



Memorandum for the Record Regional Transportation Advisory Council Meeting

November 14, 2018, Meeting Minutes

3:00 PM–4:30 PM, Boston City Hall, Model Room and Piemonte Room,
1 City Hall Square, Boston, MA

Tegin Teich, Chair, representing the City of Cambridge

Meeting Agenda

1. Boston Planning and Development Agency's (BPDA) Model Room—*BPDA Staff*

BPDA staff gave a tour of the Model Room, explaining how the model has grown to encompass much of downtown Boston and the Back Bay neighborhood. The model is used by BPDA planners to understand how new projects fit into Boston's urban fabric. Developers bring models of their proposals to discussions with BPDA staff. As proposals are refined, the models change from simple massing to detailed architectural representations.

2. Introductions

Chair Tegin Teich called the meeting to order at 3:30 PM. Members and guests attending the meeting introduced themselves. (For attendance list, see page 9.)

3. Chair's Report—*T. Teich, City of Cambridge*

T. Teich updated the Advisory Council about the Metropolitan Planning Organization's (MPO) discussion about Regional Transit Authorities (RTA) representation on the MPO Board. (The MBTA is currently the sole RTA with a seat.) The MPO's federal partners recommended that the Boston MPO find a way to represent other RTAs on the board, especially the Cape Ann RTA (CATA) and MetroWest RTA (MWRTA), which are based within the Boston Region.

At previous MPO meetings, MPO staff described how other MPOs represent RTAs—most MPOs provide for a greater representation of transit interests. The MPO revisited this conversation at its November 8, 2018 meeting. Officials from MWRTA expressed their interest in a seat on the MPO board. Though officials from CATA were not present at the meeting, they had previously discussed their own interest in a seat to MPO staff. The MPO board discussed creating one new seat to be represented by MWRTA and CATA on a rotating basis. However, MPO members opted to initiate a new transit committee and create a seat for the committee's chair on the MPO board. (There were only two votes not in favor.)

Members felt a transit committee would enable in-depth conversations about the MPO's role in planning and funding transit improvements, including the possibility of flexing Federal-Aid Highway funds. They also felt that there were enough transit operators in the Boston region to justify a transit committee. Members directed MPO staff to further define, constitute, and identify leadership for the transit committee, guided by examples from other MPOs.

T. Teich noted that MPO members had considered the impact of a transit committee on the Advisory Council, which includes representatives of transit providers. T. Teich expressed her opinion in favor of a separate transit committee. While transit concerns arise frequently at Advisory Council meetings, the Council's broader, multimodal purview precludes in-depth, ongoing conversations about transit in particular.

The MPO will now need to amend its Memorandum of Understanding, which describes the board's constitution. This amendment could be combined with any recommendations arising from the MPO's recent federal evaluation.

Barry Steinberg asked how MWRTA, Greater Attleboro Taunton Regional Transit Authority (GATRA), and Brockton Area Transit Authority (BAT) felt about the MPO's decision to create a transit committee. T. Teich explained that while MWRTA officials spoke in favor of having a voice on the MPO board, they did not speak against the creation of a committee. J. Rowe noted that the MPO's federal partners did not specifically recommend that GATRA and BAT be represented on the board. While a few GATRA and BAT routes extend into the Boston region, their services are not based in the region.

Steve Olanoff shared his opinion that the MPO board does not carefully or adequately consider transit needs. MPO members ask few questions of the MBTA, even though the MPO approves the MBTA's funding decisions. He felt that a transit committee would have more thorough discussions of transit issues.

T. Teich explained that she often communicates the Advisory Council's interests by requesting more information of the MBTA. While the MBTA conducts a decision-making process for its TIP projects separate from the MPO, T. Teich always seeks to understand what projects the MBTA plans to fund and why. She noted that the MBTA has been providing more description of the projects. At the same time, she agreed with S. Olanoff that there is usually little discussion of the MBTA's program of projects.

John Businger said that he felt the new committee should be called the rail and transit committee. T. Teich explained that the MBTA was already on the MPO board and could represent most of the region's rail interests. She did not believe it was the MPO's intention to represent rail interests on the new committee.

T. Teich discussed recently presented work programs for two MPO studies: *New and Emerging Metrics for Roadway Usage* and *Reverse Commute Area Analysis*. The Advisory Council supported the inclusion of both studies in the MPO's Federal Fiscal Year 2019 Unified Planning Work Program (UPWP). Tegin also noted staff's development of a bicycle report card—a method for assessing the suitability of roadways for bicycle travel.

