

# ***Federal Fiscal Year 2006 Title VI Report***

***of the***

## ***Boston Region Metropolitan Planning Organization***



***December 7, 2006***

***Prepared by the Boston Region Metropolitan Planning Organization Staff***



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This report has been prepared in compliance with requirements set forth in U.S. Department of Transportation Circular 4702.1 of May 26, 1988, "Title VI Program Guidelines for Urban Transportation Administration Recipients."



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## Introduction

Title VI of the Civil Rights Act of 1964 states 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 subject 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 (FTA), formerly the Urban Mass Transportation Administration (UMTA), of the United States Department of Transportation issued guidelines on May 26, 1988, UMTA C 4702.1, describing the contents of Title VI Compliance Programs to be adopted and maintained by recipients of FTA-administered funds for transit programs.

This document explains the Boston Region Metropolitan Planning Organization’s (MPO’s) Title VI Program. This program, conducted in cooperation with the Executive Office of Transportation, assures that Title VI requirements are fully met and that the MPO is compliant with federal guidelines and is responsive to the needs of Title VI beneficiaries. The format of this document follows the guidelines laid out in UMTA C 4702.1, entitled “Program Guidelines for [FTA] Recipients.”

Chapter 1 addresses the MPO’s general reporting requirements under the circular, highlights financial assistance received, and analyzes the impact of the recommended projects in the 2004–2025 Regional Transportation Plan on minority and non-minority communities. This section includes:

- A list of *active lawsuits or complaints* naming the MPO that allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.
- A discussion of *fixed facility impact analyses* for current construction projects. These analyses assess the effects of the projects on minority communities.

Chapter 2 provides an assessment of the planning efforts of the MPO by considering the MPO’s guiding legislation and members, transportation planning process, and relevant policies and plans, as well as the Transportation Improvement Program (TIP) development process.

Chapter 3 highlights the monitoring activities and programs of the MPO, as well as those of one of its members, the Massachusetts Bay Transportation Authority (MBTA), which is the primary mass transit provider in the region.

Chapter 4 details the methods used by the MPO to provide public outreach and information to minority communities allowing them to participate in the transportation planning process.

Chapters 5 and 6 discuss how minority populations are able to participate in the decision-making process and be represented on decision-making bodies.

Appendices A, B, and C contain Appendices to the Title VI Assurance.





# Chapter 1      **General Reporting Requirements** *[UMTA C4702.1 III.2]*

## **A. List of Lawsuits** *[UMTA C4702.1 III.2(A)]*

The MPO does not know of any active lawsuits or complaints against it that allege discrimination on the basis of race, color, or national origin.

## **B. Description of Financial Assistance** *[UMTA C4702.1 III.2(B)]*

The federal transportation agencies provide funding (Table 1-1) for MPOs to conduct the 3C planning process. FHWA 3C Planning (PL) funds are distributed first to Massachusetts Highway Department (MassHighway), according to an allocation formula set by federal legislation, and are in turn, distributed among the Massachusetts MPOs according to a formula approved by MassHighway and based largely on population. The Executive Office of Transportation (EOT) provides the local match for PL funds. FTA provides 3C transit planning funds to EOT under Section 5303 of the Federal Transit Act. The EOT, Metropolitan Area Planning Council (MAPC), and the MBTA provide the local match. The MPO votes on the use of these two categories of funds and the allocation of MPO staff for projects funded by them. In addition to the PL and Section 5303 funds, the MPO also receives some federal State Planning and Research (SPR) funds from MassHighway for assistance with specific studies and projects.

