



TITLE VI PROGRAM

Rail & Transit Division

Prepared By:

Office of Diversity and Civil Rights

June 2023

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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.

MassDOT has developed this Title VI 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 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 the agency.

A. MassDOT Organizational Structure

MassDOT includes four divisions, Highway, Rail and Transit, Aeronautics, and the Registry of Motor Vehicles, in addition to shared services departments that include the Office of Diversity and Civil Rights, the Office of Performance Management and Innovation, and the Office of Transportation Planning, among others. 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 MassDOT Transit Unit seeks to increase transportation options and improve mobility across the Commonwealth and New England by assisting, funding, and/or overseeing public transit services provided by the Regional Transit Authorities, local governments, non-profits, and private carriers. The Transit Unit provides exemplary service to the people travelling through the Commonwealth by collaborating with sub-recipients, stakeholders, communities, and business partners and using innovative business processes to maximize investment and provide the highest levels of accountability and impact possible. Transit employs policies and procedures in line with the latest federal and state best practices, while also focusing on customer feedback, safety, equity, and sustainability; empowering our employees and business partners; and utilizing a rigorous measurement process.

The Division's Rail Unit manages the state's 300 miles of state-owned railroad properties with their operating railroads and manages the administrative program required by M.G.L. 40/54A and M.G.L. 161(d) that protects railroad corridors. The Unit also provides policy and technical assistance for major rail and freight initiatives, including high-speed and intercity rail, major corridor acquisition, and freight access programs.

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. Shared Services

Shared service offices manage all MassDOT administrative functions, ensuring that all policies, programs, and procedures comply with state and federal laws, regulations, and guidelines. In addition to managing administrative functions, Shared Services houses the Office of Diversity and Civil Rights (ODCR). The director of ODCR is the Assistant Secretary for 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 Shared Services and develops transportation plans, programs, and projects to advance the policies and objectives of the Governor and the Secretary. OTP also ensures compliance with federal and state transportation planning 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 obligations through effective management of the

agency's Title VI Program(s). ODCR also ensures that MassDOT meets its obligations and commitments on equal opportunity and affirmative action in employment and contracting and within programs, services, and activities.

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

The Director of Title VI and Accessibility reports to the Assistant Secretary for Civil Rights. The Director of Title VI and Accessibility supervises the Title VI Specialist who is charged with the responsibility of developing, implementing, and monitoring MassDOT's compliance with Title VI and related Nondiscrimination regulations. This includes day-to-day administration of MassDOT's Title VI Program, fulfilling reporting obligations, and developing and implementing effective and innovative compliance strategies. The Director of Title VI and Accessibility is a senior leader within MassDOT who is also responsible for developing and managing MassDOT's ADA Transition Plan. The Director of Title VI and Accessibility focuses on the following efforts related to MassDOT's Title VI Program:

- Provide technical assistance and advice on Title VI matters to departmental leadership
- Supervise Title VI reviews on special emphasis program areas and activities, when necessary
- Investigate complex Title VI complaints and prepare reports of findings and conclusions and make recommendations
- Interact with MassDOT program managers in developing Title VI information for dissemination to the public
- Interact with other Civil Rights program personnel in the review of Title VI 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 address risk factors for noncompliance with Title VI obligations
- Oversee MassDOT's subrecipients' implementation of Title VI activities and compliance monitoring
- Establish procedures to resolve noncompliance determinations
- Coordinate Title VI training programs
- Monitor updates to the Title VI Program as necessary to reflect changes in organization, policy, or implementation
- Increase public/community awareness of Title VI
- Develop and update Title VI information for dissemination to the public and, where appropriate, in languages other than English

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

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

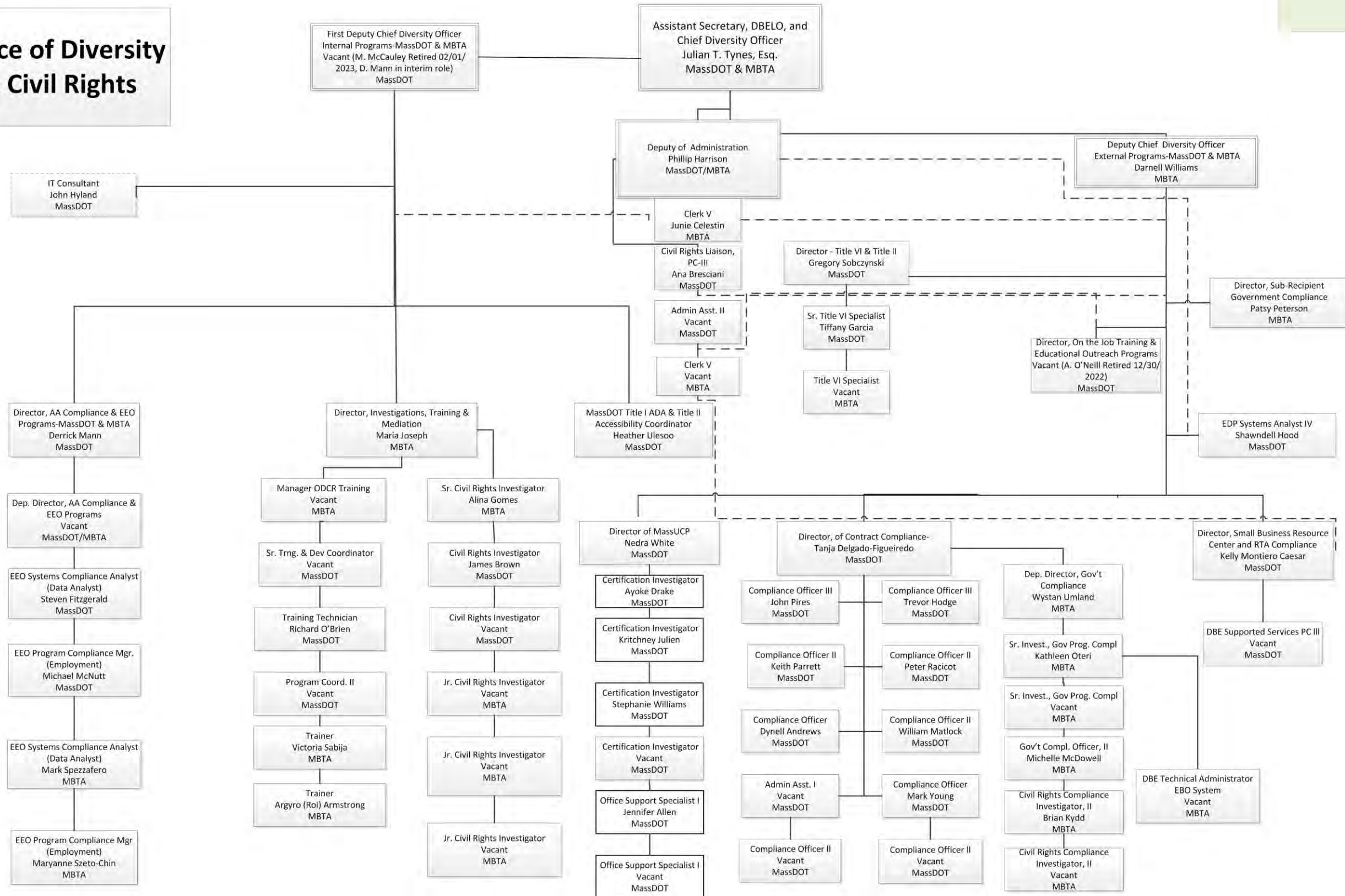
- Assists in the preparation and issuance of information within MassDOT on FTA Title VI requirements, guidelines, and program directives and ensures that all department managers and subrecipients are informed of FTA Title VI requirements

- Provides technical assistance, guidance, and advice on the MassDOT Title VI Program both internally and externally
- Conducts Title VI 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 compliance
- Conducts Title VI training programs across MassDOT and among subrecipients
- Develops Title VI related information for dissemination to the general public, including, where appropriate, information in languages other than English
- Prepares and submits triennial Title VI Program resubmissions
- Updates the Title VI Program and related plans as necessary to reflect organizational, policy, or implementation changes



The Title VI Coordinator, Director of Title VI and Accessibility, and Title VI Specialist are supported by staff from each federal program area within MassDOT as well as by the dedicated staff within the Office of Diversity Civil Rights. To coordinate this work and develop workable solutions to agency-wide program development and rollout, MassDOT's Title VI personnel convenes a Title VI Steering Committee, as needed, which is chaired by the Director of Title VI and Accessibility and the Title VI Specialist. In addition, the Office of Diversity and Civil Rights is also able to obtain assistance from the MassDOT Shared Services departments, which includes the Office of Transportation Planning, Legal, Contracts and Records, Facilities, Human Resources, Employee Relations, Labor Relations, and other such departments. Technical assistance for Title VI and Nondiscrimination program development and compliance activities is provided to

MassDOT through a consultancy contract with the Central Transportation Planning Staff.

Office of Diversity & Civil Rights



II. POLICY STATEMENT

 <p>Massachusetts Department of Transportation</p>		Policy: <u>CR-001i</u>
		Date: <u>February 2023</u>
POLICY DIRECTIVE		
 Gina Fiandaca, Secretary and CEO	Supersedes Policy CR-001h (2-22)	All MassDOT employees; subrecipients and contractors receiving federal financial assistance through MassDOT Applicability

TITLE VI NONDISCRIMINATION POLICY STATEMENT

The Massachusetts Department of Transportation (MassDOT) assures that no person shall, on the basis of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, as required by Title VI of the Civil Rights Act of 1964 (Title VI), as amended (42 U.S.C. § 2000d et seq.), and the Civil Rights Restoration Act of 1987 (P.L. 100.259).¹ Title VI prohibits discrimination based on race, color, and national origin (including limited English proficiency). Related federal nondiscrimination authorities add the protected categories of sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability, 29 U.S.C. 790; low-income, federal Executive Order 12898; and limited English proficiency, federal Executive Order 13166.

MassDOT also upholds the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, Articles CVI & CXIV of the Massachusetts Constitution, and the Governor's Executive Order 592, section 4 which provide that access to programs, services and benefits be provided without regard to religion, creed, sexual orientation, gender identity or expression, veteran's status, ancestry, and/or background, along with the bases previously referenced. In addition, MassDOT will facilitate meaningful and nondiscriminatory public participation in

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

transportation programs, services, and activities, including the transportation planning and project development process.

The Assistant Secretary for Civil Rights and Director of the Office of Diversity and Civil Rights (ODCR) is designated as MassDOT's Title VI Coordinator. The authority to develop, implement, and manage the agency's Title VI Program is delegated to ODCR's Director of Title VI and Accessibility and MassDOT's Title VI Specialist.

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

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

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-អ្នកត្រូវការបកប្រែព័ត៌មាននេះ សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី6 របស់**MassDot** តាមរយៈលេខទូរស័ព្ទ **857-368-8580**

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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. By executing this agreement, MassDOT acknowledges its obligations under Title VI of the Civil Rights Act of 1964.

At the time of this program submission to FTA, the most recently available Certifications and Assurances are for FFY 2023 and were executed by MassDOT in April 2023. A copy of the Certifications and Assurances signature page is available immediately below, for reference.

Certifications and Assurances

Fiscal Year 2023

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

Signature [Signature] Date: 4/26/2023
Name Eric Branda Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Massachusetts Department of Transportation (MassDOT)

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

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

Signature [Signature] Date: 4/26/2023
Name Jesse M. Bradae Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

IV. GENERAL REQUIREMENTS

The following sections address FTA Title VI requirements as articulated in Chapter III 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.

Civil Rights Notice to the Public

The Massachusetts Department of Transportation (MassDOT) and the Massachusetts Bay Transportation Authority (MBTA) comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin (including limited English proficiency). Related federal and state nondiscrimination laws prohibit discrimination on the basis of age, sex, disability, and additional protected characteristics. MassDOT and the MBTA are committed to nondiscrimination in all activities.

Individuals who believe they have been discriminated against may file a complaint with MassDOT/MBTA at:

MassDOT/MBTA Title VI Specialists

Office of Diversity and Civil Rights – Title VI Unit

10 Park Plaza, Suite 3800

Boston, MA 02116

Phone: (857) 368-8580 or 7-1-1 for Relay Service

Email: MassDOT.CivilRights@state.ma.us or MBTAcivilrights@mbta.com

Complaints may also be filed directly with the United States Department of Transportation at:

U.S. Department of Transportation

Office of Civil Rights

1200 New Jersey Avenue, SE

Washington, DC 20590

Website: civilrights.justice.gov/

For additional information, language service requests, or reasonable accommodations visit mass.gov/nondiscrimination-in-transportation-program or mbta.com/titlevi

Translation

English: Discrimination is prohibited at MassDOT/MBTA. If you believe discrimination has occurred you have the right to file a complaint. For translations of this notice visit mass.gov/service-details/title-vi-rights-and-protections or mbta.com/titlevi

Português: A discriminação é proibida no MassDOT/MBTA. Se você acredita que ocorreu discriminação, você tem o direito de apresentar uma queixa. Para traduções desta notificação, visite mass.gov/service-details/title-vi-rights-and-protections or mbta.com/titlevi

Español: La discriminación se prohíbe en MassDOT/MBTA. Si cree que se ha producido una discriminación, tiene derecho a presentar una queja. Para ver las traducciones de este aviso, visite mass.gov/service-details/title-vi-rights-and-protections or mbta.com/titlevi

英語: MassDOT/MBTA禁止歧視。如果您認為遭遇了歧視，您有權提出投訴。有關本告知書的翻譯，請訪問 mass.gov/service-details/title-vi-rights-and-protections 或 mbta.com/titlevi

英語: MassDOT/MBTA禁止歧視。如果您認為遭遇了歧視，您有權投訴。有關本告知書的翻譯，請訪問 mass.gov/service-details/title-vi-rights-and-protections 或 mbta.com/titlevi

Русский: Дискриминация запрещена в MassDOT/MBTA. Если вы считаете, что имела место дискриминация, вы имеете право на подачу жалобы. Для перевода этого уведомления посетите сайт mass.gov/service-details/title-vi-rights-and-protections или mbta.com/titlevi

Kreyòl Ayisyen: Yo defann fè diskriminasyon nan MassDOT/MBTA. Si ou kwè gen diskriminasyon ki fèt, ou gen dwa pote plent. Pou wè tradiksyon anons sa a, ale nan adrès mass.gov/service-details/title-vi-rights-and-protections oswaâ mbta.com/titlevi

Tiếng Việt: Phân biệt đối xử bị nghiêm cấm ở MassDOT/MBTA. Nếu quý vị tin rằng bản thân đã bị phân biệt đối xử, quý vị có quyền nộp đơn khiếu nại. Để xem các bản dịch của thông báo này, vui lòng truy cập mass.gov/service-details/title-vi-rights-and-protections hoặc mbta.com/titlevi

Français : Tout acte discriminatoire est interdit chez MassDOT/MBTA. Si vous pensez avoir été victime d'une discrimination, vous avez le droit de déposer une plainte. Pour les traductions de cet avis, rendez-vous sur le site mass.gov/service-details/title-vi-rights-and-protections ou mbta.com/titlevi

Italiano: la discriminazione è vietata nel MassDOT/MBTA. Se ritiene che si sia verificata una discriminazione, ha il diritto di presentare un reclamo. Per la traduzione di questo avviso visitare il sito mass.gov/service-details/title-vi-rights-and-protections o mbta.com/titlevi

ខ្មែរ: ហាមដាច់ខាតចំពោះការរើសអើងនៅ MassDOT/MBTA។ ប្រសិនបើអ្នកជឿថា មានការរើសអើងកើតឡើង អ្នកមានសិទ្ធិដាក់ពាក្យបណ្តឹង។ សម្រាប់សេវាបកប្រែលិខិតជូនដំណឹងនេះ សូមចូលមើលវេបសាយគឺ mass.gov/service-details/title-vi-rights-and-protections ឬ mbta.com/titlevi

اللغة العربية: يحظر كل من قسم النقل في ولاية ماساتشوستس / سلطة النقل بخليج ماساتشوستس التمييز. وإذا كنت تعتقد أنك تعرضت للتمييز، فيحق لك تقديم شكوى. وللحصول على ترجمة لهذا الإشعار يُرجى زيارة الموقع الإلكتروني: mass.gov/service-details/title-vi-rights-and-protections، أو mbta.com/titlevi.

vii. 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](#)², (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/hearings³, and (4) including the Notice in key publications (such as the [2023 - 2027 Capital Investment Plan](#)⁴). 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.

² <https://www.mass.gov/service-details/title-vi-rights-and-protections>

³ <https://www.youtube.com/watch?v=9SM4RQtWs0s> (this video demonstrates MassDOT/MBTA's use of the Notice to Beneficiaries at the beginning of recent virtual public meetings, which has become a standard practice since March 2020).

⁴ <https://www.mass.gov/doc/2023-2027-capital-investment-plan-final/download>

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

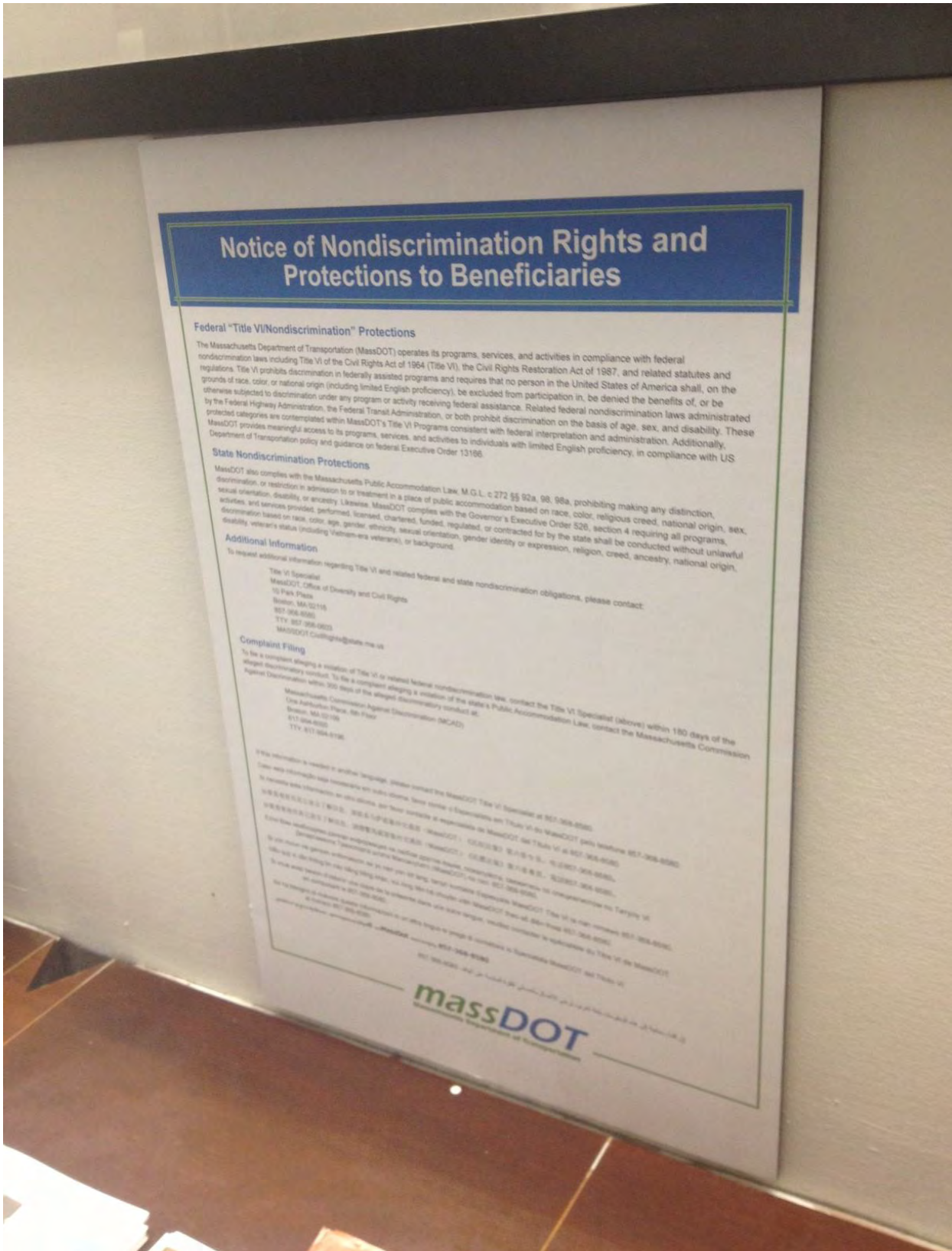


Figure B – Notice to Beneficiaries posted the Office of the Secretary of Transportation



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

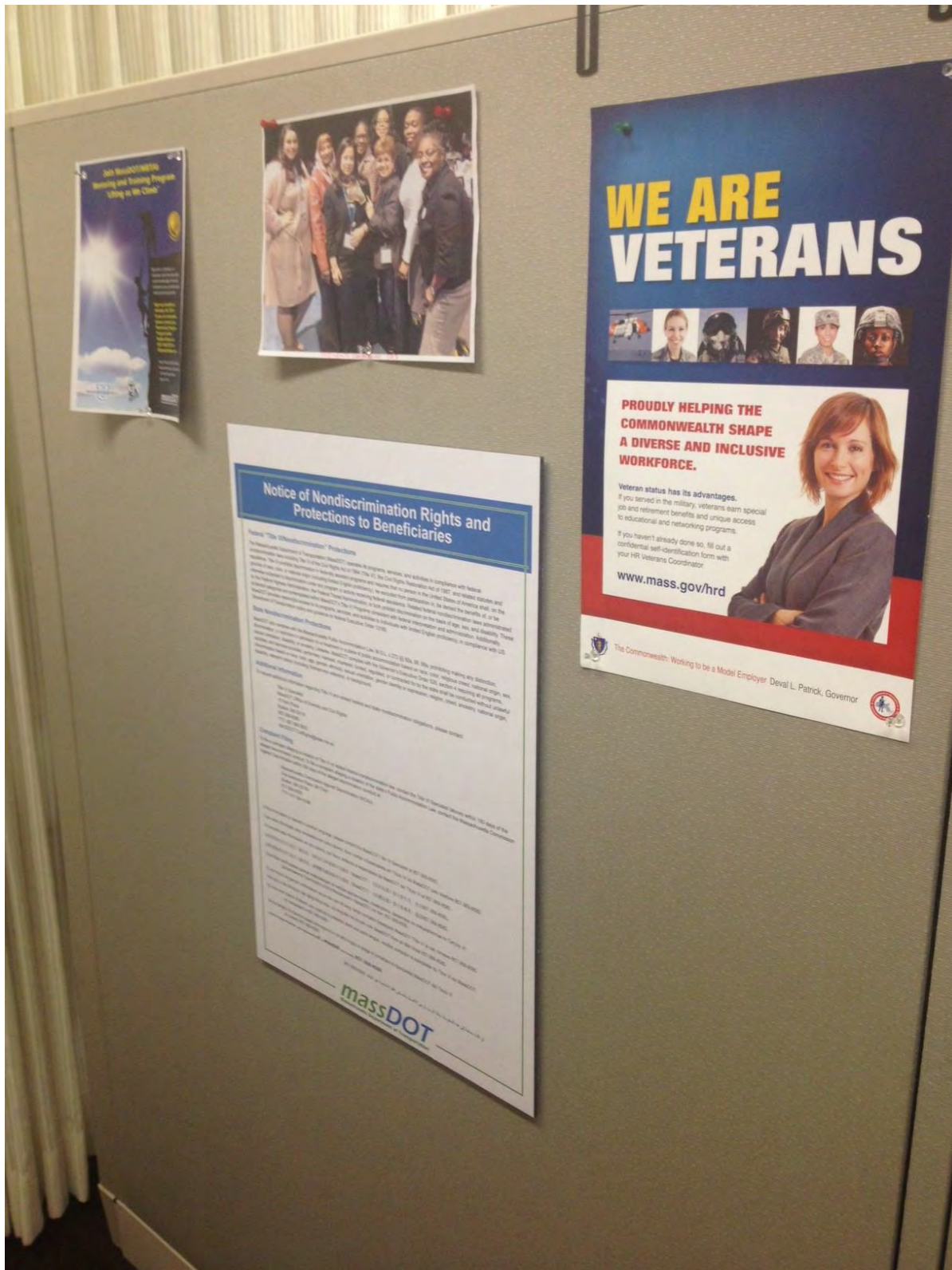


Figure D – Notice to Beneficiaries posted the Office of Diversity and Civil Rights




Figure 5 – Notice to Beneficiaries displayed at the beginning of agency virtual public meetings (two examples – one MassDOT and one MBTA).

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
4

Notice of MassDOT's policy on diversity and civil rights:

- All MassDOT activities, including public meetings, are free of discrimination.
- MassDOT complies with all federal and state civil rights requirements preventing discrimination based on sex, race, color, ancestry, national origin (limited English proficiency), religion, creed, gender, sexual orientation, gender identity or expression, or veteran's status.
- We welcome the diversity from across our entire service area. If you have any questions or concerns, please visit <https://www.mass.gov/nondiscrimination-in-transportation-program> to reach the Office of Diversity and Civil Rights.

Thank you for joining our meeting. We appreciate your participation!



Bus Network Redesign - Public Hearing | July 28, 2022



Diversity and Civil Rights

English

All MBTA activities, including public meetings, are free of discrimination. The MBTA complies with all federal and state civil rights requirements preventing discrimination on the basis of race, color, national origin, limited English proficiency, and additional protected characteristics. We welcome the diversity from across our entire service area. If you have any questions or concerns, please visit www.mbta.com/titlevi to reach the Office of Diversity and Civil Rights.

