, and language access obligations.

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

MassDOT reviews 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. This data consistently supports the Census data patterns in terms of the general distribution of LEP populations and languages spoken.



## **f. MassDOT Subrecipients: MPOs**

MassDOT also provides support for Title VI to the Commonwealth's Metropolitan Planning Organizations (MPOs). To support MPO activities with LEP populations, especially with respect to the first of the four-factor analysis method, MassDOT has provided an analytical tool to assist the MPOs. The MassDOT online Title VI mapping tool, described earlier in this section, is a support tool that is designed to assist the MPOs in their efforts to provide meaningful access to FTA-funded programs, services, and activities for LEP individuals in their regions. MPOs can select a geographic area to determine the languages spoken and obtain a list of community-based organizations that can facilitate public outreach.

## **g. MassDOT Subrecipients Funded Under §5310, §5311, and §5339**

MassDOT also provides support for subrecipients receiving any Section 5310, 5311, and 5339 funds; MassDOT funded the three rural regional transit authorities (RTAs) with Section 5311 funding. To support the RTAs with LEP populations, especially with respect to the first of the four-factor analysis method, MassDOT has provided analyses to assist the RTAs. Since 2016, these FTA grant funding subrecipients have been provided with an electronic tool that identifies LEP population concentrations and languages within the service areas defined by these grant awardees. For example, a 5310 subrecipient uses this electronic tool to identify the municipalities covered by its transportation service and gets information on the local language groups that may be or are likely to be encountered. In concert with the mapping tools also provided by MassDOT, these subrecipients are empowered to effectively identify the location and magnitude of local language groups which can inform their program management, public engagement, and Title VI compliance activities.

In addition, MassDOT has analyzed the census data by municipality to assess the language needs at the municipal level of geography. This census data can be used to support any other regional or statewide analysis of LEP populations. In doing so, 10 languages were identified as meeting the safe-harbor threshold. Table 2 lists these languages and the number of municipalities that have LEP populations

meeting the safe-harbor threshold. All of these languages are among the top LEP languages statewide.

**TABLE 2**  
**Number of Municipalities Meeting the Safe-Harbor Threshold, by Language**

Language	Number of Municipalities Meeting the Safe-Harbor Threshold
Spanish	26
Portuguese	21
Chinese	7
French Creole	6
Russian	5
Vietnamese	5
Mon Khmer	2
Arabic	2
French	1
Polish	1

## h. 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 as state legislators 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 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. MassDOT uses this type of outreach to request that these organizations take MassDOT's online language survey and forward it to additional individuals and organizations that may be interested in completing the survey. 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.

### **i. Language Assistance Needs Survey**

MassDOT maintains a statewide comprehensive list of several thousand diverse stakeholders, CBOs, and other organizations to solicit input concerning language assistance needs. To facilitate the development of MassDOT's Four-Factor Analysis, members of this list are emailed with a request that they complete a survey to help identify which programs and activities are most important to people with limited proficiency in English. Figure 9 shows the template text of the email which includes a link to the language needs survey. Figure 10 is a screen shot of the MassDOT webpage containing the survey, which can be seen at <http://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI/LanguageAssistanceSurvey.aspx>. Most recently, this survey has been translated into three languages, though none of these translated versions have been used by any member of the public to provide feedback through this survey in another language. The current results of this outreach effort are summarized under Factor 3: The Importance to LEP Persons of MassDOT Programs, Activities, and Services. Responses to the survey have been limited to date. Because of this, MassDOT is re-evaluating its outreach process related to this survey.

**FIGURE 9**  
**Email Sent to Request Recipient to Complete**  
**Language Assistance Needs Survey**

**MassDOT**  
**Title VI and Nondiscrimination Program**  
**A Call for Public Review and Comment**

Title VI of the Civil Rights Acts of 1964 and related nondiscrimination provisions prohibit discrimination based on race, color, national origin, age, disability, income or gender in any program, service or activity benefiting from federal financial assistance.

MassDOT needs your assistance. Please review and comment on our public participation plan and language access plan to help the public get involved and share thoughts and ideas on transportation issues and projects across Massachusetts.

Please [view our Title VI programs](#), including our language assistance and public participation plans, and provide comments. We welcome your input.

**You are receiving this email because you expressed interest in receiving information from MassDOT in the past. For questions or concerns, please contact [MassDOT's Office of Civil Rights](#).**

This communication is one of MassDOT's many efforts to ensure nondiscrimination in our programs, services and activities.

MassDOT's Office of Diversity and Civil Rights oversees these programs, and provides guidance to staff and the public to meet this obligation.

**FIGURE 10**  
**Screenshot of MassDOT Language Assistance Needs Survey**

## j. Prior Experiences with LEP Individuals

The relevant benefits, services, and information provided by MassDOT as a recipient of FTA funding are statewide planning and Rail and Transit Division programs where public outreach or public involvement is central to the mission, and activities provided by the Office of Diversity and Civil Rights and the Legislative Affairs and Community Relations Departments. In order to determine the extent to which LEP persons have come into contact with these functions, MassDOT surveyed staff, kept track of 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.

Since the 2013 LEP Four Factor Analysis, MassDOT has not received any requests for foreign language services (translations or interpreters) related to FTA-funded programs, services, or activities, including in relation to discretionary grant program documents and training sessions. For the discretionary grant programs, MassDOT includes a Title VI notice in the instructions to grant applicants (<https://www.massdot.state.ma.us/Portals/12/docs/communityTransit/FY16CommunityTransitGrantProgramInstructions.pdf>). This notice informs grant applicants of the availability of free language services, including translation, to participate in the grant program. The notice also includes a statement, in English, Chinese, French (Haitian) Creole, Portuguese, Russian, Spanish, and Vietnamese, of the availability of language assistance. During this reporting period, MassDOT proactively provided Spanish language assistance for a sub-regional coordinating committee at a set of public meetings, but no meeting attendees utilized this language assistance measure.

Since 2013, there have been no foreign language service requests made at any of the three subrecipient RTAs (Martha's Vineyard, Nantucket, and Franklin).

MassDOT conducted an agency-wide survey of its employees, to assess the level and frequency of contact with LEP individuals. The results of the survey showed that the majority of respondents (68%) had no contact with people with limited English proficiency, and 3% 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 administrative offices. Respondents from all functional areas within MassDOT reported at least some contact with people with limited English proficiency.

## **k. Conclusions from Factor 1 Analysis**

Through the analysis of the 2013 ACS 5-Year Summary dataset and the 2013 ACS 5-Year PUMS dataset, the Factor 1 analysis shows that 17 languages meet the safe-harbor threshold statewide. In addition, MassDOT staff have had limited contact with LEP individuals.



DOJ's LEP guidance states:

"As has been emphasized elsewhere, the Recipient LEP Guidance is not intended to provide a definitive answer governing the translation of written documents for all recipients applicable in all cases. Rather, in drafting the safe harbor and vital documents provisions of the Recipient LEP Guidance, the Department sought to provide one, but not necessarily the only, point of reference for when a recipient should consider translations of documents (or the implementation of alternatives to such documents) in light of its particular program or activity, the document or information in question, and the potential LEP populations served. In furtherance of this purpose, the safe harbor and vital document provisions of the Recipient LEP Guidance have been revised to clarify the elements of the flexible translation standard, and to acknowledge that distinctions can and should be made between frequently-encountered and less commonly-encountered languages when identifying languages for translation."<sup>7</sup>

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.

## **vi. 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. Because MassDOT is not a transit service provider, its contact with the public is limited; there are many FTA-funded activities within MassDOT that the public, in general, and LEP individuals in particular, would have a low likelihood of encountering. LEP individuals are most likely to encounter statewide planning and Rail and Transit Division programs where public outreach or public involvement is central to the

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<sup>7</sup> 41456 Federal Register/ Vol. 67, No. 117 / Tuesday, June 18, 2002 / Notices

<http://www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf>

mission, and activities provided by the Office of Diversity and Civil Rights and the Legislative Affairs and Community Relations departments.

## **a. 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 functional area heads and another for front-line employees.<sup>8</sup>

Through the surveys, MassDOT identified the following:

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

Survey results regarding the frequency of contact for MassDOT employees agency-wide are summarized in Table 3, below. The surveys for front-line employees listed Spanish, Portuguese, Chinese, Haitian Creole, Russian, French, Italian, Cambodian, Arabic, and “All other languages” specifically, and provided spaces for employees to write in other languages. For each language option,

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<sup>8</sup> Most of the functional 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 and the Legislative Affairs and Community Relations Departments were also surveyed. The data on the frequency of contact in Table 3 represent all surveys returned to date, including those from employees in the Highway Division.

employees were asked to check the frequency of contact options listed in Table 3. The languages identified in the survey results are consistent with the findings for the first factor in the four-factor analysis.

**TABLE 3**  
**Frequency of Contact of MassDOT Employees with LEP Individuals**

	Most Days	Weekly	Monthl y	Yearl y	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
<b>Total</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>65</b>	<b>85</b>	<b>739</b>

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

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

## **MassDOT Subrecipients: MPOs**

Although each MPO in the Commonwealth is responsible for developing its own LAP, the MassDOT Title VI Specialist is working with the MPOs to ensure that they are taking steps to determine the frequency of contact with LEP individuals, and that they are developing and implementing plans for meeting all LEP requirements under Title VI. The frequency of contact with LEP individuals experienced by the MPOs is consistent with the frequency of contact experienced by MassDOT.

## **MassDOT Subrecipients Funded Under §5310, §5311, and §5339**

MassDOT also provides support for subrecipients receiving any Section 5310, 5311, and 5339 funds. To support the RTAs with LEP populations, especially with respect to the second of the four-factor analysis method, MassDOT also surveyed RTA staff to understand interactions with LEP populations. Surveys were conducted for the three rural RTAs, which are subrecipients of §5310 and §5311 funding through MassDOT. Two separate surveys were developed: one for RTA administrators and another for RTA bus. These surveys were developed to determine which employees regularly come into contact with LEP individuals, the frequency with which the contact occurs, the languages encountered (if identifiable), suggested steps that the RTA could take to facilitate communication with LEP persons, and vital documents that may need to be translated.

The results of the RTA bus-operator surveys for Franklin RTA (FRTA) and Martha's Vineyard RTA (VTA) are summarized in Table 4, below.

**TABLE 4**  
**FRTA and VTA Bus Operators**  
**Frequency of Contact with LEP Individuals**

Most Days	Weekly	Monthly	Yearly	Never
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FRTA	1	4	4	3	5
VTA	13	12	5	2	0
<b>Total</b>	<b>14</b>	<b>16</b>	<b>9</b>	<b>5</b>	<b>5</b>

Note: Seventeen of 25 FRTA bus operators and 17 of 87 VTA bus operators completed this survey.

Most bus operators reported contact with LEP individuals. For FRTA, Spanish and Russian were the first and second most frequently encountered languages, respectively. For VTA, Portuguese and Spanish were the first and second most frequently encountered languages, respectively. NRTA identified Spanish and Portuguese as the two most frequently encountered languages.

## **b. Conclusions from Factor 2 Analysis Frequency of Contact**

Based on the frequency of contact analyses of MassDOT and its subrecipients, the most commonly encountered languages spoken by LEP individuals who come into contact with MassDOT and its subrecipients are Spanish, Portuguese, Chinese, Russian, and Vietnamese; Spanish is by far the most frequently encountered.

Based on the results of analysis to date, MassDOT applies a phased schedule for translating vital information. Our 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.

## **vii. 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 or even life-threatening implications for the LEP individual.

### **a. 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 transit services, the programs with the highest importance at MassDOT for LEP individuals are statewide planning and the programs administered by the Rail and Transit Division. 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 Affairs and Community Relations Departments.

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 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 5 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 the Public of Title VI and Nondiscrimination
- Discrimination Complaint From
- Notices regarding the availability of free language assistance services for LEP individuals
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public
- Notices of proposed public hearings regarding proposed transportation plans, projects, or changes
- Notices of reduction, denial, or termination of services or benefits
- Signs in reception areas and other points of initial entry
- Applications or instructions on how to participate in a program or activity or to receive benefits or services
- Consent forms
- Complaint Procedures

MassDOT has also conducted a public survey concerning language assistance needs and requesting individuals to identify the importance of its programs, services, and activities. The survey was posted on the Title VI web page of the MassDOT website in February 2013. As mentioned previously, Figure 10 is a screen shot of the MassDOT webpage containing the survey. In addition to the website posting, MassDOT sent an email to a list of over 3,000 stakeholders,

CBOs, and other organizations to solicit input. The email can be seen in Figure 9, above. Members of this list were requested to complete the online survey to help identify which programs and activities are most important to people with limited proficiency in English. The results of this outreach effort are summarized in Table 5 and graphically in Figure 11. There were 39 respondents to the survey and, as shown, the largest number of respondents selected “information about large projects” as very important and “telephone interpreters at 857.DOT.INFO,” MassDOT’s customer information line, as not important. Opinions varied as to the importance of each program or service, and the least number of people found project updates very important. MassDOT will provide language assistance in each of these areas when it is either determined appropriate based on the likelihood that such assistance will be required or on an as-requested basis.

**TABLE 5**  
**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%	9	24%	17	45%
Telephone interpreters at 857.DOT.INFO	18	47%	9	24%	11	29%
Project updates	14	38%	14	38%	9	24%
Informational brochures	12	32%	14	37%	12	32%
Project fact sheets and updates	13	36%	11	31%	12	33%
Announcements on non-English radio stations	16	42%	9	24%	13	34%



Announcements on  
local cable television  
stations

16

42%

10

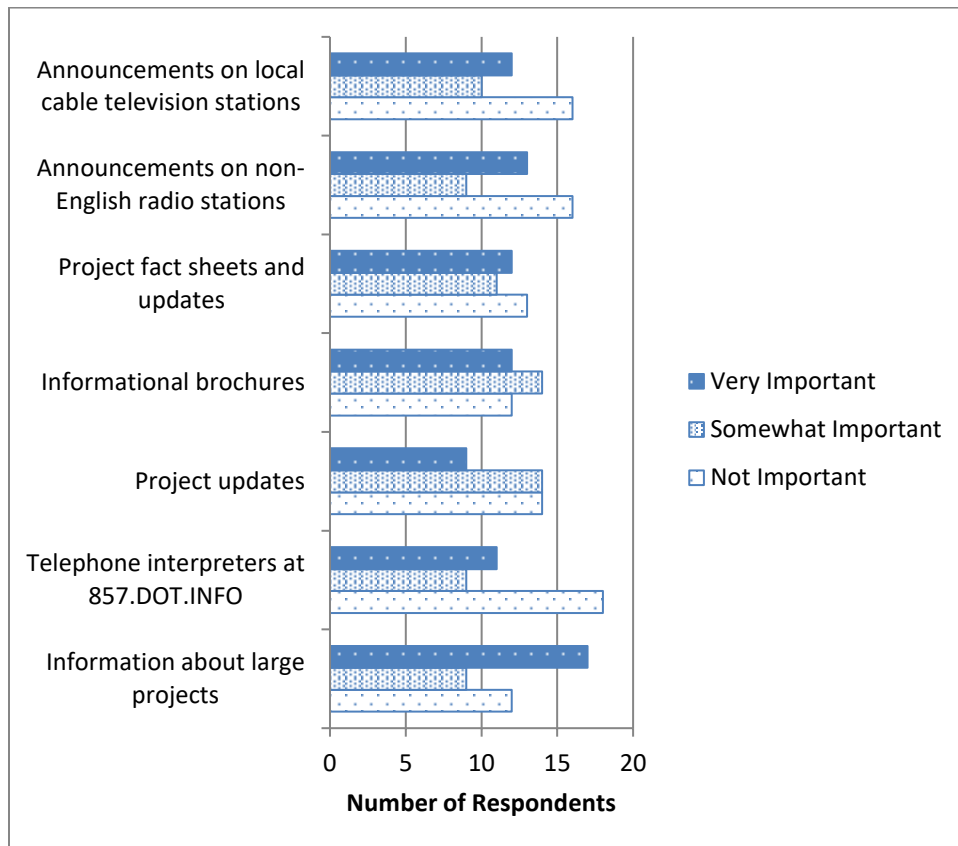
26%

12

32%

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**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.

## **b. MassDOT Subrecipient Programs, Activities, and Services: MPOs**

MassDOT’s ongoing review of MPO Language Access Plans and protocols continues to show that the MPOs/RPAs are seeing success and added value to the public engagement process in reaching out to community-based organizations to identify the importance of their programs, activities, and services to people with limited proficiency in English.