S. Olanoff notified members of an upcoming meeting on South Side Late Night Commuter Rail Service.

4. Disparate Impact and Disproportionate Burden (DI/DB) Policy Update, Betsy Harvey, Transportation Equity Program Manager, MPO Staff

T. Teich introduced B. Harvey and explained that she would share about developing the MPO's DI/DB policy along with a stakeholder working group that included both T. Teich and Lenard Diggins from the Advisory Council.

B. Harvey reminded Advisory Council members that she had announced the MPO's intent to develop a DI/DB policy in April 2018. The policy would identify potential future disparate impacts and disproportionate burdens on minority and low-income populations from the Long-Range Transportation Plan (LRTP) program of projects, allowing the MPO to better comply with federal Title VI and environmental justice regulations. The policy's stakeholder working group wrapped up its work in July 2018. B. Harvey thanked working group members, including T. Teich and L. Diggins, for their partnership and MPO staff who contributed to the effort, including J. Rowe.

Two pieces of federal guidance underpin the MPO's efforts to develop a DI/DB policy. First, Title VI of the Civil Rights Act requires MPOs to analyze the impacts of state and federal investments in the aggregate and to identify potential disparate impacts that may result from those investments on minority populations.

Second, environmental justice mandates require MPOs to identify potentially high and adverse effects on low-income populations. The MPO's DI/DB policy will be designed to identify any such effects resulting from its LRTP's program of projects. Impacts that may cause disproportionately high and adverse effects on low-income populations more than non-low-income populations are called disproportionate burdens.

A disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with a less disproportionate affect.

The MPO's DI/DB policy will contain three elements. First, the policy will specify a numeric threshold that determines when impacts are considered disparate or disproportionate. The

stakeholder working group provided a recommendation for this threshold, which the MPO will consider.

Second, the policy will identify which populations are being compared. The Federal Transit and Highway Administrations require that the impacts on minority populations be compared to impacts on nonminority populations, and the impacts on low-income populations will be compared to impacts on non-low-income populations.

Finally, the policy will briefly describe the analytical methods that the MPO will use to identify disparate impacts. MPO staff has already spent time refining its analytical methods—the MPO began analyzing potential impacts of the LRTP program of projects on environmental justice populations in 2004.

After new federal guidance required MPOs to identify and address disparate impacts and disproportionate burdens, the MPO applied a draft DI/DB policy to the program of projects in *Charting Progress to 2040*, the most recent LRTP. The MPO also committed to finalize a DI/DB policy before the next LRTP, *Destination 2040*, which will be finalized in spring 2019.

While MPOs are not required to adopt a DI/DB policy, doing so will allow the MPO to be clear, consistent, and transparent in its compliance with Title VI and environmental justice regulations. A policy will also help the MPO understand where it may need to focus investments in its annual capital and work programs in order to address disparate impacts or disproportionate burdens.

All major highway and transit infrastructure projects will be analyzed for disparate impacts, including human health, environmental, and other transportation-related impacts. Impacts will be analyzed in the aggregate, not individually. The LRTP's investment programs will not be analyzed. Finally, the policy will be applied after the MPO endorses *Destination2040's* program of projects.

B. Harvey described the MPO's approach to engaging the public in developing the DI/DB policy. MPO staff formed a stakeholder working group with four MPO members and eight stakeholders representing environmental justice populations in the region. Staff hosted three working group meetings and one public workshop. MPO staff aimed to receive input on transportation's impacts in the Boston region. This input would then inform updates to the metrics assessing disparate impacts and disproportionate burdens. In addition, staff hoped that the working group would reach consensus on a threshold to recommend for consideration by the MPO board.

The stakeholder working group also took a survey to prioritize impacts that staff could analyze using existing tools. The results were the following, in order of priority:

1. Access to jobs

2. Access to healthcare
3. Transportation network connectivity
4. Access to public transit at off-peak hours
5. Congestion
6. Emissions, including carbon monoxide and particulate matter
7. Travel time to work
8. Mode share

For *Destination2040*, staff will analyze access to jobs and healthcare, congestion, emissions, and travel time to work. Staff heard about additional impacts, such as the effects of autonomous vehicles, and the cost of transportation as a function of household income, which will require more research before they can be analyzed for disparate impacts.

Stakeholders raised concerns that would influence their recommendations. First, several stakeholders were concerned that allowing any difference in the impacts between the environmental justice and non-environmental justice populations—no matter how small the difference—would perpetuate inequities. Second, stakeholders wanted more information about the practical implications of choosing one threshold over another. Third, several stakeholders thought the MPO should set a threshold for each metric, reflecting how much change in each metric felt meaningful. For example, a 10 percent increase in carbon monoxide emissions may be more harmful than, say, a 10 percent increase in travel time.