Spanish

Todas las actividades de MBTA, incluidas las reuniones públicas, están libres de discriminación. La MBTA cumple con todos los requisitos de derechos civiles federales y estatales que impiden la discriminación por motivos de raza, color, origen nacional, dominio limitado del inglés y características protegidas adicionales. Damos la bienvenida a la diversidad de toda nuestra área de servicio. Si tiene alguna pregunta o preocupación, visite www.mbta.com/titlevi para comunicarse con la Oficina de Diversidad y Derechos Civiles.

Chinese

MBTA 的所有活动，包括公开会议，都没有歧视。MBTA 遵守所有联邦和州公民权利要求，防止基于种族、肤色、国籍、有限的英语能力和其他受保护特征的歧视。我们欢迎来自我们整个服务领域的多样性。如果您有任何问题或疑虑，请访问 www.mbta.com/titlevi 联系多元化和民权办公室。

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C. COMPLAINTS

i. COMPLAINT PROCEDURES

This chapter describes MassDOT's procedures for processing Title VI discrimination complaints. These procedures are designed to provide due process for complainants and respondents.

In accordance with the MassDOT Language Access Plan, the complaint process detailed in this section is available in the top ten LEP languages in the Commonwealth: Spanish, Portuguese, Chinese (simplified and traditional), Vietnamese, Russian, Khmer, Arabic, Haitian Creole, French, and Italian. The procedures are disseminated through this Title VI program document, [electronically on the MassDOT website](#)⁵, and are made available in hardcopy in MassDOT's public facing offices, such as the Office of Diversity and Civil Rights.

a. PURPOSE AND APPLICABILITY

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

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

Step 1: Complainant submits their complaint.

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

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

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

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

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

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

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

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

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

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

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

subrecipients to communicate with ODCR's Title VI Specialists, the Director of Title VI and Accessibility, and/or the Director of Investigations when/if Title VI complaints are received to ensure proper handling.

b. DEFINITIONS

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

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

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

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

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

c. FILING COMPLAINTS

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

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

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

The Complaint Process

1. Who can file a complaint?

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

2. How do I file a complaint?

A complaint may be filed with the following:

MassDOT/MBTA Title VI Specialists

Office of Diversity and Civil Rights – Title VI Unit

10 Park Plaza, Suite 3800

Boston, MA 02116

Phone: (857) 368-8580 or 7-1-1 for Relay Service

Email: MassDOT.CivilRights@state.ma.us or MBTAcivilrights@mbta.com

MassDOT/MBTA, Assistant Secretary and Chief Diversity Officer

Office of Diversity and Civil Rights – Investigations Unit

10 Park Plaza, Suite 3800

Boston, MA 02116
Phone: (857) 368-8580
Email: odcrcomplaints@dot.state.ma.us

MBTA Customer Call Center: (617) 222-3200

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

U.S. Department of Transportation

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

Please note:

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

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

A Title VI/Nondiscrimination Complaint form is available electronically on the [MassDOT Title VI website](#), the [MBTA Title VI website](#), or in hardcopy at the MassDOT/MBTA

Office of Diversity and Civil Rights. Alternatively, a complainant may submit correspondence in an alternative format that should include:

- Your name, signature and, current contact information (i.e., telephone number, email address and postal mailing address);
 - The name and badge number (if known and applicable) of the alleged perpetrator;
 - A description of how, when, and where the alleged prohibited conduct occurred;
 - A detailed description of why you believe you were treated differently;
 - Names and contact information of any witnesses; and
 - Any other information you believe is relevant to your complaint.
- A. In cases where the complainant is unable to provide a written statement, a verbal complaint may be made to the Office of Diversity & Civil Rights (ODCR). Complainants will be interviewed by a Civil Rights Investigator (CRI). If necessary, the CRI will assist the person in converting the verbal complaint to writing. All complaints should be signed by the complainant.
- B. Anonymous complaints may be filed in the same manner. Anonymous complaints shall be investigated in the same manner as any other complaint.
- C. Complaints will be accepted in any recognized language. Multi-lingual complaint forms are available.

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

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

5. How will my complaint be handled?

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

- A. Determine Jurisdiction: ODCR has jurisdiction if the complaint:
- 1) involves a statement or conduct that violates:

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

AND

2) is timely filed.

- B. Acknowledge receipt of the complaint and provide jurisdictional determination within ten (10) business days of receipt of the complaint.
 - 1) If the CRI determines that any complaint does not have the potential to establish a civil rights violation, then the CRI shall notify the complainant and Title VI Specialist in writing of its finding and the matter shall be closed.
- C. Conduct a thorough investigation of the allegations contained in the complaint in accordance with the MassDOT/MBTA Internal Complaint Procedures.

6. Findings and Recommendations?

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

- A. A letter of resolution that explains the steps the respondent has taken or will take to comply with Title VI.
- B. A letter of finding that is issued when the respondent is found to be in compliance with Title VI. This letter will include an explanation of why the respondent was found to be in compliance and provide notification of the complainant's appeal rights.
- C. A letter of finding that is issued when the respondent is found to be in noncompliance.

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

7. Can I appeal a Finding?

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

Record Keeping

A complaint log is maintained for all USDOT complaints filed with and investigated by MassDOT. The log identifies: the Title VI/Nondiscrimination provision(s) implicated in the complaint (race, color, national origin, language, income, age, sex, and or disability); the subrecipient (when applicable); the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of disposition; and any other pertinent information.

ii. COMPLAINT FORM

The complaint forms provided below are recommended for use when filing a Title VI 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, and Italian. The forms are disseminated through this Title VI program document, [electronically on the MassDOT website](#)⁶, and are made available in hardcopy in MassDOT's public facing offices, such as the Office of Diversity and Civil Rights.

⁶ <https://www.mass.gov/how-to/how-to-file-a-transportation-related-discrimination-complaint>

Discrimination Complaint Form

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

Name: _____

Address: _____

Telephone Numbers: (Home) _____ (Work) _____ (Cell) _____

Email Address: _____

Please indicate the nature of the alleged discrimination:

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

☐ Race ☐ Color ☐ National Origin (including limited English Proficiency)

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

☐ Disability ☐ Age ☐ Sex ☐ Sexual Orientation ☐ Religion ☐ Ancestry

☐ Gender ☐ Ethnicity ☐ Gender Identity ☐ Gender Expression ☐ Creed

☐ Veteran's Status ☐ Background

Who do you allege was the victim of discrimination?

☐ You ☐ A Third Party Individual ☐ A Class of Persons

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

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No

If yes, please identify: _____

Have you filed a lawsuit regarding this complaint?

☐ Yes ☐ No

If yes, please provide a copy of the complaint.

Signature: _____ Date: _____

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

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

iii. COMPLAINT LOG

The table below summarizes the Title VI complaints received and processed by MassDOT, regarding transit activities, during the lookback period of this triennial program.

Date Filed	Forum	Basis	Summary of Allegation	Status/Action Taken
11-14-22	RTA	Race	CP alleged PVRTA bus operator responded to rider behavior issues differently based on race.	Investigation performed by RTA representative. No Cause. ODCR reviewing investigative file. Open as of 1/25/2023.
7-22-22	Private Carrier	National Origin	Third party alleged P&B driver handled disruptive passenger situation in a discriminatory manner due to passenger's national origin.	Complaint was filed with MA Attorney General's Office and investigation is still ongoing. Open as of 2/6/23.

No Title VI lawsuits have been brought against MassDOT related to transit activities during the lookback period of this triennial program.

D. PUBLIC PARTICIPATION PLAN

1 INTRODUCTION

In accordance with state and federal law requirements⁷, 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.⁸ 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

⁷ The federal and state statutory and regulatory requirements are included at Public Participation Plan - Attachment 1.

⁸ 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/

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. 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 public comment. Changes and improvements on this Plan and related protocols and policies will

improve our ability to provide an equal opportunity for public input in our transportation decision making processes.

1.1 MassDOT's Structure, Mission and Values

MassDOT includes four divisions: Highway, Rail and Transit, Aeronautics, and 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. 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 obligations⁹.

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)

⁹ 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.

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.

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”

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

- b. EPA’s Environmental Justice screening and mapping tool – “EJ Screen”

<https://ejscreen.epa.gov/mapper/>

- c. Housing and Transportation Affordability Index

<http://htaindex.cnt.org/map/>

[Practice Tip: explore the features of this tool to understand community characteristics across a number of transportation related metrics such as access to opportunities, transportation usage and options, housing patterns, GHG impacts, and community resource needs.]

- d. National Equity Atlas

<http://nationalequityatlas.org/>

[Practice Tip: for local data, go to “Indicators” where information is available as text, charts, and maps.]

- e. Social Vulnerability Index

<https://svi.cdc.gov/map.aspx>

- f. Institutional knowledge

- 3) Build an outreach strategy. *[Practice Tip: You may already have well established connections with individuals and groups throughout the Commonwealth. You are encouraged to continue reaching out to those. These instructions provide you with steps to identify previously unknown points of contact to diversify outreach.]*

Meeting planners should strive to develop an outreach strategy that reaches the diverse populations identified, including language groups and stakeholders across the nondiscrimination categories.

Reference:

- a. MassDOT's online public engagement platform – "Engage"

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

- b. Consult the following MassDOT departments:

- a. Office of Communications
- b. Office of Legislative Affairs
- c. Office of Transportation Planning
- d. Office of Diversity and Civil Rights

- c. Contact the local MPO to identify organizations and key stakeholders.

MPO Liaisons in the Office of Transportation Planning can assist in identifying regional contacts.

- d. For outreach in the Boston area, contact the Mayor's Office of Neighborhood Services.

<https://www.boston.gov/departments/neighborhood-services> *[Practice Tip: This office maintains liaisons in each neighborhood of Boston.]*

3.1.2.2 Meeting Location and Time

- 1) Title VI Considerations

- a. Consult with community leaders and community-based organizations to identify any 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”
<https://gis.massdot.state.ma.us/engage/>
- ii. The Massachusetts Office on Disability
<https://www.mass.gov/orgs/massachusetts-office-on-disability>
- iii. The Disability Commissions
<https://www.mass.gov/doc/current-list-of-active-massachusetts-commissions-on-disability/download>
- iv. The Independent Living Centers
<https://masilc.org/cils/>
- b. 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.]*

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
ស្របតាមច្បាប់សហព័ន្ធផ្តល់ការបំបាត់ភាពរើសអើង

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

يُفرض قسم النقل في ولاية ماساتشوستس برامج، وخدمات، وأنشطة
بالتقيد بالقوانين

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-អ្នកត្រូវការបកប្រែពីភាសានេះ សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី6 របស់MassDot តាមរយៈលេខទូរស័ព្ទ 857-368-8580

Arabic:

857-368-8580

إن لغت بحاجة إلى هذه المعلومات بلغة أخرى، يرجى الاتصال بخدمة المساعدة
للساكنة في كل مكان

- 2) Public meeting notices must be accessible. *[Practice Tip: Since public meeting notices are disseminated in a variety of ways, including physical postings, website postings, and email blasts, it is important that the appropriate font and font size be used and that the electronic document be compatible with assistive technologies, like screen readers.]* Consult the following for instructions on developing accessible documents:
 - a. Best practices for text and color contrast considerations when preparing hardcopy and electronic visual aids (such as maps, posters, plans, PowerPoint templates/graphics, charts, graphs, etc.)
<https://www.thc.texas.gov/public/upload/preserve/museums/files/Accessibility%20Resources.pdf>
 - b. Creating accessible Microsoft Office documents:
<https://support.microsoft.com/en-us/accessibility>
 - c. Creating accessible PDFs with Microsoft Office products:
<https://support.microsoft.com/en-us/office/create-accessible-pdfs-064625e0-56ea-4e16-ad71-3aa33bb4b7ed>
 - d. General information on accessibility from Adobe:
<http://www.adobe.com/accessibility/>
- 3) To translate notice content other than that provided here, the following resources are available:
 - a. UMass Translation Center
<https://www.umass.edu/translation>
 - b. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>
- 4) Notice dissemination logistics:

- a. Time the release of the notice to give the public enough time for language and accessibility accommodation requests (and to give staff enough time to process the requests). *[Practice Tip: Distributing notice 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:

<https://cursa.ihmc.us/rid=1P80G282D-TJTTRN-1LJ/A%20guide%20to%20writing%20an%20effective%20executive%20summary.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 <https://mbta.com/accessibility>
 - iii. Massachusetts Office on Disability <https://www.mass.gov/orgs/massachusetts-office-on-disability>
 - b. Foreign language document translation can be provided by:

- i. UMass Translation Center
<https://www.umass.edu/translation>
- ii. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>
- c. To obtain accessibility accommodations not provided by the venue, contact:
 - i. MassDOT Office of Diversity and Civil Rights
Phone: (857) 368-8580
Email: massdot.civilrights@dot.state.ma.us
 - ii. MBTA Office of System Wide Accessibility
<https://mbta.com/accessibility>
- 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
<https://www.mass.gov/massdot-office-of-diversity-and-civil-rights-external-operations>
 - 2. Systemwide Accessibility
<https://mbta.com/accessibility>
 - ii. The Massachusetts Office on Disability
<https://www.mass.gov/orgs/massachusetts-office-on-disability>
 - iii. The Municipal Disability Commissions
<https://www.mass.gov/commissions-on-disability>
 - iv. The Independent Living Centers
<https://masilc.org/cils/>
- e. Funding Considerations
 - i. All accommodations must be provided to the public free of charge.
 - ii. For public outreach events necessitated by the project development process, each project contains an

administration budget that should be utilized, if available.

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

3.1.2.5 Meeting Set-Up

- 1) 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.
- 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.) <https://www.thc.texas.gov/public/upload/preserve/museum/files/Accessibility%20Resources.pdf> *[Practice Tip: Choose color schemes that are least likely to be problematic for individuals with common types of color blindness and visual impairments.]*
 - b. Pathways that guide attendees to display materials should be clear of obstructions. *[Practice Tip: Rule of Thumb: remove tripping hazards (such as electrical cords) and keep the pathway at least 3' wide.]*

- c. Proper heights and viewing angles of display materials make them accessible. *[Practice Tip: Rules of Thumb: For display materials mounted on the wall, they should be no higher than 48" from the floor and provide clear floor space 30" wide and 48" wide. For tabletop displays, the table should be between 28 and 34" inches in height and there should be at least 27" of knee space from the floor to the underside of the table.]*
 - d. Horizontal surfaces used for display should be at a height accessible to individuals that are short of stature and/or rely on assistive mobility devices.
- 3) MassDOT staff and consultants should be prepared to describe displays to blind or visually impaired attendees.
 - 4) Alternate versions (Braille, large print, etc.) of public documents (such as informational packets) should be available, if requested.

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

3.1.4.1 Strategic Planning for 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"

<https://gis.massdot.state.ma.us/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. UMass Translation Center
<https://www.umass.edu/translation>
 2. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>
- iii. Should you require time to secure professional language services (such as scheduling a meeting with an interpreter or sending out documents to be translated) then you should try to make this clear to the individual on-the-spot with the aid of multi-lingual staff or Google Translate. *[Practice Tip: Using Google Translate to convey this information allows you to include details such as expected turnaround times, meeting dates and locations, and contact information.]*

2) Over the Phone

- 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, consider the interpretation services available through:
 - i. UMass Translation Center
<https://www.umass.edu/translation>
 - ii. Statewide Language Services Contract
<https://www.mass.gov/doc/prf75/download>
- 3) Electronically (includes email, website comment form, etc.)
- a. If you receive such correspondence in a language other than English, use Google Translate (<http://translate.google.com/>) or similar product to determine the language and nature of the interaction.
 - b. Once the language and the nature of the interaction has been identified, the methods you use to address the needs of the individual will change depending on the circumstances.
 - i. You may be able to address simple inquires 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. UMass Translation Center

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

2. Statewide Language Services Contract

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

3.1.5.2 Communicating with People with Disabilities

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

- a. General Tips:

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

- b. Tips for Communicating with Individuals who are Blind or Visually Impaired:
 - i. Speak to the individual when you approach him or her.
 - ii. State clearly who you are; speak in a normal tone of voice.
 - iii. When conversing in a group, remember to identify yourself and the person to whom you are speaking.
 - iv. Never touch or distract a service dog without first asking the owner.
 - v. Tell the individual when you are leaving.
 - vi. Do not attempt to lead the individual without first asking; allow the person to hold your arm and control her or his own movements.
 - vii. Be descriptive when giving directions; verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps.
 - viii. If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat.
- c. Tips for Communicating with Individuals who are Deaf or Hard of Hearing:
 - i. Gain the person's attention before starting a conversation (i.e., tap the person gently on the shoulder or arm).
 - ii. Look directly at the individual, face the light, speak clearly, in a normal tone of voice, and keep your hands away from your face. Use short, simple sentences.
 - iii. If the individual uses a sign language interpreter, speak directly to the person, not the interpreter.
 - iv. If you telephone an individual who is hard of hearing, let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call and who you are.
- d. Tips for Communicating with Individuals with Mobility Impairments:

- i. If possible, put yourself at the wheelchair user's eye level.
 - ii. Do not lean on a wheelchair or any other assistive device.
 - iii. Never patronize people who use wheelchairs by patting them on the head or shoulder.
 - iv. Do not assume the individual wants to be pushed — ask first.
 - v. Offer assistance if the individual appears to be having difficulty opening a door.
 - vi. If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone.
- e. Tips for Communicating with Individuals with Speech Impairments:
 - i. If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back.
 - ii. Be patient. Take as much time as necessary.
 - iii. Concentrate on what the individual is saying.
 - iv. Do not speak for the individual or attempt to finish her or his sentences.
 - v. If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable.
- f. Tips for Communicating with Individuals with Cognitive Disabilities:
 - i. If you are in a public area with many distractions, consider moving to a quiet or private location.
 - ii. Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not "over-assist" or be patronizing.

- iii. Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.

2) Additional information can be provided by:

- a. Office of Diversity and Civil Rights

massdot.civilrights@state.ma.us

- b. Systemwide Accessibility

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

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 21st 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); YouTube (<https://www.youtube.com/user/youmovemass>).

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

6 PUBLIC INVOLVEMENT PROCEDURES FOR RAIL AND TRANSIT DIVISION PROGRAMS

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: <https://www.mass.gov/lists/design-guides-and-manuals>

Transportation decision making is complex and can be influenced by legislative mandates, environmental regulations, financial limitations, agency programmatic commitments, and partnering opportunities. Decision makers and reviewing agencies, when consulted early and often during the project development

process, can ensure that all participants understand the potential impact these factors can have on project implementation.

7.1.2 Project Planning

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

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

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

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

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

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

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

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

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

Continued public outreach in the environmental, design, and ROW processes is essential to maintain public support for the project and to seek meaningful input

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

At a minimum, there will be at least one opportunity for a public meeting to be held for any federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the MassDOT determines that a public meeting is in the public interest. Some of the major requirements for public involvement/public hearing procedures (23 CFR 771.111) that are relevant to the environmental, design, and Right of Way processes are:

- Coordination of public involvement activities and public hearings with the entire environmental review process under the National Environmental Policy Act (NEPA). There is a similar requirement for projects under the Massachusetts Environmental Policy Act (MEPA).
- Early and continuing opportunities during project development for the public to be involved in the evaluation of alternatives and the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings or the opportunity for hearing(s) to be held by MassDOT at a convenient time and place for any federal-aid project that requires significant amounts of ROW, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.

- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing if one or the other is required. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.
- Explanation at the public hearing of the following information, as appropriate:
 - The project's purpose the need for the project, and the project's consistency with the goals and objectives of any local community planning
 - The project's alternatives and major design features
 - The social, economic, environmental, and other impacts of the project
 - The relocation assistance program and ROW acquisition process
 - MassDOT's procedures for receiving both oral and written comments from the public
- Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public submitted at the public hearing or during an announced period after the public hearing.
- An opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action subject to the project development procedures in 23 USC 139. Public notice of, and an opportunity for public review and comment on a Section 4(f) *de minimis* impact finding, in accordance with 49 USC 303(d).

7.1.4 Construction

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

traffic operations, and construction areas and activities occur throughout the project.

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

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

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

- **MassDOT website:** By the time construction is underway, many projects already have their own project page on the MassDOT website. The project page should be a clearinghouse for accurate, up-to-date information. It is important that the Project Manager or a Public Affairs staff person assigned to the project page update the content regularly throughout the duration of the project. In addition, any public meetings scheduled for a project should always be posted in the MassDOT website calendar.
- **Media:** MassDOT utilizes press releases, advisories, alerts, and other traditional forms of media outreach.

- Social media tools: MassDOT currently uses twitter, a blog, Flickr, email distribution lists, and other new media venues for project updates, traffic advisories, and notices of upcoming project meetings.
- Community Relations email account: MassDOT has an email account that is used to send meeting notices and traffic advisories to the project contact lists and to receive public input.

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

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)¹⁰ 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.

¹⁰ 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 https://www.fhwa.dot.gov/planning/public_involvement/publications/techniques/). 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.

i. Summary Public Engagement Activities

The following tables capture summary details regarding Rail & Transit Division public meetings during the lookback period for this triennial program. Please note that the Rail & Transit Division conducts additional meetings throughout the year, such as trainings for grant applicants and funding subrecipients, which are not included here because the target audience is not necessarily the general public but rather organizations that are eligible to apply for Rail & Transit Division managed funding opportunities. Likewise, the Rail & Transit Division participates in additional public outreach activities, such as public meetings regarding MassDOT's capital investment plan. These events are not reported below (but can be found in Section V, below) because the Rail & Transit Division does not organize such events but rather participates when they are occurring. The meetings identified below are those where the general public has an open invitation to engage with the Rail & Transit Division.

2020

Date	Meeting Type	Location
5/28/2020	RTA Council	GoToWebinar
9/22/2020	RTA Council	GoToWebinar

2021

Date	Meeting Type	Location
1/13/2021	RTA Council	GoToWebinar
3/11/2021	RTA Council	GoToWebinar
6/15/2021	RTA Council	GoToWebinar
10/13/2021	RTA Council	GoToWebinar

2022

Date	Meeting Type	Location
1/26/2022	RTA Council	GoToWebinar
5/12/2022	RTA Council	Zoom
7/27/2022	RTA Council	Zoom
10/25/2022	RTA Council	Zoom

2023

Date	Meeting Type	Location
1/25/2023	RTA Council	Zoom - CANCELLED
4/26/2023	RTA Council	Hybrid – Zoom; MassDOT Board Room, 10 Park Plaza, Boston, MA 02116
TBD	RTA Council	Zoom
TBD	RTA Council	Zoom

Transit Division Activities and Corresponding Public Engagement Strategies

Much of the work of the Transit Division is directly in support of Regional Transit Authorities and thus builds on the public outreach conducted directly by Regional Transit Authorities and their MPOs. To find which transit authority serves your area, visit www.mass.gov/info-details/public-transportation-in-massachusetts. Then visit your transit authority's website or give them a call to learn about public participation opportunities.

On a quarterly basis, the Transit Unit convenes the RTA Council, which brings together all 15 Regional Transit Authorities and the MBTA and is chaired by the Secretary of Transportation. The agenda of each meeting includes time for public comment; instructions on how to submit public comment are included on all agendas and meeting notices. Meeting notices are posted online at www.mass.gov/regional-transit-authority-rta-council.

The Transit Division also supports implementation of the portions of the Commonwealth's Capital Investment Plan that relate to public transit outside of the MBTA system. For information about public engagement and the CIP, please visit <https://www.mass.gov/capital-investment-plan-cip>.

The Transit Division administers the state's 5311f program, which subsidizes intercity bus routes for underserved areas. Approximately every three to four years, the Transit Unit conducts a survey of transit authorities, private bus carriers, Regional Planning Agencies, and MPOs to determine whether intercity needs are met and identify unmet needs.

The Transit Division runs the annual Community Transit Grant Program, which solicits applications from transit authorities, municipalities, nonprofits, and in some cases private operators of public transportation, for projects to expand mobility for older adults and people with disabilities. Applicants can apply for funding to operate a service, for funding for a mobility management project, or for a wheelchair-accessible vehicle.

Public engagement strategies in support of the Community Transit Grant Program include:

- Compiling an email list of organizations serving older adults and people with disabilities and community-based organizations to share information about when the grant application is opening and how to apply. The Transit Unit does proactive outreach to compile this list, but also welcomes any interested organization to sign up directly.

- Conducting training for new organizations interested in applying for the grant
- Providing technical assistance to organizations during the grant application stage on all aspects including development of the idea, incorporating promising practices, compliance with regulations, and use of the application system
- Requiring all grant applicants to relate their proposed project or service back to their Region's Coordinated Human Service Transportation Plan, which is developed by their Regional Planning Agency and includes input from older adults and people with disabilities, disability and aging services organizations, and other stakeholders. Proposed projects must be referenced in the plan or fulfill an unmet need identified by the plan. Find your region's plan at www.mass.gov/info-details/community-transportation-coordination#local-tools:-coordinated-human-service-transportation-plans-
- Collecting information from applicants about the area served, including the proportion of low-income and minority residents, and conducting analyses to ensure that award decisions are not biased against low-income or minority areas
- Providing written resources and individualized technical assistance, which may include site visits, to grantees
- Encouraging grantees to conduct outreach and serve low-income and minority communities within their service area
- Supporting grantees in meeting Title VI and ADA requirements, and enforcing those requirements through compliance reviews

The Transit Unit also receives and responds to periodic queries from members of the public at our massmobility@dot.state.ma.us email address, which is listed on our informational pages on the mass.gov platform that share information about how to find local transportation options as well as strategies agencies can use to expand mobility for their consumers.