**Table 1-1: MPO Federal Funding Sources**

<b>Source</b>	<b>Program</b>	<b>Federal Amount*</b>
Federal Transit Administration (FTA)	Section 5303	FFY 2004 - \$1,493,400
		FFY 2005 - \$1,513,000
		FFY 2006 - \$1,496,800
Federal Highway Administration (FHWA)	PL	FFY 2004 - \$2,523,500
		FFY 2005 - \$2,523,500
		FFY 2006 - \$2,829,600

*\* Includes local match*

## **C. Summary of Civil Rights Compliance** *[UMTA C4702.1 III.2(C)]*

The Boston Region MPO has no report to submit concerning Civil Rights Compliance Review Activities conducted in the last three years. However, MPO staff coordinates with the MBTA's Title VI Working Group as part of the MBTA's reporting requirements. For the triennial MBTA Title VI Report, May 2005, MPO staff assisted with data gathering, data analysis, and document production of the final report. MPO staff also assists with data gathering, data analysis, and document production of Title VI level-of-service and quality-of-service reports that are submitted to the MBTA annually (see Table 1-2 below).

**D. Signed FTA Civil Rights Assurance [UMTA C4702.1 III.2(D)]**

A signed FTA Civil Rights Assurance statement for the MPO is included on page 10. In addition, a signed Civil Rights Assurance for the MBTA and other MBTA Reporting on Civil Rights Compliance and Service Standards and Policies is included in the triennial MBTA Title VI Report, May 2005.

**Table 1-2: MBTA Title VI Level-of-Service Monitoring**

Service Indicator	Department(s) Responsible	Planned Frequency of Compliance Assessments
<b>1. Vehicle Load</b> (Loading Standard in MBTA <i>Service Delivery Policy</i> )		
• Bus	Service Planning	Every 2 years
• Heavy Rail & Light Rail	Subway Operations & Service Planning	Every 2 years
• Commuter Rail	Railroad Operations	Every 2 years
• Data Collection/Bus	Central Transportation Planning Staff (CTPS)	Ongoing
<b>2. Vehicle Headway</b> (Frequency of Service & Schedule Adherence Standards in MBTA <i>Service Delivery Policy</i> )		
• Bus	Service Planning	Every 2 years
• Heavy Rail & Light Rail	Subway Operations & Service Planning	Every 2 years
• Commuter Rail	Railroad Operations	Every 2 years
• Data Collection/Bus	CTPS	Ongoing
<b>3. Transit Access</b> (Coverage Standard in MBTA <i>Service Delivery Policy</i> )		
• All Modes	Service Planning	Every 2 years
<b>4. Vehicle Assignment</b>		
• Bus	Bus Operations	Annually
• Heavy Rail & Light Rail	Subway Operations	Annually
• Commuter Rail	Railroad Operations	Annually
<b>5. Distribution of Transit Amenities</b>		
• Bus Shelters	Operations Support / Long Range Planning / Service Planning	Annually
• Station Elevators	Operations Support & Long Range Planning	Annually
• Station Escalators	Operations Support & Long Range Planning	Annually
• Station Parking & Utilization	Long Range Planning	Annually
• Air Conditioning/Heating	CTPS and Bus Operations	Annually
<b>6. Travel Pattern Analysis</b> (Quality of Service Monitoring)		
• All Modes	Service Planning	Every 2 years

**E. Signed Department of Transportation (DOT) Title VI Assurance [UMTA C4702.1 III.2(E)]**

A signed DOT Title VI Assurance statement for the MPO is included on page 13. In addition, a signed DOT Title VI Assurance for the MBTA is included in the triennial MBTA Title VI Report, May 2005.

**F. Fixed Facilities Analysis** *[UMTA C4702.1 III.2(F)]*

The MPO did not undertake any construction projects in FFY 2006; however it did implement FFYs 2006–2010 projects for construction by other agencies through scheduling and advertising. The MPO programmed them in the FFYs 2007–2010 TIP. The MPO conducted a systemwide analysis of mobility and accessibility impacts of the recommended projects in the 2004 Regional Transportation Plan on low-income and minority communities; the results are reported in Chapter 6 of the Plan. Within the next few months, the MPO will conduct a similar analysis on the projects in the new regional transportation plan, JOURNEY TO 2030, which is currently under development. Fixed-facilities analyses are also included in the triennial MBTA Title VI Report, May 2005, and are included in Chapter 2 of that report.