Each MPO is required to produce three documents: the Long-Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The LRTP defines the vision of the transportation system in the region for 20 years into the future, identifies needed transportation programs and projects, and allocates projected revenue to those needs. The LRTP also guides development of the TIP, which is the short-range program of transportation improvements expected to be funded and implemented over a four-year period. The UPWP describes all of the regionally significant surface-transportation planning projects expected to be undertaken in the region in a federal fiscal year and lists the funding source or sources (federal, state, and/or local) for each planning project.

As each of these documents is produced, MPOs conduct extensive public outreach to determine which meeting notices and materials need to have a written translation. In addition, language interpretation services are sometimes

needed at meetings. MPOs are required to report annually on these activities to MassDOT in their Title VI reports.

### **c. Conclusions from Factor 3 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 updates, and informational brochures. Website information is also an important avenue for obtaining general and specific information about transportation decision making. For subrecipients such as RTAs, signage/documents that inform the public regarding how to use the service is considered important.

## **viii. 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.

### **a. Resources Available**

Since MassDOT's 2013 Four-Factor Analysis, the Title VI Specialist surveyed the staff of five (5) of the organization's most public-facing units – the Office of Transportation Planning, the Right of Way Bureau, Highway Design, Environmental Services, and the Office of Real Estate and Asset Development. The survey was designed to determine the presence of in-house foreign language capabilities and the willingness of staff members to assist in incidental instances of foreign-language assistance need. The 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 you be willing to interpret for someone who does not speak English well. A database was created to house this information and, on August 12, 2013, was distributed to the leadership and front-line staff of these five units with instructions on its use. This database has been updated to remove MassDOT employees that have parted ways with the agency. MassDOT's Title VI Specialist is currently working with Human Resources to determine if new hires could be presented with the language capability survey as part of the on-boarding process. For formal written translations, MassDOT currently utilizes the professional language services of the UMass Translation Center and the vendors on the statewide language services contract. For oral translations, MassDOT hires interpreters and is currently exploring real-time telephonic interpretive services.

MassDOT has integrated Microsoft Translate in its website which provides translations of the information on webpages into dozens of languages other than English. Documents are posted on the website in a format that can be automatically translated using this application. In recognition that no machine translation system is perfect or intended to replace human translation, MassDOT is translating vital documents and will continue to disseminate this content. As a means to spread out the costs of providing language assistance, MassDOT has developed a schedule which focuses on translating the most vital documents and information into the most frequently encountered languages. Currently, the Notice to Beneficiaries and the Complaint Form are translated in full into Spanish, Portuguese, Chinese, Haitian Creole, French, Vietnamese, Arabic, Russian, Italian, and Khmer. Each year, MassDOT will continue to add language services as resources permit and as needs are identified.

## **b. Costs to Provide Language Assistance**

The Title VI Specialist has gathered information about the state's procurement process for engaging the services of translation services 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:

<http://www.mass.gov/anf/docs/osd/uguide/prf63.pdf>

### **c. Conclusions from Factor 4 the Resources Available and Costs**

Because translating all of the potentially vital documents listed above into even one language will be relatively expensive, MassDOT is employing a 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 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 each year, as required by the four-factor analysis, feedback from the LEP community, and requests for translations. 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.

## **ix. Conclusions from the Four-Factor Analysis**

MassDOT analyzes 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 language group communities across the state.

Based on the results of the four-factor analysis, MassDOT is implementing a phased schedule for translating vital information. This effort has reached vital documents related to Title VI rights and procedures and continues to expand to include additional programs, services, and activities across the agency. Most recently, with increased capacity in the agency's Community Relations Department, 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 access 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).

## **x. 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 of Civil Rights
- MassDOT's Notice of Right to Language Assistance has been incorporated in public notices and documents
- MassDOT's complaint form
- 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 as based on the Four-Factor analysis
- MassDOT's New England Regional transportation map

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 Microsoft Translate in its website.

MassDOT is currently exploring contracting opportunities to provide real-time telephonic interpretive services. Relatedly, with the rollout of MassDOT's new "VOIP" phone system, MassDOT is exploring options for incorporating translated menus and instructions.

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.

## F. BOARD DEMOGRAPHICS

As stated in FTA Title VI Circular 4702.1B:

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

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

addressed transit related issues, the appointees are chosen not by MassDOT (the recipient of FTA financial assistance) but rather by the Governor.

## **i. BOARD OF DIRECTORS**

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

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

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

The pool of candidates for appointment to the MassDOT Board of Directors is maintained by the Commonwealth's Office of Boards and Commissions (<http://appointments.state.ma.us>). That office receives the credentials of interested potential appointees and maintains lists of qualified candidates across a variety of professional disciplines and administration areas. When a vacancy is

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

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

Upon the advice of FTA's regional civil rights personnel, MassDOT is not required to submit demographic information on Board of Directors members due to the mechanism by which board members are appointed.<sup>9</sup>

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<sup>9</sup> M. Riess, FTA Office of Civil Rights, Region III (personal communication, March 11, 2014)

## **G. SUBRECIPIENT MONITORING AND ASSISTANCE**

### **i. INTRODUCTION**

The Massachusetts Department of Transportation (MassDOT) provides assistance to and monitors subrecipients of FTA financial assistance through a variety of means across a number of departments. Below is an articulation of these activities in the Office of Transportation Planning (OTP), the Rail and Transit Division (RTD), and the Office of Diversity and Civil Rights (ODCR).

### **ii. THE OFFICE OF TRANSPORTATION PLANNING**

OTP designates staff as liaisons assigned to each Metropolitan Planning Organization (MPO) in the Commonwealth. OTP Staff liaisons will provide technical assistance to MPOs in certification document preparation and Title VI program implementation, as well as support with monitoring MPO compliance.

Below is an excerpt from OTP's Title VI "subprogram" document detailing additional subrecipient monitoring and assistance performed by that MassDOT department.

#### **a. CONTINUED MONITORING OF METROPOLITAN PLANNING ORGANIZATIONS**

OTP staff, specifically MPO liaisons, will provide training and technical assistance to MPOs for their Title VI- related responsibilities. OTP designates staff as liaisons assigned to each MPO in the Commonwealth. OTP Staff liaisons will provide technical assistance to MPOs in certification document preparation and Title VI program implementation, as well as support with monitoring MPO compliance.

Annual Title VI compliance reports and triennial Title VI program submissions for each of the Commonwealth's MPOs will be submitted to both OTP and ODCR for review and approval. ODCR will set the schedule for completing Title VI reviews and addressing any corrective actions.

Ongoing Tasks for OTP staff:

- To review all regions' transportation evaluation criteria for Title VI components; in the absence of that criterion, that all RPAs ensure its place as part of the overall criteria.
- To review RPAs annual UPWPs for Title VI tasks, either as stand-alone items or part of ongoing task development; in the absence of Title VI, that all RPAs ensure its place as part of the overall criteria;

### **iii. THE RAIL AND TRANSIT DIVISION**

Direct responsibility for distribution and management of FTA grants is assigned to the Rail and Transit Division. In 2012, the capacity of this office was expanded to manage FTA programs more effectively and specifically to provide more frequent contact with potential applicants and subrecipients in outreach, technical assistance and oversight monitoring, including Title VI compliance.

The Division is comprised of the following staff members with responsibilities for FTA program administration:

- Deputy Administrator – manages office and responsible for direction setting and day-to-day operations. Reports to the Rail and Transit Administrator and the MBTA General Manager.
- Manager of Transit Programs – central point of contact for all RTA business, policies, and procedures.
- Manager of Capital and Grant Programs – reviews, analyzes, and confirms capital project requests submitted by RTAs as well as oversees the competitive award process for Section 5310 and state Mobility Assistance Program funds.
- Capital & Finance Coordinator – tracks subrecipient finances, issues contracts for funding and provides financial analysis

- Grants Management Specialist – administers the competitive award process for Section 5310 and state Mobility Assistance Program funds and provides general transit trend analysis.
- Federal Transit Compliance officer - responsible for ensuring the Rail and Transit Division's grant program procedures and operations are compliant with federal guidelines and regulatory requirements as outlined by federal circulars and the FTA master agreement.
- Transit Project Manager – responsible for the Rural & Commuter Transportation programs (Rural Intercity Bus policy and planning and the 5311(f) program manager) and Mobility on Demand and Transportation Innovation efforts.

### **a. Assistance to Subrecipients**

Rail and Transit Division annually holds start-up training session for subgrantee organizations. Start-up meetings are organized by the Manager of Transit Programs and scheduled after grant award announcements (target date for awards is March 15th following outreach and application process). These trainings include a module on Title VI Program requirements as outlined in FTA Circular C4702.1B and involve participation of MassDOT's Title VI Specialist, the Manager of Federal Programs and the Title VI Coordinator with the Office of Diversity and Civil Rights and/or his/her designee.

The Rail and Transit Division serves as resource center for grantees and provides regular communications to subrecipients on Title VI compliance issues including FTA information materials updates, webinars and documents highlighting best practices in effective public outreach to minority/low income/Limited English communities, service monitoring and policy development.

The Rail and Transit Division participates through organizations, including the Mass. Association of Regional Transit Agencies, MPOs and TMA Collaborative, periodic information and peer-to-peer sessions on transit service/mobility management and Title VI compliance.



The Rail and Transit Division managers share Commonwealth demographic updates with subgrantees and provide sample documents on Notice of Rights, complaint procedures and Language Assistance Plan, all of which are made available for use/adoption by subgrantees.

All subrecipients are required to submit annual benchmark progress reports to the Rail and Transit Division. These reports are due annually Sept. 30th and include information on project service delivery measures and Title VI Program compliance documentation.

Rail and Transit, with assistance of ODCR Title VI staff, reviews all subrecipient Title VI submittals for completeness and compliance with federal requirements.

MassDOT Rail and Transit, during the program year, conducts program compliance reviews including selected site visits. Inspection reviews include documentation of federal Title VI compliance requirements. MassDOT staff or consulting contractor support, as needed, provide administrative oversight by reviewing programs of subrecipient agencies on an annual basis and schedule selected agencies each year for compliance monitoring on-site visits.

The MassDOT managed FTA Community Transit Grant Program includes structured public outreach and involvement procedures and obligations throughout the grant application process, from outreach to potential grantees to training those individuals and organizations selected to receive FTA funds.

MassDOT Transit makes customer service, outreach and technical assistance a top priority. MassDOT Staff chair a quarterly RTA Council, participate/attend monthly Massachusetts Association of Regional Transit Authority meetings in Worcester and Boston and join in weekly RTA conference calls. Other sub-recipients receive significant support on an as needed basis including five (5) training sessions related to our annual Community Transit Grant Application process. In collaboration with various Metropolitan Planning Organizations, these training sessions are conducted throughout Massachusetts.

Additionally, MassDOT Transit staff provides exemplary support to all applicants who are in need of technical support and assistance through completion and submittal of a Community Transit Grant application. Transit staff fields many telephone calls and emails from applicants submitting Community Transit Grant applications. Transit staff will assist any applicant who has questions about the application process, or is in need of assistance in the submittal of a completed application.

Each regional Transit Authority has at least two (2) site visits with one focused entirely on mobility management efforts as related to federal grant funding. A thorough overview of transit programs are conducted with RTA Administrators and staff, along with a detailed tour of RTA facilities and transit service areas.

Additionally, MassDOT Transit is in the process of filling some key positions to help bolster its efforts to ensuring that a proper level of support is in place to provide unparalleled customer support and outreach. The Transit Division recently hired a Transit & Capital Analyst and is in the process of interviewing to fill two (2) Transit Project Manager positions. MassDOT Transit has also recently procured the services of a consultant who is tasked with overseeing MassDOT Transit efforts of ensuring that a thorough and complete sub-recipient monitoring and compliance system is in place.

Finally, with the creation of MassDOT, the MBTA's resources are now available to all subrecipients. Safety, Maintenance and Training staff are readily available to provide training or technical assistance. MassDOT Transit works closely with other MassDOT divisions, such as the MassDOT Office of Planning and Office of Diversity and Civil Rights which provides specialized technical assistance.

#### **iv. 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. The departmental director, who is also the Assistant Secretary for Civil Rights, serves as the agency Title VI Coordinator. In this capacity, the director reports directly to the Secretary & CEO of MassDOT on overall state and federal civil rights obligations and to the MassDOT Administrator of Rail and Transit on civil rights matters concerning FTA-funded programs. The Manager of Federal Programs coordinates Title VI Program management with the Title VI Specialist and reports to the Director of the Office of Civil Rights. The Manager of Federal Programs supervises the Title VI Specialist, who is charged with the responsibility of implementing, monitoring, and ensuring MassDOT's compliance with Title VI regulations in terms of both the day-to-day administration and the annual reporting obligations.

What follows is a description of the support provided to the Rail and Transit Division by the Office of Diversity and Civil Rights in monitoring FTA subrecipients such as RTAs and organizations that receive FTA state-managed funds.

- ODCR staff, with assistance of MBTA representatives, train Rail & Transit new staff hires on FTA Title VI Circular requirements and MassDOT agency Title VI Program procedures.
- ODCR staff representative(s) participate as voting member(s) in rating/evaluation of proposals submitted in response to MassDOT request for subrecipient proposals. ODCR provides input in selection process in equity evaluation of Rail & Transit recommended program.
- ODCR participates in Rail & Transit scheduled subrecipient grant start-up session and lead module on Title VI Program compliance requirements. ODCR contact is available for technical assistance to subrecipients in program implementation.
- ODCR provides guidance, technical assistance, and resource information on Title VI Program development and compliance matters to all Rail and Transit Division subrecipients of FTA funding.
- ODCR provides reporting template for subrecipient Title VI reporting. ODCR reviews subrecipient compliance reports for approval. ODCR coordinates with Rail & Transit staff in communicating any deficiencies for corrective

action by the subrecipient and assists in facilitating program compliance. Should any deficiencies be identified in program monitoring, the Title VI Specialist notifies Rail & Transit staff and subrecipient in writing of specific deficiencies identified and scheduled deadline for corrective action.

- ODCR Title VI Specialist and Manager of Federal Programs are included on subrecipient site visit inspections to be organized and scheduled by Rail & Transit staff.

## **v. MONITORING TECHNIQUES**

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

### **a. Certifications and Assurances**

The FTA Certifications and Assurances is executed by direct recipients (such as MassDOT) as an acknowledgement of Title VI. Subrecipients (such as MPOs, RTAs, RPAs, and Community Transit Grant Program awardees) are similarly obligated to execute the Certifications and Assurances. Part of MassDOT's subrecipients monitoring activities includes ensuring that subrecipients are executing this document and implementing its provisions appropriately. MassDOT requires MPOs, RTAs, and RPAs to execute the Certifications and Assurances annually and/or with each funding request application.

### **b. 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 Program submissions to providing direct technical assistance on Title VI Program implementation.

### **c. Workshops/Conferences**

MassDOT's Title VI staff utilizes subrecipient conferences and workshops to advance Title VI Program development and implementation and to troubleshoot areas of persistent concern. Most recently this has included Title VI presentations statewide to municipal officials. Recurring events include group and individual sessions with MPO and RPA staff. These sessions allow MassDOT to gauge awareness of and compliance with Title VI obligations across all subrecipient categories. It also provides a forum through which to provide direct technical assistance to subrecipients.

### **d. Triennial Reporting**

MPOs and RPAs are required to submit triennial Title VI Program updates to MassDOT. While these subrecipients can choose to adopt MassDOT's Title VI 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 to these submissions is tailored Title VI work plans and follow-up conferences.

### **e. Federal MPO Certification Reviews**

FTA conducts 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 has been directly involved in the Civil Rights portion of the Certification Review through its Title VI Specialist, who coordinates with our federal partners to focus on key areas in need of consideration. This includes reviewing pre-site-visit documentation from the MPO, participating in the on-site session (which includes detailed discussions of Title VI obligations, current levels of compliance, and areas for improvement), and contributing to the drafting of an Observations and Recommendations Report. This collaboration benefits all parties involved by facilitating the sharing of information and promoting consistent messaging, thus better serving the beneficiaries of Title VI protections.

## **f. SharePoint**

MassDOT has found that a number of subrecipients make consistent mistakes in Title VI Program development and implementation. The reasons for this are numerous, but stem from the complexity of the law, the multiple unique obligations across federal agencies, and the practice of “cutting and pasting” from Title VI Programs that contained inaccuracies from other regions. To address this, MassDOT created a SharePoint webpage specifically focused on Title VI. The Title VI staffs of all Massachusetts MPOs were granted access to this resource. This webpage will not only allow these subrecipients to submit Title VI programs electronically to MassDOT, but it also allows MassDOT to share documents with them. This includes sharing template Title VI documents and program components that are persistently problematic, such as complaint procedures. Ensuring that these documents are implemented by subrecipients through reporting or meetings aids in MassDOT’s monitoring activities.