These concerns led stakeholders to recommend further research into the implications of disparities in each metric. In the meantime, the stakeholders recommended a zero percent threshold. Stakeholders also agreed with MPO staff that the threshold would be applied only to results falling outside the modeling results' margin of error, ensuring statistical validity. MPO staff are conducting research to identify metrics' margin of errors.

MPO staff feels that the MPO's DI/DB policy should have a threshold above zero percent. Staff's rationale is that a disparate impact should not be defined as any difference because it is difficult to obtain statistical parity between two groups. Model results report many decimal places and so a small difference, such as a difference of 10 seconds, could show up as a disparity.

Staff agrees with the stakeholder working group that each metric should have its own threshold and that more information is needed to set those thresholds. Staff plans to explore thresholds for each metric, based on changes perceived as meaningful. Staff is also prepared to honor the stakeholder working group's second recommendation: to report on the projected impacts of the LRTP program of projects in the draft and final LRTP.

B. Harvey noted that the MPO can endorse an LRTP with identified disparate impacts or disproportionate burdens. The MPO will need to address any future disparities by avoiding,

mitigating, or minimizing them. Strategies to do so will vary depending on the impact and its severity and will be weighed against the other benefits of the LRTP's program of projects. Staff will present strategies for addressing disparate impacts to the MPO and would also welcome input from the Advisory Council.

Although an analysis of disparate impacts and disproportionate burdens is federally required, it will also help the MPO address equity through its investments. The MPO will develop strategies to address any adverse effects, likely through projects programmed in the LRTP and the MPO's capital plan, the Transportation Improvement Program (TIP). In this way, the MPO's DI/DB analysis could affect how the MPO selects projects.

To make DI/DB analyses an effective planning tool, the MPO will need to (1) identify actions to proactively reduce or avoid a disproportionate distribution of benefits and burdens and (2) determine how these actions affect programming decisions in the MPO's TIP and LRTP. These discussions will occur every four years when staff analyze the LRTP's program of projects for disparities. In this way, the MPO's DI/DB policy will help set the MPO's equity agenda. For example, if the analysis identifies a large disparity in carbon monoxide emissions, the MPO will need to come up with a strategy for addressing that disparity.

B. Harvey shared a tentative timeline for next steps in developing the MPO's DI/DB policy. The stakeholder and public engagement process ran from May through July 2018. B. Harvey presented the stakeholders working group's recommendations to the MPO on October 4, 2018. MPO staff expects to present about margins of error for each metric in January 2019 and to present about thresholds for each metric in February 2019, followed by a discussion of the draft DI/DB policy. Staff intends to apply the DI/DB policy to the LRTP's projects in *Destination2040* later on in spring 2019.

Discussion

Franny Osman asked B. Harvey to clarify whether it was MPO staff's position that there should be a threshold above zero percent, allowing some degree of disparity beyond what is statistically significant. B. Harvey confirmed this to be the case.

F. Osman asked whether the MPO staff and/or the stakeholder working group considered creating a threshold that would require the LRTP program of projects to provide more benefits and less burdens to low-income and minority populations, addressing past inequities. B. Harvey explained that the MPO's federal partners only intended DI/DB analyses to safeguard against increasing current inequities. Jon Seward asked whether this was a rule or MPO's staff's interpretation. B. Harvey confirmed it was the rule.

S. Olanoff noted that some projects with clear benefits to low-income and minority groups are smaller projects, which are not evaluated for disparate impacts.

T. Teich shared that the stakeholder working group had similar concerns to those surfaced by F. Osman and J. Seward. The group felt that existing disparities in the Boston region will take a lot of work to eliminate. For that reason, they felt that a zero percent threshold was an acceptable middle position. T. Teich also noted that the policy's framework can be confusing. First, the policy compares percent changes, rather than absolute differences in an impact. Second, the policy looks at the entire LRTP program of projects, rather than individual projects. As a result, the stakeholder working group found it difficult to formulate a sound theory about appropriate thresholds. MPO staff tried to help the group navigate the confusing aspects of the policy and also encouraged the group to keep in mind that it is possible to have an impact on existing inequities through other policies and programs.

B. Harvey added that the MPO has many other policies and programs explicitly addressing equity concerns. The DI/DB policy can be considered an ultimate check to ensure that the MPO does not inadvertently worsen inequities. At the same time, projects selected in the TIP could have positive impacts for transportation in low-income and minority communities. There will be opportunities to reevaluate the criteria used to select projects to encourage selection of such projects. In addition, the MPO is updating its goals and objectives, which is another opportunity to influence how the MPO addresses equity concerns.