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 customer base across myriad communities. 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 592, section 4 and Administrative Bulletin 16 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

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 September 2022. The analysis update includes the elements of a Language Access Plan and describes the steps MassDOT takes to fulfill language access obligations as well as an implementation timeline for specific deliverables and/or tasks. See below for a number of maps depicting the concentration of language groups statewide.

iv. Identifying Individuals Who Need Language Assistance

As a recipient of federal funding from U.S. DOT, MassDOT must assess the language access needs of LEP populations in relation to all MassDOT programs, activities, and services. This needs assessment, as defined by U.S. DOT and incorporated into this MassDOT Language Access Plan, is based on an analysis of four factors. The first two of the four factors are used to identify individuals who need language assistance. The third and fourth factors are used to determine appropriate language assistance measures. Following U.S. DOT guidelines, MassDOT explores multiple data sources and conducts targeted outreach to develop its Four-Factor Analysis. Traditional data sources, such as US Census Bureau data, are incorporated into the Four-Factor Analysis. In addition, “non-traditional data sources” are explored and factored into the analysis, where appropriate. Such data sources include:

- surveys of MassDOT staff responsible for providing language assistance and/or interacting directly with the public
- outreach to 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 continues 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 issue. 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):

- 2016-2022 ACS 5% Public Use Microdata Sample (PUMS) data from the U.S. Census Bureau
- Data from the MA Department of Education
- Qualitative data obtained from outreach to CBOs that work with LEP populations

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

a. Analysis of 2016-2022 ACS 5% Public Use Microdata Sample

The 2016-2020 American Community Survey (ACS) 5% Public Use Microdata Sample (PUMS) dataset allows the language spoken at home (for all languages) to be cross-tabulated with LEP status. The US Census tables “Language Spoken at Home” and “Ability to Speak English for the Population 5 Years and Over” were used to estimate the number of LEP people for Public Use Microdata Areas (PUMAs) within Massachusetts. To calculate the number of people with limited English proficiency, the counts of people who self-reported to speak English less than “very well” were summed. The total, including all languages, is 610,126 people, or approximately 8.9 percent of the total population above the age of five. The largest single group of LEP persons is composed of Spanish speakers,

who represent 41.1 percent of the LEP population in the state. Approximately 250,959 people in Massachusetts are limited-English Spanish speakers. The LEP populations meeting the U.S. DOT definition of LEP “safe harbor” thresholds statewide (5% or 1,000 individuals, whichever is less), from this dataset, are shown in Table 1.

TABLE 1
LEP Populations by Language

Language	2020 LEP Speakers	Percentage of Total Population	Percentage of LEP Population
Spanish	250,959	3.60%	41.100%
Portuguese	79,127	1.10%	13.000%
Chinese	68,464	1.00%	11.200%
Haitian Creole	39,116	0.60%	6.400%
Vietnamese	25,698	0.40%	4.200%
Russian	16,286	0.24%	2.670%
Arabic	12,705	0.18%	2.080%
Khmer	10,995	0.16%	1.800%
French	9,113	0.13%	1.490%
Italian	7,213	0.10%	1.180%
Kabuverdianu	7,122	0.10%	1.170%
Korean	5,805	0.08%	0.950%
Greek	5,558	0.08%	0.910%
Hindi	5,281	0.08%	0.870%

Polish	5,149	0.07%	0.840%
Albanian	4,839	0.07%	0.790%
Gujarati	4,318	0.06%	0.710%
Japanese	3,374	0.05%	0.550%
Nepali	3,223	0.05%	0.530%
Bengali	2,196	0.03%	0.360%
Farsi	2,196	0.03%	0.360%
Akan (including Twi)	1,981	0.03%	0.320%
Turkish	1,970	0.03%	0.320%
Urdu	1,758	0.03%	0.290%
Punjabi	1,672	0.02%	0.270%
Thai	1,570	0.02%	0.260%
Tagalog	1,556	0.02%	0.260%
Armenian	1,552	0.02%	0.250%
Somali	1,522	0.02%	0.250%
Telugu	1,502	0.02%	0.250%
Tamil	1,417	0.02%	0.230%
German	1,341	0.02%	0.220%
Swahili	1,284	0.02%	0.210%
Amharic	1,205	0.02%	0.200%
Lao	1,186	0.02%	0.190%

Ukrainian	1,133	0.02%	0.190%
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b. Language Data from the MA Department of Education

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

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

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

c. Identification of Concentrations of People with Limited English Proficiency

MassDOT mapped the 2016-2020 American Community Survey (ACS) 5% Public Use Microdata Sample (PUMS) dataset in order to provide a geographic representation of locations with concentrations of LEP individuals.

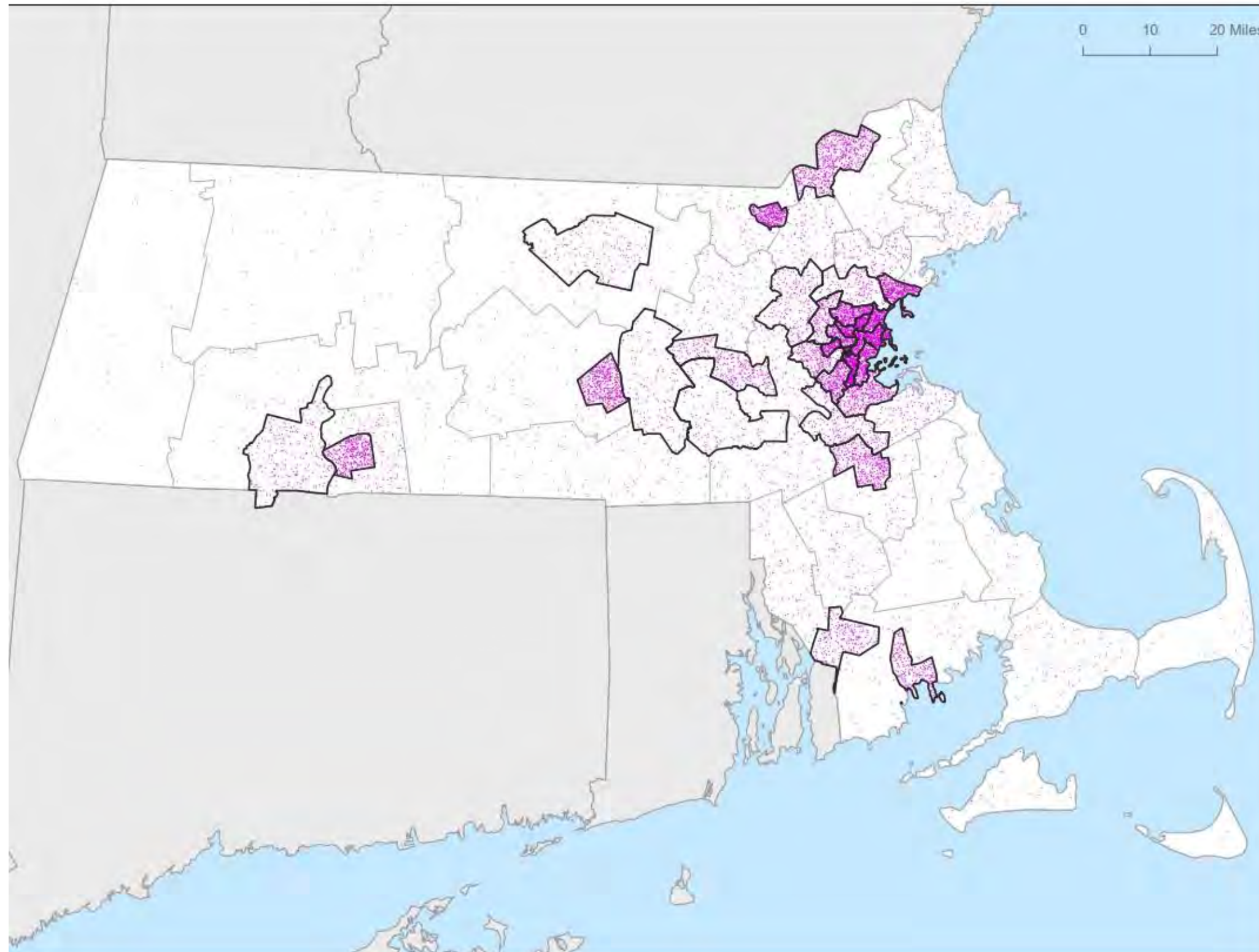




FIGURE 1
Statewide Language Assistance Plan

**Limited English Proficiency:
All LEP Individuals**

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

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant LEP populations are identified in this map where the LEP population in a PUMA is over 5% of the PUMA's population.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

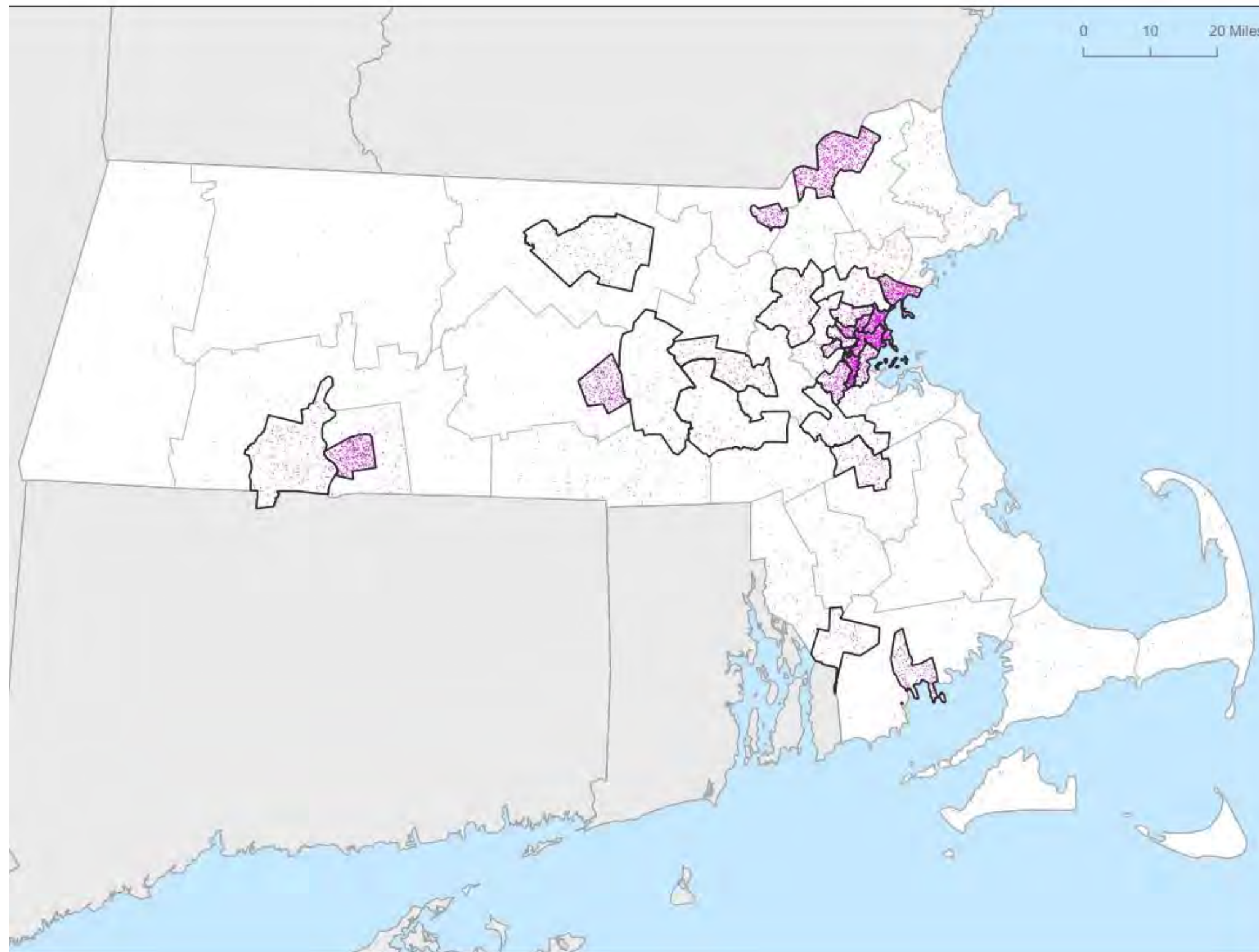




FIGURE 2
Statewide Language Assistance Plan

Limited English Proficiency: Spanish Speakers

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

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant populations are identified in this map where the general LEP population in a PUMA is over 5% and the Spanish-speaking population is either over 1,000 individuals or over 25% of the PUMA's LEP population.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

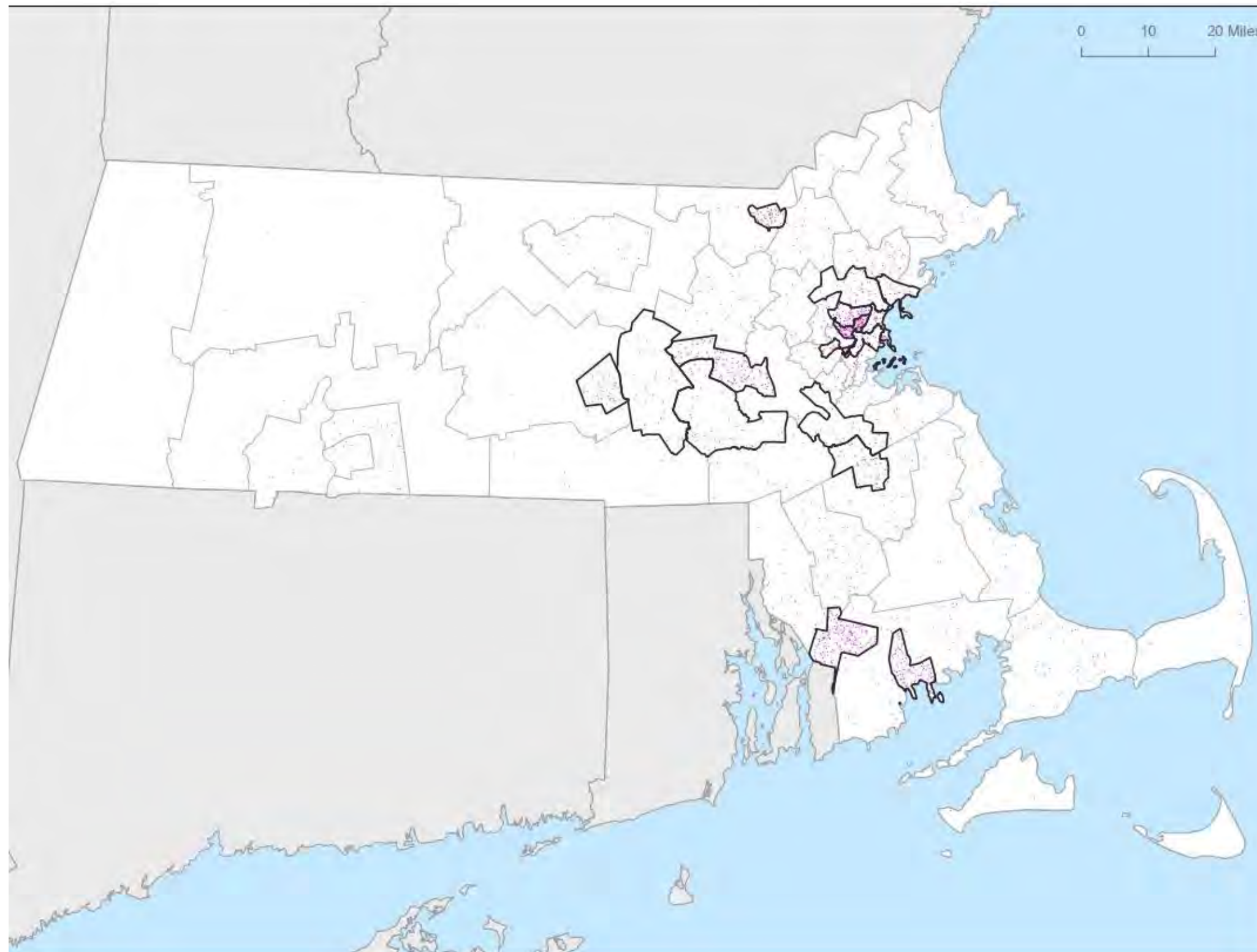




FIGURE 3
Statewide Language Assistance Plan

Limited English Proficiency: Portuguese Speakers

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

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant populations are identified in this map where the general LEP population in a PUMA is over 5% and the Portuguese-speaking population is either over 1,000 individuals or over 25% of the PUMA's LEP population.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

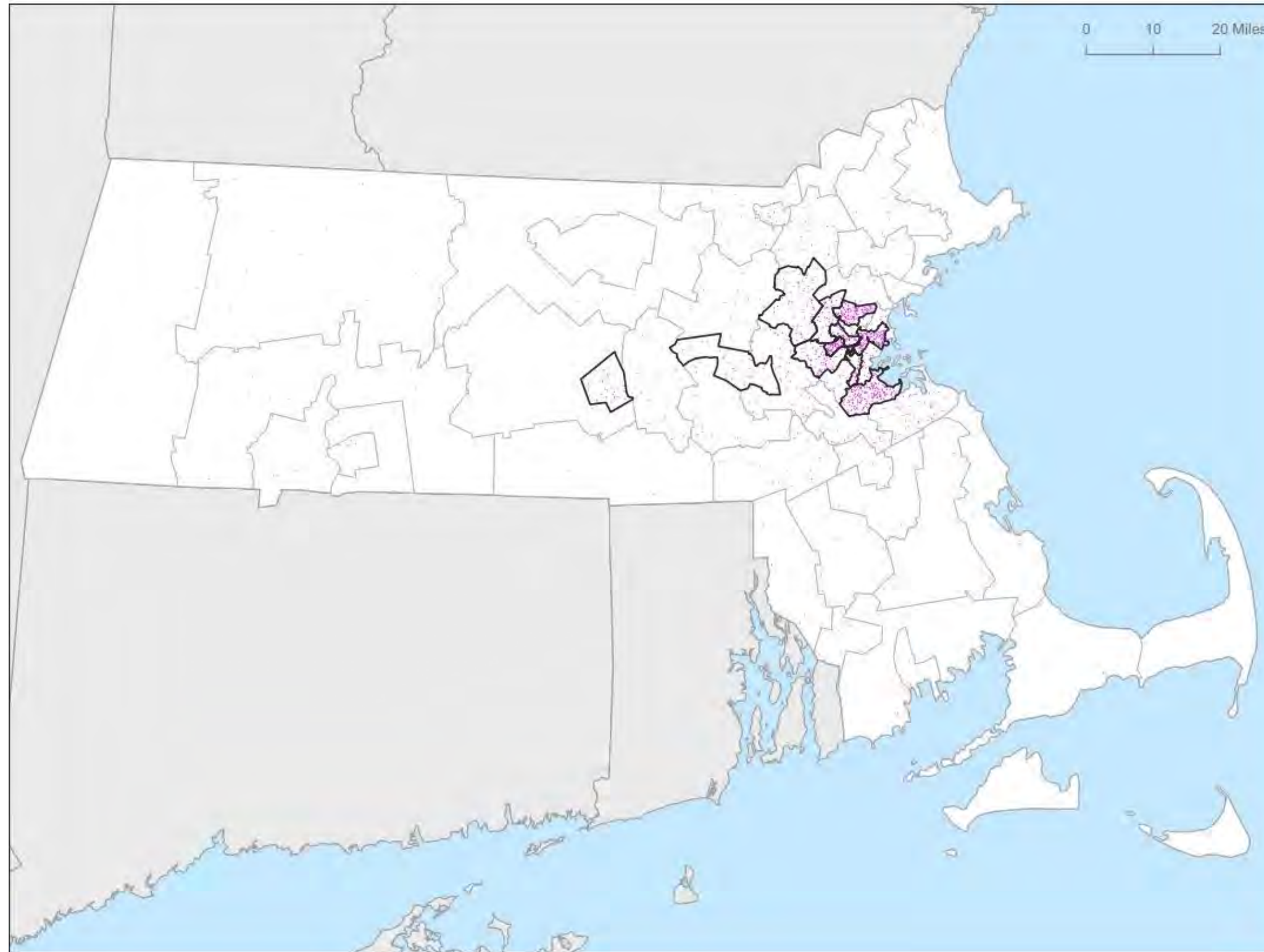




FIGURE 4
Statewide Language Assistance Plan

**Limited English Proficiency:
Chinese Speakers**

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

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant populations are identified in this map where the general LEP population in a PUMA is over 5% and the Chinese-speaking population is either over 1,000 individuals or over 25% of the PUMA's LEP population.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

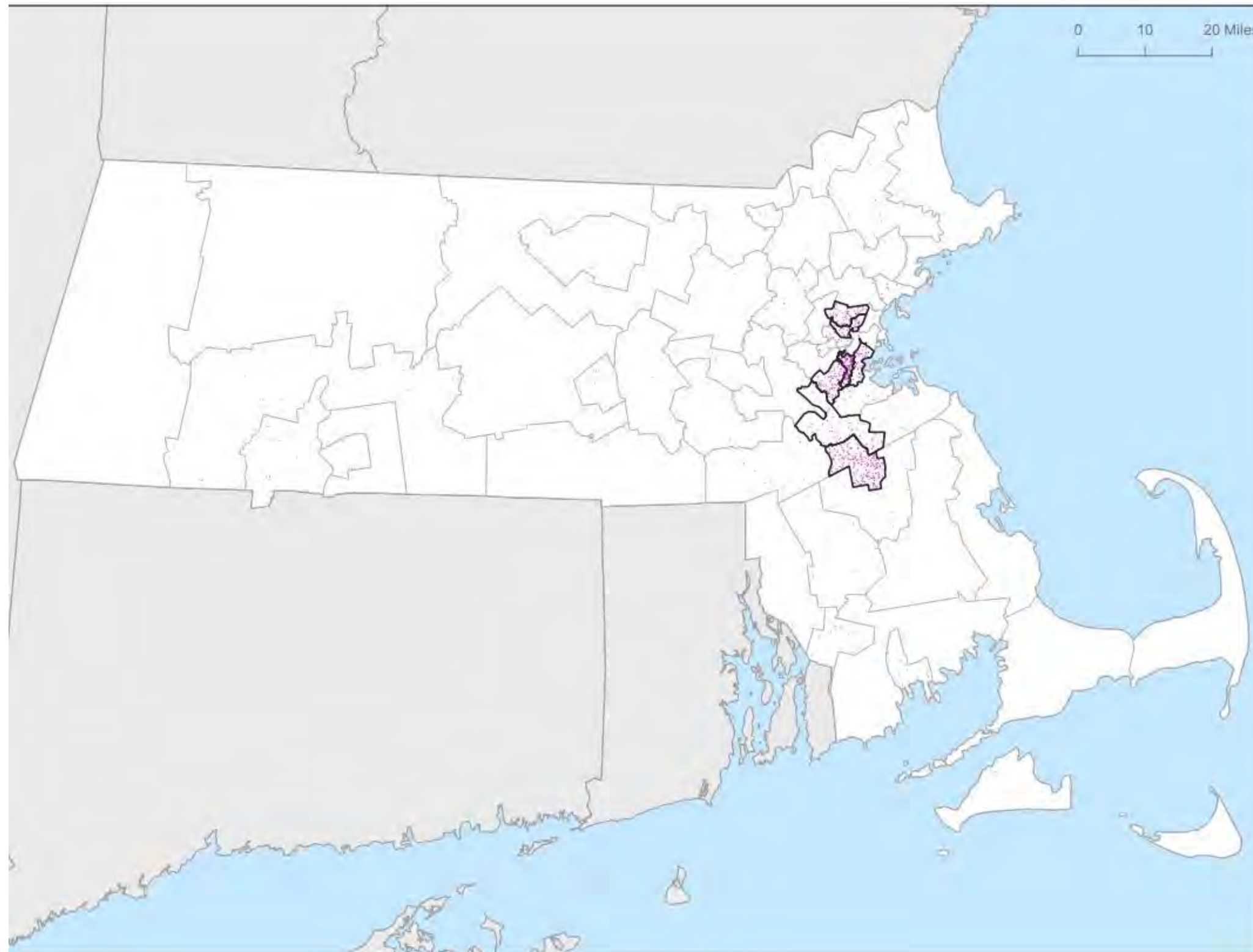




FIGURE 5
Statewide Language Assistance Plan

**Limited English Proficiency:
Haitian Speakers**

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

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant populations are identified in this map where the general LEP population in a PUMA is over 5% and the Haitian-speaking population is either over 1,000 individuals or over 25% of the PUMA's LEP population.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