## **g. Desk Audits and On-Site Visits**

MassDOT’s Title VI Program contemplates a detailed review of at least one MPO/RPA each year. In practice, MassDOT regularly looks at more than one MPO/RPA each year (through reporting activities and through participation in the FTA MPO 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 Certification Review process, MassDOT requests a pre-site-visit materials submission from the subrecipient. This usually includes key Title VI 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.

## **vi. VARIABLE PRIORITIZATION**

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:

### **a. 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.

### **b. Complaints**

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

### **c. Staffing Changes**

Staffing changes at MPOs and RPAs can impact the Title VI 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 compliance among these subrecipients. MassDOT may shift its subrecipient monitoring activities to those that have undergone staffing changes to ensure that Title VI obligations are still being fulfilled.



#### **d. Projects**

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

#### **e. Patterns Indicating Noncompliance**

The cycle of subrecipient monitoring activities does not guarantee that all the programs, services, or activities of an MPO, RTA, or RPA are or will be Title VI 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.

#### **f. 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 adherence.

#### **vii. Subrecipient 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 with Title VI 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 FTA, which will forward it to the U.S. Department of Justice for consideration.

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

## **viii. Subrecipient Title VI Work Plans**

MassDOT's review of subrecipient Title VI Program submissions concludes with the development and issuance of a customized Title VI Work Plan to each. A sample of such plans from ODCR's most recent review of MPO and RTA Title VI Programs is available in [Appendix 04-B](#). Once these plans have been developed, MassDOT's Title VI staff communicates the findings directly to the staff and leadership of the subrecipient organizations and provides ongoing technical assistance to ensure each finding is satisfactorily addressed. The same work plan provided herein was issued to each MPO/RPA in the Commonwealth in March 2017. As subrecipients of FTA funding through MassDOT, the MPOs/RPAs are a focus of MassDOT's monitoring and technical assistance on an ongoing basis. This most recent work plan directs these subrecipients to focus on several transit related initiatives, including mapping transit investments to understand the distribution of such funds vis-à-vis Title VI populations.

## **ix. Subrecipient Technical Assistance**

A key feature of MassDOT's Title VI technical assistance to subrecipients for this reporting period included in-person workshops with the Administrator and Title VI staff the subrecipients rural RTAs (Nantucket, Martha's Vineyard, and Franklin). These sessions, conducted in 2017, afforded an opportunity for MassDOT's Title VI Specialist and Transit Compliance Officer to share new Title VI program

development resources with each subrecipient as well as showcase the “Engage” public outreach tool, described above. Shared resources included a newly developed Title VI/Nondiscrimination complaint form for use by subrecipients which MassDOT provided in English as well as the top 10 LEP languages in the state. The “Engage” platform currently includes outreach information and accessible meeting location data provided by the RPAs that cover Nantucket, Martha’s Vineyard, and the Franklin planning region. These workshops opened a dialogue with RTA leadership from the same regions to begin incorporating similar information from these organizations into the “Engage” platform as well.

## H. FACILITY LOCATION DETERMINATIONS

During the triennial period of this report, MassDOT did not construct any transit related facilities.

## I. PROGRAM APPROVAL

### APPROVED

As Secretary of Transportation for Massachusetts and Chief Executive Officer of the Massachusetts Department of Transportation, I hereby approve the April 2017 Title VI Program for the MassDOT Rail and Transit Division. I understand that my approval is required under FTA Circular 4702.1B, Chapter III-I(4), which states in relevant part,

“FTA requires that all direct and primary recipients document their compliance with DOT’s Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA...For State DOT’s, the appropriate governing entity is the State’s Secretary of Transportation or equivalent.”

I further authorize the Assistant Secretary for Civil Rights, or his designee, to take all necessary steps to implement said Program in the name and on behalf of the Massachusetts Department of Transportation.

Signature: \_\_\_\_\_ (*signature on original*) Date: \_\_\_\_\_

Stephanie Pollack  
MassDOT Secretary and CEO

## **V. REQUIREMENTS FOR STATES**

### **J. DEMOGRAPHIC PROFILE MAPS AND FUNDING DISTRIBUTION MAPS, CHARTS, AND ANALYSES**

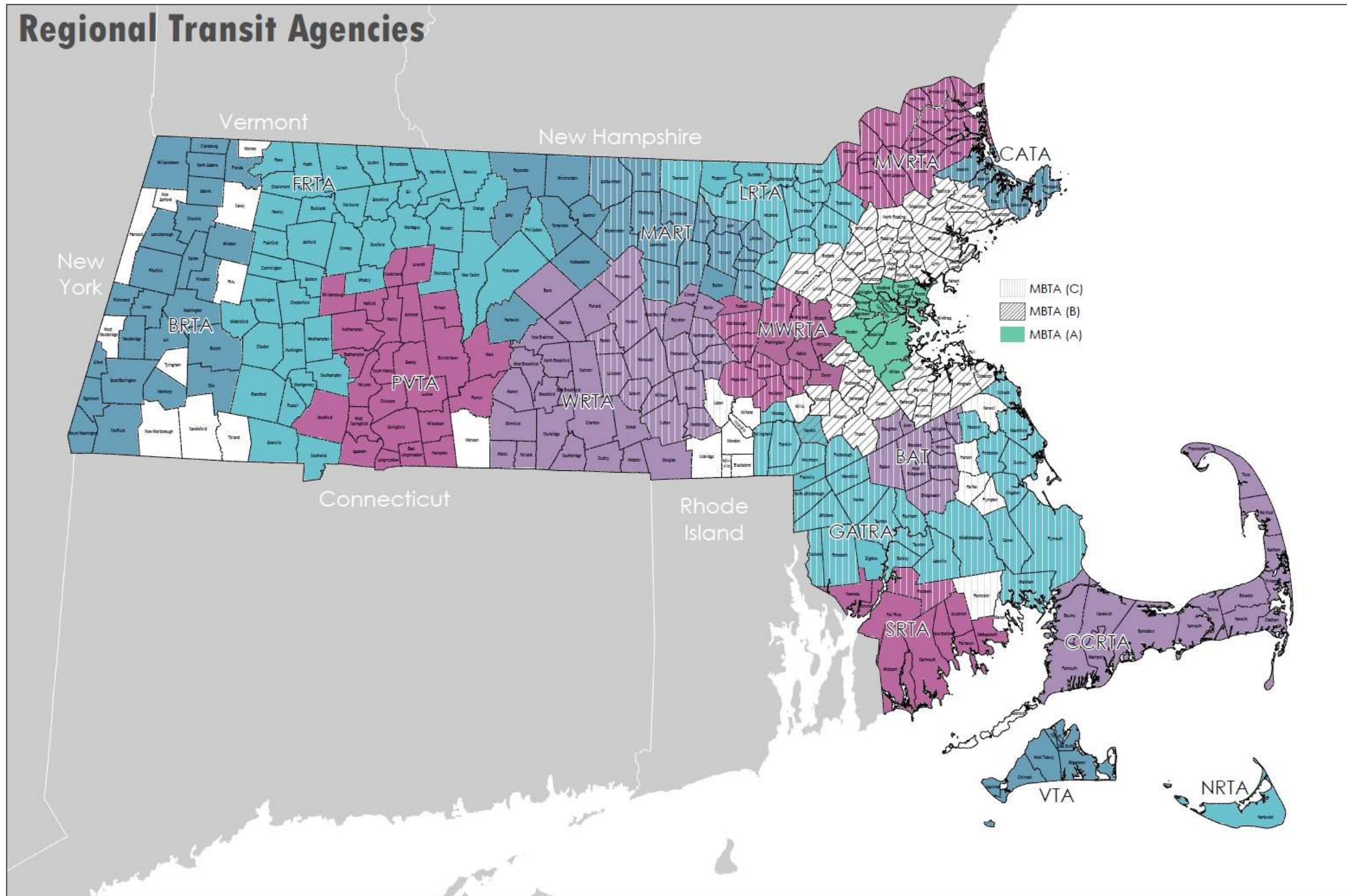
The following maps identify the minority, low-income, and Limited English Proficient (LEP) populations in Massachusetts. This demographic profile assists MassDOT's transit, planning, and civil rights staff to understand access to programs, services, and activities across minority, low-income, and LEP populations as well as inform the transit planning process and the management of FTA funds by the state.

This demographic profile is regularly updated with new Census datasets by GIS mapping professionals in the MassDOT Office of Transportation Planning. As has been the case for several Title VI reporting periods, there were no major swings in population demographics statewide. Minority, low-income, and/or LEP population concentration centers are well identified and MassDOT's Title VI efforts continue to innovate strategies to maintain strong relationships across demographics to ensure all populations are afforded equal access to transit related programs, services, and activities. For instance, the public engagement work of the agency now regularly includes strategy sessions on effectively reaching Title VI communities whether it be through a public meeting strategy, a document dissemination strategy, a language access campaign, or other such methods.

Please note that each demographic profile map includes a funding distribution chart that identifies the state and federal transit related funds received in each RTA region and the population percentage in each of those areas for minority, low-income, and LEP populations.