AnaCristina Fragoso asked whether the DI/DB analysis could be made more dynamic. She felt it would be useful to run the analysis each year during TIP deliberations. This way the MPO members would understand how changes to project scopes influence the distribution of benefits and burdens. B. Harvey explained that MPO staff reevaluate TIP projects using a separate set of criteria because the DI/DB analysis is appropriate only for packages of projects—not individual projects.

T. Teich added that MPO staff rescore programmed and not-yet-programmed projects each year using the TIP criteria. At the same time, the MPO has not, historically, decided to retract funding from currently programmed projects, even projects undergoing substantial cost and design changes. The MPO board has recently discussed rethinking this approach, or at least reevaluating projects as they change in scope and cost, though there is sensitivity around retracting already-promised funding.

A. Fragoso asked how MPO staff decides when to update the travel-demand model. B. Harvey explained that MPO staff uses the travel-demand model in developing the LRTP every four years. The model is not employed to evaluate the TIP. However, MPO staff does update the model on an ongoing basis. Currently, staff is working to represent autonomous vehicles in the model. B. Harvey noted that updating the model frequently makes it difficult to compare results between subsequent LRTPs.

B. Steinberg asked whether all MPOs conduct DI/DB analyses and whether the MPO could adopt methods from other states. B. Harvey explained that, while all MPOs have the same

requirement to conduct a DI/DB analysis, the requirement is fairly new. Regulations were approved by the Federal Transit Administration in 2012 and by the Federal Highway Administration in 2015. Best practices have yet to arise. In addition, MPOs are not required to adopt a policy.

B. Steinberg asked how organizations were chosen for the stakeholder working group. B. Harvey explained that she and J. Rowe reached out to organizations representing low-income and/or minority populations. They began with groups with existing relationships to the MPO and expanded their search to other organizations with an interest in transportation and equity.

Chris Porter asked whether the MPO had considered measuring the current distributions of benefits and burdens to have a baseline upon which to track future changes. B. Harvey replied that the MPO staff would like to conduct a model run to get at the current distributions.

C. Porter noted that the MPO has expressed its desire to fund fewer major infrastructure projects, freeing up funding for a greater number of smaller projects. Smaller projects are not modeled in the LRTP. In light of this, C. Porter asked whether the MPO had considered analyzing equity in the distribution of smaller projects.

B. Harvey expressed her interest in developing methodologies for smaller projects. MPO staff conducted a study on the topic and further work is on the horizon.

T. Teich noted that she was hearing a strong interest in developing more refined, progressive, and ambitious equity goals and scoring criteria that would advance those goals. She recommended having conversations at the Advisory Council about input on future changes to the LRTP and TIP criteria.

5. Old Business, New Business, and Member Announcements

J. Businger announced a North-South Rail Link Feasibility Reassessment Study public meeting on December 10, 2018. F. Osman encouraged members to attend.

S. Olanoff reiterated his announcement of an upcoming meeting on South Side Late Night Commuter Rail Service.

F. Osman encouraged members to attend a future meeting of the Task Force on RTA Performance and Funding on November 28, 2018.

S. Olanoff shared that the Governor's Commission on the Future of Transportation would release a report at the beginning of December. Transportation for Massachusetts is hosting a presentation and panel discussion on December 19, 2018.

J. Rowe alerted members to the timelines for participation in the MPO's LRTP, TIP, and UPWP, and Coordinated Public Transit-Human Services Transportation plan. She also announced upcoming public review periods for recommendations from the LRTP Needs Assessment and proposed changes to the MPO's Vision, Goals, and Objectives.

6. Adjourn

A motion to adjourn was made and seconded. The motion carried.

Attendees

Member Municipalities

Acton
Boston
Cambridge

Representatives and Alternates

Franny Osman
Jack Halverson
Tegin Teich

Citizen Advocacy Groups

American Council of Engineering Companies
Association for Public Transportation
Boston Society of Civil Engineers (BSCES)
CrossTown Connect
MassBike
Move Mass
National Corridors Initiative (NCI)
Riverside Neighborhood Association

Attendees

Fred Mosely
Barry Steinberg
AnaCristina Fragoso; Paul Moyer
Scott Zadakis
Chris Porter
Jon Seward
John Businger
Laura Nichols

Agencies

Three Rivers Interlocal Council

Attendees

Steve Olanoff

Other Attendees

Affiliation

Patricia Mendez
David Vieira

Disability Commission, City of Boston

MPO Staff/Central Transportation Planning Staff

Betsy Harvey
Jen Rowe