## **Federal Transit Administration Civil Rights Assurance**

The Boston Region MPO HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will insure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of planning and programming for transportation services and transit-related benefits.
2. The Boston Region MPO will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Boston Region MPO will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant application or recipient.

John Cogliano  
Boston Region MPO Chairman  
\_\_\_\_\_  
(Name and Title of Authorized Officer)

\_\_\_\_\_  
(Signature of Authorized Officer)

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



## Department of Transportation Title VI Assurance

Name of Organization: Boston Region Metropolitan Planning Organization (MPO)

The Boston Region Metropolitan Planning Organization (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary, Part 21, Nondiscrimination Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Boston Region MPO Transportation Planning and Programming Committee, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to Boston Region MPO Planning and Programming:

1. That the Recipient agrees that each “program” and each facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the regulations and made in connection with Boston Region MPO Planning and Programming, in adapted form, in all proposals for negotiated agreements:

The MPO, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary, Part 21, Nondiscrimination Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United State effecting a transfer of real property, structures, or improvements thereon or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property to an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or approved under Boston Region MPO Planning and Programming and (b) for the construction or use or access to space on, over, or under real property acquired or improved under Boston Region MPO Planning and Programming.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulation and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other racial financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Boston Region MPO Planning and Programming and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Boston Region MPO Planning and Programming. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.



DATED \_\_\_\_\_

Boston Region Metropolitan Planning Organization

By \_\_\_\_\_

John Cogliano, Boston Region MPO Chairman

Signed by: Kenneth S. Miller, P.E., Designee for Secretary John Cogliano, and Chair,  
Transportation Planning and Programming Committee

Date: December 2006



## Chapter 2      **Assessment of Planning Efforts** [UMTA C4702.1 III.3.b (1)]

### **A.      Overview**

The MPO ensures that transit planning and programming are non-discriminatory through oversight and representation by its members; by following federal legislation and the 3C (continuing, cooperative, and comprehensive) transportation planning process; by reflecting the legislation in its objectives, policies, and plans; and by having a non-discriminatory TIP development and implementation process.

### **B.      Legislation and Members**

Federal law establishes requirements and guidelines for transportation planning in urbanized areas. In order to be eligible for federal transportation funding, an area must maintain a continuing, cooperative, and comprehensive (3C) transportation planning process. Section 134 of the Federal Aid Highway Act and Section 5303 of the Federal Transit Act, as amended, establish these planning requirements. The Boston Region MPO is responsible for maintaining the continuing, cooperative, and comprehensive 3C process resulting in plans and programs consistent with the planning objectives of the metropolitan area. By bringing together representatives from local, regional, state, and federal entities and a public advisory committee, the MPO decision-making process occurs in an environment that is open to the diverse range of interests and concerns that exist in the Boston region.

The MPO is composed of five agencies, two regional entities, and seven municipalities and has a public advisory committee as a nonvoting member. These members collectively carry out the federally mandated transportation planning process for the region. A Memorandum of Understanding, approved by the MPO in December 2001, outlines the structure. The MPO members are:

- ***City of Boston:*** The City of Boston is a permanent municipal MPO member.
- ***Executive Office of Transportation (MPO Chair):*** EOT, under Chapter 6A of the Massachusetts General Laws (MGL), serves as the principal agency for developing, coordinating, administering, and managing transportation policies, planning, and programs related to design, construction, maintenance, and operations. The agency is also responsible for supervising and managing the Massachusetts Highway Department, the Massachusetts Aeronautics Commission, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, and the commonwealth's regional transit authorities.

Chapter 6A of the MGL also establishes an Office of Transportation Planning within the EOT to serve as the principal source of planning for state-level transportation projects and the preparation of an intermodal transportation plan, and, in doing so, to work in

coordination with the commonwealth's regional planning agencies and metropolitan planning organizations, among others.