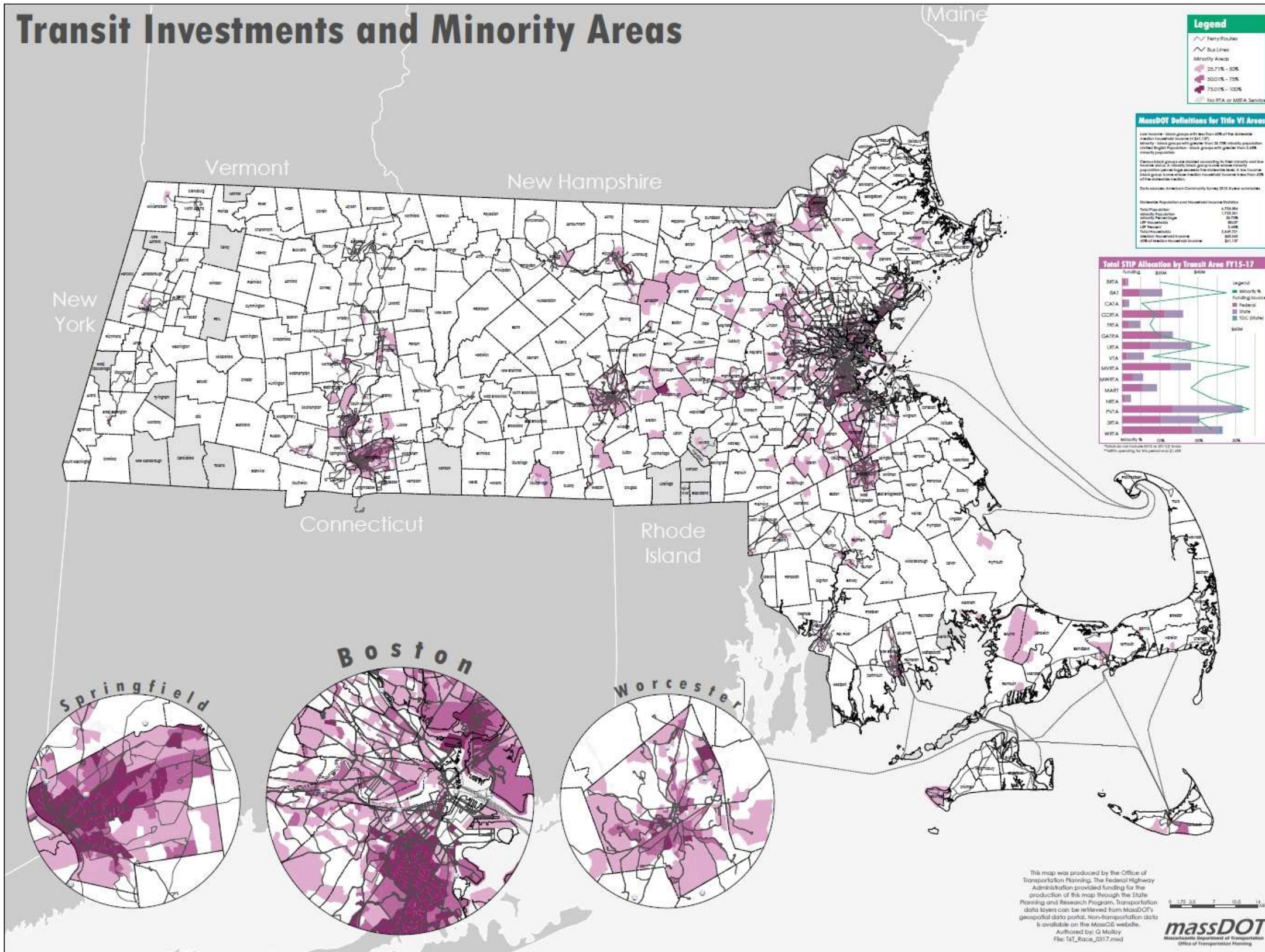


## Regional Transit Agencies



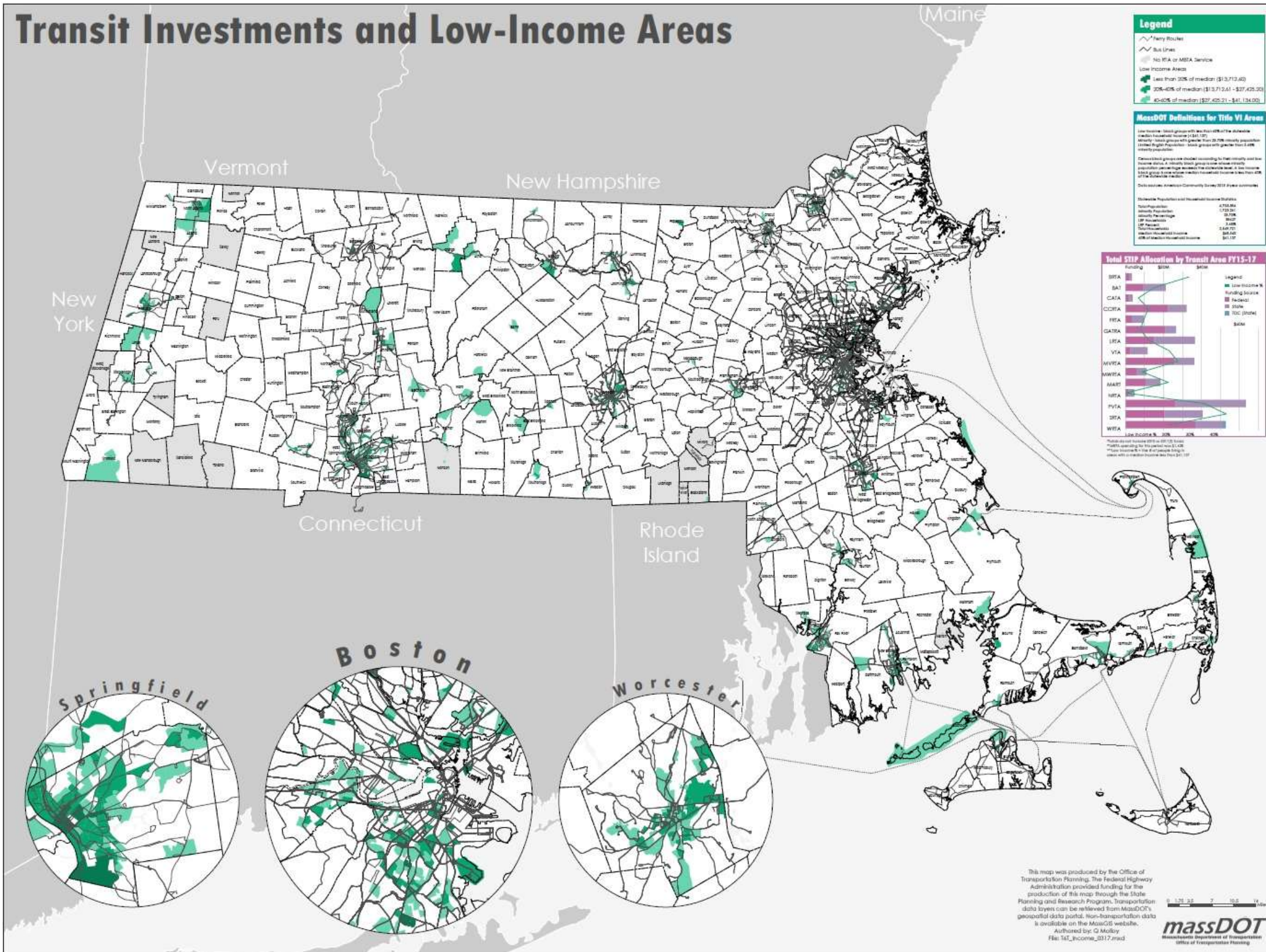


# Transit Investments and Minority Areas



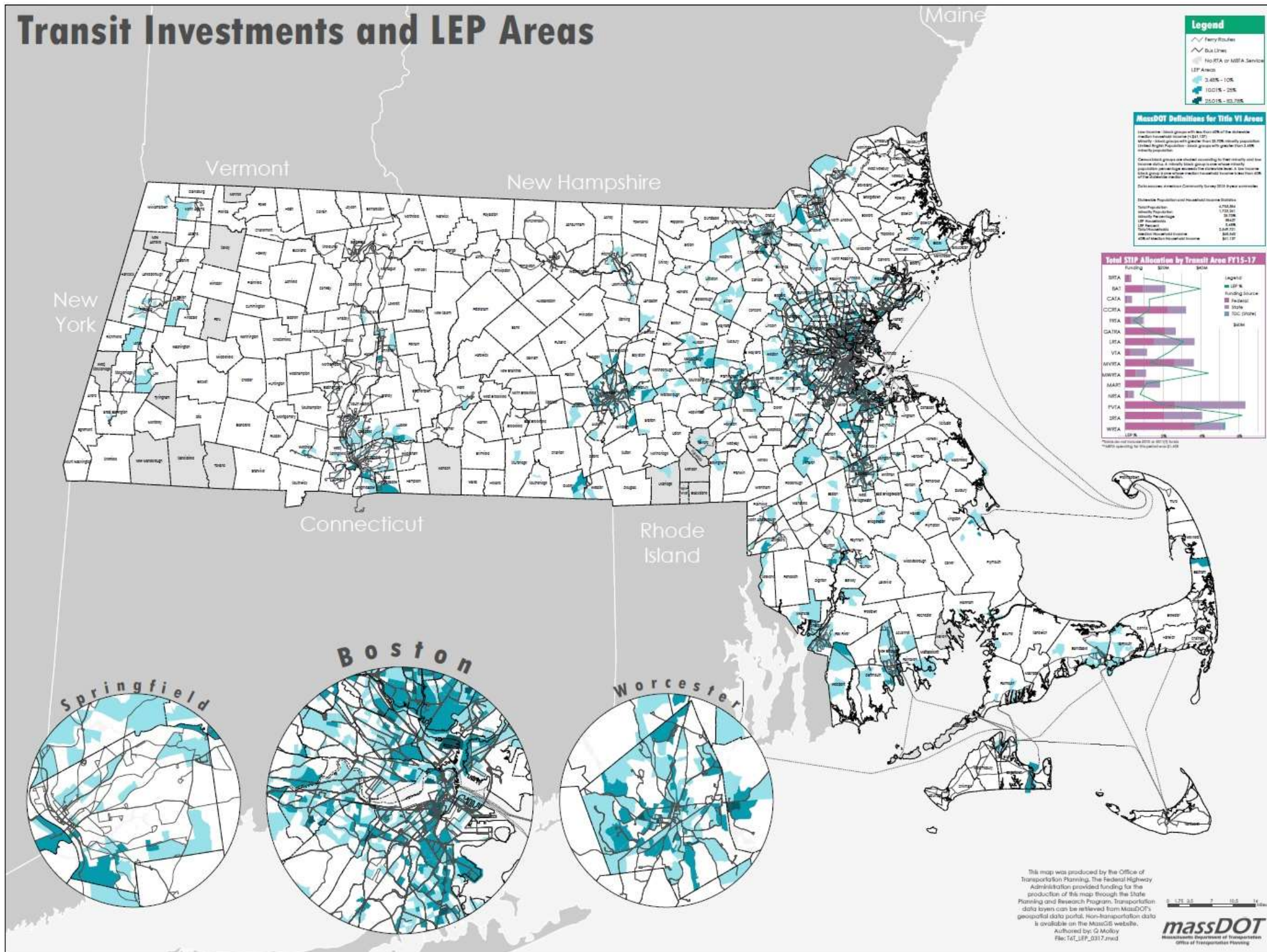


## Transit Investments and Low-Income Areas





# Transit Investments and LEP Areas



The maps provided above indicate the distribution of transit funding (federal and state, in the aggregate) across the state's regional transit agency service areas. For a more detailed look at the equity in the distribution of state managed FTA funds, the following sections analyze the competitive discretionary grant programs of 5310, 5311(f), and 5339.

## **i. MassDOT Federal Programs Funding Distribution Analysis, State Fiscal Years (SFY) 2015-2017**

### **a. Introduction**

The Federal Transit Administration (FTA) provides financial assistance to states through a number of programs to develop new transit systems and improve, maintain, and operate existing systems. The Governor of the Commonwealth of Massachusetts has designated the Massachusetts Department of Transportation (MassDOT) as the agency of authority and responsibility for administering assistance received in Massachusetts through Title 49 USC §5310, §5311, and §5339 funding programs.

The Commonwealth of Massachusetts, through MassDOT's Rail & Transit Division (RTD) offers financial assistance to eligible organizations through several grant application programs to provide a state financial match to federally funded capital, operating, and planning projects. The RTD distributes financial assistance through Massachusetts' Mobility Assistance Program (MAP) to provide transportation services to elderly persons and persons with disabilities as defined in Chapter 637 Sec. 13 of the Acts of 1983. MassDOT combines both the §5310 and MAP into one program for applicants in Massachusetts. In addition, the RTD also distributes financial assistance through the BusPlus program to increase the intercity and commuter transportation options available across the Commonwealth and all of New England. For the purposes of this analysis, both the §5311(f) and BusPlus programs are evaluated together as the intercity bus programs.

The RTD manages FTA and state funding programs for intercity public transportation companies, 15 regional transit authorities, and nearly 200 public nonprofit agencies that provide public transportation service throughout the Commonwealth. This unit manages both the capital and operations funding programs that deliver fixed-route, paratransit, and community transit services for over 30 million annual customers.

Both the Community Transit Grant Program (CTGP) and the intercity bus programs employ extensive outreach programs to reach diverse stakeholders regarding the availability of funding. In addition to its own extensive outreach efforts, MassDOT requires the Regional Planning Agencies (RPAs) to conduct broad solicitations to attract diverse applicants.

MassDOT has developed and implemented an impartial and consistent evaluation process to ensure fair and equal treatment of all grant funding applicants. The MassDOT evaluation team considers a number of factors in making a decision on funding an application including: project effectiveness, applicant experience and competence, and the potential benefit of each project. The scoring guide, which lists all of the factors the evaluation team uses to score the grant applications, can be reviewed online here:

[https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/FTA/0063\\_5310\\_MAP.pdf](https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/FTA/0063_5310_MAP.pdf)

## **b. Program Areas**

In the state fiscal years (SFY) 2015–2017, the MassDOT Community Transit Grant Program was responsible for awards of \$29,257,019 in two program areas:

- §5310, Transportation for Elderly Persons and Persons with Disabilities along with the Massachusetts Mobility Access Program (MAP)
- §5339, Bus and Bus Facilities



In SFY 2015–2017, the MassDOT Intercity Bus Program was responsible for awards of \$31,100,157 in the §5311(f), Intercity Bus Program and the Massachusetts BusPlus program.

### **c. Analysis of Funding Distributions**

As part of MassDOT's preparation for its Title VI Triennial submission, RTD and the Office of Diversity and Civil Rights (ODCR) analyzed the funding disbursements in the §5310 and §5339 programs in relation to Title VI and Environmental Justice (EJ) populations. RTD and ODCR also analyzed funding disbursements in the §5311(f) program as it relates to these same populations.

As stated in FTA Title VI Circular 4702.1B:

In order to comply with 49 CFR §21.5, the general nondiscrimination provision, States shall document that they pass through FTA funds under the Enhanced Mobility for Seniors and Individuals with Disabilities (§5310) program, the Formula Grants for Rural Areas (§5311) program, and any other FTA funds, to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

This document is structured to examine the possibility of applicant related denial of benefits to or exclusion from or participation in state and federal funding programs. For both federal financial assistance programs, we analyze for the risk of disparate impact and disproportionate burden. The analyses are conducted for both the entire three-year period from SFY 2015 to SFY 2017 and for each individual state fiscal year.

In each section of this document, we evaluate the potential for a disparate impact to minority populations and disproportionate burden to low-income populations across the following metrics:

- Amounts awarded
- Ratios of amount awarded to requested funding
- Rates of funding success

For the entire three-year period from SFY 2015 to SFY 2017, we examine the geographic distribution of all state and federal funds in the two programs, aggregated by municipality. We also present the data on a GIS-based map.

## **d. Definitions**

For this analysis, we use data supplied by the applicant to define projects that serve minority and low-income areas. As defined in the demographic profile detailed above, MassDOT uses US Census American Community Survey data at the block group level to define minority and low-income areas. A block group with a minority population exceeding the statewide average of 25.7% is defined as a minority area. A block group with a median household income of less than 60% of the statewide median household income (\$41,137) is defined as a low-income area.

To identify if a project proposal serves a minority or low-income area, the applicant reviews a statewide map of minority and low-income areas and then counts the minority and low-income areas in the proposed service area. This number is then reported on the grant application. In this analysis, if a project serves at least one minority or low-income area, it is defined as serving minority and/or low-income populations. For brevity, in this chapter's tables, we refer to projects that serve minority areas as minority projects and projects that serve low-income populations as low-income projects. Projects that do not serve minority areas are nonminority projects and projects that do not serve low-income areas are non-low-income projects.

Please note: this 2015-2017 triennial reporting period is anticipated to be the last funding cycle that will rely solely on applicants self-reporting whether a project will reach/serve Title VI populations. RTD and ODCR are currently working to

develop a web based tool that will allow grant applicants to identify their service area and the tool itself will determine the presence, percentage, and concentration of Title VI populations, drawing from Census data. More details of this effort are available in the Program Refinement section, below.

For this analysis, we defined the result of a grant application based on the ratio of funding awarded to funding requested in three categories:

- Full funding – awarded at greater than or equal to 90% of requested funding
- Partial funding – between 1% and 89%, inclusive, of requested funding
- No funding – 0% of requested funding

Due to the nature of the decision-making process for the §5311(f) and BusPlus programs during this analysis period, MassDOT did not make any decisions to award partial funding to any applicants.

### **e. MassDOT Funding Distribution for SFY2015 to SFY2017**

MassDOT received many more applications for funding in SFY16 and SFY17 than in SFY15. This resulted in a dramatic difference in the amounts requested over the three years from SFY15 through SFY17. Though MassDOT received significantly more applications in the latter two years, MassDOT did not receive any additional funding from the FTA to increase awards to applicants. This caused the award-to-request ratios to change dramatically over the three-year period, falling from an average award of 93% of requested funds in SFY 2015 to 53% in SFY 2016 and 54% in SFY 2017. On average, over the three years, MassDOT awarded 69% of the requested funds.

Examining the entire three-year period from SFY 2015 to SFY 2017, MassDOT awarded more funding to projects serving minority areas than to those serving nonminority areas. MassDOT also awarded more funding to projects serving low-

income areas than to those serving non-low-income areas. In addition, for the entire three-year period, projects serving minority areas received higher ratios of funding compared to their request (72%) than projects serving nonminority areas (43%). This indicates that there is not likely to be a disparate impact to minority populations over the entire three-year period. For the entire three-year period, projects serving low-income areas received greater ratios of funding (70%) than projects serving non-low-income areas (59%). Additional disproportionate burden analysis for the individual fiscal years is found in later sections of this document. MassDOT appears to consistently award projects serving minority and low-income populations at greater rates than projects serving nonminority and non-low-income areas. We examine each individual fiscal year later in this document.

**Table 1 – Project Applications, Requested and Awarded Funding, and Proportion of Funds Awarded by Minority and Income Status, SFY 2015 to SFY 2017**

	SFY 2015	SFY 2016	SFY 2017	Total 2015 2017
<b>Number of Project Applications</b>				
<b>Minority</b>	52	72	64	188
<b>Nonminority</b>	15	25	23	63
<b>Low-income</b>	54	74	70	198
<b>Non-low-income</b>	13	23	17	53
<b>Total</b>	67	97	87	251
<b>Amount Requested</b>				
<b>Minority</b>	\$30,732,071	\$28,249,347	\$19,439,148	\$78,420,566
<b>Nonminority</b>	\$2,991,376	\$2,950,001	\$3,131,324	\$9,072,701
<b>Low-income</b>	\$32,506,611	\$28,336,026	\$21,517,267	\$82,359,904
<b>Non-low-income</b>	\$1,216,836	\$2,863,322	\$1,053,205	\$5,133,363
<b>Total</b>	\$33,723,447	\$31,199,348	\$22,570,472	\$87,493,267
<b>Amount Awarded</b>				
<b>Minority</b>	\$30,213,301	\$15,487,070	\$10,755,425	\$56,455,796
<b>Nonminority</b>	\$1,210,148	\$1,174,062	\$1,517,169	\$3,901,379
<b>Low-income</b>	\$30,431,773	\$15,530,200	\$11,353,417	\$57,315,390
<b>Non-low-income</b>	\$991,677	\$1,130,932	\$919,177	\$3,041,786
<b>Total</b>	\$31,423,450	\$16,661,132	\$12,272,594	\$60,357,176
<b>Amount Awarded as a Percentage of Amount Requested</b>				



<b>Minority</b>	98%	55%	55%	72%
<b>Nonminority</b>	40%	40%	48%	43%
<b>Low-income</b>	94%	55%	53%	70%
<b>Non-low-income</b>	81%	39%	87%	59%
<b>Total</b>	93%	53%	54%	69%

## **f. Geographic Funding Distribution Analysis for All State and Federal Funds, Aggregated by Municipality, SFY 2015 to SFY 2017**

In SFY 2015–2017, organizations that serve 324 of the 351 municipalities in Massachusetts applied for funding through the MassDOT grant programs. Figures 1 to 3 show the distribution of federal and state funding for public transportation by municipality in the Commonwealth. Figure 1 shows the distribution of §5310, MAP, and §5339 funding; Figure 2 shows the distribution of §5311(f) and Intercity Bus Program funding; and Figure 3 shows the total distribution for all of the above programs.