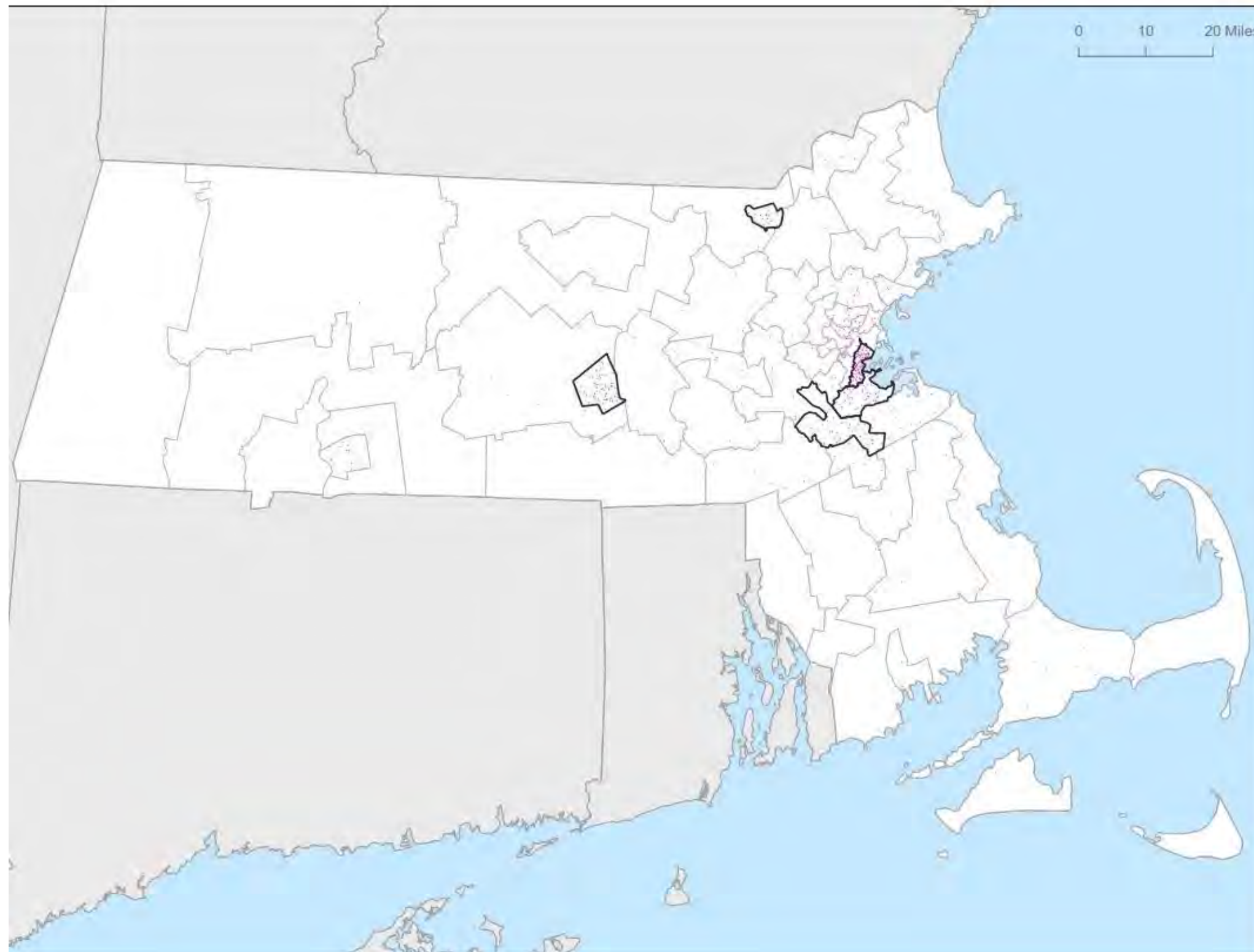




FIGURE 6
Statewide Language Assistance Plan

**Limited English Proficiency:
Vietnamese Speakers**

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

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant populations are identified in this map where the general LEP population in a PUMA is over 5% and the Vietnamese-speaking population is either over 1,000 individuals or over 25% of the PUMA's LEP population.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

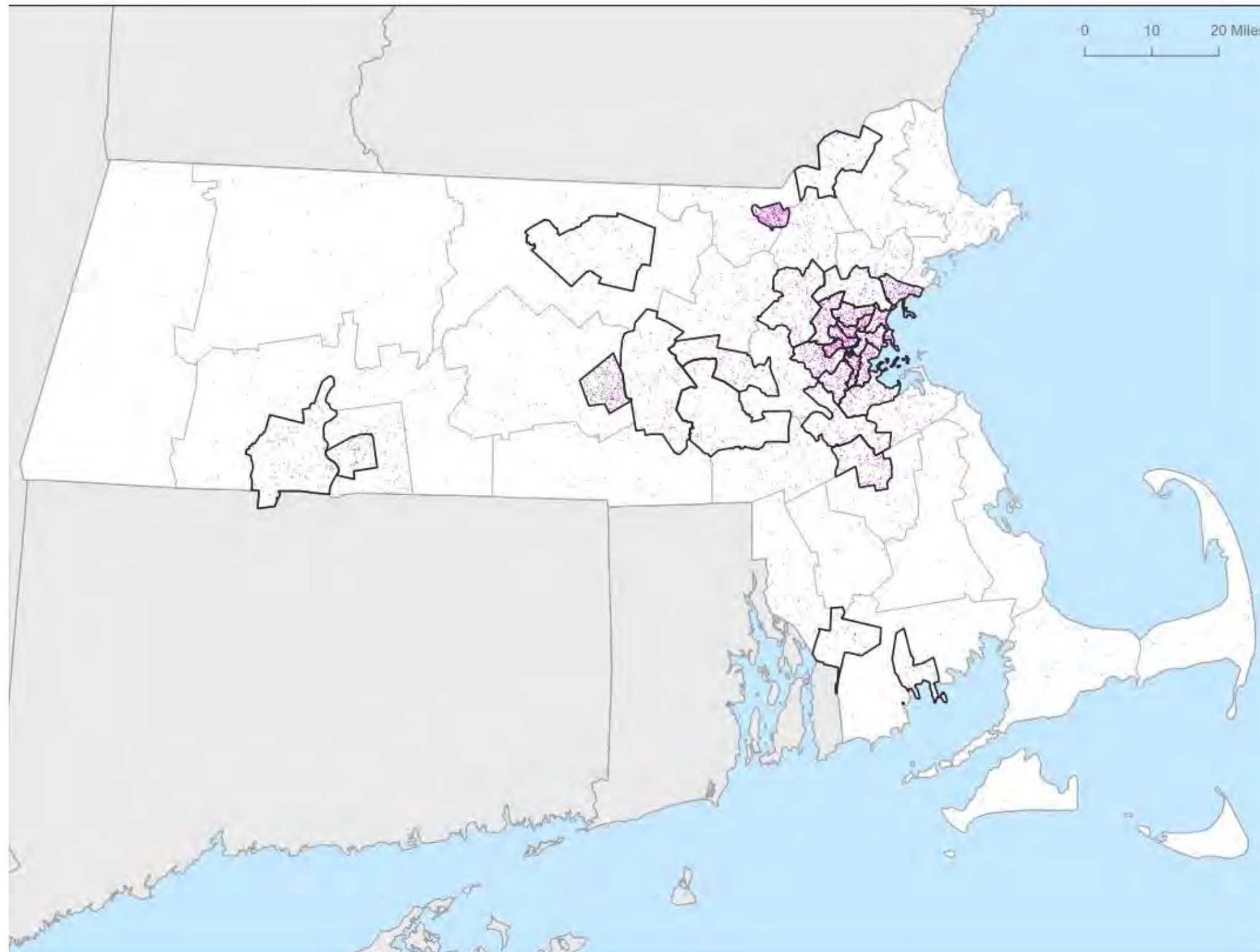




FIGURE 7
Statewide Language Assistance Plan

Limited English Proficiency: Speakers of Languages not included in the top five LEP languages

-  Speakers who speak a language not included in the top five LEP languages and who speak English "less than very well" (1 dot = 50 speakers)
-  Significant population of LEP residents speaking a language other than top five LEP languages

Residents with limited English proficiency are defined for Title VI purposes as persons aged five and older whose ability to speak English was self-identified as less than "very well" in the 2020 American Community Survey five-year Public Use Microdata Samples.

Significant populations are identified in this map where the general LEP population in a PUMA is over 5% and the population who speaks a language other than the five most common languages is either over 1,000 individuals or over 25% of the PUMA's LEP population.

The five most common LEP languages in Massachusetts are Spanish, Portuguese, Chinese, Haitian, and Vietnamese.

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

Dots are placed randomly within PUMAs to indicate the number of LEP speakers.

The percentage of LEP persons in Massachusetts is 8.9 percent.

d. 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 works with community-based organizations (CBOs), as well as advocates, stakeholders, 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. 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.

e. 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 Communications Departments. In order to determine the extent to which LEP persons have come into contact with these functions, MassDOT surveys staff, keeps track of requests for interpreters at public meetings, and collects anecdotal reports of attendance by people with limited English proficiency at public meetings from community outreach staff.

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.

f. Conclusions from Factor 1 Analysis

Through the analysis of the 2016-2020 American Community Survey (ACS) 5% Public Use Microdata Sample (PUMS) dataset, the Factor 1 analysis shows that 36 languages meet the safe-harbor threshold statewide. In addition, MassDOT staff have had limited contact with LEP individuals, but the contact that has take place has been generated across the top 3-5 LEP languages. MassDOT acknowledges that the FTA funded programs, services, and activities of the Rail & Transit Division (such as the discretionary and formula grant programs) and planning assistance do not typically generate sizeable and sustained participation by LEP populations. However, MassDOT will continue to provide robust language supports to ensure these populations are meaningful access to these programs, over and above document translation – including outreach that encourages broader participation in these programs, services, and activities than is traditionally encountered.

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.”¹

MassDOT will continue to use the information provided by Factor 1 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 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 mission.

a. Analysis Methods Used for Frequency of Contact

MassDOT Agency-Wide Survey

¹ 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>

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.²

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, 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.

² 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 Communications 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.

TABLE 3
Frequency of Contact of MassDOT Employees with LEP Individuals

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

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

**The survey provided spaces for other languages to be identified individually.

The data in this row of the table represent the one language that was reported.

MassDOT Subrecipients: MPOs

Although each MPO in the Commonwealth is responsible for developing its own LAP, the MassDOT Title VI Specialist works 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 generally 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 §5311 and/or §5310 funding through MassDOT. Two separate surveys were developed: one for RTA administrators and another for RTA bus operators. 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
FRTA	1	4	4	3	5
VTA	13	12	5	2	0
Total	14	16	9	5	5

Note: 17 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. 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, Haitian Creole, 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 LEP individuals, the more likely it is

that language services are needed. Importance is based on whether denial or delay of access to services or information could have serious implications for the LEP individual.

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 activities. 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.

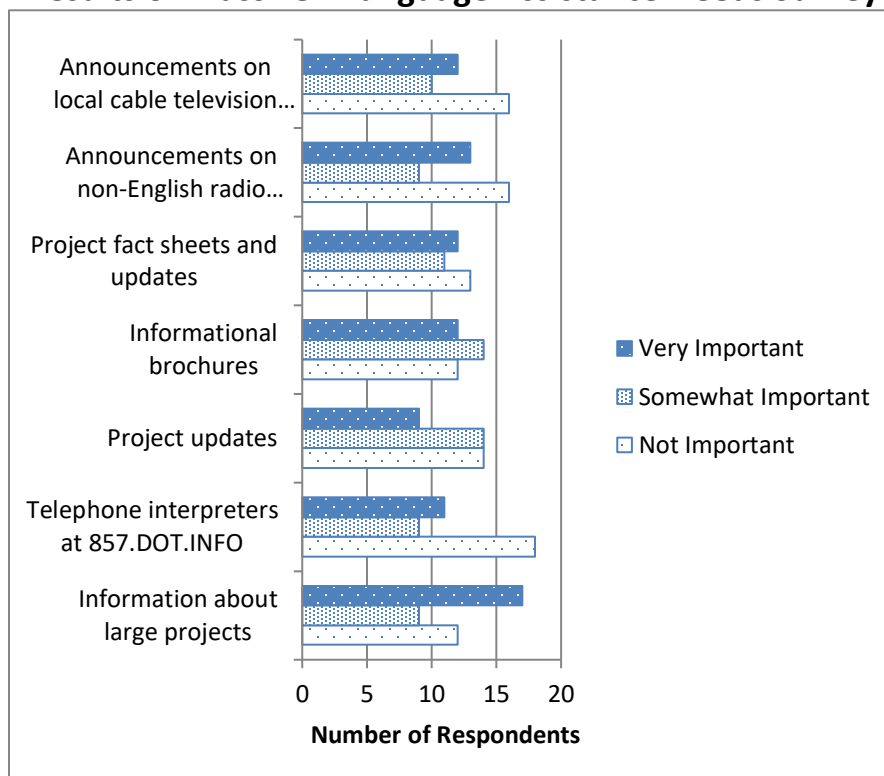
MassDOT relies on a variety of methods to identify important public programs, services, and offices (and vital documents related to these operations). This includes surveying staff and managers as part of the LEP Four-Factor Analysis and feedback from the public. Public feedback is facilitated through an online survey hosted on the MassDOT website. 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.

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	16	42%	10	26%	12	32%

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 considers the results of this four factor analysis 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.

b. 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 protections and associated complaint procedures and certain legal correspondence. Also considered vital are public process activities, which makes it important to translate public outreach content 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.

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

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

a. Resources Available

MassDOT regularly survey's staff 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. Currently, we have documented in-house language capabilities across 41 languages with staff in key public-facing departments willing to volunteer 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.

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. Real-time telephonic interpretation remains an option for the MassDOT Rail & Transit Division and Title VI staff is ready to deploy this technology when the need is sufficient among the customers of this Division of MassDOT.

MassDOT has integrated machine translation in its website which provides translations of the information on webpages into dozens of languages other than

English. Documents are posted on the website in a format that can be automatically translated using this application. In recognition that no machine translation system is perfect or intended to replace human translation, MassDOT is professionally translating vital documents and will continue to disseminate this content.

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

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

c. Conclusions from Factor 4 the Resources Available and Costs

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

For specific transportation projects, a line item is included in the project's administrative budget to allocate funds for language services for public outreach efforts. If additional resources are needed for unexpected or unanticipated

translations, project managers are encouraged to contact their department managers to make a request through the MassDOT's Budget Office to secure state or federal funds, as needed. For shared services or internal operations, where there may not be a project number, the Chief Administrative Officer of MassDOT should be apprised of the need to budget the funding for language services.

MassDOT's Title VI staff encourages every public facing office to maintain an annual budget line item specifically to support document translations, interpreters, and other related language access services that may be procured during that fiscal year. Anecdotal information suggests that these departments tends to spend \$5,000 per year in order to provide language access services to members of the public to fully engage with and participate in MassDOT activities. The Office of Diversity and Civil Rights maintains an annual budget line item of \$20,000 to \$30,000 specifically for this purpose.

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 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. 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

Specific vital documents that MassDOT has translated include the following:

- MassDOT's Notice to Beneficiaries (nondiscrimination notice)
(currently translated into top 10 languages)
- MassDOT's language access request instructions have been incorporated in public notices, correspondence, and documents
(currently translated into top 10 languages and regularly provided into top languages in project areas)
- MassDOT's discrimination complaint form
(currently translated into top 10 languages)
- MassDOT's discrimination complaint process
(currently translated into top 10 languages)
- 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
(regularly provided into top languages in project areas)
- Outreach documents, when determined necessary based on the Four-Factor analysis
(regularly provided into top languages in project areas)

Additional documents, such as meeting materials and project information, which may not be considered vital documents for language access purposes, are nonetheless translated when determined necessary as based on the Four-Factor Analysis and/or in response to requests from members of the public.

In addition, MassDOT continues to translate other important documents, such as application forms, consent forms, comment sheets, and signs and handouts at customer service locations. In the context of MassDOT's Rail & Transit Division, this includes providing translation and interpretation assistance to grant applicants as well as offering training programs to subrecipients in languages other than English.

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

MassDOT assists its subrecipients with the provision of language assistance 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 shares 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.

xi. Training

Title VI/Public Engagement/Language Access Training

MassDOT's Title VI team offers trainings to all MassDOT divisions and departments, including the Rail & Transit Division. These trainings focus on operationalizing the agency's Public Participation Plan and Language Access Plan and are tailored to the unique role of each office to draw direct connections to the Title VI implications in the specific activities performed by that group. While no two trainings are identical under this tailored approach, there are consistent themes and topics, including Title VI related public engagement and language access requirements. In this context, strategies for diverse and inclusive public engagement are discussed as are the fundamentals of the LEP four-factor analysis, the concept of vital communications, and the department-level strategies available to address language barriers if and when they are encountered. For example, MassDOT Project Managers receive tailored trainings on how to identify, plan for, and overcome language barriers when conducting outreach activities related to project development. Similar trainings are available upon request to all offices within the agency. In these trainings ODCR staff directs staff to resources and guides for future reference, including a Roadmap for Language and Accessibility Services outlining the steps to identify language access needs and to procure necessary services.

New Hire Orientation

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

The Office of Diversity and Civil Rights training for new MassDOT employees covers the Agency's policies and federal and state civil rights obligations related to diversity, nondiscrimination, inclusive public engagement, and workplace practices. New hires are trained in the importance of being professional, sensitive, and responsive, as well as on the need to treat all customers with equal respect regardless of language spoken. The Title VI element of the presentation includes a focus on staff responsibilities to eliminate language barriers for LEP customers looking to access MassDOT programs, services, and activities.

Departmental Trainings by Title VI Staff

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

Anti-Discrimination and Harassment Prevention (ADHP)

MassDOT's ADHP training focuses on civil rights and MassDOT policies. One goal of the training is to have employees gain an understanding of supervisors' responsibilities, employees' rights and responsibilities, and customers' rights under the laws and MassDOT policies. Another goal is to develop skills and best

practices for focusing on legitimate reasons for all employment decisions, and accountability regarding the same; to review best practices for maintaining excellence in customer service; and to learn when to seek assistance and/or partner with ODCR and/or other appropriate representatives at MassDOT.

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

Virtual Public Involvement (VPI) Training

In response to the COVID-19 pandemic MassDOT embraced virtual public engagement. By incorporating virtual meetings into the existing array of public engagement strategies already in use by MassDOT, the agency can offer the public additional options for participation. To successfully implement and integrate virtual public engagement strategies, a comprehensive training program is critical. MassDOT's VPI Committee, Office of Diversity and Civil Rights, and Office of Public Engagement and Outreach (OPEO) have developed a multi-faceted training program to ensure that all staff, consultants, and partners are fully prepared for their responsibilities in conducting and supporting virtual engagements.

MassDOT trains staff, consultants, and partners on the following language-access related topics in this virtual public engagement context:

Planning for Virtual Public Engagements

This training topic instructs projects teams how to identify the purpose and intended outcome of public engagements, allowing the team to assign responsibilities for the myriad tasks that go into planning and executing successful public meetings. This training instructs on properly assigning responsibilities across the project team, such as processing requests for language assistance from attendees and securing services from vendors.

Developing a Public Engagement Strategy

Recognizing public engagement is not a one-size-fits-all scenario, this training topic instructs project teams how to develop multifaceted public outreach plans, including coordinating with stakeholders and other partners, identifying and addressing language assistance needs, ensuring multiple feedback/comment mechanisms for the public, and building off of past successful engagements.

Conducting a Run of Show

Embracing the notion that “practice-makes-perfect,” this training topic emphasizes the importance of bringing project teams together ahead of public engagements to establish clearly defined roles and responsibilities, to practice presentations and identify anticipated questions, and to share critical details with third-party participants (such as interpreters).

Zoom Controls and Setup

By instructing meeting producers and presenters on how to setup and navigate the platforms and tools used to facilitate virtual public engagement, this training topic is designed to reduce the likelihood of technical difficulties during public events and to instruct the project team how to troubleshoot glitches if/when they do occur. Training goes into specific details on properly integrating interpreters (both foreign language and ASL interpreters) into the platform. For example, instructing on the proper setting for assigning interpreters into their role and properly managing the multiple audio channels for each language available.

Post-Meeting Follow-Up

Holding a public meeting is not the end of the public engagement process and the steps that project teams take after public meetings to acknowledge and respond to public comments and make responsive revisions to a project plan are critical to document and detail for the public. This training topic emphasizes the critical nature of maintaining relationships and keeping information flowing between the project team and the public following public meetings. Project teams are

specifically instructed to document language services provided and utilized so that future teams conducting outreach in the same area or topic, can build off of language access strategies from prior outreach efforts.

Disability and Language Access (ADA and Title VI requirements)

Providing accessible virtual public engagements is of utmost importance to MassDOT's project teams. This includes not only utilizing accessible platforms and tools, but also responding to requests for specific services, such as foreign language interpretation, live captioning, and sign language. This training topic provides step-by-step instructions for achieving accessible public engagements and responding to accommodation requests, including how to secure requested services.

xii. Providing Notice to LEP Persons

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

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

xiii. Monitoring and Updating the Language Assistance Plan

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

- Solicit direct feedback from CBOs and other stakeholders by distributing a questionnaire or holding focus group sessions on communicating with LEP individuals;
- Assess the demographic composition of the Commonwealth using the most appropriate census data or data collected from community organizations;
- Measure the actual frequency of contact by LEP persons by collecting information from the agency website and frontline operations staff interviews;
- Partnering with other local agencies and organizations and participation in regional forums and events focused on issues of diversity and social equity; and
- Changes by MassDOT to this Language Assistance Plan as needed; at a minimum every three years. The three-year update will coincide with the MBTA's Title VI Program submittal to the FTA.

xiv. Staff Survey – Instrument and Results

Communication with Limited English Proficient (LEP) Individuals

Survey for MassDOT Program Area Leadership

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

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

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

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

- 1. Approximately how many employees who work under you have direct contact with the public in some capacity?**
- 2. What are the job titles and/or functions of those employees?**
- 3. What vital documents³ does your office/unit have that may need to be translated into other languages? (see the Footnote 1 for more information on vital documents)**

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

If you would like to know more about MassDOT's language access efforts, please visit our [Title VI/Nondiscrimination webpage](#)⁴.

³ A document should be considered vital if it contains information that is critical for obtaining MassDOT services and/or participating in MassDOT activities (this includes, but is not limited to: notices of rights; notices advising the availability of language assistance; letters or notices that require a response; and consent and complaint forms).

⁴ <https://www.mass.gov/nondiscrimination-in-transportation-program>

Communication with Limited English Proficient (LEP) Individuals

Survey for Front-Line Employees of MassDOT

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

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

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

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

“Other” rows. (b) For languages you cannot identify—please mark your answer for all of them combined in the “All other languages” row.

Frequency of Contact

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

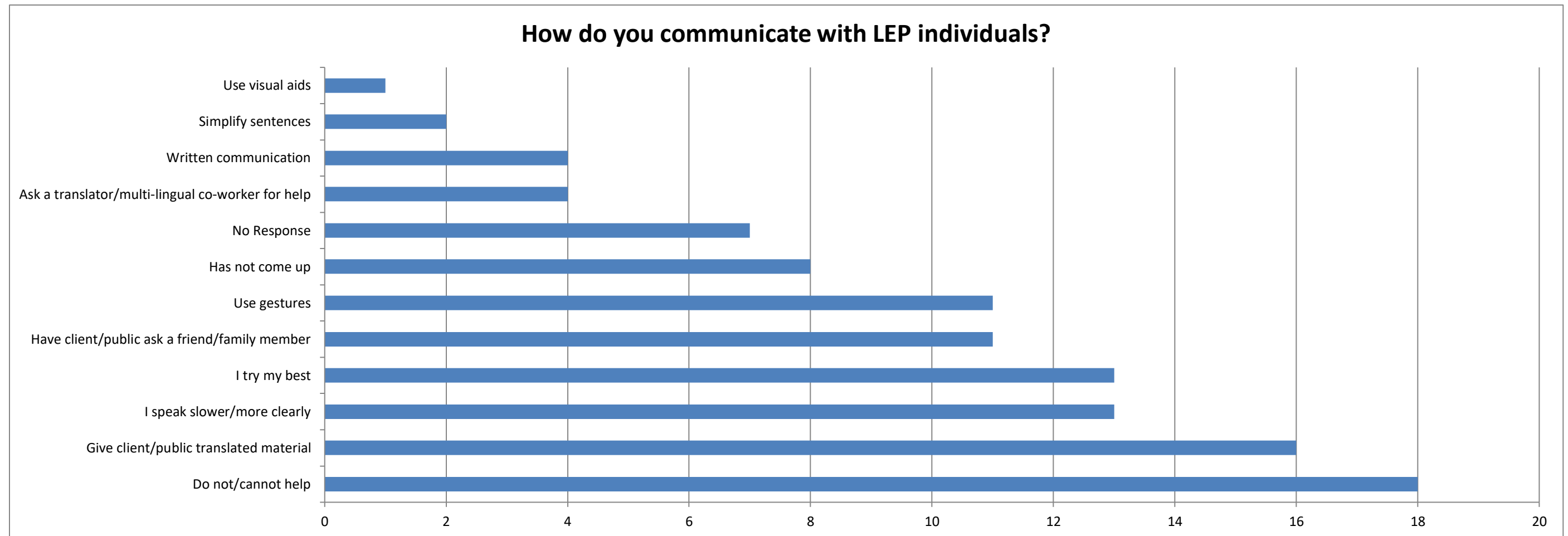
4. How do you communicate when you come into contact with members of the public who do not speak or understand English well or at all? Which techniques have been most effective?
5. How can MassDOT improve your ability to communicate with members of the public who do not speak or understand English well or at all?
6. How can MassDOT, as an agency, communicate better with LEP individuals?