- ***Massachusetts Bay Transportation Authority***: The MBTA has the statutory responsibility, under the provisions of Chapter 161A, MGL, of preparing the engineering and architectural designs for transit development projects, constructing and operating transit development projects within its district, and operating the public transportation system. Chapter 127 of the Acts of 1999 revises the legislative authority of the MBTA by providing for forward funding of the MBTA and restructuring of the MBTA district. The MBTA district encompasses 175 municipalities, including all 101 cities and towns within the Boston Region MPO area. The MBTA board consists of a chairman and eight other directors, all appointed by the governor.
- ***Massachusetts Bay Transportation Authority Advisory Board***: The Advisory Board was created by the Legislature in 1964 through the same legislation that created the MBTA; this legislation was updated as part of Chapter 127 of the Acts of 1999. The Advisory Board consists of representatives of the 175 cities and towns that comprise the MBTA district. Cities are represented by either the city manager or mayor, and towns are represented by the chairperson of the board of selectmen. Specific responsibilities of the Advisory Board include review of proposed fare increases, approval of the Program for Mass Transportation (PMT), annual review of the MBTA Capital Investment Program, review of the MBTA report on net operating investment per passenger, and approval of the MBTA operating budget, with the authority to reduce funding items.
- ***Massachusetts Highway Department (MassHighway)***: MassHighway has the statutory responsibility of designing, constructing, operating, and maintaining the commonwealth's roads and bridges, and is charged with collaborating with other agencies and authorities in fields related to transportation development, public safety, and security. MassHighway is under the direction of a commissioner who is appointed by the governor.
- ***Massachusetts Port Authority (Massport)***: Massport has the statutory responsibility, under Chapter 465 of the Acts of 1956, as amended, of planning, constructing, owning, and operating such transportation facilities and related facilities as may be necessary for the development and improvement of commerce in Boston and the surrounding metropolitan area. Massport owns and operates the seaport, Logan International and Hanscom airports, the Tobin Bridge, and other facilities.
- ***Massachusetts Turnpike Authority (MassPike)***: MassPike is authorized to own, construct, maintain, improve, repair, operate, and administer the Massachusetts Turnpike and the Metropolitan Highway System (MHS), as established under Chapter 3 of the Acts of 1997. The MHS consists of the Massachusetts Turnpike Extension (the turnpike from the Route 128 interchange to downtown Boston); the South Boston Bypass Road; the Callahan, Sumner, and Ted Williams tunnels; the I-90 Connector; the Central Artery; and the Central Artery North Area.

- ***Metropolitan Area Planning Council:*** MAPC is composed of the chief executive (or her/his designee) of each of the 101 cities and towns in the MAPC district, which coincides with the Boston Region MPO area; 21 gubernatorial appointees; and 12 ex officio members. It has statutory responsibility for comprehensive regional planning in the Boston region under Chapter 40B of the MGL. It is the Boston Metropolitan Clearinghouse under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title VI of the Intergovernmental Cooperation Act of 1968. It also has been designated an economic development district under Title IV of the Public Works and Economic Development Act of 1965, as amended. MAPC's responsibilities for comprehensive planning include technical assistance to communities, including assistance to communities in the review of documents and programs for public relations, and the development of studies on zoning, land use, demographics, and environmental matters.

The MAPC subregional groups bring together representatives (usually appointed or elected officials) of the communities within a subregion who share concerns regarding transportation and land use. MAPC has promoted and supported the formation of subregions in order to foster better communication and cooperation among communities. The subregional groups have become an important voice in the MPO region's participatory process. Their role includes providing input into the assignment of priorities to TIP and UPWP projects for their subregions.