In Figure 1, MassDOT generally distributed more §5310/MAP and §5339 funding to areas with greater population density and/or larger populations. Boston was the municipality with the highest level of funding in the Commonwealth, followed by the communities of the MetroWest Regional Transit Authority, centered on Worcester; the Cape Cod Regional Transit Authority; and other larger municipalities in the Commonwealth. MassDOT generally awarded smaller amounts to areas with fewer residents, for example the rural areas north of Springfield in western Massachusetts and parts of the Berkshires. However, rural areas applied to and received funding from MassDOT; for example, MassDOT awarded funds for projects serving Nantucket and Martha’s Vineyard. Looking at the three-year period, we identify three clusters of municipalities that did not apply to the §5310 and MAP program:

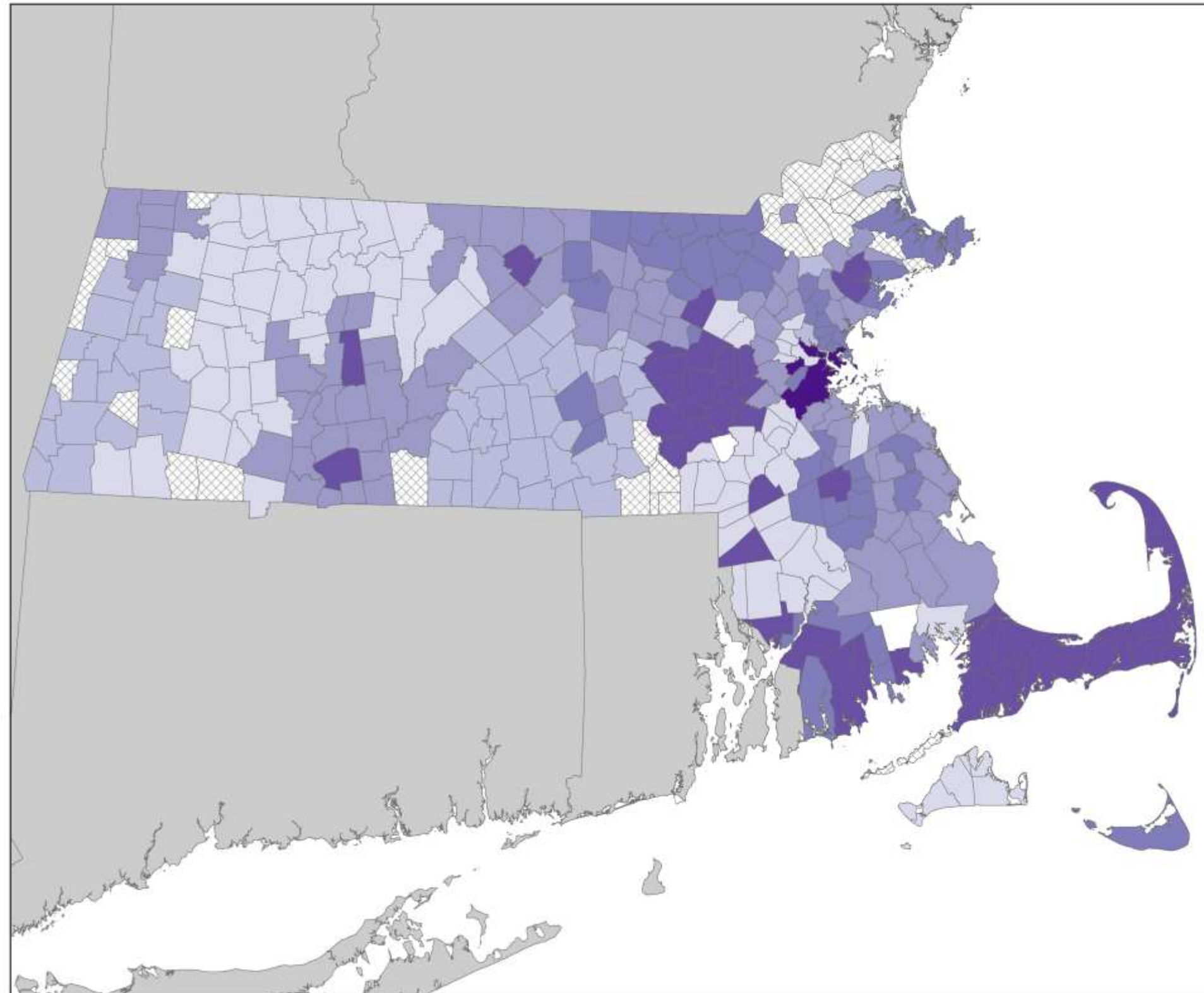
- Eastern Merrimack Valley, except the City of Lawrence
- Blackstone Valley
- several in the Berkshires and Pioneer Valley

Toward future grant applications, the MassDOT Rail and Transit Division will investigate the potential existence of barriers to apply to the program from these specific areas.

Figure 2 shows that MassDOT generally distributed the §5311(f) and BusPlus funds to regionally-important municipalities and travel corridors in the Commonwealth. The total amount distributed is calculated by distributing the funds for a project or program among the municipalities that benefit from added or improved rural and intercity bus services. The highest amounts of funding went to the most populated cities of the regions of the Commonwealth and included Boston, Framingham, Worcester, Springfield, Taunton, Fall River, New Bedford, and Plymouth. Other areas receiving funding are those municipalities along regional and rural travel corridors. The regional travel corridors include north of Boston in the Merrimack Valley, west of Boston along the Massachusetts Turnpike, and south of Boston toward Fall River, New Bedford, and Plymouth. The rural travel corridors are Route 2 north and west of Springfield toward New York State and the corridor along Cape Cod. MassDOT received but did not fund an application for a service which would run between Springfield and Worcester and would cover a gap of intercity service between the eastern and western halves of the Route 2 corridor. Unlike the §5310 and MAP program, MassDOT did not award funding widely for these two programs.

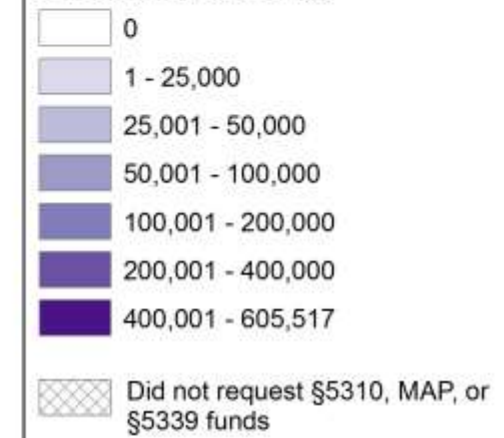
Figure 3 shows the combined totals of all the above funding programs for each municipality. Funding generally accrued to specific regions and the most densely populated and largest municipalities in the Commonwealth. The cities of Boston, Framingham, Springfield, Taunton, and Worcester had the highest municipal totals. While, Cape Cod and the region composed of the municipalities near Plymouth, Taunton, Fall River, and New Bedford received higher levels of funding. Overall, MassDOT awarded 324 of 351 municipalities in the Commonwealth with funding through the combined efforts of the §5310/MAP, §5311(f), BusPlus, and §5339 programs. However, as seen in the examination of distributions for the §5310/MAP program in Figure 1, MassDOT did not receive applications from three geographic areas in the Commonwealth: the eastern Merrimack Valley, the Blackstone Valley, and municipalities in and around the Pioneer Valley and the

Berkshires. MassDOT will need to investigate the potential existence of barriers to apply to MassDOT funding programs from these specific areas.

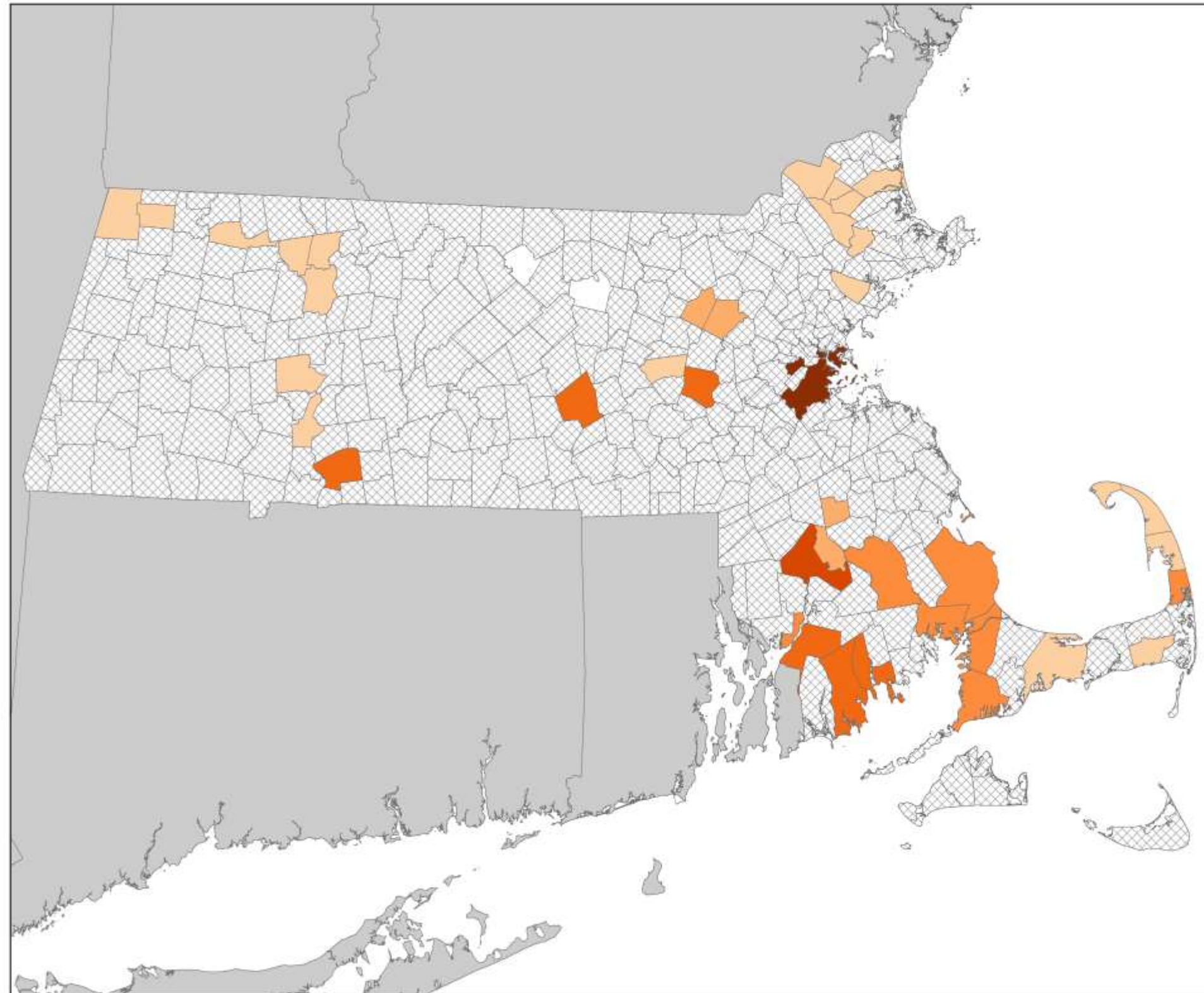


**FIGURE 1**  
**Distribution of §5310,**  
**Massachusetts Mobility**  
**Assistance Program (MAP),**  
**and §5339 Funds**  
**by Municipality (SFY 2015-17)**

**Amount awarded (\$)**

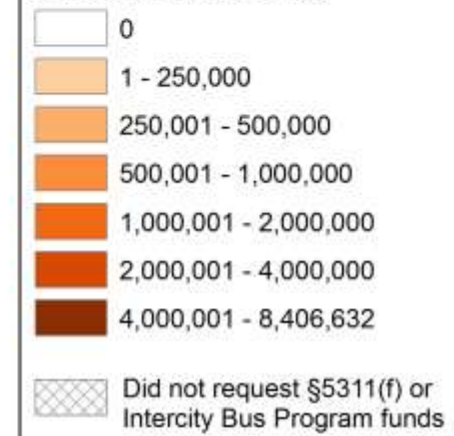


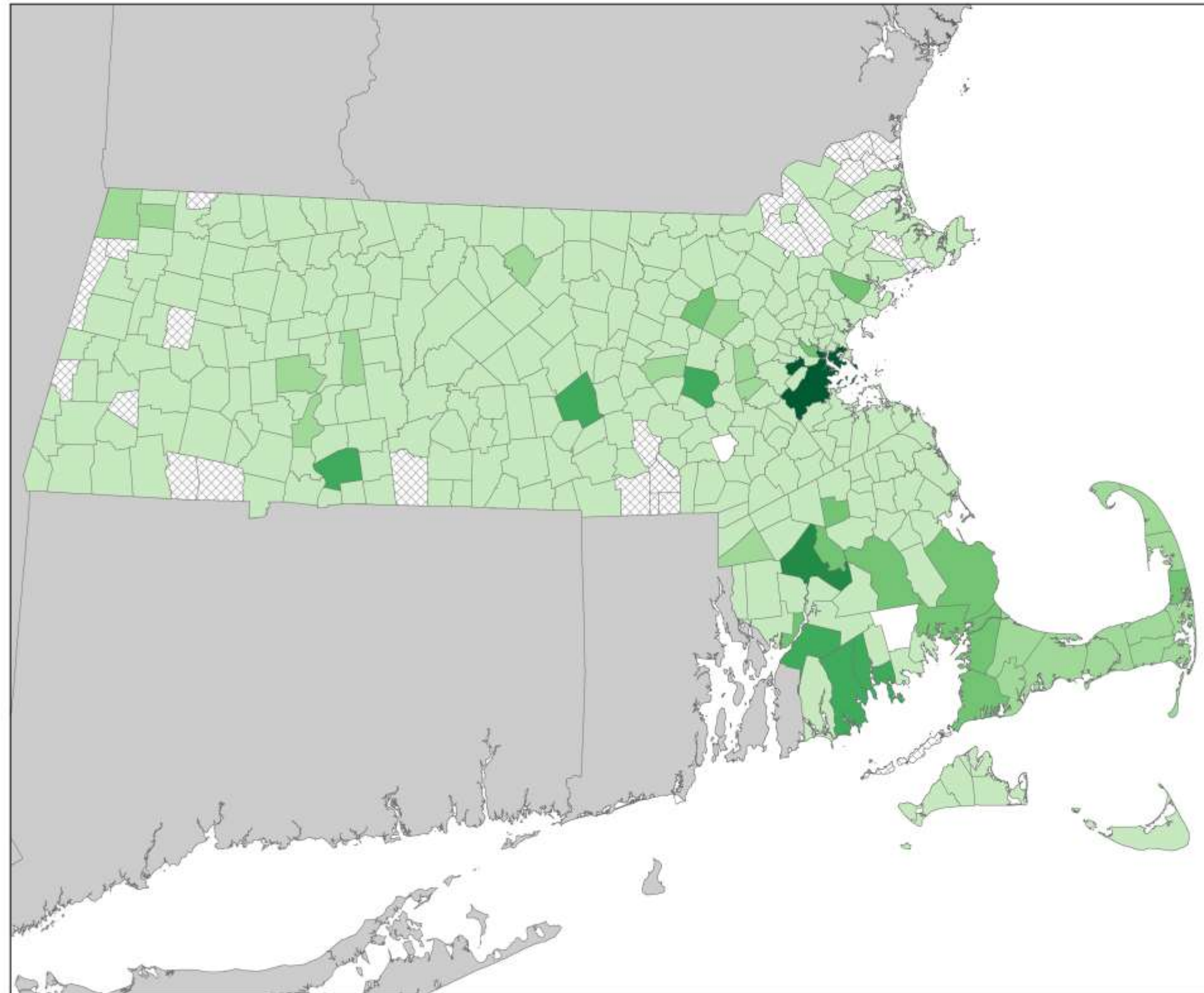




**FIGURE 2**  
**Distribution of §5311(f) and**  
**Intercity Bus Program Funds**  
**by Municipality (SFY 2015-17)**

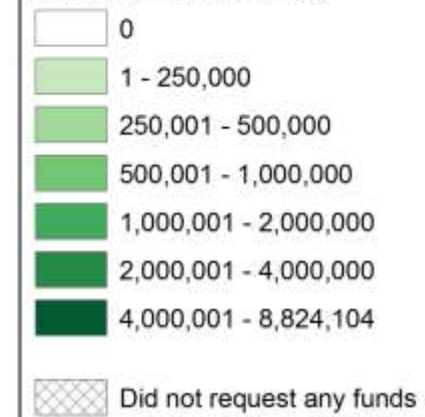
**Amount awarded (\$)**





**FIGURE 3**  
**Distribution of All Funds\***  
**by Municipality (SFY 2015-17)**

**Amount awarded (\$)**



\*Includes §5310, Massachusetts Mobility Assistance Program, §5311(f), Intercity Bus Program, and §5339 funds.

## g. SFY 2015 Funding Distribution Analysis

In SFY2015, MassDOT received 67 applications for state and federal grant programs for a total funding request of approximately \$33.7 million. MassDOT awarded approximately \$31.4 million or 93% of total requested funds to 62 projects. MassDOT ODCR examined the amounts awarded and the ratio of the awarded amount to the requested amount for projects serving minority and low-income areas to identify potential disparities for state and federal grant programs in aggregate. Table 2 provides a summary of the applications by minority and income status. In addition, MassDOT examined the funding distribution for each grant program; the analyses for individual programs are found later in this document.

**Table 2 – Summary of Projects in the Grant Programs in SFY 2015**

	Projects Serving Minority Areas	Projects Not Serving Minority Areas	Projects Serving Low Income Areas	Projects Not Serving Low Income Areas	Total
<b>Number of Applications</b>	52	15	54	13	67
<b>Amount Requested</b>	\$30,732,071	\$2,991,376	\$32,506,611	\$1,216,836	\$33,723,447
<b>Amount Awarded</b>	\$30,213,301	\$1,210,148	\$30,431,773	\$991,677	\$31,423,450
<b>Amount Awarded as a Percentage of Amount Requested</b>	98%	40%	94%	81%	93%

MassDOT awarded approximately \$30.2 million to projects serving minority areas compared to approximately \$1.2 million to projects not serving minority areas. MassDOT also awarded approximately \$30.4 million to projects serving low-income areas compared to approximately \$1 million to projects not serving low-income areas. MassDOT awarded significantly more funding to both projects serving minority and low-income areas, thus there are no potential disparate



impacts or disproportionate burdens to minority or low-income projects in the amount awarded.