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

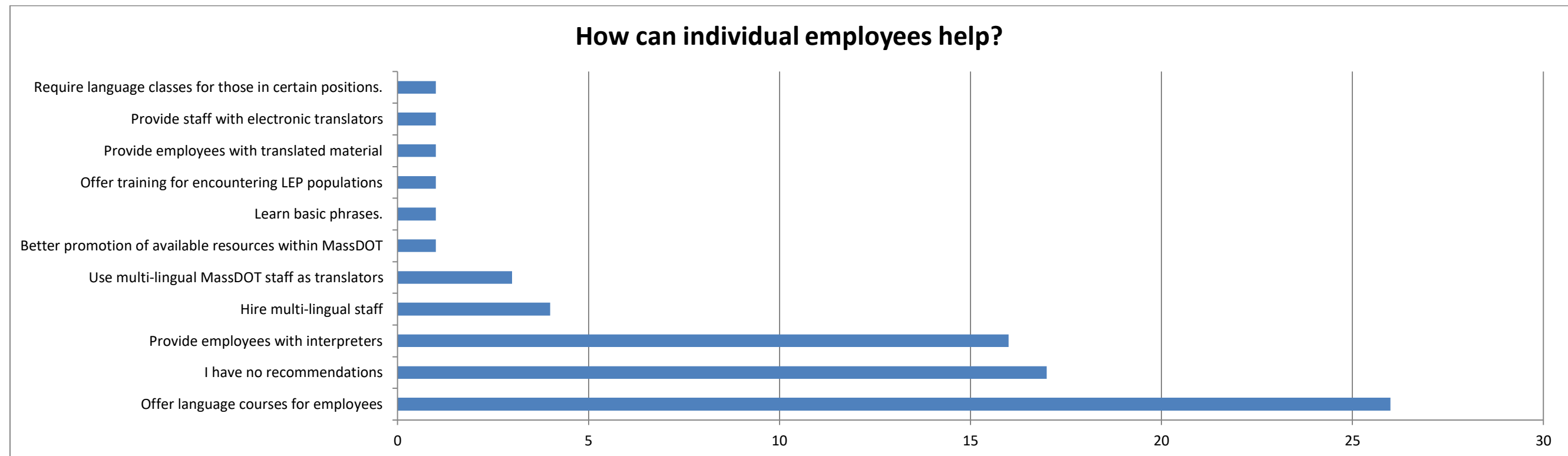
If you would like to know more about MassDOT's language access efforts, please visit our [Title VI/Nondiscrimination webpage](#)¹⁵.

¹⁵ <https://www.mass.gov/nondiscrimination-in-transportation-program>

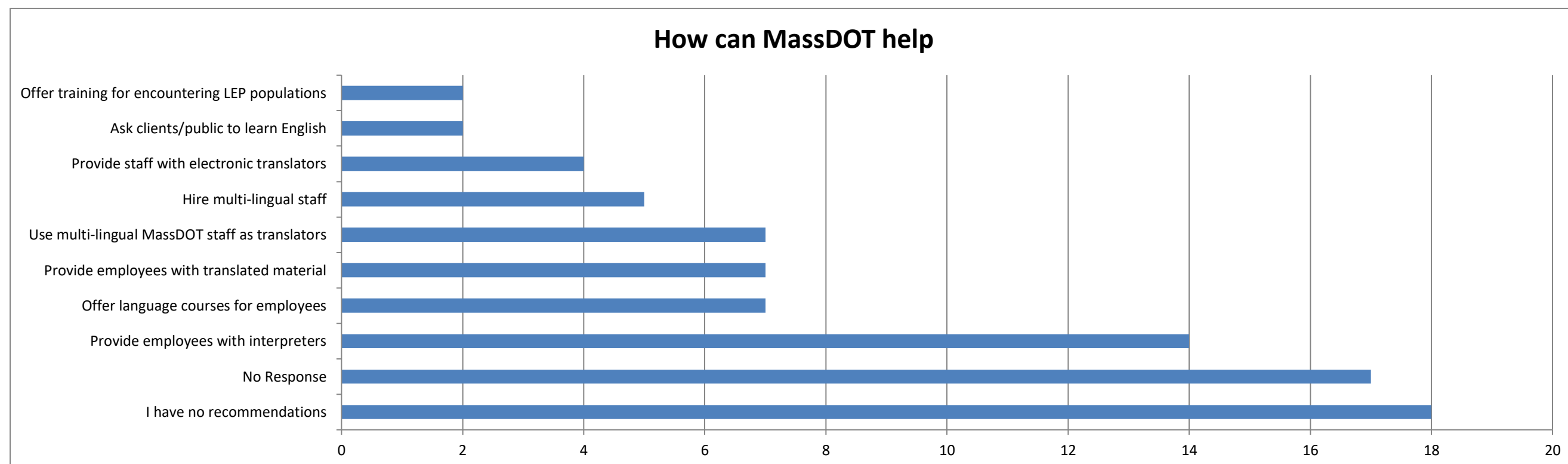
How to communicate with LEP	Administration	Construction	Contracts	Design	Environment	Planning/Research	Right-of-Way	Safety	Unknown	Grand Total	Rank
Give client/public translated material	5	7	0	0	0	0	4	0	0	16	2
Has not come up	0	8	0	0	0	0	0	0	0	8	7
Ask a translator/multi-lingual co-worker for help	0	0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



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



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



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. Specifically, any advisory boards that have been convened during this lookback period did not have membership chosen by the recipient (MassDOT). In relation to MassDOT’s use and management of FTA funds, MassDOT’s Rail and Transit Division is responsible for these efforts. The Grant Administration 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 operating funds 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).

The Task Force on Regional Transit Authority Performance and Funding was created in the fall of 2018 by Outside Section 72 of the FY 2019 Massachusetts State Budget. The Task Force statute specified what the composition of its membership should be, namely to include elected members of the state legislature, the MassDOT Rail and Transit Administrator, current RTA Administrators, representatives of municipal governments, and members of the business, rider, and advocacy communities. Appointments were made legislatively by statute, by the Governor, and by RTA administrators, not by MassDOT as a recipient of FTA funding.

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. Later, in 2015, the membership of the MassDOT Board of Directors was again expanded, to eleven.

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

“The board shall consist of 11 members, including the secretary of transportation, who shall serve ex officio as chair. The governor shall appoint 10 members: 1 of whom shall be a rider, as defined in section 1 of chapter 161A; 1 of whom shall have experience in the field of public or private finance; 1 of whom shall have experience in transportation planning and policy; 1 of whom shall have experience in civil engineering; 1 of whom shall have experience in the field of public or private finance or transportation planning and policy; 1 of whom shall have municipal government experience in 1 of the fourteen cities and towns, as defined in said section 1 of said chapter 161A; 1 of whom shall have municipal government experience in 1 of the 51 cities and towns, as defined in said section 1 of said chapter 161A; 1 of whom shall have municipal government experience in 1 of the other served communities, as defined in said section 1 of said chapter 161A; 1 of whom shall have municipal government experience in a city or town not part of the area constituting the authority, as defined in said section 1 of said chapter 161A; and 1 of whom shall be a representative of a labor organization selected from a list of 3 nominees provided by the Massachusetts State Labor Council, AFL–CIO.”

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: <https://www.mass.gov/info-details/massdot-board-of-directors-membership>

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.¹⁶

¹⁶ 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).

Consistent with the principles of Title VI, these three offices pay particular attention to whether or not federal funding opportunities are originating from among potential subrecipients that would serve predominantly minority populations. For instance, OTP (in coordination with each planning region) studies the distribution of transportation research projects in each regional Unified Planning Work Program (UPWP) to determine if communities with Title VI and EJ populations are regularly receiving assistance through research studies. Communities that are not regularly receiving this benefit are provided with one-on-one technical assistance and support by regional and OTP planning staff to articulate needs that could be addressed through UPWP tasks. Similarly, the RTD studies the distribution of federal grant funding vis-à-vis Title VI and EJ populations and proactively reaches out to and provides technical assistance to communities with significant Title VI and EJ communities that are not regularly participating in the grant programs. This can involve everything from sharing data and documentation to actually working with local organizations to navigate the technical elements of the web-based grant submission system. Additional details regarding all manner of technical assistance provided to potential subrecipients can be found immediately below, which includes the assistance provided to subrecipients that serve predominantly Title VI and EJ communities.

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, 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 provide technical assistance to MPOs in certification document preparation and Title VI program implementation, as well as support with monitoring MPO compliance.

Title VI compliance reports and Title VI program submissions for each of the Commonwealth's MPOs are 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.
- Manager of Compliance and Oversight - administers the subrecipient compliance program, ensuring that the division, its staff and its projects comply with relevant regulations and specifications identified in the Sections 5310, 5311, 5305 and 5309 programs, FTA master agreement and other applicable regulations.
- 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 4702.1B and involve participation of MassDOT 's Title VI Specialist, the Director of Title VI and Accessibility, the Title VI Coordinator with the Office of Diversity and Civil Rights and/or his/her designee, and the Rail and Transit Division's Manager of Compliance and Oversight.

The Rail and Transit Division, with support from the Division's Manager of Compliance and Oversight, 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 October 15th 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, under the direction of the division's Manager of Compliance and Oversight, , conducts program compliance reviews including selected site visits of subrecipients. These reviews document Title VI program compliance and provide technical assistance to subrecipients for meeting and maintaining those Title VI program requirements that are applicable to the subrecipients.

The following Title VI –specific section of the Compliance Review Questionnaire is used by the MassDOT Rail and Transit Division and its consultants when conducting compliance reviews of subrecipients for Title VI purposes. This Questionnaire is updated yearly to reflect any changes in regulations as identified in the FTA’s Contractor’s Reviewer Guide.

b. NONDISCRIMINATION IN THE DELIVERY OF SERVICE

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq. “No person in the United States shall on the ground of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.”

Massachusetts Public Accommodation Law ([M.G.L c. 272, s. 92A, 98 and 98A](#)) prohibits making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on religion, creed, class, race, color, denomination, sex, sexual orientation, or nationality.

<p>1. How do you notify the public of its rights under Title VI? (Website, reception area, meeting rooms, schedules, signs or brochures on buses)</p> <p>Do you notify beneficiaries of:</p>	<p>Yes, they are posted at our station and on our website</p>
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a. Protection under Title VI?	
b. How to obtain additional information on nondiscrimination obligations?	
C. How to file a complaint?	
<p>d. That information on your Title VI obligations and complaint procedures will be translated as needed?</p> <p><i>Subrecipients must notify the public of its protections under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint, and offer to translate the nondiscrimination obligations and complaint procedures as needed. At a minimum, subrecipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in the public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Subrecipients should also post Title VI notices at stations or stops, and/or on transit vehicles.</i></p>	
<p>2. Are the Title VI complaint form and instructions available on the website?</p> <p><i>Subrecipients must post the Title VI complaint form and instructions to the website.</i></p>	
<p>3. Have any complaints concerning discrimination in the delivery of service been received since the last grant application?</p> <p>If yes:</p>	
a. Who is responsible for handling the complaints?	
b. How were the complaints identified and resolved?	

<p>C. Did you notify MassDOT of the complaint? <i>MassDOT requires subrecipients to inform it of Title VI complaints.</i></p>	
<p>d. Did you maintain a record of the complaints that includes:</p> <ul style="list-style-type: none"> ▪ the date of the complaint was filed? ▪ a summary of the allegations? ▪ the status of the investigation? ▪ the actions taken in response to the complaint? 	
<p>4. Have you implemented your limited English proficiency (LEP) plan?</p>	
<p>5. Since you submitted your Title VI plan, have you identified any additional language assistance needs? If yes, please describe. <i>All subrecipients are required to develop and submit to MassDOT a Title VI program every three years for the duration of a subrecipient's status as a subrecipient of federal financial assistance through MassDOT. Subrecipients that receive funds directly from FTA are not required to submit programs to MassDOT as FTA reviews and approves the Title VI programs.</i></p>	

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 required 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. Systemwide Accessibility, Safety, Maintenance and Training staff are readily available to provide training or technical assistance. MassDOT Transit also works closely with the other MassDOT Divisions as well as Enterprise Services in the Office of Transportation 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 Director of Title VI and Accessibility coordinates Title VI Program management with the Title VI Specialist and reports to the Director of the Office of Diversity and Civil Rights. The Director of Title VI and Accessibility 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 train Rail & Transit new staff hires on FTA Title VI Circular requirements and MassDOT agency Title VI Program procedures.
- ODCR participates as a voting member in Rail & Transit Division selection committee for allocating competitive grant program funds under the Community Transit Grant Program. ODCR is then 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 Director of Title VI and Accessibility 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. Recurring Reporting

MPOs and RPAs are required to submit 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 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. Sharing Resources and Best Practices

MassDOT maintains a SharePoint webpage specifically focused on Title VI. The Title VI staffs of all Massachusetts MPOs and RTAs are granted access to this resource. This webpage allows MassDOT to share documents, best practices, and other resources with subrecipients. This includes sharing template Title VI documents, 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 below. 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. 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.

g. Sample Subrecipient Annual Title VI Work Plan

Title VI Plan Components and Annual Report Content	FHWA Requirement	FTA Requirement
Title VI Assurances <i>Note: Attached is a copy of MassDOT's Title VI Assurances document. Please sign on the subrecipient signature page and submit to MassDOT.</i>	X	
Certifications and Assurances		X

<p><u>Note:</u> The latest version can be downloaded here. Please sign and submit to MassDOT.</p>		
<p>Title VI Notice <u>Note:</u> MassDOT has developed an updated Title VI Notice, which is attached. This can be used as a template for the MPO/RPA Notice. Please make sure that the Notice you submit lists the MPO/RPA as a point of contact for receiving Title VI related inquiries and complaints. MassDOT is also providing translated versions of this document to facilitate language access requirements. Translated versions will be provided when they are available from the translation vendor. Please indicate how you plan on disseminating this document.</p>	X	X
<p>Complaint Procedures <u>Note:</u> MassDOT has developed updated Title VI Complaint Procedures, which are attached. This can be used as a template for the MPO/RPA procedures. MassDOT is also providing translated versions of this document to facilitate language access requirements. Translated versions will be provided when they are available from the translation vendor. Please indicate how you plan on disseminating the document.</p>	X	X
<p>Complaint Form <u>Note:</u> MassDOT has developed an updated Title VI Complaint Form, which is attached. This can be used as a template for the MPO/RPA form. MassDOT is also providing translated versions of this document to facilitate language access requirements. Please indicate how you plan on disseminating the document.</p>	X	X

Complaint Log <i>Note: Please provide a log of Title VI related complaints over a one-year lookback period (since July 2021).</i>	X	X
Public Participation Plan <i>Note: MassDOT is working on developing a new Public Participation Plan that will be made available, when complete, to all MPOs/RPAs. This new Plan will capture details regarding MassDOT's approach to virtual, hybrid, and in-person public engagement. For this reporting cycle, please provide a copy of your current Public Participation Plan and an indication of the anticipated schedule and strategy for any upcoming updates to the existing plan.</i>	X	X
Language Assistance Plan <i>Note: Please make sure that the Four-Factor Analysis in your current Language Assistance Plan is up to date.</i>	X	X
Subrecipient Monitoring Process <i>Note: For those MPOs/RPAs that pass through federal financial assistance to additional subrecipients, please specify how those subrecipients are monitored for Title VI compliance.</i>	X	X
Title VI Program Approval <i>Note: Please provide documentation showing the appropriate MPO/RPA official responsible for policy decisions reviewed and approved the Title VI Plan submission. According to each region's bylaws, the appropriate entity could be the Executive Director, the Chair of the Board, or the Board itself.</i>		X
Organization and Staffing	X	

<u>Note:</u> Please identify the MPOs/RPAs Title VI Coordinator and an organizational chart that should demonstrate their ready access to the head of the agency.		
Program Review Procedures <u>Note:</u> Please describe how the Title VI Coordinator confirms that Title VI compliance requirements are being met by the MPO/RPA.	X	
Data Collection/Reporting/Analysis <u>Note:</u> Please briefly describe how the MPO/RPA collects, utilizes, and analyzes Title VI related data, such as population demographics.	X	X
Title VI Training <u>Note:</u> Please identify and describe any Title VI related trainings that MPO/RPA staff have participated in during the last year (since July 2021).	X	X
Dissemination of Title VI Information <u>Note:</u> Please describe, and provide some examples, of how Title VI related documentation and information is shared with the public.	X	X
Demographic Profile of Metropolitan Area <u>Note:</u> This should include identification of the locations of minority populations in the aggregate. In addition to minority populations, the MPO/RPA can also identify low-income and limited English proficient populations as well as the concentration of individuals with disabilities.		X
Mobility Needs of Minority Populations <u>Note:</u> Description of the procedures by which the mobility needs of minority populations are		X

<i>identified and considered within the planning process.</i>		
Demographic Maps and Charts of Funding Distribution <i>Note: Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient. Please analyze the investments from the current TIP and current UPWP.</i>		X
Analysis of MPO Transportation System Investments, Identifying and Addressing any Disparate Impacts <i>Note: An analysis the funding distribution provided above that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.</i>		X

ix. Subrecipient Technical Assistance

What follows is an example of technical assistance provided by ODCR to a Rail & Transit Division subrecipient during the lookback period of this triennial program.

4702.1B Chapter III

1. Title VI Assurances

Substantially meets the requirements.

2. Title VI Notice to the Public, including a list of locations where the notice is posted

Substantially meets the requirements.

Commendation – NRTA has documented a systematic process over the course of several years to ensure that the Title VI Notice is accurate, up-to-date, and properly disseminated both in hardcopy and electronically.

Recommendation – The text of the Notice itself was not included with the submission but was available for review on the NRTA website. With future submissions, a copy of the Notice document itself should be included.

3. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)

Substantially meets the requirements.

Recommendation – MassDOT has recently updated its template Title VI complaint procedures and recommends that NRTA adopt them with the next Title VI submission.

4. Title VI Complaint Form

Substantially meets the requirements.

Recommendation – The Title VI complaint form was not included with the submission document but was available for review on the NRTA website. With future submissions, a copy of the complaint form should be included.

Recommendation – The current complaint form indicates that all complaints should be mailed only to FTA whereas the complaint procedures make it clear that these complaints can be submitted directly to NRTA, to MassDOT, and/or to FTA. The complaint form should be updated to accurately reflect all of these filing options.

Recommendation – The current complaint form indicates in two places that the form cannot be submitted without a signature. While a signature (and identifying the complainant) is preferred, NRTA can

accept anonymous complaints. These may be more difficult to investigate, but NRTA should still make every reasonable effort to consider anonymous complaints. The complaint form should be updated accordingly.

Recommendation – MassDOT has developed a template Title VI complaint form that NRTA should consider adopting and disseminating with the next submission.

5. List of transit-related Title VI investigations, complaints, and lawsuits

Substantially meets the requirements.

Recommendation – This section of the submission ends with a regulatory reference which should be corrected to “49 CFR § 21.9” rather than “48 CFR § 21.9”

6. Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission

Additional Information is Needed

Recommendation – While NRTA has provided an overview of the strategies used to engage the public, including Title VI and EJ populations, FTA Title VI reporting requirements include producing a summary of outreach efforts made since the last submission. Please provide a summary of outreach efforts for this reporting period and specify any details that demonstrate efforts to engage with minority and LEP populations.

Recommendation – In response to the COVID-19 pandemic and the switch to virtual public engagement, MassDOT has developed a series of trainings for staff, subrecipients, and project partners to instruct how to meet public engagement requirements, including Title VI and accessibility requirements, in the virtual context. NRTA should contact Richard Curtis at Richard.W.Curtis@dot.state.ma.us for access to the trainings.

7. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance

Substantially meets the requirements.

Commendation – While Census data does not indicate a large LEP population among residents, NRTA recognizes that LEP visitors and seasonal employees are also present on the island and NRTA has described a variety of means to ensure effective communication with these populations. This includes making critical information available in Spanish and having interpreters and translators on standby in numerous additional languages in order to address language barriers when they are encountered.

Commendation – While acknowledging the limitations of machine translation, NRTA has effectively integrated the technology into the information center and administrative office as a basic means of communicating critical information when professional language supports are not available. NRTA reports that this has produced positive outcomes for LEP individuals.

Commendation – NRTA describes a holistic process for reviewing and evaluating the effectiveness of language access services, including surveying front-line staff, analyzing outreach efforts, and considering the frequency of language barriers encountered.

Recommendation – MassDOT has recently prepared a number of template Title VI documents and translated them into the top 10 LEP languages in the Commonwealth. This includes the Notice, Complaint Form, and Complaint Procedure. NRTA should consider adopting and disseminating these documents as part of the next submission.

8. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.

Additional Information is Needed.

Recommendation – NRTA should determine whether or not this reporting requirement applies to membership of the Advisory Board or any other transit related board the membership of which is selected by NRTA. If it does not apply, the Title VI submission should be updated to reflect that. If it does apply, NRTA should update the Title VI submission with the necessary information. In addition, NRTA

should include the required description of the process used to encourage participation of minorities on such committees.

9. Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions.

Substantially Meets the Requirements.

MassDOT acknowledges that this reporting requirement does not apply for this cycle because NRTA does not currently pass-through FTA financial assistance to any subrecipients.

Recommendation – For future submissions, NRTA should include additional details of the process that would be used to ensure subrecipient compliance with Title VI requirements (i.e. program adoption, implementation, monitoring, etc.).

- 10.A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.

Substantially Meets the Requirements.

MassDOT acknowledges that this reporting requirement does not apply for this cycle because no applicable construction projects have been advanced or are in the pipeline at this time.

- 11.A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.

Substantially Meets the Requirements.

Recommendation – For this reporting cycle, MassDOT acknowledges that NRTA has provided the approval signature of the Advisory Board for the Title VI report. For future reporting cycles, NRTA should include additional documentation, including the meeting agenda where the Title VI submission is discussed, meeting minutes to reflect the discussion of the matter, and a copy of the presentation used for the discussion.

4702.1B Chapter IV

1. Service standards

- a. Vehicle load for each mode
- b. Vehicle headway for each mode
- c. On time performance for each mode
- d. Service availability for each mode

Additional Information is Needed.

Recommendation – NRTA should update this submission to include the specified service standards.

2. Service policies

- a. Transit Amenities for each mode
- b. Vehicle Assignment for each mode

Additional Information is Needed.

Recommendation – NRTA should update this submission to include the specified service policies.

H. FACILITY LOCATION DETERMINATIONS

During the triennial period of this report, MassDOT did not construct any transit related facilities of the type that would require a Title VI equity analysis of the site location determination. MassDOT's Title VI staff will continue coordinating with project development staff to identify any such construction activities planned for future reporting periods and ensure the necessary analyses are completed and reported to FTA through subsequent triennial Title VI reports.

During the lookback period for this triennial program, one of the Rail & Transit Division's subrecipients, the Franklin Regional Transit Authority (FRTA) did construct such a facility and MassDOT provided guidance on how FRTA should conduct the required site location determination equity analysis. Details regarding the project, including documentation regarding the public engagement activities FRTA engaged in related to this project, can be found online on the FRTA website: <http://frta.org/know-news-media/stay-connected/frta-maintenance-facility-updates-and-information/>. In addition, a copy of the site location selection equity analysis is also available online here: http://frta.org/wp-content/uploads/Title-VI-and-Environmental-Justice-Assessment-for-a-New-FRTA-Maintenance-Facility_draft-3-12-21.pdf.

I. PROGRAM APPROVAL

APPROVED

As Secretary of Transportation for Massachusetts and Chief Executive Officer of the Massachusetts Department of Transportation, I hereby approve the June 2023 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 designee, to take all necessary steps to implement said Program in the name of and on behalf of the Massachusetts Department of Transportation.

Signature:  Date: 5/25/2023

Gina Fiandaca
MassDOT Secretary and CEO

V. REQUIREMENTS FOR STATES

J. DEMOGRAPHIC PROFILE MAPS AND FUNDING DISTRIBUTION MAPS, CHARTS, AND ANALYSES

The following demographic profile assists MassDOT's transit, planning, and civil rights staffs to understand Title VI populations concentrations. This is useful for planning purposes, for conducting disparity analyses, for processing complaints, for developing public engagement plans, for evaluating the impacts of capital investments, and myriad other tasks.

This demographic profile is regularly updated with new Census data, when appropriate. As has been the case for several Title VI reporting periods, there were no major swings in population demographics statewide during this report period. 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 MassDOT's 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.

