



## BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

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Stephanie Pollack, MassDOT Secretary and CEO and MPO Chair  
Annette Demchur and Scott A. Peterson, Co-interim Executive Directors, MPO Staff

### *WORK PROGRAM*

## MASSDOT TITLE VI AND NONDISCRIMINATION SUPPORT

JULY 18, 2019

### Proposed Motion

The Boston Region Metropolitan Planning Organization (MPO) votes to approve this work program.

### Project Identification

Unified Planning Work Program (UPWP) Classification

Agency and Other Client Transportation Planning Studies and Technical Analyses

Project Number 13155

Client

Massachusetts Department of Transportation, Office of Diversity and Civil Rights

*Client Supervisor:* John Lozada

Project Supervisors

*Principal:* Katie Stetner

*Manager:* Bradley Putnam

Funding Source

MassDOT Contract

### Schedule and Budget

Schedule: 24 months from notice to proceed

Budget: \$70,000

Schedule and budget details are shown in Exhibits 1 and 2, respectively.

This budget was developed using a billing overhead rate of 104.89 percent as approved by the Boston Region MPO for state fiscal year (SFY) 2020. Beginning with July 1, 2020, and each July 1 thereafter, the overhead rate will be adjusted to reflect the SFY rate approved by the MPO.

## Relationship to MPO Work

This study is supported in full with non-MPO funding. Committing MPO staff to this project will not impinge on the quality or timeliness of MPO-funded work.

## Background

As recipients of federal funding from both the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the Massachusetts Department of Transportation (MassDOT) must comply with Title VI of the Civil Rights Act of 1964, which requires that it not discriminate on the basis of race, color, or national origin in its programs, activities, and services. The FHWA Title VI requirements have been extended through enactment of several additional laws and executive orders to provide the same protections based on Limited English Proficiency (LEP), gender, age, income, and disability. These requirements stem from the following authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq)
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- 49 Code of Federal Regulations Part 21
- 23 Code of Federal Regulations Part 200
- USDOT Order 1050.2
- Executive Order #12898 (Environmental Justice)
- Executive Order #13166 (Limited-English Proficiency)

MassDOT is required to document its compliance with Title VI regulations by submitting a Title VI Program to each FHWA and FTA once every three years. In addition, FHWA requires MassDOT to submit an annual Title VI report. The Central Transportation Planning Staff (CTPS) to the Boston Region MPO has been assisting MassDOT's Office of Diversity and Civil Rights (ODCR) in the development and implementation of its Title VI program since the 1980s.

## Objective

The objective of this work program is to provide ongoing technical support to ODCR, as needed, to meet its FTA and FHWA Title VI requirements.

## Work Description

### Task 1 Provide Technical Assistance to Support Development and Implementation of MassDOT's FTA and FHWA Title VI Programs

CTPS will support MassDOT in ongoing efforts required to comply with both the FTA and FHWA Title VI requirements on an as-needed basis. This may include tasks such as:

- Assisting MassDOT in the preparation of its Title VI Program for FTA, and support the production of the final document
- Assisting MassDOT in the preparation of its Title VI Program for FHWA
- Providing technical assistance and ongoing support in the implementation of MassDOT's Language Assistance Plan and in continuing to meet the federal LEP requirements, including completing additional limited-English-proficiency analyses
- Providing technical assistance for the development of analytical processes for identifying the benefits and burdens of the state's transportation investments
- Providing support for the federal triennial Title VI reviews
- Participating in MassDOT's Title VI Working Group
- Providing technical assistance for establishing procedures and developing forms and databases to collect data in order to monitor program, service, and activity impacts
- Identifying population characteristics of project impact areas
- Supporting production of documents and materials
- Assisting MassDOT in the revision of protocols for external monitoring and oversight and the provision of technical assistance for supporting MPOs, regional planning agencies, and regional transit authorities in achieving and maintaining compliance with Title VI and Americans with Disabilities Act

MassDOT will assign the specific work tasks through the issuance of task orders. Each task order will define the scope, schedule, and budget for the task.

#### *Products of Task 1*

Analyses, documents, and materials as requested

**Task 2 Provide Ongoing Technical Assistance to the MassDOT ODCR**

This task allows CTPS to provide ongoing technical assistance to ODCR upon request to address Title VI issues as necessary when the magnitude and timing of the work do not require a separate task order.

**Exhibit 1**  
**ESTIMATED SCHEDULE**  
**MassDOT Title VI and Nondiscrimination Support**

Task	Month																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. Provide Technical Assistance to Support Development and Implementation of MassDOT's FTA and FHWA Title VI Programs																								
2. Provide Ongoing Technical Assistance to the MassDOT ODCR																								

**Exhibit 2**  
**ESTIMATED COST**  
**MassDOT Title VI and Nondiscrimination Support**

<b>Direct Salary and Overhead</b>	<b>\$70,000</b>
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Task	Person-Weeks				Direct Salary	Overhead (104.89%)	Total Cost
	M-1	P-5	P-2	Total			
1. Provide Technical Assistance to Support Development and Implementation of MassDOT's FTA and FHWA Title VI Programs	3.0	2.0	12.9	17.9	\$23,915	\$25,085	\$49,000
2. Provide Ongoing Technical Assistance to the MassDOT ODCR	1.0	1.0	5.7	7.7	\$10,250	\$10,751	\$21,000
Total	4.0	3.0	18.6	25.6	\$34,165	\$35,836	\$70,000

<b>Other Direct Costs</b>	<b>\$0</b>
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<b>TOTAL COST</b>	<b>\$70,000</b>
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**Funding**  
 Future MassDOT Contract