- ***Municipalities: three elected cities—currently Everett, Newton, and Salem; and three elected towns—currently Bedford, Framingham, and Hopkinton:*** These members represent the region's 101 municipalities on the MPO. Each year, one city and one town are elected to three-year terms.
- ***Regional Transportation Advisory Council:*** As the MPO's citizen advisory group, the Advisory Council provides the opportunity for regional organizations and the Council's municipal representatives to become actively involved in the decision-making processes of the MPO. The Advisory Council reviews, comments on, and makes recommendations regarding certification documents. It also serves as a forum for identification of issues and alternatives, advocates solutions to the region's transportation needs, and generates public interest and knowledge in transportation planning. While it is an advisory member of the MPO, it is a voting member of the MPO's Transportation Planning and Programming Committee.

The MPO's ***Transportation Planning and Programming Committee (TPPC)***, acting on behalf of the MPO members, meets regularly to provide ongoing coordination of planning efforts taking place within the region. It consists of a representative from each MPO member and the Regional Transportation Advisory Council, with the EOT representative serving as chairperson. All TPPC meetings are open to the public and the TPPC invites public input at the beginning of every meeting.

The Transportation Planning and Programming Committee oversees the development of the certification documents and provides direction to the ***Boston Region MPO Staff***. The Boston

Region MPO Staff is an independent staff created to provide the MPO and other members of the transportation community with planning, analysis, and informational products and services, including many of those essential for supporting the 3C transportation planning process in the Boston region.

Two other members participate in the MPO in a nonvoting capacity, reviewing all Regional Transportation Plans, TIPs, UPWPs, and their Air Quality Conformity Determinations to ensure compliance with federal planning and programming requirements:

- ***Federal Highway Administration and Federal Transit Administration:*** FHWA and FTA oversee the highway and transit programs of the U.S. Department of Transportation under pertinent legislation and the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

### **C. The Transportation Planning Process**

The 3C process in the Boston region is the responsibility of the MPO, which has established the following objectives for the process:

- To identify transportation problems and develop possible solutions to them
- To strike a balance between short-range and long-range considerations so that beneficial incremental actions undertaken now reflect an adequate understanding of probable future consequences and possible future options
- To take into account both regional and local considerations and both transportation and non-transportation objectives and impacts in the analysis of project issues
- To assist implementing agencies in putting policy and project decisions into effect in a timely fashion, with adequate consideration of environmental, social, fiscal, and economic impacts and with adequate opportunity for participation by other agencies, local governments, and the public
- To assist implementing agencies in assigning priorities to transportation activities in a manner consistent with the region's needs and resources
- To maintain compliance by the Boston Region MPO with the requirements of the SAFETEA-LU; Title VI of the 1964 Civil Rights Act; Executive Orders 12898, 13166, and 13330; the Americans with Disabilities Act; and the Clean Air Act.

The MPO is responsible for carrying out and completing all transportation plans, programs, and conformity determinations required by federal and state laws and regulations using the 3C process. This includes preparation of the major certification documents: the Regional Transportation Plan, the UPWP, the TIP, and all required air quality analysis. The MPO also initiates studies to identify transportation needs and solutions, and programs financial resources for the region's multimodal transportation system. The following is a brief description of each of the certification documents:

- The ***Unified Planning Work Program*** describes a federal fiscal year's transportation-related planning activities and sets forth budgets for projects using FHWA and FTA

planning funds. The UPWP identifies the funding used to carry out each component of the transportation planning process in the region, including production of the Regional Transportation Plan, the TIP, and their Air Quality Conformity Determinations. The MPO sets aside funds in the UPWP for coordination and consultation with regional equity/environmental justice populations and for related technical studies and analyses.