The demographic characteristics of Massachusetts for this triennial reporting period (based on the 2020 Decennial Census) are:

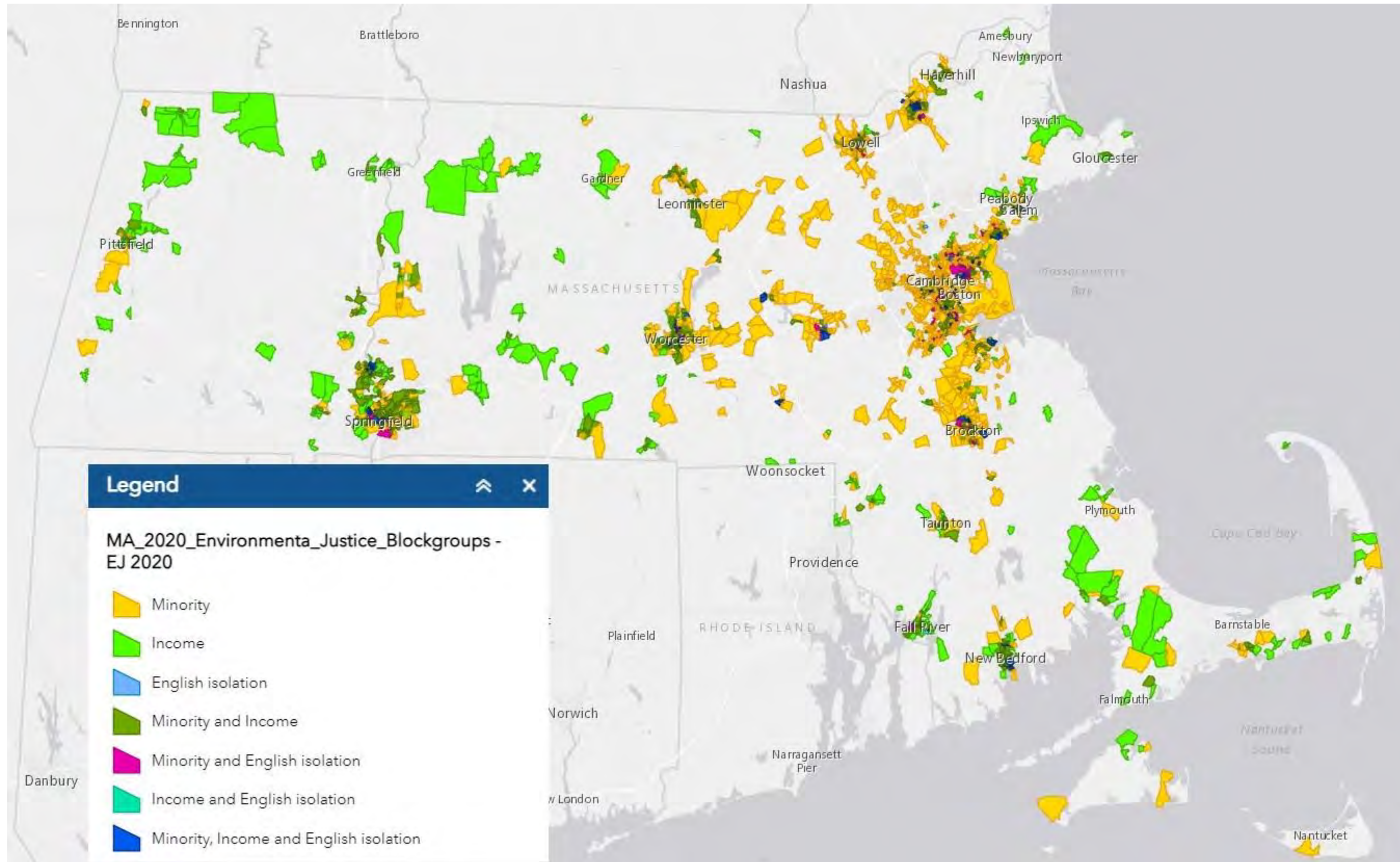
- Total Population = 7,029,917
- Minority Population = 1,952,742
- % Minority = 27.77%
- Total Households = 2,759,018
- LEP % = 8.9%

- Median Household Income = \$72,321
- 60% of Median Household Income (“low-income”) = \$43,392
- % Low-Income Households = 26.76%

MassDOT also produces regional demographic profiles, to help identify any localized population concentrations that may not be as easily discernable when considering statewide data.

MPO	Income	Minority	LEP	Disability	Zero-Vehicle	Senior
Berkshire	\$ 49,835	17%	0%	36%	10%	31%
Boston Region	\$ 72,237	47%	7%	28%	17%	21%
Cape Cod	\$ 62,444	15%	1%	30%	6%	42%
Central Massachusetts	\$ 53,780	41%	7%	33%	13%	21%
Franklin	\$ 51,655	14%	1%	38%	9%	27%
Martha's Vineyard	\$ 61,957	22%	0%	22%	5%	35%
Merrimack Valley	\$ 58,737	67%	8%	32%	10%	21%
Montachusett	\$ 53,686	31%	2%	32%	8%	21%
Nantucket	\$ 80,312	26%	1%	32%	9%	33%
Northern Middlesex	\$ 70,603	46%	5%	31%	8%	19%
Old Colony	\$ 70,178	51%	4%	31%	6%	22%
Pioneer Valley	\$ 43,895	59%	7%	37%	17%	24%
SE Massachusetts	\$ 49,891	28%	8%	36%	13%	23%

Map of Statewide Title VI and EJ Populations:



The following pages are excerpted from MassDOT's most recently completed Capital Investment Plan (CIP), which reflects 5 years' worth of investments from the end of the lookback period for this report – the years covering 2023 to 2027. This content reflects not only the distribution of transportation investments made by MassDOT, but also includes an equity analysis section to determine whether or not the planned investment strategy is equitable.

Final 2023-2027 Capital Investment Plan June 2022

Non-Discrimination Protections

Federal Title VI Rights & 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.

State Nondiscrimination Protections

MassDOT 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 origination, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

Complaint Filing

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

MassDOT, Title VI Specialist Office of
Diversity and Civil Rights

10 Park Plaza
Boston, MA 02118
Phone: 857-368-8580 / TTY: 857-368-0603
Email: MASSDOT.CivilRights@state.ma.us

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
Phone: 617-994-6000 / TTY: 617-994-6196

ADA/504 Notice of Nondiscrimination

MassDOT does not discriminate on the basis of disability in admission to its programs, services, or activities; in access to them; in treatment of individuals with disabilities; or in any aspect of their operations. MassDOT also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (*ADA*) and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information regarding ADA and Section 504 may be forwarded to:

Office of Diversity and Civil Rights Massachusetts
Department of Transportation

10 Park Plaza, 3rd floor Boston, MA
02116-3969
Phone: 857-368-8580 / TTY: 857-368-0603 / Fax: 857-368-0602
Email: MASSDOT.CivilRights@state.ma.us Office
hours: 9:00 am to 5:00 pm

This notice is available from the Office of Diversity and Civil Rights in large print, on audio tape, and in Braille upon request.

Translation Availability

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。

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
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857-368-8580

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

Glossary of Terms

Americans with Disabilities Act of 1990 (ADA)

The ADA is a federal civil rights law mandating equity of opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications.

Bipartisan Infrastructure Law (BIL)

BIL (Pub. L. No. 117-58) was signed into federal law on November 15, 2021. BIL authorized \$350 billion for highway and \$108 billion for public transportation over fiscal years 2022 through 2026 for highway improvements to roads and bridges and other transportation infrastructure, motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail improvements. BIL also includes new federal formula programs that address climate change (Carbon Reduction and Electric Vehicle Charging Infrastructure) and resiliency (PROTECT- Promoting Resilient Operations for Transformative Efficient and Cost- Saving Transportation).

Chapter 90

Chapter 90 is the Commonwealth's municipal grant program that provides funding to municipalities for roadway projects and other eligible work.

Environmental Justice (EJ)

Established under Federal Executive Order 12898 and reflected in state policy, EJ policies require federal funding recipients to identify and address disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low- income populations.

Executive Office for Administration and Finance (ANF)

ANF is the budget and planning office for the Commonwealth that administers state transportation capital funding in the form of bonds.

Federal Transportation Partners

MassDOT's federal transportation partners on the CIP include the Federal Highway Administration (*FHWA*), Federal Transit Administration (*FTA*), Federal Railroad Administration (*FRA*), and Federal Aviation Administration (*FAA*).

Fiscal Year (FY)

FY refers to a specific budgetary year. The United States federal fiscal year (*FFY*) begins on October 1 of the previous

calendar year and ends on September 30. For example, the 2023 FFY is October 1, 2022 to September 30, 2023. The Massachusetts state fiscal year (SFY) begins on July 1 of the previous calendar year and ends on June 30. The 2023 SFY is July 1, 2022 to June 30, 2023.

Fixing America's Surface Transportation Act (FAST Act)

The FAST Act (Pub. L. No. 114-94) was signed into federal law on December 4, 2015. The FAST Act authorized \$305 billion over fiscal years 2016 through 2020 for highway improvements, motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail improvements, and research, technology, and statistics programs. Authorization expired September 30, 2020 and was extended for one year until September 30, 2021. New surface transportation authorization was signed into law in November 2021.

Massachusetts Bay Transportation Authority (MBTA or Authority)

The MBTA provides rapid transit, bus transit, and commuter rail service to the Greater Boston region. The agency is overseen by a newly appointed seven member MBTA Board of Directors.

Massachusetts Department of Transportation (MassDOT)

MassDOT is made up of four divisions: Highway, Rail & Transit, Registry of Motor Vehicles (RMV), and Aeronautics, as well as the Office of the Secretary and the Office of Transportation Planning and Enterprise Services that support all the divisions. As the umbrella transportation agency for the Commonwealth, MassDOT also oversees the MBTA. The agency has a Board of Directors, comprised of eleven members who are all appointed by the Governor with the Secretary of Transportation as Chair.

Metropolitan Planning Organization (MPO)

An MPO is a regional transportation policy-making organization consisting of representatives from local government, regional planning agencies, regional transit operators, and state transportation agencies. Federal legislation passed in the early 1970s requires the formation of an MPO for any urbanized area with a population greater than 50,000. The Commonwealth of Massachusetts has 10 urbanized regions designated as MPOs and 3 rural regions known as Transportation Planning Organizations (TPOs) that function like MPOs.

Regional Planning Agency (RPA)

An RPA serves as a forum for state and local officials to address issues of regional importance, including the development of comprehensive plans and recommendations

in areas of population and employment, transportation, economic development, land use, regional growth, and the environment.

Regional Transit Authority (RTA)

RTAs provide fixed route and paratransit service in communities across Massachusetts. There are 15 RTAs in Massachusetts in addition to the MBTA.

Regional Transportation Plan (RTP)

The RTP is the policy and vision document of a regional MPO. This document results from regional and statewide collaboration to plan a region's transportation system. The document contains a financial plan or budget which guides and shapes the actions an MPO undertakes as they fulfill the region's visions and objectives. This document includes a 20-year vision for transportation in the region and is updated every four years by each MPO. It serves as an important source of data for the statewide CIP.

State of Good Repair (SGR)

A state of good repair condition is achieved when an entity is managing an existing asset functionally, reliably, and safely within its expected life cycle to a predefined level of performance.

State Transportation Improvement Program (STIP)

The STIP is a compilation of the thirteen regional Transportation Improvement Programs (*TIPs*) prepared annually by the state's ten MPOs and three rural Transportation Planning Organizations (*TPOs*). It is a list of priority (federally funded) transportation projects (roadway and transit) organized by region and fiscal year.

Title VI

Title VI of the Civil Rights Act of 1964 is a federal civil rights law which prohibits discrimination against members of the public on the basis of race, color, and national origin in programs and activities receiving financial assistance. Additional federal nondiscrimination categories are contemplated under MassDOT's Title VI Program, including age, sex, disability, and Limited English Proficiency (*LEP*).

Transportation Improvement Program (TIP)

A TIP is a phased five-year program of federally funded capital investments that reflects the needs of the regional transportation system, prepared by each MPO in the Commonwealth on an annual basis. Under federal regulations, a TIP must be constrained to available funding be consistent with the relevant long-range RTP and include an annual element or list of projects to be advertised in the first year of the TIP. Like the STIP, the regional TIP has a roadway component and a transit component.

Table of Acronyms

Acronym	Defined Term
AAA	American Automobile Association
ABP	Accelerated Bridge Program
ADA	American with Disabilities Act of 1990
ALARS	Automatic License and Renewal System
ANF	Executive Office for Administration and Finance
APMS	Airport Pavement Management System
ATC	Automatic Train Control
BAT	Brockton Regional Transit Authority
BIL	Bipartisan Infrastructure Law
BRTA	Berkshire Regional Transit Authority
BUILD grant	Better Utilizing Investment to Leverage Development grant
CARM	Central Artery Project Repair and Maintenance Trust Fund
CATA	Cape Ann Regional Transit Authority
CCRTA	Cape Cod Regional Transit Authority
CIP (or Plan)	Capital Investment Plan
CMAQ	Congestion Mitigation Air Quality
CRRSAA	Coronavirus Response and Relief Supplemental Appropriations Act
EJ	Environmental Justice
EOEEA	Executive Office of Energy and Environmental Affairs
EOTSS	Executive Office of Technology Services and Security
e-STIP	electronic STIP
FAA	Federal Aviation Administration

FAST Act	Fixing America's Surface Transportation Act
FFGA	Full Funding Grant Agreement
FFY	Federal Fiscal Year
FHWA	Federal Highway Administration
FRA	Federal Rail Administration
FRTA	Franklin Regional Transit Authority
FTA	Federal Transit Administration
FY	Fiscal Year
GANs	Grant Anticipation Notes
GATRA	Greater Attleboro-Taunton Regional Transit Authority
GLT	Green Line Transformation
GLX	Green Line Expansion
GO	General Obligation
IIJA	Infrastructure Investment and Jobs Act
IRAP	Industrial Rail Access Program
LEP	Limited English Proficiency
LOS	Level of Service
LRTA	Lowell Regional Transit Authority
MAP	Mobility Assistance Program
MAP-21	Moving Ahead for Progress in the 21 st Century
MaPIT	Massachusetts Project Intake Tool
MART	Montachusett Regional Transit Authority
MassDOT	Massachusetts Department of Transportation
MBTA	Massachusetts Bay Transportation Authority

MEPA	Massachusetts Environmental Policy Act
MHS	Metropolitan Highway System
MPO	Metropolitan Planning Organization
MVRTA	Merrimack Valley Regional Transit Authority
MWRTA	Metro West Regional Transit Authority
NHS	National Highway System
NMCOG	Northern Middlesex Council of Governments
NRTA	Nantucket Regional Transit Authority
NTP	Notice to Proceed
ODCR	Office of Diversity and Civil Rights
OTP	Office of Transportation Planning
PATI	Plan for Accessible Transit Infrastructure
PCI	Pavement Condition Index
PROTECT	Promoting Resilient Operations for Transformative Efficient and Cost-Saving Transportation
PSAC	Project Selection Advisory Council
PTC	Positive Train Control
PVTA	Pioneer Valley Regional Transit Authority
REP	Rail Enhancement Program
RIDOT	Rhode Island Department of Transportation
RL/OL	Red Line/Orange Line
RMAT	Resilient MA Action Team
ROW	Right of Way
RPA	Regional Planning Agency
RRIF	Railroad Rehabilitation and Improvement Financing
RTA	Regional Transit Authority
RTP	Regional Transportation Plan

RTTM	Real Time Traffic Management
SCR	South Coast Rail
SFY	State Fiscal Year
SGR	State of Good Repair
SPREDD	Southeastern Regional Planning & Economic Development District
SRTA	Southeastern Regional Transit Authority
STIP	State Transportation Improvement Program
TAM	Transit Asset Management Plan
TAMP	Transportation Asset Management Plan (Highway)
TBB	Transportation Bond Bill
TERM	Transit Economic Requirements Model
TIFIA	Transportation Infrastructure Financing and Innovation Act
TIP	Transportation Improvement Program
Tobin	Tobin Bridge
ULB	Useful Life Benchmark
VMT	Vehicle Miles Travelled
VTa	Martha's Vineyard Regional Transit Authority
WRTA	Worcester Regional Transit Authority
WT	Western Turnpike

Document Overview

This document comprises the proposed State Fiscal Year 2023-2027 (FY23-FY27) Capital Investment Plan (CIP) for the Massachusetts Department of Transportation (MassDOT).

It is structured around three major components:

1. Overview of the CIP

- Introduction and Key Changes
- Programmed Spending
- Development Process
- CIP Approach and Structure
- Funding Sources
- Selected Major Investments
- Public Engagement

2. FY23-FY27 Proposed Investments (Appendix A)

- Detailed listing of all capital projects by Division included in the FY23-27 CIP including project ID, project name, description and location, CIP investment program, total project cost, FY23 spending, FY24-27 spending and post FY27 spending (where appropriate)

3. FY23-FY27 CIP Investment Programs (Appendix B)

- One page overview for each CIP program summarizing the program and goals, metrics and planned spending levels for FY23-27.

Introduction

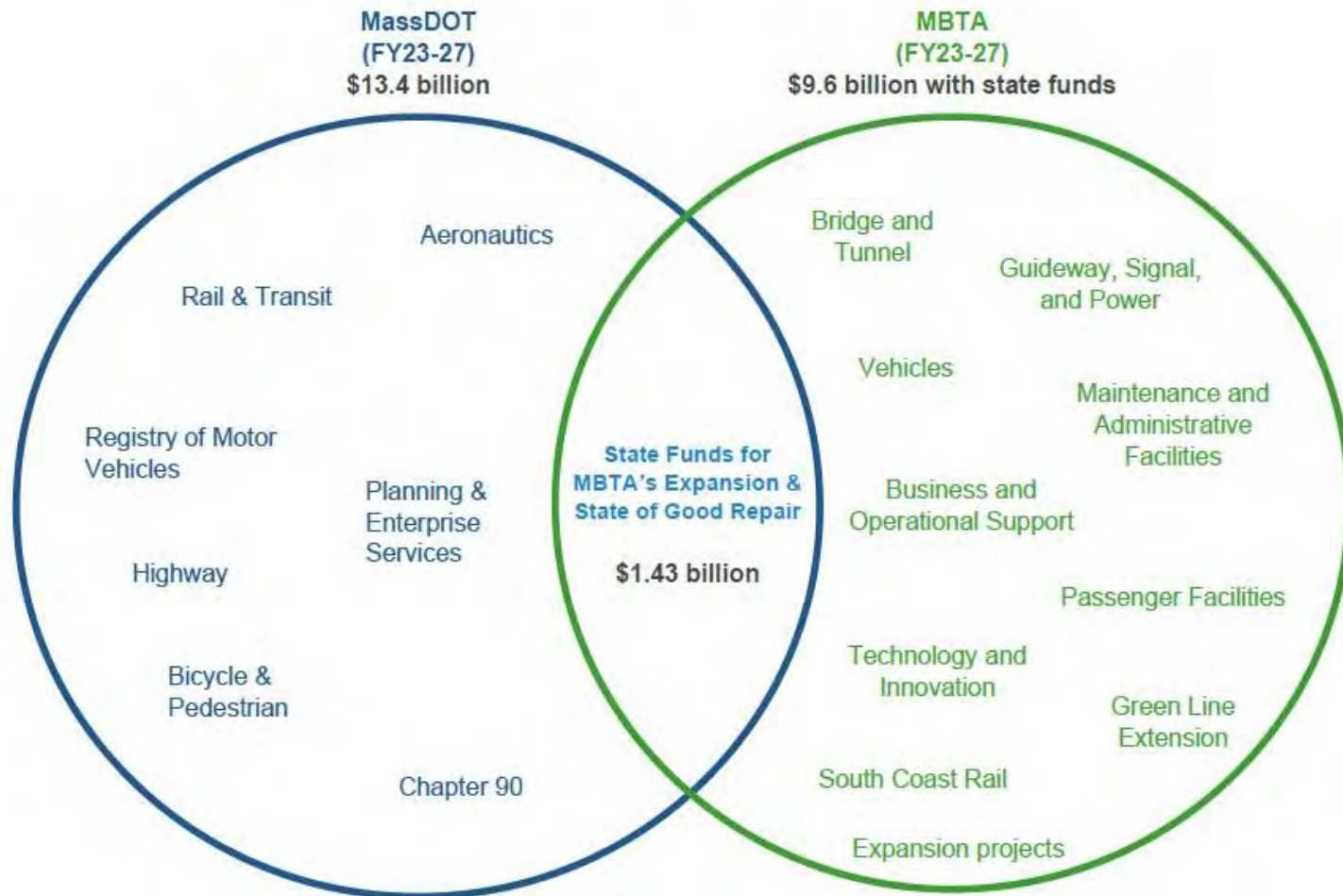
One of MassDOT's key roles is to develop and implement the Commonwealth's transportation investment strategy—the Capital Investment Plan (*CIP*)—in coordination with the federal government, the state legislature, municipalities, regional planning agencies (*RPAs*), regional transit authorities (*RTAs*), other state agencies, and the public. The 2023-2027 capital plan for MassDOT reflects a return to a five-year CIP. It aligns with the 2023–2027 State Transportation Improvement Program (*STIP*) that is required under the federal 3C planning process that programs funding through the Commonwealth's MPO regions.

Key Changes for the 2023-2027 CIP

The Massachusetts Bay Transportation Authority (MBTA) has developed a separate, standalone Capital Investment Plan for 2023-2027 that was reviewed and approved by the new MBTA Board of Directors. The MBTA CIP is available at <https://cdn.mbtta.com/sites/default/files/2022-05/2022-05-26-fy23-27-mbta-final-cip-public-document-accessible.pdf>.

Although the CIP is specific to MassDOT, it does include the state's participation in the Capital Investment Program of the MBTA. The Commonwealth has committed capital funding to a number of large, high-priority MBTA investments, including the extension of the Green Line to Somerville and Medford, the purchase of new Red and Orange Line cars and expansion of commuter rail service to Fall River/New Bedford through the South Coast Rail program. MassDOT's CIP details the Commonwealth's capital funding that is provided to the MBTA to support those investments. Those funds equal \$1,426 million for 2023-2027. The following diagram illustrates the overlap between the MBTA CIP and the MassDOT CIP. A total of \$14.9 billion is programmed for spending over the next five years (2023-2027).

**MassDOT
2023-2027 Spending
\$14.9 billion**



Both the CIP and the STIP incorporate the new federal formula funds (along with the corresponding state match funds) that were provided to Massachusetts under the Bipartisan Infrastructure Law (BIL) also known as the Infrastructure Investment and Jobs Act (IIJA). Massachusetts will receive an increase of approximately \$1.8 billion over the next five years to support highway roadway and bridge projects and an additional \$570 million to support transit investments. for the fifteen Regional Transit Authorities and the MBTA. New highway formula funds include:

- \$1.125 billion in new formula funding to improve the condition of the Commonwealth's bridges through the Highway Infrastructure Program
- Formula funding to support climate change mitigation (Carbon Reduction and Electric Vehicle Charging Infrastructure) and resiliency (PROTECT)

BIL includes significant additional authorization for discretionary grant programs (approximately \$110 billion). The CIP does not include any specific assumptions for discretionary grants unless those awards have been received by MassDOT.

Transportation and Infrastructure Bond Bills

In January 2021, Governor Baker signed a \$16 billion transportation bond bill (TBB) into law - An Act Authorizing and Accelerating Transportation Investment. The TBB continues to accelerate investments in modernizing our transportation system and authorized several new programs to address asset conditions and congestion at the local level, improve transit access, and provide new funding for the Commonwealth's extensive National Highway System bridges (NHS bridges). New bridge funding was provided in the form of grant anticipation notes (GANs) authorized as Next Generation Bridge GANs (\$1.25 billion).

With the passage of the new federal Bipartisan Infrastructure Law (BIL) additional bond authorization is needed to fully utilize the new funding provided to the Commonwealth. Governor Baker has filed a new \$9.707 billion transportation bond bill, "An Act Relative to Massachusetts's Transportation Resources and Climate" (MassTRAC,) The bill is currently under review and consideration by the Legislature and will provide this necessary authority.

The 2023-2027 CIP includes a number of new bridge projects programmed with the Next Generation Bridge GANs authorized in 2021 TBB along with the additional bridge funding (\$1.125 billion) provided under BIL. The combination of both GANs and new BIL funding provides significant resources over the next five to seven years to address the condition of the bridges throughout the Commonwealth and help MassDOT achieve the state and federal long-term condition targets for our bridges.

In addition, the 2023-2027 CIP includes two new CIP programs - one program authorized in the 2021 TBB not included in the 2022 CIP as well as a program authorized and funded under BIL:

- Municipal Electric Vehicle Charging Infrastructure (2021 TBB)
- National Electric Vehicle Formula Program (BIL)

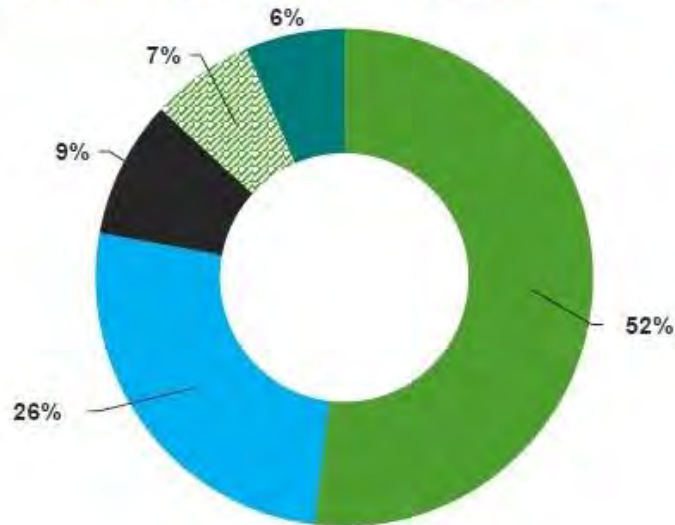
New Program / Funding	Description	Authorization / 2023-2027 Capital Funding / Programmed Spending
Municipal Electric Vehicle Charging Infrastructure program	Provides grant funding to municipalities and regional transit authorities (RTAs) for the integration of electric vehicles (EV) and EV equipment in communities. Eligible costs include the purchase of electric vehicles for municipal or RTA vehicle fleets, electric vehicle charging stations, related trainings, as well as studies and plans for the integration of EVs	\$25 million authorized / \$25 million
National Electric Vehicle Formula program	Funds deployment of electric vehicle (EV) charging infrastructure and establishment of an interconnected network to facilitate data collection, access, and reliability. Eligible uses include acquisition and installation of EV charging infrastructure, operations and maintenance costs related to EV infrastructure and data sharing about the EV infrastructure.	\$63.5 million authorized / \$47.0 million (including state match)

The following table details the funding programmed in the 2023-2027 CIP.