MassDOT awarded project serving minority areas at a higher ratio to requested funding (98%) than projects not serving minority areas (40%). MassDOT also awarded projects serving low-income areas at a higher ratio to requested funding (94%) than projects not serving low-income areas (81%). These findings suggest that there are no potential disparate impacts or disproportionate burdens to projects serving minority or low-income areas for all state and federal grant programs in aggregate in SFY 2015.

### **Equity Analyses for §5310/MAP**

MassDOT received 47 applications requesting funding of approximately \$9 million for the §5310/MAP program in SFY 2015. MassDOT awarded approximately \$8.4 million for 44 projects. MassDOT funded 39 projects with a full award, 5 projects with a partial award, and 3 projects with no award.

MassDOT compared the number of projects by minority and income status that received a full award, partial award, and no award to identify potential disparities. Table 3 provides a summary of these data. A greater share of project serving minority areas were funded with a full award (85%) compared to projects not serving minority areas (79%). Meanwhile a smaller share of project serving minority areas were funded with partial award (9%) or no award (6%) compared to the share of projects not serving minority areas receiving partial award (14%) or no award (7%). This indicates that there is no potential disparate impact to minority populations with respect to the number of projects funded.

In addition, a higher percentage of projects serving low-income areas received a full award (86%) than projects not serving low-income areas (75%) while a lower percentage of projects serving low-income areas received a partial award (9%) or no award (6%) than projects not serving low-income areas receiving a partial award (17%) or no award (8%). This indicates that there are no potential disproportionate burdens to projects serving low-income areas with respect to project counts.

**Table 3 – Comparison of Awards in the §5310 and MAP Grant Program, SFY 2015**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	2	6%	3	9%	28	85%	33	100%
<b>Nonminority</b>	1	7%	2	14%	11	79%	14	100%
<b>Low-Income</b>	2	6%	3	9%	30	86%	35	100%
<b>Non-Low-Income</b>	1	8%	2	17%	9	75%	12	100%
<b>Total</b>	3	6%	5	11%	39	83%	47	100%

For partially awarded projects, MassDOT also examined the ratio of the amount of funding awarded to the amount requested. These data are summarized in Table 4. Although a smaller share of project serving minority areas received a partial award, these project serving minority areas received a lower ratio of their requested funding (25%) than projects not serving minority areas (32%). However, the amount requested for project serving minority areas was almost nine times the amount requested for projects not serving minority areas. Therefore, it is unclear if this actually indicates a potential disparate impact in funding distribution to partially awarded projects serving minority areas.

Moreover, despite a smaller share of projects serving low-income areas receiving partial award, these projects serving low-income areas were funded at a lower ratio of their requested funding (23%) than projects not serving low-income areas (32%). However, the amount requested for projects serving low-income areas was more than three times the amount requested for projects not serving low-income areas. Therefore, it is unclear if this actually suggests a potential disproportionate burden for partially awarded projects serving low-income areas. Also, taken together with the findings that a greater share of both projects serving minority and low-income areas were funded with a full award, it is unlikely that there is either a disparate impact or a disproportionate burden in overall funding distribution.

**Table 4 – Comparison of Partially Awarded Projects in the §5310 and MAP Grant Programs, SFY 2015**

	Amount Requested	Amount Awarded	Percentage Awarded
Minority	\$803,236	\$197,715	25%
Nonminority	\$92,075	\$28,712	31%
Low-Income	\$687,826	\$159,245	23%
Non-Low-Income	\$207,485	\$67,182	32%
Total	\$895,311	\$226,427	25%

## **Equity Analyses for §5339**

In SFY 2015, MassDOT received eight applications requesting funding of approximately \$3 million total for the §5339 program. MassDOT fully awarded six projects with approximately \$1.3 million, or 44% of the requested funding, and did not fund the remaining two projects. As shown in Table 5, while six out of seven (86%) projects serving minority areas were funded with a full award, the only project not serving minority areas was not funded. This indicates that there is no disparate impact to projects serving minority areas. A smaller share of projects serving low-income areas received a full award (71%) compared to projects not serving low-income areas (100%). However, it is difficult to draw meaningful conclusions because there was only one application not serving low-income areas. If considering dollar amounts for SFY 2015, projects serving minority and/or low-income populations each received approximately \$30 million, while projects that did not serve minority and/or low-income populations only received approximately \$1 million. This indicates that the pass-through of federal and state funding to provide transit service that reaches minority and/or low-income populations was sustained at a substantially higher level in dollar amounts than transit projects that did not serve these population groups.

**Table 5 – Comparison of Awards in the §5339 Grant Program, SFY 2015**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Minority	1	14%	0	0%	6	86%	7	100%
Nonminority	1	100%	0	0%	0	0%	1	100%

<b>Low-Income</b>	2	29%	0	0%	5	71%	7	100%
<b>Non-Low-Income</b>	0	0%	0	0%	1	100%	1	100%
<b>Total</b>	2	25%	0	0%	6	75%	8	100%

## **Equity Analyses for §5311(f)/BusPlus**

MassDOT received 12 applications for §5311(f)/BusPlus in SFY 2015 for a total funding request of approximately \$21.7 million. MassDOT fully funded all of the applications. All projects were considered to serve minority and low-income areas. Therefore, there is no a potential disparate impact or disproportionate burden to projects serving minority or low-income areas. Table 6 provides a summary of the applications by minority and income status.

**Table 6 – Comparison of Awards in the §5311(f)/BusPlus Grant Program, SFY 2015**

	<b>No Award</b>		<b>Partial Award</b>		<b>Full Award</b>		<b>Total</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	0	0%	0	0%	12	100%	12	100%
<b>Nonminority</b>	0	--	0	--	0	--	0	0%
<b>Low-Income</b>	0	0%	0	0%	12	100%	12	100%
<b>Non-Low-Income</b>	0	--	0	--	0	--	0	--
<b>Total</b>	0	0%	0	0%	12	100%	12	100%

## **h. SFY 2016 Funding Distribution Analysis**

In SFY 2016, MassDOT received 97 applications for state and federal grants with a total request of approximately \$31.2 million. MassDOT funded approximately \$16.7 million, or 53% of the requested funding for 48 projects. MassDOT examined the amounts awarded and the ratio of the awarded amount to the requested amount for the state and federal grant programs in aggregate to assess potential disparate impacts or disproportionate burdens. Table 7 provides a summary of the applications and amounts awarded by project minority and

income status. In addition, MassDOT examined §5310/MAP, §5339 and §5311(f)/BusPlus individually; the analyses for individual programs are found later in this document.

**Table 7 – Summary of Projects in the Grant Programs in SFY 2016**

	<b>Projects Serving Minority Areas</b>	<b>Projects Not Serving Minority Areas</b>	<b>Projects Serving Low Income Areas</b>	<b>Projects Not Serving Low Income Areas</b>	<b>Total</b>
<b>Number of Applications</b>	72	25	74	23	97
<b>Amount Requested</b>	\$28,249,347	\$2,950,001	\$28,336,026	\$2,863,322	\$31,199,348
<b>Amount Awarded</b>	\$15,487,070	\$1,174,062	\$15,530,200	\$1,130,932	\$16,661,132
<b>Amount Awarded as a Percentage of Amount Requested</b>	55%	40%	55%	39%	53%

For all state and federal grant programs in SFY 2016, MassDOT awarded a greater amount of funding to projects serving minority areas than to projects not serving minority areas—approximately \$15.5 million as compared to approximately \$1.2 million. Moreover, MassDOT funded projects serving low-income areas at a greater amount compared to projects not serving low-income areas—approximately \$15.5 million as compared to approximately \$1.1 million. Thus, in terms of awarded funding, there are no potential disparate impacts or disproportionate burdens to projects serving minority areas or low-income areas.

In terms of the ratio of the awarded funding to the requested funding, MassDOT funded projects serving minority areas at a higher percentage (55%) than projects not serving minority areas (40%) for all state and federal grant programs in SFY 2016. In addition, MassDOT awarded projects serving low-income areas at a higher percentage (55%) than projects not serving low-income areas (39%). This

confirms that, at the aggregated level, there are no potential disparate impacts or disproportionate burdens for all state and federal grant programs.

## **Equity Analyses for §5310/MAP**

In SFY 2016, MassDOT received 81 applications under the §5310/MAP program, requesting funding of approximately \$20.2 million. MassDOT awarded approximately \$8.1 million for 35 projects, with 23 projects fully funded and 12 projects partially funded. MassDOT did not fund the remaining 46 projects. Table 8 provides a summary of the applications by funding category and minority and income status.

MassDOT compared project applications serving minority areas with those not serving minority areas to assess potential disparate impacts. In addition, MassDOT compared projects serving low-income areas with those not serving low-income areas to assess potential disproportionate burdens. The comparisons show that there was no disparate impact because a higher share of projects serving minority areas received a full award (29%) than projects not serving minority areas (27%) and a lower percentage of projects serving minority areas received no award (53%) than projects not serving minority areas (68%). Further, there was no disproportionate burden because a higher share of projects serving low-income areas received a full award (31%) than projects not serving low-income areas (20%) and a lower percentage of projects serving low-income areas received no award (52%) than projects not serving low-income areas (68%).

**Table 8 – Comparison of Awards in the §5310 and MAP Grant Program, SFY 2016**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	31	53%	11	19%	17	29%	59	100%
<b>Nonminority</b>	15	68%	1	5%	6	27%	22	100%
<b>Low-Income</b>	32	52%	10	16%	19	31%	61	100%
<b>Non-Low-Income</b>	14	70%	2	10%	4	20%	20	100%

<b>Total</b>	46	57%	12	15%	23	28%	81	100%
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As previously defined, MassDOT considers projects that received from 1% up to 90% of requested funding as receiving a partial award. To reflect variations in funding levels in partial awards, MassDOT examined the ratio of total awarded funding to total requested funding for all projects that were partially awarded. These data are shown in Table 9. Although a greater number of projects serving minority areas were awarded partial funds, MassDOT funded projects serving minority areas at a higher percentage of the total requested funding (53%) than projects not serving minority areas (50%), as shown in Table 9. This indicates that there is unlikely a disparate impact in the partial award grants. Similarly, MassDOT granted a partial award to more projects serving low-income areas, and funded projects serving low-income areas at a higher percentage of their total requested funds (53%) than for projects not serving low-income areas (44%); there is no a disproportionate burden to low-income populations in the partial award grants.

**Table 9 – Comparison of Partially Awarded Projects in the §5310 and MAP Grant Programs, SFY 2016**

	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Percentage Awarded</b>
<b>Minority</b>	\$6,238,735	\$3,276,698	53%
<b>Nonminority</b>	\$241,600	\$120,800	50%
<b>Low-Income</b>	\$6,066,562	\$3,216,298	53%
<b>Non-Low-Income</b>	\$413,773	\$181,200	44%
<b>Total</b>	\$6,480,335	\$3,397,498	52%

## **Equity Analyses for §5339**

For the §5339 program, MassDOT received funding requests of approximately \$4.3 million in total in SFY 2016 and awarded approximately \$1.8 million. Of the nine projects requesting funding, five projects were funded with a full award, 1 was funded with a partial award and three received no award. These data are shown in Table 10.

MassDOT notes that the funding patterns across Title VI populations for this year of the 5339 program are not consistent with the other years included in this look



back period. Given that, and the small sample size of project to evaluate, a conclusive indication of disparity cannot be established. However, MassDOT will continue to monitor the administration and funding allocation decisions of the 5339 program to best ensure equity.

**Table 10 – Comparison of Awards in the §5339 Grant Program, SFY 2016**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	3	50%	1	17%	2	33%	6	100%
<b>Nonminority</b>	0	0%	0	0%	3	100%	3	100%
<b>Low-Income</b>	3	50%	1	17%	2	33%	6	100%
<b>Non-Low-Income</b>	0	0%	0	0%	3	100%	3	100%
<b>Total</b>	3	33%	1	11%	5	56%	9	100%

## **Equity Analyses for §5311(f)/BusPlus**

MassDOT received 7 applications for the §5311(f)/BusPlus program in SFY 2016, with a total funding request of approximately \$6.7 million. MassDOT funded all applications with full awards. As shown in Table 11, all projects were served minority and low-income areas. Therefore, there is no potential disparate impact or disproportionate burden to projects serving minority or low-income areas.

**Table 11 – Comparison of Awards in the §5311(f)/BusPlus Grant Program, SFY 2016**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	0	0%	0	0%	7	100%	7	100%
<b>Nonminority</b>	0	--	0	--	0	--	0	--
<b>Low-Income</b>	0	0%	0	0%	7	100%	7	100%
<b>Non-Low-Income</b>	0	--	0	--	0	--	0	--
<b>Total</b>	0	0%	0	0%	7	100%	7	100%



## i. SFY 2017 Funding Distribution Analysis

In SFY 2017, there were 87 applications to MassDOT for the state and federal grant programs, with a total request of about \$22.6 million. MassDOT awarded approximately \$12.3 million, or 54% of the requested funds to 53 projects. MassDOT ODCR examined the amounts awarded and the ratio of the awarded amount to the requested amount for projects serving minority and low-income areas. These data are summarized in Table 12. In addition to examining the state and federal funding distribution in the aggregate, MassDOT examined each grant program individually; the funding distribution analyses for these programs are found later in this document.

**Table 12 – Comparison of Projects in the Grant Programs in SFY 2017**

	Projects Serving Minority Areas	Projects Not Serving Minority Areas	Projects Serving Low Income Areas	Projects Not Serving Low Income Areas	Total
<b>Number of Applications</b>	64	23	70	17	87
<b>Amount Requested</b>	\$19,439,148	\$3,131,324	\$21,517,267	\$1,053,205	\$22,570,472
<b>Amount Awarded</b>	\$10,755,425	\$1,517,169	\$11,353,417	\$919,177	\$12,272,594
<b>Amount Awarded as a Percentage of Amount Requested</b>	55%	48%	53%	87%	54%

MassDOT awarded a greater amount of funding to projects serving minority areas than to projects that do not serve minority areas—approximately \$10.8 million as compared to approximately \$1.5 million. Additionally, MassDOT awarded a greater amount of funding for projects serving low-income areas than for projects that do not serve low-income areas—approximately \$11.4 million as compared to approximately \$919,000. This indicates that there are no potential disparate impacts or disproportionate burdens for the amounts awarded to projects serving minority or low-income areas.

In addition, MassDOT awarded funds to projects serving minority areas at a higher ratio to requested funding (55%) than to projects that did not serve a minority area (48%).. The only exception to this pattern of funding allocation to minority and low-income projects was SFY 2017 where non-low-income projects received a ratio of award to amount requested that was a higher percentage (87%) than the same ratio for low-income projects (53%). However, in considering that the amount requested for projects serving low-income areas was more than twenty times the amount requested for projects not serving low-income areas there is no indication that the award ratios alone suggest a disproportionate burden for low-income populations. This ratio is an outlier and is not repeated in any other year of this look back period. MassDOT will continue to monitor the administration and funding distributions of this program to determine if any improvements can and should be made to further support equity. MassDOT continues to appear to consistently award projects serving minority and low-income populations at greater rates than projects serving nonminority and non-low-income areas.

### **Equity Analyses for §5310/MAP**

For the §5310/MAP program, MassDOT received 73 applications requesting total funding of approximately \$15.9 million. MassDOT awarded approximately \$8.9 million to 59 projects. MassDOT categorized projects as receiving a full, partial, or no award based on the criteria outlined in the introduction of this chapter. MassDOT fully funded 43 projects; partially funded 16 projects; and did not fund 14 projects.

MassDOT compared the funding for projects serving minority areas with projects that do not serve minority areas to assess potential disparate impacts. In addition, MassDOT compared the funding for projects serving low-income areas with projects not serving low-income areas to assess potential disproportionate burdens. These data are summarized in Table 13. This funding year showed the greatest discrepancy in the breakdown of funding patterns across the three categories of no award, partial award, and full award during this look back period. However, the overall results of the funding allocation for this year still indicate that projects serving minority and/or low-income populations were funded at a

higher rate than projects that did not serve those populations. That said, MassDOT will continue to monitor the outcome of each year of this funding program to determine if program administration adjustments are needed to address any possible disparities or disproportionalities in funding distributions.