- The ***Regional Transportation Plan and Air Quality Conformity Determination*** states the MPO's transportation policies and goals, describes the public participation process for transportation planning, assesses the current state of the region's transportation system, estimates future needs and resources, and lays out a program for preserving and expanding the system for the upcoming 25-year period. Appendix B in the 2004 Regional Transportation Plan contains profiles of the region's neighborhoods of concern (minority and low-income areas within municipalities) and other regional equity/environmental justice documents. The MPO also performs an environmental justice analysis on the planned projects to ensure that they do not disproportionately burden minority and/or low-income communities.
- The ***Transportation Improvement Program and Air Quality Conformity Determination*** is a staged, multiyear, intermodal program of transportation improvements that is consistent with the Regional Transportation Plan. It describes and prioritizes transportation projects expected to be implemented during a five-year period. The TIP contains a financial plan showing the revenue source or sources, current or proposed, for each project. While the federal government requires each MPO to produce a TIP at least once every two years, the Boston Region MPO produces one annually. TIP Input Days and TIP Seminars are held every year to seek input from municipalities, agencies, organizations, and the public on the projects to be included in the TIP. An MPO-endorsed TIP is incorporated into the State Transportation Improvement Program (STIP) for its submission to FHWA, FTA, and the Environmental Protection Agency (EPA) for approval. One function of the TIP is to serve as a tool for monitoring progress in implementing the Regional Transportation Plan.

## **D. MPO Policy and Plans**

Regional equity/environmental justice is an integral part of the MPO transportation planning process. MPO policy promotes the equitable sharing of the region's transportation system benefits and burdens as well as participation in decision-making. As part of the MPO's most recent Regional Transportation Plan, the Boston Region MPO adopted eight visions and policies that guide its planning processes. Two of the visions and policies more specifically explain the MPO commitment to promoting equity and accessibility for all. These two visions and policies are:

**Vision:** Regional equity and the needs of low-income and minority residents will be assessed through regular activities and technical analyses. Low-income and minority residents will share equally with others in the access and mobility benefits of the transportation network.

Environmental burdens from transportation facilities and services will be identified and minimized.

**Policy:** To promote the equitable sharing of the transportation system's benefits and burdens, and to incorporate environmental justice principles into transportation planning and programming activities, the MPO will:

- Continue the outreach to communities with a high proportion of low-income and minority residents to identify transportation needs.
- Assess regional equity by analyzing mobility, accessibility, and congestion for communities with a high proportion of low-income and minority residents.
- Fund projects that address identified regional equity issues and needs.

**Vision:** A coordinated mix of transportation modes and services will give travelers the increased ability to travel to and from desired destinations via convenient, reliable, speedy, affordable, and accessible options. Existing roadway, transit, bicycle, pedestrian, and freight links will be maintained and their serviceability improved. New routes, lines, and connections will serve additional needs. The spectrum of options will serve travelers from different areas of the region with varying needs.

**Policy:** To improve mobility for people and freight, the MPO will:<sup>1</sup>

- Put a priority on projects and programs that increase the availability of transportation options for people and freight by improving connections, access to and within the system, services, and infrastructure to meet needs.
- Support projects and programs that improve public transportation service by making it faster, more reliable, and more affordable.
- Provide better access for all to transportation throughout the region, including for our youth, elderly and disabled users, and members of zero-vehicle households. This includes identifying and addressing structural and operational barriers to mobility.

These policies are used in considering projects for inclusion in the Regional Transportation Plan; in developing MPO criteria for evaluation and selection of projects for the TIP; in selecting and defining studies in the UPWP, which includes MPO staff support for the MBTA's Title VI reporting efforts; and in supporting development of the MPO's ongoing regional equity/environmental justice program.

## **E. TIP Development Process**

The TIP is developed and implemented in a non-discriminatory way. A general timeline for how the MPO developed the FFYs 2007–2010 TIP in 2006 and a description of the activities

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<sup>1</sup> While there eight bulleted items in the mobility portion of the 2006 Boston Region MPO Regional Transportation Plan Policies, only three are listed here because only those three items are relevant to Title VI issues.



conducted are provided below. Regarding implementation of highway projects, the MPO has been able to advertise all projects in the annual element by the close of each federal fiscal year. For transit projects, the MBTA updates the MPO regularly on project implementation. The MPO scrutinizes changes and revisions in project scheduling in an effort to avoid negative effects on neighborhoods of concern.