Program Investments by Division

	Aeronautics	Highway	IT	MBTA	Rail	RMV	Transit	OTP	SFY 23-27 Total
Reliability	\$323.3 (millions)	\$6,694.4	\$45.8	\$169.5	\$341.1	\$1.1	\$149.4	\$ -	\$7,724.5
	Aeronautics	Highway	IT	MBTA	Rail	RMV	Transit	OTP	SFY 23-27 Total
Modernization	\$10.3 (millions)	\$2,917.7	\$74.3	\$673.7	\$50.6	\$13.3	\$88.9	\$25.0	\$3,853.8
	Aeronautics	Highway	IT	MBTA	Rail	RMV	Transit	OTP	SFY 23-27 Total
Expansion	\$ - (millions)	\$699.5	\$ -	\$582.7	\$17.0	\$ -	\$ -	\$33.6	\$1,332.7
Division/Total	\$333.6	\$10,311.5	\$120.1	\$1,425.9	\$408.7	\$14.4	\$238.3	\$58.6	\$12,911.0

Overall Program Spending Breakdown

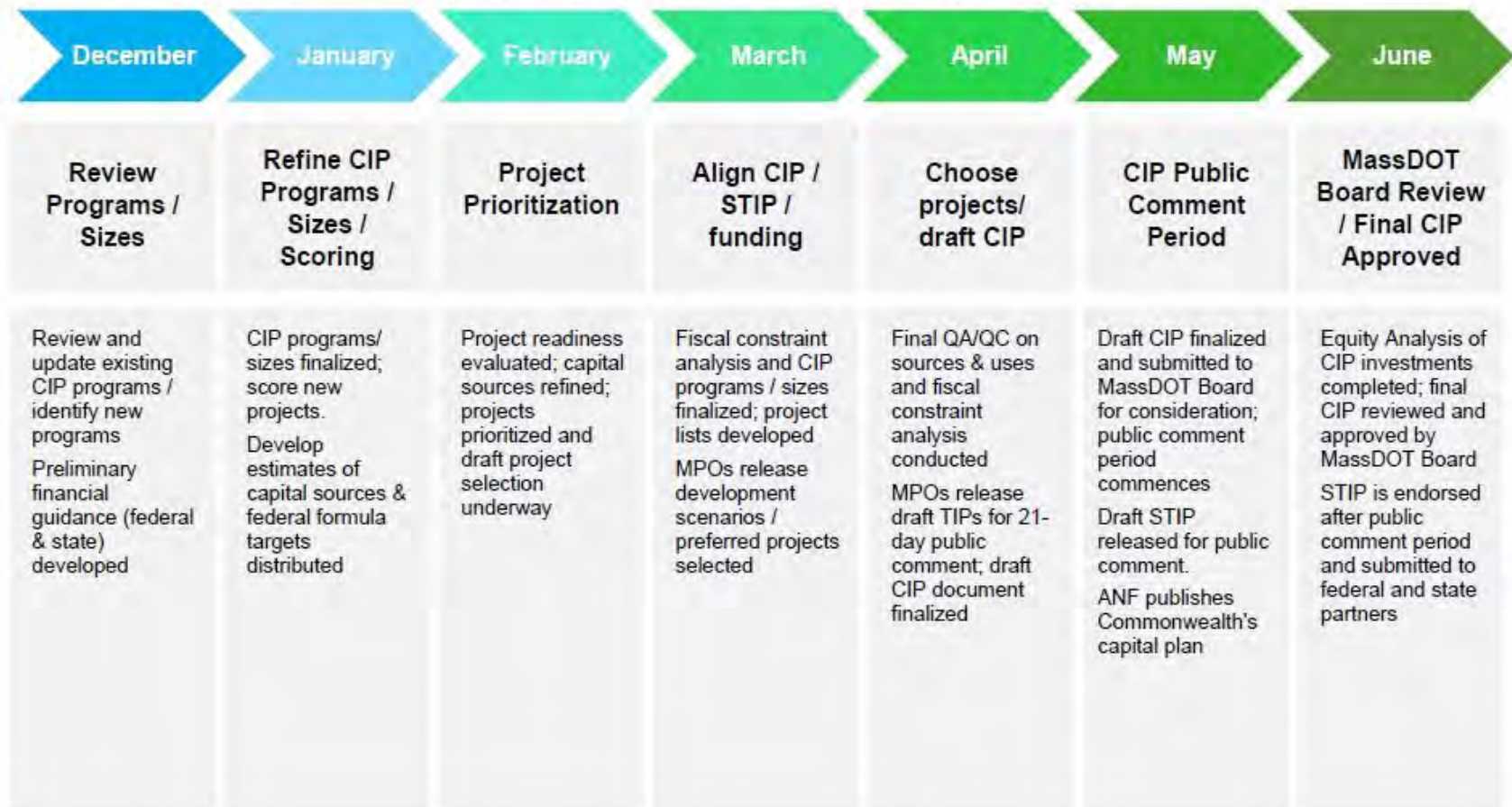


(millions)	SFY 2022	SFY 2023	SFY 2023-27
Reliability	\$1,211.7	\$1,248.0	\$7,724.5
Modernization	\$501.8	\$665.1	\$3,853.8
Expansion	\$502.7	\$490.4	\$1,332.7
Chapter 90	\$200.0	\$200.0	\$1,000.0
Planning & Enterprise Services	\$201.8	\$149.4	\$957.3
Total	\$2,624.0	\$2,754.3	\$14,868.4

Totals may not add due to rounding.

CIP Development Cycle

Each year the CIP development process starts with each division revisiting CIP programs - purpose, needs, and sizes. Proposed investments (projects) are then prioritized based on alignment to goals, readiness, and funding. In May, the draft CIP including existing projects and new investments is considered for public release by the MassDOT Board of Directors. Upon release the CIP is refined further and submitted to the MassDOT Board in June for final review and approval.



Priorities → Programs → Projects

This CIP continues to be informed by a strategic vision influenced by public and stakeholder input collected throughout the development process. MassDOT's organizational priorities are built around funding programs within which projects are selected based on objective and comparative evaluation.

Investment Priorities

The three priorities for CIP investment are, in order of importance: Reliability, Modernization, and Expansion. These priorities express the broadest goals for MassDOT and MBTA investments.

Reliability

Maintain and improve the overall condition, safety, and reliability of the transportation system (approximately 52% of all investments):

- Necessary routine and capital maintenance to ensure the safety of the system
- State of good repair projects designed primarily to bring asset condition up to an acceptable level
- Asset management and system preservation projects

Modernization

Modernize the transportation system to make it safer, more accessible and accommodate growth (approximately 26% of all investments):

- Compliance with federal mandates or other statutory requirements for safety and/or accessibility improvements
- Projects that go beyond state of good repair and substantially modernize existing assets
- Projects that provide expanded capacity to accommodate current or anticipated future demand on existing transportation systems

Expansion

Expand diverse transportation options for communities throughout the Commonwealth (approximately 9% of all investments):

- Projects that expand highway, transit, and rail networks and/or services
- Projects that expand bicycle and pedestrian networks to provide more transportation options and to address health and sustainability objectives

The remaining investments support our transportation needs through our planning work and studies and our municipal partners' through the Chapter 90 reimbursement program.

Investment Programs

Investment programs fall under each of the three priorities (reliability, modernization, and expansion). These programs encompass the most important capital responsibilities and goals of the agency.

The sizing of programs is developed using asset management systems and tools to determine need. Through the finalization of the federally required plans - Transportation Asset Management Plan (*TAMP*) for the Highway Division and the Transit Asset Management Plans (*TAMs*) for the RTAs, MassDOT has a better understanding about the condition of our assets over a ten-year timeframe. This data was used as input into the 2023-2027 CIP. MassDOT is currently updating its 2019 TAMP which will be submitted to FHWA for approval this summer.

Along with our asset management goals and performance targets established in the 2021 Tracker, Divisions utilize existing condition reports and surveys to identify and prioritize investments over the short term and long term. Tracker is MassDOT's annual report that reviews progress to achieving our goals. It is a key tool and resource for each Division to identify key activities and measures and to select appropriate targets that are crucial to tracking progress.

Finally, how proposed investments may mitigate the impacts of climate change and/or improve the resiliency of our transportation network to better withstand natural hazards continues to evolve. BIL provides new federal formula funds

(Carbon Reduction, PROTECT and Electric Vehicle Charging Infrastructure) to fund new investments that can mitigate the impacts of climate and/or address the resiliency of our transportation assets.

Project Selection

Individual investments are selected into each program by using MassDOT's set of scoring criteria for each division to

whom the project applies. As previously mentioned, reliability investments are not scored using these criteria, but instead are prioritized using performance targets and asset management planning.

Funding Sources

The CIP is funded from a mix of federal, state, and local sources, each of which varies with respect to its flexibility. Some funding sources must be spent on specific policy goals or modes, while others may be applied across the transportation system.

The 2023-2027 CIP reflects federal and state funding that was made available to Massachusetts and included in the CIP.



Federal Funding

Formula Funds

- Federal Highway Reimbursements
- Federal Transit funds
- Federal Aviation Administration funds
- Federal Railroad funds

Discretionary Funds

- Competitive processes run by federal agencies. Funds included in the CIP after award.



State Funding

Bonds / GANs

- State Bond Cap
- Accelerated Bridge Program Bonds (ABP)
- Grant Anticipation Notes (GANs)
- Rail Enhancement Program (REP) Bonds



MassDOT Sources

Tolls (pay-go capital)

- Metropolitan Highway System (MHS) pay-go
- Western Turnpike (WT) pay-go
- Tobin Bridge (Tobin) pay-go



Others

- Municipal and local funds
- Reimbursable and 3rd Party funds
- VW Funds
- Other Commonwealth funds
- Central Artery Tunnel Project Repair and Maintenance Trust Fund (CARM)

About MassDOT Funding Sources

State Funding

The primary source of state transportation capital funding comes through bonds issued by the Commonwealth. Debt is issued to investors and paid back with interest over the course of the bond's life, like a mortgage for the purchase of a house.

The two main types of bonds issued for infrastructure spending are General Obligation bonds or GO bonds (backed by the full taxing authority of the Commonwealth) and Special Obligation Bonds or SOBs (backed primarily by gas taxes and Registry fees), both of which are administered by the Executive Office for Administration and Finance (ANF). Additional state sources include grant anticipation notes (GANs) and Accelerated Bridge bonds.

State bond cap

Commonwealth General Obligation bond proceeds (state bond cap) are allocated to specific projects, primarily for project design, management, operations, and other construction support provided to the Aeronautics, Highway, Registry, and Rail and Transit Divisions, MassDOT Planning and Enterprise Services and the MBTA South Coast Rail program.

Accelerated Bridge bonds

Commonwealth Special Obligation bond proceeds are allocated to specific bridge projects, primarily for project operations and construction.

Grant Anticipation Notes (GANs)

Grant anticipation notes (GANs) are notes issued by the Commonwealth and repaid with future federal highway obligation authority. Funds will be used to improve the condition of the Commonwealth's bridges. Next Generation Bridge GANs funding was authorized in the 2021 Transportation Bond Bill.

Rail Enhancement bonds

This is the Commonwealth Rail Enhancement Program (*REP*): a dedicated \$2.1 billion program for reliability, modernization, and expansion initiatives at the MBTA, including the State's share of the Green Line Extension (*GLX*) program and a portion of the South Coast Rail program and Red Line/Orange Line vehicles and infrastructure investments.

Operating Funds

Pay-go capital funds are net toll revenues after operating expenses and debt service and used to fund capital investments on the respective toll facility. For FY23-FY27, the pay-go capital funds reflect an increase (over previous estimates in the 2022 CIP) as traffic and revenues have begun to rebound along the toll facilities.

Metropolitan Highway System (MHS) pay-go

Projected annual revenues available for capital for the toll facilities and tunnels east of I-95, including any existing projected reserve balances.

Western Turnpike (WT) pay-go

Projected annual revenues are available for capital for the toll facilities west of I-95, including any existing projected reserve balances.

Tobin Bridge (Tobin) pay-go

Projected annual revenues are available for capital for this toll facility including any existing projected reserve balances.

Central Artery Tunnel Project Repair and Maintenance Trust Fund (CARM)

Funds used for certain eligible MHS projects and are subject to FHWA approval.

Municipal and local funds

Funds provided by municipalities to match federal-aid sources or to pay for construction items.

Reimbursable and 3rd party funds

This funding source comprises funding from private sources that MassDOT may receive to mitigate the transportation impacts of development projects or as part of a joint development agreement.

Other State funds

Additional funds used for clean transit vehicles (Volkswagen (VW) settlement funds), transportation improvements in Boston's Seaport District (funds provided by other state agencies), surplus Commonwealth operating funds provided to pay additional BIL-related program/project development costs and other Commonwealth earmark funds available for the MBTA.

Federal Funding

Massachusetts receives federal funding to improve our transportation system from several U.S. Department of Transportation agencies, including the Federal Aviation Administration (*FAA*), the Federal Railroad Administration (*FRA*), the Federal Highway Administration (*FHWA*), and the Federal Transit Administration (*FTA*).

Federal funds include the new federal formula funds authorized under BIL and Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) funds.

Federal Highway (*FHWA*) funds

MassDOT obligates available FHWA funds every federal fiscal year. This funding category involves MassDOT requesting FHWA to reimburse the Commonwealth for programmed (obligated) funds for actual federally eligible expenditures on Highway and Rail & Transit Division projects.

Federal Transit (*FTA*) funds

MassDOT obligates available FTA funds (Section 5310) every federal fiscal year. This funding category involves MassDOT drawing down obligated amounts to reimburse the Commonwealth for Rail & Transit Division project spending. The spending by source tables do not include FTA funds available to Regional Transit Authority partners.

Federal Aviation (*FAA*) funds

MassDOT applies for FAA grant funds every federal fiscal year. This funding category involves MassDOT drawing down those approved grant amounts to pay for the Aeronautics Division's project spending.

Federal Railroad (*FRA*) funds

This funding category has MassDOT draw down approved grant amounts to pay for Rail & Transit Division, MBTA, and Office of Transportation Planning project spending.

CIP and the STIP

MassDOT annually produces another multi-year capital planning document called the State Transportation Improvement Program (*STIP*). While similar, the STIP and CIP are not the same. The STIP is a federally required planning document that lists all federally funded transportation projects, both highway and transit, by region of the Commonwealth and by federal fiscal year. The STIP reflects programmed obligations (committed funds) while the CIP incorporates the projected spending of those obligations over time. Further, the STIP is subject to approval by the U.S. Department of Transportation and the U.S. Environmental Protection Agency, as well as by the Massachusetts Department of Environmental Protection. The STIP is developed in part by compiling the individual Transportation Improvements Programs (*TIPs*) from the 10 federally recognized transportation planning regions of the Commonwealth referred to as metropolitan planning organizations (*MPOs*) and 3 rural transportation planning regions known as transportation planning organizations (*TPOs*).

By comparison, the CIP includes all sources of funding available to MassDOT Divisions. While different, the CIP and STIP are related because the STIP makes use of the priorities / programs / projects framework that the MassDOT Divisions use to build the 2023-2027 CIP. Further, all projects programmed in the STIP are incorporated into the CIP.

MassDOT Spending by Source

Projected Spending by Source*	SFY 2023	5-year Total
Federal Sources of Funds		
Federal Highway (<i>FHWA</i>) reimbursements	\$829.9	\$5,528.9
Federal Transit (<i>FTA</i>) reimbursements	\$6.5	\$33.7
Federal Aviation (<i>FAA</i>) reimbursements and grant draws	\$18.1	\$251.7
Federal Rail (<i>FRA</i>) reimbursements and grant draws	\$6.5	\$10.6
Subtotal of federal spending	\$861.0	\$5,824.8
Bond cap	\$1,107.7	\$5,344.5
Grant Anticipation Notes (<i>GANs</i>)	\$14.3	\$595.0
Accelerated Bridge bonds	\$5.9	\$8.7
Rail enhancement bonds	\$446.2	\$1,280.2
Central Artery Tunnel Project Repair and Maintenance Trust Funds (<i>CARM</i>)	\$26.7	\$133.0
Metropolitan Highway system (<i>MHS</i>) pay-go	\$127.0	\$792.8
Tobin Bridge (<i>Tobin</i>) pay-go	\$15.6	\$139.0
Western Turnpike (<i>WT</i>) pay-go	\$100.3	\$505.4
Municipal, reimbursable and local funds	\$1.7	\$19.5
Other State Funds	\$47.9	\$225.4
Subtotal of non-federal spending	\$1,893.3	\$9,043.6
Total Spending	\$2,754.3	\$14,868.4

Totals may not add due to rounding

Investment Priorities

Please note that all reliability, modernization, and expansion programs by Division, include total projected spending in the 2023-2027 CIP, descriptions of each program, and descriptions of any asset- and performance management-based data used for setting program sizes. See Appendix B.

Reliability Investments

About 52% of the \$14.9 billion in proposed capital spending for 2023-2027 is for "priority one" investments, meaning those that improve the reliability of the current transportation system. The goal of reliability investments is to maintain and improve the overall condition of the transportation system. Reliability investments include:

- Necessary routine and capital maintenance and to improve the safety of the system
- State of good repair projects designed primarily to bring asset conditions up to an acceptable level
- Asset management and system preservation projects

Investments such as runway reconstruction projects at our public use airports, bridge replacement projects such as the Rourke Bridge in Lowell, the Sumner Tunnel Rehabilitation, repaving/resurfacing projects on I-95 or Route 3, track and right of way replacement for the Berkshire Line, purchase of replacement buses and vehicles for the RTAs are examples of projects that fall under the reliability or "state of good repair" priority.

Reliability Spending by Division for 2023-2027

(millions)

Aeronautics	\$323.3
Highway	\$6,694.4
IT	\$45.8
MBTA	\$169.5
Rail	\$341.1
RMV	\$1.1
Transit	\$149.4
Total	\$7,724.5

Modernization Investments

About 26% of the \$14.9 billion in proposed capital spending for 2023-2027 is for "priority two" investments that help achieve the goal of modernizing the transportation system to make it safer, more accessible, and to accommodate growth. Modernization investments include:

- Compliance with federal mandates or other statutory requirements for safety and/or accessibility improvements
- Projects that go beyond routine maintenance and substantially modernize existing assets
- Projects that provide expanded capacity to accommodate current or anticipated demand on existing transportation systems

Examples of modernization investments include the I-495/I-90 interchange reconstruction project in Hopkinton/Westborough or airport capital improvements for the public use airports throughout the Commonwealth.

Modernization Spending by Division for 2023-2027 (millions)

Aeronautics	\$10.3
Highway	\$2,917.7
IT	\$74.3
MBTA	\$673.7
Rail	\$50.6
RMV	\$13.3
Transit	\$88.9
OTP	\$25.0
Total	\$3,853.8

Expansion Investments

About 9% of the \$14.9 billion in proposed capital spending for 2023-2027 is for "priority three" investments that expand the diverse transportation options for communities throughout the Commonwealth. Expansion investments include:

- Projects that expand highway, transit, and rail networks and/or services
- Projects that expand bicycle and pedestrian networks to provide more transportation options and address health and sustainability objectives

The Green Line Extension and South Coast Rail programs and new bicycle and pedestrian connections are examples of investments under this priority.

Expansion Spending by Division for 2023-2027 *(millions)*

Highway	\$699.5
MBTA	\$582.7
Rail	\$17.0
Highway/OTP	\$33.6
Total:	\$1,332.7

Equity Analysis

several levels:

Overview

This section discusses the results of the equity analysis conducted on the draft FY2023-2027 CIP, which indicates an equitable plan. The narrative herein describes the results and methodology used along with illustrative maps.

The investments included in the CIP update are determined through a collaborative process among many stakeholders (cities and towns, private and public agencies, advocates, etc.), representing diverse constituencies with an array of perspectives and goals for the future of public transportation. As part of our commitment to civil rights and nondiscrimination, MassDOT evaluates proposed investments and projects to assure that they are equitable with respect to both geography and to the population groups that they benefit. MassDOT and the MBTA strive to achieve an equitable balance in developing and prioritizing transportation investments to meet the needs of the residents throughout the Commonwealth.

The analysis evaluated investments per capita at the municipality and census tract levels using all the investments prioritized for FY23-27 by MassDOT and the MBTA. Equitable investment was evaluated using a number of different variables and indicators such as transportation mode (Highway, MBTA, Rail & Transit, and Aeronautics) and on

- In the aggregate and by investment categories to understand the total impact of the CIP;
- Individually for each mode and investment category to identify particular areas of concern that the aggregate level would not have identified separately; and
- Variable buffering to analyze impacts of the proposed CIP investments in two ways: by mode (RTA/MBTA, Rail, and Aeronautics) and for the Highway Division by location (rural, suburban, urban).

Investments were measured per capita to account for population density. 2014 ACS (American Community Survey) data was used in the analysis.

Overall, this analysis determined that the CIP equitably distributes investments among minority, low-income, and Limited English Proficient (LEP) populations. It also shows an equitable distribution of investments geographically across the Commonwealth.

MassDOT and the MBTA continue to develop and refine the analysis used to determine equity of capital investments.

While geographic funding distribution and allocation of funding across diverse communities remains a core component of this analysis, MassDOT and the MBTA continue to work to innovate finer-grain analysis

methodologies to identify and quantify the equity of the impacts of projects at the community level and statewide.

For additional information about MassDOT's Civil Rights work, web links are available in the Glossary of Terms.

More information about the current state of this practice and future goals is available by contacting the MassDOT Civil Rights team at MassDOT.civilrights@state.ma.us.

This formula has been in use for distribution of

Geographic Analysis

As a state agency, MassDOT seeks to fund transportation infrastructure equitably across the state. However, because of the data that is available and the nature of transportation infrastructure, there is no clear consensus on what exactly is an equitable distribution of resources, given the variation between needs, demand, and contributed tax dollars. As a result, MassDOT assessed the data in a variety of ways for this equity analysis. The maps included in this section illustrate a few different ways that MassDOT assessed the data. While no single method is perfect, these approaches taken together provide useful information to better understand the regional distribution of resources. Only projects programmed within SFY 2023-2027 in the CIP are considered.

Variables considered in analyzing the geographic equity of the plan are population, employment, and lane miles, captured by the Chapter 90 formula. Population and employment are considered to evaluate investment per capita and lane miles is considered as a proxy for the extent of the local transportation network.

The Chapter 90 Program is a formula program distributed to municipalities for roadway improvements based on population (20.83%), employment (20.83%), and lane miles (58.33%).

transportation funds to municipalities since 1972. As the formula has a history of use as a proxy for geographic distribution of transportation investment throughout the Commonwealth, MassDOT opted to use the given percentages as a measure for an equitable distribution of investments.

If the ratio of CIP funding allocated to a municipality is the same as the ratio of Chapter 90 funding it receives— meaning a ratio of one—this would indicate that the CIP distribution is equitable. Greater than one would indicate more CIP funding than would be expected if funding were distributed according to the Chapter 90 formula, less than one would mean that the CIP distribution provides less than would have been received if the Chapter 90 formula were in use.

The shading on the map indicates the variations in the percentage of CIP investments from the percentage of Chapter 90 funding. Generally, urban areas receive a disproportionately high share of investment based on lane miles, while rural areas receive a disproportionately high share on a per capita basis. Using the Chapter 90 formula as a benchmark for equity, which includes both lane miles and population, results in less stark contrasts, though urban areas still perform better. Because more roads are eligible for state and federal funding and projects are generally more expensive in urban areas, this finding does not mean there is clear bias.

Overall, there are no major geographic equity concerns within the SFY 2023-2027 CIP. MassDOT and MBTA will

continue to analyze the Capital Investment Plan year over year to assure that inequitable patterns do not emerge.

Social Equity Analysis

The social equity analysis was conducted to establish compliance with federal and state nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (*Title VI*), the Civil Rights Restoration Act of 1987, and the 1994 Presidential Executive Order 12898 on Environmental Justice.

Title VI and Environmental Justice (EJ)

Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including matters related to language access for limited English proficient (LEP) persons.

On February 11, 1994, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations- and Low-Income Populations, was established. Environmental Justice (EJ) refers to the fair treatment and meaningful involvement of all people regardless of minority or low-income status. Its purpose is to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities.

Per the Order, EJ as it relates to transportation includes:

- Avoiding, minimizing, or mitigating disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income communities
- Ensuring the full and fair participation by all potentially affected communities in the transportation decision-making process
- Preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Justice40 Initiative

In January 2021, Executive Order (EO) 14008, Tackling the Climate Crisis at Home and Abroad, created the [Justice40 Initiative](#). This initiative identifies six indicators for communities that experience transportation disadvantage:

- **Transportation access disadvantage** identifies communities and places that spend more, and take longer, to get where they need to go
- **Health disadvantage** identifies communities based on variables associated with adverse health outcomes, disability, as well as environmental exposures.
- **Environmental Disadvantage** identifies communities with disproportionately high levels of certain air pollutants and high potential presence of lead-based paint in housing units.

- **Economic disadvantage** identifies areas and populations with high poverty, low wealth, lack of local jobs, low homeownership, low educational attainment, and high inequality.
- **Resilience disadvantage** identifies communities vulnerable to hazards caused by climate change.