**Table 13 – Comparison of Awards in the §5310 and MAP Grant Program, SFY 2017**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	11	21%	14	27%	27	52%	52	100%
<b>Nonminority</b>	3	14%	2	10%	16	76%	21	100%
<b>Low-Income</b>	13	23%	14	25%	29	52%	56	100%
<b>Non-Low-Income</b>	1	6%	2	12%	14	82%	17	100%
<b>Total</b>	14	19%	16	22%	43	59%	73	100%

With respect to partial awards, MassDOT examined the ratio of awarded funding to requested funding for projects serving minority areas and those not serving minority areas that were partially funded, as shown in Table 14. Although MassDOT awarded a greater share of projects serving minority areas a partial award, these same projects also received a higher share of awarded funding, on average, than projects not serving minority areas. This indicates that there is unlikely a disparate impact in granting a partial award.

**Table 14 – Comparison of Partially Awarded Projects in the §5310 and MAP Grant Programs, SFY 2017**

	Amount Requested	Amount Awarded	Percentage Awarded
<b>Minority</b>	\$7,775,796	\$4,297,371	55%
<b>Nonminority</b>	\$356,488	\$161,434	45%
<b>Low-Income</b>	\$7,916,225	\$4,348,738	55%
<b>Non-Low-Income</b>	\$216,059	\$110,067	51%
<b>Total</b>	\$8,132,284	\$4,458,805	55%

## Equity Analyses for §5339

In SFY 2017, MassDOT received 7 applications for the §5339 program with a total request for approximately \$3.6 million. MassDOT awarded approximately \$603,000 to 4 projects. MassDOT did not grant any partial awards for this program. The awards in this program are summarized in Table 15. More projects serving minority areas (80%) received a full award than projects serving non-minority areas (0%). In addition, fewer projects serving minority areas received no award (20%) than projects serving non-minority areas (100%). This indicates that there was no potential disparate impact to minority populations. All applicants to this program served low-income areas, and thus there is no potential disproportionate burden to low-income populations.

**Table 15 – Comparison of Awards in the §5339 Grant Program, SFY 2017**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	1	20%	--	--	4	80%	5	100%
<b>Nonminority</b>	2	100%	--	--	0	0%	2	100%
<b>Low-Income</b>	3	43%	--	--	4	57%	7	100%
<b>Non-Low-Income</b>	--	--	--	--	--	--	--	--
<b>Total</b>	3	43%	--	--	4	57%	7	100%

Note: -- = Not applicable

## **Equity Analyses for §5311(f)/BusPlus**

In SFY 2017, MassDOT received 7 applications for the §5311(f) and BusPlus grant programs, with a total request for approximately \$3 million in funding. MassDOT awarded approximately \$2.7 million for 6 projects. MassDOT did not grant any partial awards for this program. All proposed projects served minority and low-income areas. Thus, there are currently no potential disparate impacts to minority populations or disproportionate burdens to low-income populations from the distribution of funds. The awards for this program are summarized in Table 16.

**Table 16 – Comparison of Awards in the §5311(f)/BusPlus Grant Program, SFY 2017**

	No Award		Partial Award		Full Award		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Minority</b>	1	14%	0	0%	6	86%	7	100%
<b>Nonminority</b>	0	--	0	--	0	--	0	--
<b>Low-Income</b>	1	14%	0	0%	6	86%	7	100%
<b>Non-Low-Income</b>	0	--	0	--	0	--	0	--
<b>Total</b>	1	14%	0	0%	6	86%	7	100%

## j. Program Refinement

As discussed in the first section of this document, these equity analyses use data supplied by the applicant to define projects that serve minority and low-income areas. Applicants provide a count of the number of minority and low-income areas in the proposed service area, and a project serving at least one minority or low-income area is defined as serving minority and/or low-income populations. This methodology has limited utility in assessing the level of benefit received. MassDOT ODCR and RTD are currently revising how applicants assess the minority and low-income populations they serve in order to identify a more refined approach to assessing the magnitude of the benefits. Part of this revision process involves updating the way that applicants are asked to provide demographic information on minority and low-income populations within their service areas. MassDOT has taken the following steps to facilitate the program refinement:

- The grant application for the Rail and Transit Division's Community Transit Grant Program, distributing \$5310 and MAP funding, has been completed revised for the 2018 grant cycle. This includes the Civil Rights related questions that facilitate these equity analyses.
- MassDOT ODCR and RTD are developing an online tool that will determine demographic data for a user-selected service area based on US Census data showing minority and low-income populations by municipality. This limits the risk of erroneous data reported by grant applicants regarding populations served as each applicant will only have to identify service



areas, as opposed to also having to self-report demographics in each service area.

MassDOT will continue to review its outreach efforts for the areas that have been identified as not having participated in the §5310, §5311(f), or §5339 funding programs. MassDOT will also continue to evaluate for potential equity impacts during the application evaluation stage, before the finalization of funding decisions.

## **K. STATEWIDE PLANNING PROCESS**

### **i. STATEWIDE TRANSPORTATION PLANNING STRUCTURE**

In 1962, the United States Congress passed legislation that required the formation of Metropolitan Planning Organizations (MPOs) for urbanized areas with a population of 50,000 or more. These MPOs were and still are charged with ensuring that existing and future transportation expenditures are based on a continuing, cooperative, and comprehensive (also known as the 3C) regional planning process. This was primarily accomplished through the establishment of long range-Regional Transportation Plans (RTPs), which outline each region's vision and needs for the future; Transportation Improvement Programs (TIPs), financially constrained documents that program and fund transportation projects in each region; and Unified Planning Work Programs (UPWPs), which define and fund the planning functions for the MPO, staff, and other regional-level planning efforts. MassDOT is responsible for compliance and oversight of the MPO 3C processes, as well as formation of the State's Transportation Improvement Program. A representative of MassDOT is also a voting member of each MPO.

## **ii. OFFICE OF TRANSPORTATION PLANNING TITLE VI PLANNING SUBPROGRAM**

MassDOT's Office of Transportation Planning maintains a Title VI "Subprogram" document that outlines Title VI compliance within that MassDOT department apart from MassDOT's Title VI Program. The text that follows is the current draft of the OTP Title VI Subprogram.

This document guides the integration of Title VI considerations into the work done by the Massachusetts's Department of Transportation's (MassDOT's) Office of Transportation Planning (OTP). For many groups within the department, it is a formalization and documentation of current practices, while for other groups, it identifies new tasks and goals for ensuring that Title VI is a part of all work done by the department. This subprogram was developed in coordination with the Office of Diversity and Civil Rights (ODCR).

### **a. IMPROVED COORDINATION WITH THE OFFICE OF DIVERSITY AND CIVIL RIGHTS**

OTP and ODCR work closely together to establish responsibilities and to schedule a variety of Title VI compliance related tasks to be undertaken each year. OTP staff will continue to serve as a source for technical assistance including GIS mapping and email list serve management for outreach. MPO liaisons from OTP, well versed in Title VI compliance needs and strategies, afford MassDOT an opportunity for regular recurring coordination with the MPO regions on Title VI compliance and the provision of technical assistance. Liaisons take an active role in making sure that Title VI considerations are addressed in all MPO work and that tasks are appropriately defined in Unified Planning Work Programs (UPWPs).

OTP will also participate in the annual review of MPO Title VI reporting submissions and highlight their findings for ODCR. Beginning in FY2013, ODCR will attend the Transportation Managers Group (TMG) meeting in November to

highlight possible updates and changes in the field of Title VI, to provide guidance regarding upcoming MPO annual Title VI reports, and to field questions. Following that, ODCR and OTP will meet and coordinate on responsibilities and tasks going forward. A subsequent meeting in December will address any issues that arise from the MPOs. Before MPO annual Title VI report submissions are due in January, MPO liaisons will provide support and oversight for MPOs and assist them with their submissions if necessary. After the submissions are complete, the liaisons will do a preliminary review, provide ODCR with written impressions and suggested remedies regarding areas of concern, and review the benefits and burdens analysis of MPO projects. OTP will then meet with ODCR to discuss all of the submissions. Formal findings and recommendations will be provided to each region by ODCR. ODCR and OTP will follow-up with the MPOs in the spring to present overall findings from the annual review.

## **Public Participation Plan**

OTP will follow the MassDOT Public Participation Plan for all public outreach. It is contemplated that MassDOT will revisit its Accessible Public Meeting policy as part of the Public Participation Plan during the upcoming three year cycle, and will make appropriate contact with FTA to consider any modification made.

See <http://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI.aspx>

## **Language Access Plan**

OTP will follow the MassDOT Language Access Plan for all public-facing tasks and work products. It is contemplated that MassDOT will revisit its Language Access Plan during the upcoming three year cycle, and will make appropriate contact with FTA to consider any modification made.

See <http://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI.aspx>

## **b. ENHANCED MAPPING & GIS ANALYSIS**

### **Online Mapping Tool**

OTP is currently working with a consultant to create a web-based mapping application. 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. ODCR has provided each MPO region with spreadsheets of registered not-for-profit organizations and with instructions on how to filter this data to identify previously unknown individuals and organizations to include in outreach. These lists are to be updated annually. With the mapping tool currently in a live beta, ODCR has begun incorporated this technology into staff trainings on Title VI, public participation, and language access obligations.

See <http://gis.massdot.state.ma.us/maptemplate/engage>

## **Benefits and Burdens Mapping**

OTP is developing a benefits and burdens analysis protocol to identify any possible disparities in project distribution and possible barriers to participation in the transportation project development process. Part of this process includes mapping components. For instance, OTP has created a map that shows all projects built since 2006, mapped against Title VI areas. This map allows for an analysis of the distribution of completed projects. This map will be updated and reviewed annually and will serve as our statewide review of projects programmed in the STIP. Review of this map is the first step in the analysis of benefits and burdens as outlined later in this document. Using the map, MPOs will conduct a similar review of their own TIP projects each year.

## **Accessibility of Maps**

OTP will take reasonable steps to offer mapping products in languages other than English, as indicated by the LEP Four Factor Analysis or by request. Currently maps

offered online are .pdfs and are not translatable by users. OTP will also consider how maps might be designed at the outset to be more universally understandable for users, such as by using numbers and symbols instead of text, where appropriate. To further inform Factor 3 of the LEP Four Factor Analysis, OTP will survey staff and stakeholders to evaluate current reports and maps to determine which should be offered in translation.

The MassDOT Highway Division has convened a subcommittee of the ADA Transition Plan Working Group to develop the policies and procedures that will ensure web accessibility of documents produced by or for MassDOT and posted to the organizations webpage. These policies and procedures will guide the development of OTP's mapping products, where applicable.

## **REVIEW 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.

### ***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. However, OTP is committed to formalizing this process to ensure that Title VI factors are fully considered and documented.

OTP's Administration group will formally request project ideas from managers. These ideas can be drawn from the approved statewide long range plan, modal plans, certification documents from MPOs, or corridor studies. These will be compiled by the Administration group. The Executive Director of Planning, Deputy Executive Director and group directors will convene a meeting where these project ideas will be considered for programming. This group will consider the mission of MassDOT (safety and customer focus); federal planning factors, and guidance from the relevant transportation authorization requirements. With these criteria, the group will use the appropriate Title VI mapping tools to conduct a geographic equity review and to finalize the projects selected for programming each year. Please note that this process will not fully account for all projects since priorities do arise during the year. However, OTP will make every effort to undertake a similar review as needed.

### ***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 will continue to follow this practice, and will review solicitations with previous submittals to see if they are capturing research topics that address Title VI issues. If not, OTP will consider outreach outside of MassDOT to gain these perspectives. As part of this MassDOT-wide solicitation, OTP will provide the maps that detail limited English proficiency and minority populations across MassDOT to help raise awareness among MassDOT employees. ODCR will be 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.

Title VI assurances will be included as a term of all research agreements with all our potential research partners. Any contractors will be provided with the maps that detail limited English proficiency, minority and low-income populations. They will be required to use them for analytical purposes as well as any outreach approach that is adopted.

### ***Study Selection for Corridor Planning***

The Office of Transportation Planning reviews 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 is used to identify the most congested corridors and to prioritize them for further study. As part of this effort, OTP includes 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 will 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 will be documented. OTP will also continue to work with ODCR to update our DBE goals for consultant solicited studies.

On outreach regarding studies, policy documents or reports, OTP's language access activities will be determined by the LEP Four Factor Analysis. Our outreach will be designed around the findings of the LEP analysis and OTP will accommodate access as needed.

### **REFINE STUDY SCOPES TO INCLUDE TITLE VI**

OTP staff will build language into study scopes for consultants to ensure that Title VI and environmental justice considerations are incorporated into all applicable phases of work. Staff will draft project scopes so as to take into account Title VI-related issues and outreach regarding solicitations will 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, going forward, OTP will incorporate Title VI considerations from the very beginning into their scopes and monitor their work for compliance. The Office of Transportation Planning will supply the prospective consultants with information on the potential Title VI and environmental justice issues within each respective study area. The information transmitted to potential consultants will also include the Office of Transportation Planning's "Best Practices Guide for Title VI-Compliant Public Outreach to Environmental Justice Communities." When work is done by in-house staff, the same considerations apply. The following language will be added:

**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:*

<http://www.adobe.com/accessibility/products/acrobat/pdf/A9-accessible-pdf-from-word.pdf>

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

During consultant selection processes, OTP will require potential responders to review the OTP website and OTP maps that detail Title VI populations. OTP will ask 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 will be included as a term in all research agreements with all potential research partners. Any contractors will be provided with the maps that detail limited English proficiency and minority populations. They will be 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.

## **IMPROVED OUTREACH & DOCUMENTATION**

### ***Study Outreach for Long-Range Planning***

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 will 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 will be established as part of the

initial planning parameters for the project. These efforts, along with the entirety of the public outreach program, will be ongoing throughout the duration of the study and will be focused 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 will be documented.

### ***Inclusive Outreach Example: WeMove Massachusetts***

We Move Massachusetts is an example that shows how OTP does inclusive outreach, as well as the kinds of group that are targeted, how priorities are determined, and projects selected.

WeMove Massachusetts (WMM) is MassDOT's statewide strategic multi-modal plan. The initiative is a product of the transportation reform legislation and the youMove Massachusetts civic engagement process. WMM will improve how MassDOT does business, responds to customers and provides transportation services to the Commonwealth. Using an analytical approach developed for the WMM process, MassDOT can now prioritize transportation investments for different planning scenarios based on national standards and available funds. It is an ongoing, continuing strategic planning exercise that is meant to be iterative and to guide MassDOT's strategic planning outreach in the future.

WMM sets target levels of performance for the key program components of the transportation system: bridges, roadways, buses and trains, railroad tracks and signals, sidewalks and bike paths. It establishes ways to measure performance of these critical transportation investments, now and in the future. This process is guided by MassDOT customers' wants and goals, public health concerns, safety and service needs. The approach is innovative and flexible, and permits MassDOT and its customers to envision a variety of ways to dedicate current and new revenues to transportation.

The report also summarizes in-depth interviews with major stakeholders about transportation needs in their respective communities. The stakeholders represented various groups across the Commonwealth. They included councils on aging, neighborhood and family alliances, economic development agencies, community action councils, planning commissions, community health centers, homeless programs and low-income and minority groups.

<http://www.massdot.state.ma.us/wemove/Home.aspx>

As part of weMove Massachusetts (WMM), the next step in the transforming initiative, MassDOT continued to focus on involving its customers in helping set transportation investment priorities. The goal of this outreach effort was to learn more about the transportation experiences and needs of a focused set of stakeholders. In particular, WMM targeted populations who did not fully participate in the original process at the level MassDOT wanted to see. The WMM team focused on outreach to populations in and near environmental justice and Title VI areas of concern. This effort included conversations with leaders of environmental, community, transportation, and public health groups, who work with low English proficiency, low income, elderly, and transit-dependent people. At the same time, MassDOT continued to welcome comments and participation by the public.

The team developed two approaches: conducting interviews with the leaders of specific populations and groups; and developing a questionnaire in multiple languages that was made available on a website and in print. MassDOT used media, social networking, community groups and postings, and outreach to health, transportation, and senior communities. The team conducted 19 interviews with leaders of stakeholder groups. The WMM interviews identified a consistent set of needs across primarily urban areas around the Commonwealth focused on public transportation and other alternatives to private automobile use, such as walking and bicycling.

There were 1,893 respondents who participated in the questionnaire. The results provide valuable themes and topics to be investigated and/or considered as MassDOT begins to implement a system, including public input, for responding to

transportation challenges in the Commonwealth. Data from the interviews and questionnaire responses were organized in a summary report, which is posted on the website. The data affirm the themes developed in the YMM process while providing more specific recommendations for serving targeted stakeholders in Environmental Justice and statewide urban communities.