#### *Outreach on Projects and Contacts (January 2006)*

On January 10 the MPO mailed each municipality a list of projects in that community that are known to the MPO. Communities were asked to identify which projects the MPO should consider for the FFYs 2007–2010 TIP and to name a TIP contact person for their community.

#### *Data Collection (January–June 2006)*

The MPO gathered data about projects from various sources. The information included: pavement condition, average daily traffic counts, crashes, land use, environmental justice information (related to low-income and minority populations), Mobility Management System data, and project development status. The information was used to fill out project information forms for each project.

The 444 project information forms requested by project proponents were then mailed to proponents early in January 2006. The proponents were asked to review and update the forms and identify their priorities. Completed forms were returned to MPO staff in March.

On April 27 the MPO held Municipal TIP Input Day, giving municipalities an opportunity to present their top priorities. At the April 27 meeting, dedicated to gathering project information, representatives of 49 communities discussed over 96 projects with members of the Transportation Planning and Programming Committee. On May 18 the MPO held Agency TIP Input Day for the state agencies to present their priorities to Transportation Planning and Programming Committee members. Discussions of these priorities included information on whether a project would benefit an MPO neighborhood of concern.

#### *Evaluation of Projects (April–June 2006)*

The MPO's evaluation system accounts for all of the information gathered and distills it into ratings in transportation categories (condition need/effectiveness, safety need/effectiveness, and mobility need/effectiveness) and other categories (community impacts including benefits or burdens for environmental justice neighborhoods, land use, economic development, and environmental). The cost-effectiveness of projects is not rated, but is noted.

The project was rated in subcategories with scores from zero to three (except for community impact subcategories and environmental subcategories, which were scored from negative three to positive three). Then the project's scores for each subcategory were averaged, yielding an average score for each category. For land use, project scores range from –1 to 4, and for economic development, project scores range from –1 to 8 depending on the answers given to questions in that portion of the project information forms.

The MPO began incorporating regional equity/environmental justice components in the criteria it is using for evaluating projects for the TIP in 2002 as a pilot program and has continued their use

as a means of gathering information to help guide project selection. The TIP criteria require project proponents to discuss whether a project is located in an environmental justice transportation analysis zone (TAZ), an area that is an aggregation of census geography based on number of residents and numbers of trips, or whether it will improve or provide new service to an environmental justice TAZ.

Where no information was available, the category or subcategory score remained blank. Blank category scores counted against the average. Communities were given the opportunity to update their forms throughout the month of June and give feedback to the MPO on their evaluations. Scores were adjusted accordingly.

#### *Summary and Application of Results (May–June 2006)*

The Transportation Planning and Programming Committee discussed the results of the evaluation. The committee examined them in both detailed and summary formats that showed each project's overall rating and its composite ratings for transportation and other-impacts categories. It then used the ratings as one tool for formulating draft scenarios of projects for the TIP.

#### *Draft Transportation Improvement Program Review*

On July 6, 2006, the Transportation Planning and Programming Committee of the Boston Region MPO voted to release the draft FFYs 2007–2010 TIP for a 30-day public review period to begin July 17. The MPO, through extensive outreach that included regional equity contacts, invited citizens and officials of the Boston region to review the proposed program. Summaries of comments received on the draft TIP are provided in Appendix E of the final TIP.

#### *Transportation Improvement Program Approval*

The MPO approved the FFYs 2007–2010 TIP at its meeting on August 17, 2006.

The MPO's monthly newsletter, *TRANSREPORT*, which is sent out to over 2,000 locally elected officials, advocacy groups, and members of the public, includes several articles on the TIP process and publicizes each of the public review periods and meetings mentioned above.

## **Chapter 3            Monitoring Activities and Programs**

*[UMTA C4702.1 III.3.b (2)]*

### **A.     MBTA Civil Rights Compliance and Data Collection Efforts**

The MBTA has developed a program for conducting ongoing assessments of level of service and quality of service with respect to Title VI. The MBTA conducts extensive data collection to monitor civil rights compliance in service characteristics such as transit access, vehicle load, vehicle assignment, and vehicle headway. Further detail of this data is outlined in the MBTA's Title VI Report, May 2005. In support of the MBTA Service Planning process, the Boston Region MPO staff conducts ridechecks, passenger surveys, and other services described in Section B.