Federal guidance and additional information on how this initiative will be implemented is still evolving, and MassDOT and the MBTA continue to monitor this ongoing discussion.

The social equity analysis considered the distribution of investments across all census tracts, and across different demographic indicators, such as minority, low-income, Limited English Proficiency (*LEP*).

Minority census tracts are defined as those with populations that are at least 23.87 percent minority, as defined by the US Census, which is the statewide average. Consistent with state policy, low-income census tracts are defined as those with a median household income at or below 65 percent of the statewide median household income. The statewide median household income is currently \$67,846. Therefore, low-income census tracts are defined as those with median household incomes of \$44,100 or less, regardless of household size. Census tracts with at least 6.25% of their population considered LEP (individuals above the age of five who do not speak English as their primary language and who have a limited ability to read, write, speak, or understanding English) were also considered for social equity implications.

Equity analyses in this context seek to identify discrepancies in the allocation of funding across the identified demographic groups. While there is no single threshold that serves as a dispositive indication of funding allocation differences that suggest clear equity concerns, the state of the practice* indicates that differences on the order of 20% can be observed without impacting equity. Furthermore, in instances where differences exceed 20%, there may be legitimate nondiscriminatory justifications that, again, do not indicate equity concerns.

Analyzing the entire CIP, investments in 2023-2027 are approximately 47.2% more per capita in minority than non-minority communities.

Considering all modes, LEP census tracts receive 26.4% more funding per capita than non-LEP census tracts.

For the proposed SFY 2023-2027 investments, low-income communities receive approximately 98.2% per capita investments as compared to non-low-income communities (less than 1.8%).

Overall, the equity analysis of the SFY 2023-2027 CIP does not seem to indicate social equity concerns. MassDOT and MBTA will continue to analyze the Capital Investment Plan year over year to assure that inequitable patterns do not emerge. For any analysis, MassDOT would not expect perfect equity for a five-year plan, as variations are bound to happen given that one-time large projects can skew outcomes.

*Disparate impact analyses were first used to identify employment discrimination where the courts established a 20% threshold as a reasonable indicator of possible disparities. For CIP equity analyses, MassDOT has relied on this industry standard. The 20% threshold is consistent with how the MBTA evaluates major services changes and monitors service and amenities.

Social Equity Analysis: Summary

Minority communities

(Communities with 24% minority or more)

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

*7% more in 2022 in minority tracts

Low-income

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

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

*23.7% less in 2022 in low-income areas

Limited English Proficiency (LEP)

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

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

*12% less in 2022 in LEP communities

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

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

Overall

(Combined social equity analysis)

- Analysis of all programmed investments for 2023-27 does not indicate any significant social equity concerns and demonstrates a reasonably equitable distribution of proposed investments for 2023-2027
- Title VI** or EJ investments represent 32.6% more per capita spending as compared to total per capita spending
- The difference overall is well within the 20% threshold for Disparate Impact/Disproportionate Burden (DI/DB) impacts

Public Comment and Engagement

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

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

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

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

Public Engagement for the 2023-2027 CIP

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

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

Virtual Public Meetings

Region	Meeting Host	Date	Time	Platform
Western Massachusetts / Berkshires	Berkshire Regional Planning Commission / Franklin Regional Council of Governments Pioneer Valley Planning Organization /	May 24 th	6:00 pm	Zoom: https://us02web.zoom.us/j/82037272448?pwd=aXo3Sy9GTmdiVGRXU2VHcXFRK01pdz09 Meeting ID: 820 3727 2448 Passcode: 090975 Dial-In: 1-646-876-9923
Northern Middlesex / Merrimack Valley	Northern Middlesex Planning Commission / Merrimack Valley Planning Commission	May 25 th	6:00 pm	Zoom: https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 810 4237 7110 Passcode: 725620 Dial-In: 1-646-876-9923
Central Massachusetts	Central Mass Regional Planning Commission / Montachusett Regional Planning Commission	May 26 th	6:00 pm	Zoom https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 857 9613 5985 Passcode: 730172 Dial-In: 1-646-876-9923
Boston	Boston MPO / Central Transportation Planning	May 31 st	6:00 pm	Zoom https://us02web.zoom.us/j/81042377110?pwd=K3loZyt6UERETzlCb2RIYzhtNG5kQT09 Meeting ID: 892 4730 4438 Passcode: 605065 Dial-In: 1-646-876-9923

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

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

K. STATEWIDE PLANNING PROCESS

MassDOT's Office of Transportation Planning (OTP) plays a primary role in the statewide planning process. This office is further supported by numerous staff across several departments to ensure a planning process that satisfies all legal and regulatory requirements, including civil rights obligations. This includes oversight and coordination of planning processes occurring at a regional level among the MPOs/RPAs. MassDOT's Office of Diversity and Civil Rights trains and provides technical assistance to OTP and partners involved in planning processes to ensure an awareness of and ability to address Title VI and other civil rights requirements in planning activities.

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

MassDOT emphasizes public engagement in the planning process as a critical element of soliciting feedback from Title VI and EJ populations to understand specific transportation needs and visions for the future. OTP staff are well trained on MassDOT's Public Participation Plan and Language Access Plan which emphasize strategies for effectively reaching out to and connecting with diverse populations across the Commonwealth in order to build relationships and foster dialogue and feedback. This work is supported with technical assistance provided by ODCR, by the Communications Office, and by third-party consultants who are also trained to understand inclusive engagement.

Strategic and long-term planning activities performed by OTP regularly involve a robust in-person and electronic public outreach campaign to solicit feedback from diverse constituencies across all geographies throughout the state. Outreach

strategies, including meeting times and locations, survey instruments, demographic data collection, and the availability of multiple ways to provide feedback are all geared towards breaking down barriers to participation and ensuring an opportunity for diverse participation and feedback.

For example, OTP was recently tasked with producing a long range transportation plan. The following infographics document how minority needs were identified and addressed, as well as details regarding the proactive efforts to reach diverse populations across the state. Additional details and materials related to this effort can be found online here: <https://beyond-mobility-massdot.hub.arcgis.com/>.



What We've Heard

Summary of Phase I Engagement Efforts

Phase I – What We've Heard

Focus groups, interviews, an online survey, and emails helped us to learn more about transportation experiences of a wide range of Massachusetts residents of a variety of ages, cultural backgrounds, language preferences, income levels, and location within the state.

We learned reliability, connectivity, and safety are top priorities for residents across the Commonwealth. The next page breaks down these results to better explain how different groups of people in Massachusetts view the transportation system and changes they hope to see.



Engagement by the Numbers

40 focus group & interview participants

recruited with the help of community groups, representing the following communities:

- Black community
- Vietnamese-speaking
- Spanish-speaking
- Haitian creole-speaking
- Chinese-speaking
- Portuguese-speaking

1,107 responses to the survey available in Chinese, French, Haitian Creole, Portuguese, Spanish, Vietnamese, and English

Phase I Survey Responses by Zip Code



How do survey respondents compare to the typical Massachusetts resident?



13%

age 65 and older
(17% of Massachusetts residents are age 65 and older)



~\$100k

median household income
of respondents: (Massachusetts median household income: \$84.4k)



11%

people of color
(29% of state residents are people of color)

Source: Beyond Mobility Vision and Values Survey, Summer 2022; 2020 ACS 5-year estimates.





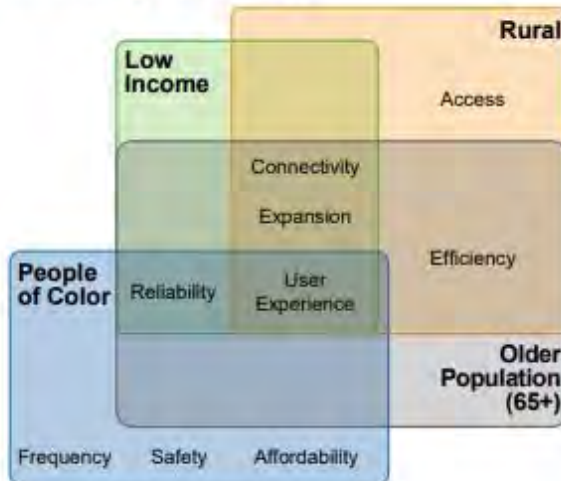
Issues and Challenges

Survey Responses & Focus Groups

- Survey respondents are looking for improvements in **connectivity**, **reliability**, **efficiency**, and **user experience** of the transportation system.
- Equity populations (low-income, older, non-white, and rural) expressed a desire for improved **connectivity** and **reliability**.
- Focus group participants placed high value on **convenience** and **affordability** and expressed that public transit was **unreliable** and **needing safety improvements**.

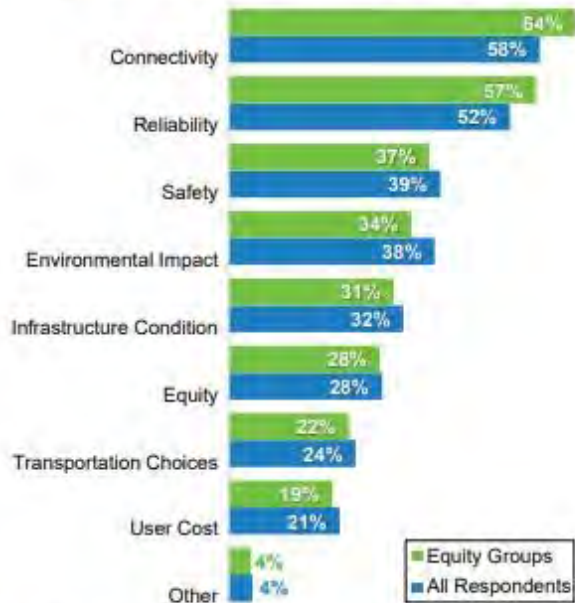
Overall, respondents said transportation barriers limit access to jobs, services, and other cultures and communities. By providing greater options in terms of how people move, transportation can improve their quality of life and the quality of the places around them.

Priorities by Equity Group



Source: Beyond Mobility Vision and Values Survey, Summer 2022.

Aspects you would like to see improved or changed, all respondents + equity groups (N=1,107)



Source: Beyond Mobility Vision and Values Survey, Summer 2022.

What does a great transportation system do for you?

A great transportation systems will give me the freedom I need to be a better individual because I will be in a better position to access the opportunities I deserve.

— Low income, person of color resident

Enables working families equitable access to transportation to and from care creating a sustainable system of support.

— Rural resident

Accessibility to a current transportation stop, affordability in terms of fares, reliability in terms of travel times, inability to travel to certain places in the city or state (equity access).

— Low-income resident

Induces me to travel NOT by car – attracts me to riding a bike, using transit, walking.

— 65 and over resident

Source: Beyond Mobility Vision and Values Survey, Summer 2022.



Phase II – Community Outreach on Budgetary Tradeoffs

The second phase of public engagement focused on **community outreach on budgetary tradeoffs to underrepresented populations**— people of color, lower-income households, non-English speakers, rural residents, people with disabilities, and older residents. Community Activations were undertaken to directly reach out to these residents and capture their feedback on priorities for Beyond Mobility.

We learned that connectivity and coverage are more important to these underrepresented groups than to residents as a whole, and car-free connectivity is a top priority for all respondents (similar to the Phase I survey).



Engagement by the Numbers

11 COMMUNITY ACTIVATIONS

soliciting survey responses in Gateway Cities:

- Roxbury • Lawrence • Springfield
- Lynn • New Bedford • Framingham
- Mattapan • Brockton • Pittsfield
- Lowell • Worcester

2,543 responses to the survey in multiple languages (compared to 1,107 in Phase I)

COMMUNITY ACTIVATION IN PITTSFIELD



How do survey respondents compare to Phase I?

12%

NON-ENGLISH RESPONSES
(0.5% of responses in Phase I were non-English)

12%

LOW-INCOME HOUSEHOLDS
(5.4% of Phase I respondents were from low-income households)

30%

PEOPLE OF COLOR
(11% of Phase I respondents were people of color)

Source: Beyond Mobility Priorities Survey, Fall 2022; Vision and Values Survey, Summer 2022.



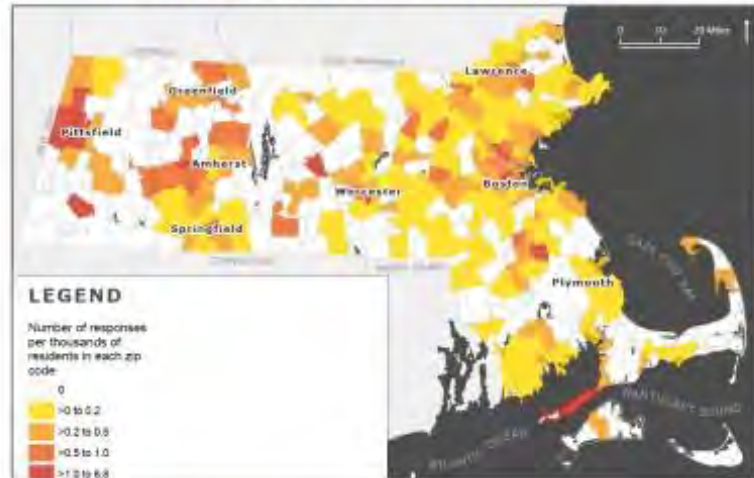
Issues and Challenges

Survey Responses

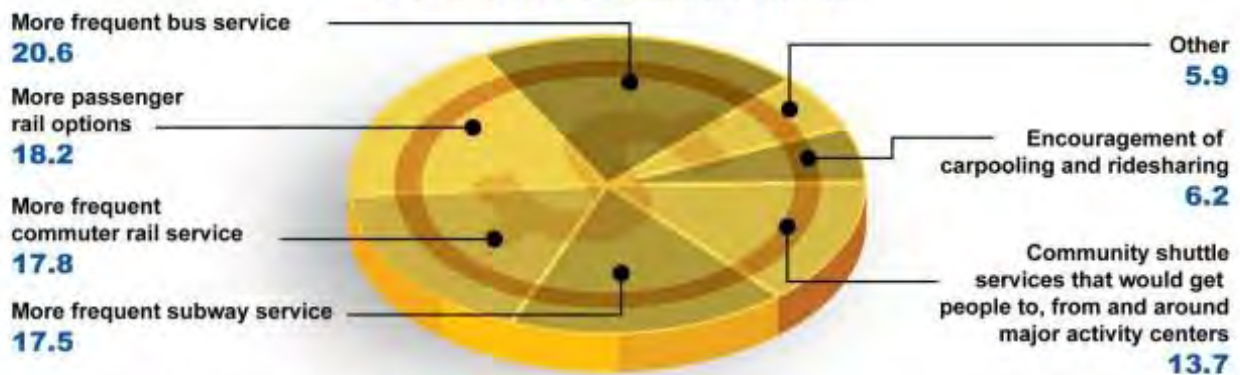
- Similar to the Phase I survey, the top response for what makes a "great transportation system" was **car-free connectivity**, followed closely by **the ability to reach destinations more easily**.
- When asked to assign tokens to a variety of alternatives, **bicycle and pedestrian infrastructure** received the most. However, equity groups invested more in **transit** than responses overall.
- Respondents overall placed a high value on **improved bike/ped connections to transit stations**, and non-English responses, people with disabilities, and low-income respondents all placed a relatively high value on **wayfinding** near transit stations.

Unsurprisingly, respondents also prioritized improvements to the modes which they reported using.

PHASE II SURVEY RESPONSES BY ZIP CODE



HOW TO INVEST 100 TOKENS IN TRANSIT



Source: Beyond Mobility Priorities Survey, Fall 2022. n = 2,269

What other aspects of the system would you like to see improved or changed?

For cars to no longer be a leading cause of death and dismemberment.

-White Boston resident

Health: Resources directed to prioritize the healthiest and least polluting forms of transportation (walking, biking, electrified buses and trains).

-African-American resident

All the buses could be free ... which will be used to avoid problems between drivers and passengers.

-Response in Italian Circle

High frequency and speed: It should feel foolish to drive.

-Rural resident

Source: Beyond Mobility Vision and Values Survey, Summer 2022

i. STATEWIDE TRANSPORTATION PLANNING STRUCTURE

The Office of Transportation Planning (OTP) is responsible for implementing state and federal transportation planning requirements. It oversees the federally mandated metropolitan planning process and the development of several key plans that shape both long-range and near-term transportation projects. This includes the Statewide Long-Range Transportation Plan, the agency's Capital Investment Plan, the State Transportation Improvement Program, and modal plans. This department also coordinates research projects that strive to identify challenges and opportunities for innovation, investment, and transportation improvements. The following sections provide approaches and best practices for common studies and plans performed by OTP, but the proper approach may vary based on the size, nature, and scope of each study.

MassDOT's Capital Investment Plan

As the largest capital agency within the Commonwealth, one of MassDOT's key roles is to develop and implement the Commonwealth's transportation investment strategy – the Capital Investment Plan (CIP) – in coordination with the federal government, the state legislature, the Administration, municipalities, regional planning agencies (RPAs), regional transit authorities (RTAs), other state agencies and the public. The CIP is a budget and policy document. It is a financially constrained plan that programs state and federal funds to pay for all our capital investments. The CIP funds the planning, construction, and capital maintenance of and improvements to our transportation system.

The CIP funds all transportation investments including roadways, bridges, bicycle and pedestrian facilities, transit investments, aeronautics, rail network and the Registry of Motor Vehicles. It is a rolling five-year plan updated annually and aligns with the investments programmed in the STIP.

The Statewide Long-Range Statewide Transportation Plan

The statewide long-range statewide transportation plan for Massachusetts, which is required by Title 23 USC, Section 135(f), is the federally recognized transportation plan for the Commonwealth of Massachusetts. It is a policy

document intended to present a long-term, multimodal vision of the state's transportation system and serve as a framework for preparing project-specific plans such as MassDOT's federally mandated statewide transportation improvement program (STIP).

The State Transportation Improvement Program

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

Statewide Modal Plans

MassDOT's modal plans reflect the mission and vision of MassDOT, MassDOT's policies and their connections to programs and projects, the condition of MassDOT-owned and managed infrastructure, and the sources and uses of transportation funding. These plans focus on particular modes of transportation and will often identify major proposals for transportation projects, as well as important corridors for future growth and development.

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.

Public Input at the Start of Plan Development

OTP sets the following goals when visioning the development of a new/updated plan:

- To engage the public – through a website, statewide workshops, virtual and in-person meetings, email, telephone, and U.S. mail – in a dialogue about our current and future transportation needs
- To use the products of that discussion to form the foundation of a plan or study
- To coordinate transportation policy with the education, employment, and civic engagement agenda of the Administration
- To create a plan or study that describes the challenges facing our transportation network and begins to prioritize and advocate for new projects, programs, and approaches

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

The dates, times, and locations (virtual and/or in-person) of public meetings are published at least once in newspapers with appropriate geographic coverage, including those with distribution to minority and non-English-speaking populations. These notices also include contact information for submitting comments, and a telephone number and email address for requesting accessibility accommodations or language assistance. 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.

OTP 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 are asked to assist in notifying people of the opportunities to provide input into OTP's planning activities using their existing outreach methods including email and mail distribution lists, posting information on their websites, and providing links to MassDOT's planning webpage.

At 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, OTP solicits input via letters, its website, emails, and telephone calls.

OTP 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. OTP 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. OTP notifies the public and stakeholders when these reports are available. These reports are made available for download from the MassDOT website; a limited number of hard copies are distributed.

After OTP 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, OTP 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 OTP for that plan or study.

OTP 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. OTP makes affirmative efforts to ensure that a wide range of interests and perspectives is represented in its stakeholder advisory groups, including minority and low-income individuals, people with disabilities, and those with limited English proficiency. As OTP 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.

Solicitation of Public Input on a Draft Plan or Study

Once a draft plan or study is completed, OTP conducts a new round of public outreach. OTP 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 and through the MassDOT website. 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.

The public is 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 email, the MassDOT website, statements at meetings of various organizations, and direct mailings, including an extensive mailing of informational brochures.

The brochures are printed in a format suitable for posting on community boards; are posted at 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 to advocates and service providers representing diverse populations across 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.

OTP 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 solicit input on draft plans:

- *Meetings with elected and appointed officials*

Immediately following the release of the draft long-range statewide transportation plan, OTP 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, OTP 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 OTP representatives about the draft plan.

- *Roundtables*

OTP identifies particular issues that are of fundamental importance to draft plans, and brings individuals and groups together for a facilitated in-depth discussion to solicit detailed input and well-formulated ideas for the long-range statewide transportation plan.

- *Public meetings – Virtual and In-Person*

OTP holds meetings in locations across the Commonwealth, both in-person and virtually. OTP 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, MassDOT's 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; instruct on how to request foreign language services, sign-language interpreters, and other accommodations. The notices 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 or to fulfill requests. OTP staff members attend all of the public meetings, which start with an open house format, followed by a formal presentation, which provides an overview of the contents of draft plans and the process used to develop it, and a question-and-answer session. Written comments on draft plans may be submitted at the public meetings.

On the basis of the public review and comments, OTP reviews and revises the plan or study. OTP 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, stakeholders are notified via email or mail of its availability, and a press release that includes the MassDOT webpage address is issued to inform the general public of its availability.

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 curb cuts, 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 § 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

ii. STATE MANAGED FEDERALLY FUNDED TRANSIT PROGRAMS

The MassDOT Rail and Transit Division (RTD) supports transit and rail across Massachusetts outside of the MBTA system, and works closely with the MBTA.

The MassDOT Transit Unit seeks to increase transportation options and improve mobility across the Commonwealth and New England by assisting, funding, and/or overseeing public transit services provided by the Regional Transit Authorities, local governments, non-profits, and private carriers. The Transit Unit provides exemplary service to the people travelling through the Commonwealth by collaborating with sub-recipients, stakeholders, communities, and business partners and using innovative business processes to maximize investment and provide the highest levels of accountability and impact possible. Transit employs policies and procedures in line with the latest federal and state best practices, while also focusing on customer feedback, safety, equity, and sustainability; empowering our employees and business partners; and utilizing a rigorous measurement process.

The Division's Rail Unit manages the state's 300 miles of state-owned railroad properties with their operating railroads and manages the administrative program

required by M.G.L. 40/54A and M.G.L. 161(d) that protects railroad corridors. The Unit also provides policy and technical assistance for major rail and freight initiatives, including high-speed and intercity rail, major corridor acquisition, and freight access programs.

Transit Division Activities and Corresponding Public Engagement Strategies

Much of the work of the Transit Division is directly in support of Regional Transit Authorities and thus builds on the public outreach conducted directly by Regional Transit Authorities and their MPOs. To find which transit authority serves your area, visit www.mass.gov/info-details/public-transportation-in-massachusetts. Then visit your transit authority's website or give them a call to learn about public participation opportunities.

On a quarterly basis, the Transit Unit convenes the RTA Council, which brings together all 15 Regional Transit Authorities and the MBTA and is chaired by the Secretary of Transportation. The agenda of each meeting includes time for public comment; instructions on how to submit public comment are included on all agendas and meeting notices. Meeting notices are posted online at www.mass.gov/regional-transit-authority-rta-council.

The Transit Division also supports implementation of the portions of the Commonwealth's Capital Investment Plan that relate to public transit outside of the MBTA system. For information about public engagement and the CIP, please refer to Section 2.2.

The Transit Division administers the state's 5311f program, which subsidizes intercity bus routes for underserved areas. Approximately every three to four years, the Transit Unit conducts a survey of transit authorities, private bus carriers, Regional Planning Agencies, and MPOs to determine whether intercity needs are met and identify unmet needs.

The Transit Division runs the annual Community Transit Grant Program, which solicits applications from transit authorities, municipalities, nonprofits, and in

some cases private operators of public transportation, for projects to expand mobility for older adults and people with disabilities. Applicants can apply for funding to operate a service, for funding for a mobility management project, or for a wheelchair-accessible vehicle.

Public engagement strategies in support of the Community Transit Grant Program include:

- Compiling an email list of organizations serving older adults and people with disabilities and community-based organizations to share information about when the grant application is opening and how to apply. The Transit Unit does proactive outreach to compile this list, but also welcomes any interested organization to sign up directly at URL available soon.
- Conducting training for new organizations interested in applying for the grant
- Providing technical assistance to organizations during the grant application stage on all aspects including development of the idea, incorporating promising practices, compliance with regulations, and use of the application system
- Requiring all grant applicants to relate their proposed project or service back to their Region's Coordinated Human Service Transportation Plan, which is developed by their Regional Planning Agency and includes input from older adults and people with disabilities, disability and aging services organizations, and other stakeholders. Proposed projects must be referenced in the plan or fulfill an unmet need identified by the plan. Find your region's plan at www.mass.gov/info-details/community-transportation-coordination#local-tools:-coordinated-human-service-transportation-plans-
- Collecting information from applicants about the area served, including the proportion of low-income and minority residents, and conducting analyses to ensure that award decisions are not biased against low-income or minority areas
- Providing written resources and individualized technical assistance, which may include site visits, to grantees

- Encouraging grantees to conduct outreach and serve low-income and minority communities within their service area
- Supporting grantees in meeting Title VI and ADA requirements, and enforcing those requirements through compliance reviews

The Transit Unit also receives and responds to periodic queries from members of the public at our massmobility@dot.state.ma.us email address, which is listed on our informational pages on the mass.gov platform that share information about how to find local transportation options as well as strategies agencies can use to expand mobility for their consumers.