The weMove Massachusetts effort grew out of a civic engagement initiative called youMove Massachusetts. MassDOT's customers participated in the youMove Massachusetts process to offer their vision for the transportation system of the Commonwealth. The following ten themes summarize the outcome of the youMove Massachusetts process: Reliability; Maintenance; Design; Shared Use; Capacity; User Friendly; Broaden the System; Funding and Equity; Environment; Access. These ten themes represent the unifying framework – the guiding light – within which the weMove Massachusetts process was developed. The ten themes come directly from the words and ideas of the public, and they inform everything that MassDOT does. It is MassDOT's goal and responsibility to turn the guidance of the public into a set of responsible, long-range transportation investments.

OTP will also periodically evaluate the effectiveness of this outreach to determine if there are any additional steps that can be taken to improve the engagement of Title VI communities. OTP will attempt to do this quantitatively by asking participants to self-identify their affiliations.

### ***Record and Analysis of Statewide Outreach Meetings***

OTP will create a database and map of all meetings held regarding statewide plans in order to document and analyze their geographic distribution as well as their location relative to Title VI communities. OTP will consider whether meetings are being held in convenient locations for all populations and work towards equitably distributing them across the state.

## **TITLE VI LENS FOR ANALYSIS OF ALTERNATIVES**

OTP will include Title VI analysis when conducting analyses of 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 going forward OTP will incorporate Title VI considerations from the very beginning into their scopes and monitor their work for compliance. When work is done by in-house staff, the same considerations apply. The following language will be added:

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

## **EFFECTIVE BENEFITS AND BURDENS ANALYSIS**

OTP is currently developing a methodology for evaluating all planning studies and capital projects with respect to Title VI goals and to identify and analyze benefits and burdens.

The first step for evaluating projects' benefits and burdens to Title VI areas is to look at the geographical distribution and compare the number of projects in Title VI areas versus non-Title VI areas. OTP will also look at dollars spent on projects in

each of those areas to make sure that money is being spent equitably. Evidence of disparities will prompt a finer grain analysis.

Some of the benefits and burdens criteria that will be used to evaluate projects include the following:

- Project located in a Title VI area and provides new transit access.
- Project located in a Title VI area and provides improved access.
- Project provides no improvement in transit access or is not in a Title VI area.
- Project located in a Title VI area and provides for substantial improvement to an identified Title VI transportation issue.
- Project provides no additional benefit and/or is not in a Title VI area or population zone
- Creates a disproportionate burden in a Title VI area

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.

## **CONTINUED MONITORING OF METROPOLITAN PLANNING ORGANIZATIONS (MPOS)**

OTP staff, specifically MPO liaisons, will provide training and technical assistance to MPOs and sub recipients for their Title VI- related responsibilities. OTP designates staff as liaisons assigned to each MPO in the Commonwealth. OTP Staff liaisons will provide technical assistance to MPOs in certification document preparation and Title VI program implementation, as well as support with monitoring MPO compliance.



Annual Title VI compliance reports and triennial Title VI program submissions for each of the Commonwealth's MPOs will be submitted to both OTP and ODCR for review and approval. ODCR will set the schedule for completing Title VI reviews and addressing any corrective actions.

### ***Transportation Scoring Methodology – TIP Development***

Currently the traditional categories used for roadway projects, as part of the regions' transportation evaluation criteria, are: Mobility; Condition Factors; Safety; Community Effects and Support; Cost Effectiveness; Land Use and Economic Development; and Environmental Effects. These criteria will be modified in the coming year to include Title VI, GreenDOT and Modal Shift. Some considerations for the Title VI transportation evaluation criteria might include those listed above.

Tasks for OTP staff:

- To review all regions' **transportation evaluation criteria** for Title VI components; in the absence of that criterion, that all RPAs ensure its place as part of the overall criteria.
- To review RPAs annual **UPWPs** for Title VI tasks, either as stand-alone items or part of ongoing task development; in the absence of Title VI, that all RPAs ensure its place as part of the overall criteria;

### ***Transit Methodology***

Currently, the traditional categories used for service improvement/service expansion projects, as part of the regions' transportation evaluation criteria, are Station and ITC Improvements; Parking Improvements; ADA Improvements; ROW and Signal/Communications Improvements; Revenue Vehicle Capacity Improvements; Bus Service Expansion; Rapid transit expansion; Commuter Rail / Boat Expansion; New ITC Facilities.

Tasks for OTP staff:

- To review all regions' **transportation evaluation criteria** for Title VI components; in the absence of that criterion, that all **RTAs** ensure its place as part of the overall criteria.
- To review RPAs annual UPWPs for Title VI tasks, either as stand-alone items or part of ongoing task development; in the absence of Title VI, that all RPAs ensure its place as part of the overall criteria;

#### Tasks for RPA staff:

- That each RPA/ RTA provide regular and ongoing evidence of outreach to its Title VI demographics
- That each RPA include language of Title VI in its annual UPWP, either as a separate task or part of its task development
- That each RPA/RTA gives equal weight to Title VI consideration in its evaluation criteria for potential TIP projects.

#### ***Miscellaneous MPO monitoring***

**Public Participation Plans:** All regions' public participation plans will be revised in calendar year 2013 to include significant emphasis on Title VI efforts.

**Affirmative Action:** Monitor MPOs on AA-EEO workforce profiles in support of MassDOT's Affirmative Action obligations.

## **ANNUAL REPORTING**

### ***Distribution of Projects***

OTP work products will be evaluated for Title VI compliance on an annual basis, considering the geographic distribution of recommended capital projects and their benefit and burden characteristics. This task will be completed through mapping described above, as well as charts and graphs outlining planning recommendations in Title VI communities.

OTP will continue to develop, evaluate, and refine the methodology by which planning studies are selected. The inclusion of Title VI considerations in the evaluation criteria, as well as alternatives analysis, will contribute to this goal. One criteria method for evaluation will be to see if SPR and 5303 projects are actually addressing the mobility gaps and needs identified by the WeMove Massachusetts outreach.

### ***Public Outreach Effectiveness***

OTP will also evaluate the effectiveness of public outreach and determine additional steps that can be taken to improve outreach in, and engagement of Title VI communities. While documenting public outreach activities affords OTP with the opportunity to catalogue Title VI compliant outreach methodologies, effectiveness is determined through an analysis of those methods. A first step towards this goal will be to begin collecting information from public meeting attendees about their level of knowledge of a particular project, their level of comfort with public outreach methodologies, suggestions for other types of outreach, and demographics. These questions can also be asked of those who have expressed interest in particular projects but do not participate in public events. OTP will work with ODCR to develop a template for collecting this information from the public. Going forward, OTP staff will perform an evaluation of the effectiveness of the outreach to Title VI communities, and will document lessons for future studies.

At the completion of an OTP study, an overall ‘after action’ review will be performed to discuss and learn from the experiences of the study.

### ***Research***

Annual reporting for research will include the following:

- Number of research agreements currently underway with universities and/or consultants and the dollar amount;
- Efforts made to increase female and minority consultant participation in obtaining research contracts;

- Identification of possible concerns/barriers for female and minority consulting firms in obtaining research contracts;
- Amount of federal Statewide Planning and Research funds spent on contract research;
- Actions taken to encourage universities to utilize female and minority student participants on transportation research projects;
- Percentage of female and minority participation in research projects;
- Title VI complaints received regarding research projects;

## **L. PROGRAM ADMINISTRATION**

### **i. INTRODUCTION**

MassDOT administers FTA programs through two primary offices: The Rail and Transit Division and the Office of Transportation Planning. Programs of the two primary administrative offices are summarized below.

#### **a. The Rail and Transit Division:**

MassDOT through its Rail and Transit Division is primary recipient and manager of FTA transit grant programs. The summary below outlines the rail and transit grant programs administered and distributed through MassDOT.

#### **Title 49 USC § 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities Program**

Revamped in MAP-21, the FTA has split the §5310 Program into “Traditional Projects” and “Expanded Projects.” This reflects the fact that the New Freedom Program was consolidated into §5310, and no longer exists as a stand-alone program.

### ***Traditional Project Goals Include:***

Public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable or inappropriate.

This DOES NOT include: Vehicles or equipment that benefits, or is assumed to benefit, seniors or people with disabilities in addition to the general public (for example, purchasing a 40-ft. bus for regular service which seniors and individuals with disabilities may or may not use).

This DOES include:

- Fully accessible vehicles (MassDOT purchases the vehicles for the grant recipient; See Fully Accessible Vehicle Guide for more information.);
- Vehicle equipment, such as communications equipment, lifts or ramps, or preventive maintenance as defined in the National Transit Database;
- Passenger facilities, such as benches or shelters;
- Intelligent Transportation Systems, fare box systems, computer hardware or software, or dispatch systems;
- Mobility Management activities targeted at elderly and people with disabilities. This includes planning, promoting and providing coordinated services enhancing access to transportation opportunities.

### ***Expanded Project Goals Include:***

Projects that exceed the requirements of the Americans with Disabilities Act.

This DOES NOT include: Fixed-route service which does not specifically serve seniors and individuals with disabilities.

This DOES include:

- Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;
- Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;
- The incremental cost of providing same day service;
- The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not as a reasonable modification for individual riders in an otherwise curb-to-curb system;
- Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;
- Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA (i.e., larger than 30" x 48" and/or weighing more than 600 pounds) and labor costs of aides to help drivers assist passengers with over-sized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600 pound design load, and the acquisition of heavier-duty vehicles for paratransit and/or demand-response service;
- Installation of additional securement locations in public buses beyond what is required by the ADA;
- "Feeder Service" to intercity/commuter bus or rail service that is not otherwise required under ADA.
- Projects that improve access to fixed route service and decrease reliance on complementary paratransit. This could include:
  - Building an accessible path to a to a bus stop not designated as a key station that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals or other accessible features;
  - Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA;
  - Improving signage, or wayfinding technology;

- Implementation of other technology improvements to a stop not designated as a key station that enhance accessibility for people with disabilities including Intelligent Transportation Systems (ITS).
- Projects that are alternatives to public transportation, such as:
  - Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs;
  - Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers;
  - Supporting volunteer driver and aide programs.

## **Title 49 USC § 5311 – Rural Operations**

Program grants are distributed to enhance access of people in non-urbanized areas to health care, shopping, education, employment, public services and recreation; and to assist in maintenance, development, improvement and use of public transportation systems in non-urbanized communities. In the current program year, MassDOT made 4 grant awards from the Section 5311 federal allocation to the regional transit authorities. All subgrantees are regional transit authorities, one of which is a direct recipient of other FTA funds. MassDOT is responsible for monitoring compliance of the three remaining Section 5311 subrecipients—Franklin Regional Transit Authority, Martha’s Vineyard Transit Authority and Nantucket Regional Transit Authority.

## **Title 49 USC § 5311(f) – Rural Intercity Bus Service**

FTA requires the state to spend not less than 15 percent of the annual 5311 funding to develop and support intercity bus transportation, unless the Governor certifies to the U.S. Secretary of Transportation that the intercity bus service needs of the state are otherwise being met. Eligible activities under the program include:

- Planning and marketing for intercity bus transportation;
- Capital grants for construction (i.e., intercity bus shelters);



- Vehicle purchase, rehabilitation, refurbishment, and wheelchair lift retrofit;
- Equipment purchase (e.g. Intelligent Transportation Systems, wheelchair lifts, etc.);
- Operating assistance, including the provision of feeder service.

### **Title 49 USC § 5316 Job Access and Reverse Commute**

Goal of the JARC Program is “to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.” Note: while new funding is no longer available under this grant category (as this program was cancelled under MAP-21), MassDOT Transit is still administering existing available funds under this program and will continue to do so until such funds are exhausted.

### **Title 49 USC § 5317 New Freedom**

This program aims “to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act of 1990.” Note: while new funding is no longer available under this grant category (as this program was cancelled under MAP-21), MassDOT Transit is still administering existing available funds under this program and will continue to do so until such funds are exhausted.

### **Title 49 USC § 5339 – Bus and Bus Facilities**

Instituted in MAP-21 as a replacement for § 5309(b)(3), the § 5339 program is a capital-assistance only program. Eligible subrecipients include public entities and nonprofit organizations engaged in public transportation, including those providing services open to a segment of the general public, as defined by age, disability, or low income. Eligible activities include:

- Purchasing, replacing, or rehabilitating buses or vans;

- Purchasing or replacing transit-related equipment, such as mobile radio units, supervisory vehicles, fare boxes, computers, and shop and garage equipment;
- Construction of bus-related facilities, such as bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park-and-ride stations, and passenger amenities like shelters and bus stop signs.

## **b. Office of Transportation Planning:**

The Office of Transportation Planning (OTP) coordinates activities of the Commonwealth's Metropolitan Planning Organizations (MPOs). The MassDOT Secretary & CEO serves as chair of the each of the 10 MPOs and three Transportation Planning Organizations and is represented by the OTP Executive Director or other delegated OTP official to carry out this leadership role. The regional MPO planning processes are structured to be continuing, comprehensive and cooperative as well as the foundation for programming of federal transportation funds allocated to Massachusetts. As chair of the MPOs, the Office of Transportation Planning provides the leadership and agenda-setting functions. It also plays a critical role in communications between agencies and MPOs and on federal compliance oversight.

The Commonwealth's MPOs/TPOs are:

- Berkshire MPO
- Boston Region MPO
- Cape Cod MPO
- Central Massachusetts MPO
- Montachusett Regional MPO
- Merrimack Valley MPO
- Northern Middlesex MPO

- Pioneer Valley MPO
- Old Colony MPO
- Southeastern Massachusetts MPO
- Franklin County Transportation Planning Organization
- Martha's Vineyard Transportation Planning Organization
- Nantucket Transportation Planning Organization

For a full discussion of OTP's administration of FTA planning funds among the MPOs, refer to Chapter 12.

## **ii. STATE MANAGED FEDERALLY FUNDED TRANSIT PROGRAMS**

The Massachusetts Department of Transportation (MassDOT) Community Transit Grant Program is an annual competitive grant application process administered by the Transit Division of MassDOT. The application process occurs every February, which consists of a one-month open application process and a series of applicant training sessions held at the beginning of the application process. Applicants that are selected for awards are usually notified around the first week of April.

The Federal Transit Administration (FTA) provides financial assistance to states through a number of programs to develop new transit systems and improve, maintain, and operate existing systems. The Governor of the Commonwealth of Massachusetts has designated the MassDOT as the agency of authority and responsibility for administering assistance received in Massachusetts through Title 49 USC Sections 5310, 5311, 5316, 5317, and 5339 (Small-Urban & Statewide portions only) funding programs.

The Commonwealth of Massachusetts through the MassDOT Rail and Transit Division provides financial assistance to eligible organizations through several programs to provide a state financial match to federally funded capital, operating, and planning projects. MassDOT Rail and Transit distributes financial assistance through the Mobility Assistance Program (MAP) to provide transportation services to elderly persons and persons with disabilities as defined in Chapter 637 Sec. 13 of the Acts of 1983.

MassDOT and its evaluation teams use a web-based grant application system for both state and federal public transportation grants. Applicants are asked to describe their project(s) and provide relevant information. Based on the information provided by the applicant, MassDOT will rate the application and determine which organizations will receive federal and state grant funding. The grant application process occurs on an annual basis.

MassDOT Rail and Transit establishes evaluation teams that review applications and make recommendations to MassDOT regarding project priorities. MassDOT works with the following agencies and organizations for representation on evaluation teams:

- Regional Transportation Planning Organizations/Municipal Planning Organizations
- Massachusetts Department of Public Utilities
- Massachusetts Office on Disability
- Executive Office of Elder Affairs
- Human Services Transportation Office
- MassDOT Transit staff
- MassDOT Civil Rights staff
- MassDOT Office of Transportation Planning Staff
- MBTA System-wide Accessibility
- MBTA System Planning

This evaluation method accomplishes fair and equal treatment of all applicants. MassDOT announces the availability of the MassDOT Community Transportation Grant Application on the MassDOT Web site. In addition, an extensive distribution is made to all applicants from the prior grant cycle and those agencies, associations, and individuals listed on a mailing list of interested parties maintained by MassDOT. If all available funds are not awarded through the competitive process or if actual project expenses are below budgets creating a potential of unspent funds, MassDOT may conduct a call for smaller projects within the federal funding cycle. MassDOT will review and award funds based on appropriate criteria. For more detail on the scoring criteria, please see the online scoring guide here:

[https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/FTA/0063\\_5310\\_MAP.pdf](https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/FTA/0063_5310_MAP.pdf)

Through annual grant agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and the Americans with Disabilities Act.