A Title VI Working Group, which includes representatives from each of the departments involved in these assessments, oversees program implementation. The Working Group, which is supported by members from the Boston Region MPO staff, is responsible should corrective measures be found necessary as a result of these assessments.

### **B.     Boston Region MPO Staff Data Collection and Analysis Efforts**

Data collection and analysis activities conducted by MPO staff have been used for environmental justice analysis and Title VI reporting for the following:

- Regional Transportation Plan
- Transportation Improvement Program
- MPO and Other Initiatives in the Unified Planning Work Program
- Non-MPO Initiatives in support of the MBTA

Analysis conducted for the Regional Transportation Plan and TIP are MPO-sponsored activities that are funded by the MPO. All of the work of the MPO staff must be approved by the MPO and is listed and described in the Unified Planning Work Program (UPWP). This work can be initiated by the MPO or some other source. The MPO staff has worked on several data collection activities and performed analysis on several projects that have been initiated by the MPO and the MBTA for consideration of Title VI and environmental justice issues. The following sections explain which projects have been undertaken that impact populations of concerns and present some cursory findings of their results.

#### **Regional Transportation Plan**

The Regional Transportation Plan for the Boston region documents the policies, strategies, and priorities for the region's transportation system for the next 25 years. The underlying philosophy of the Plan is to identify the elements needed for a high level of transportation service in the region, within the constraints of total available resources. The Plan is the first step toward

creating a framework for making informed and contextual decisions about transportation investments. In each of the last two Plans (2004 and 2000), the MPO conducted a substantial examination of the impact of proposed transportation improvements on selected minority and low-income communities. A similar examination is planned for the 2007 Plan, JOURNEY TO 2030, which is currently under development.

Environmental justice was an important factor in the development of the 2004–2025 Regional Transportation Plan and will continue to be in the development of JOURNEY TO 2030. The Boston Region MPO’s policy, as cited earlier, is to promote the equitable sharing of the region’s transportation system benefits and burdens as well as participation by minority residents in decision-making.

For the 2004–2025 Plan and its policies, the MPO organized a collaborative process with representatives of environmental justice communities, adopted a definition of environmental justice, identified neighborhoods of concern, developed measures for evaluating projects for their impact on environmental justice neighborhoods (which it used in formulating the Plan), and conducted a systems-level analysis of environmental justice for the region that follows national best practices. This process is discussed in detail in Chapter 6 and Appendix B of the 2004–2025 Plan. The MPO worked closely with the FHWA and FTA to formulate this process.

An MPO Environmental Justice Committee was created in the spring of 2002 and held its last meeting in 2003. It expanded on the work accomplished by its predecessor, the MPO Environmental Justice Ad Hoc Committee, which was organized in the fall of 2000. The committee’s role was to provide input and guidance to the MPO in the consideration of the equitable distribution of transportation benefits and burdens. The goal was to engage low-income and minority communities in this work. The committee provided a forum where input was gathered for the MPO’s transportation planning process. Committee members included representatives from neighborhoods and communities with high percentages of minority and/or low-income residents. They also included leaders in community development, community action, and social services. Six members represented the urban core, three members represented the area between the urban core and Route 128, three members represented the area outside Route 128, and one member represented the state’s Executive Office of Environmental Affairs, an agency with an active environmental justice program. Eight MPO members and a representative of the Regional Transportation Advisory Council also participated on the committee. Committee members were invited to participate by the MPO.

Committee members included:

- Action, Inc. (Gloucester area)
- Alternatives for Community and Environment (Roxbury area)
- Asian Community Development Corporation (Chinatown area)
- Chelsea Greenspace Committee (Chelsea, East Boston area)
- Four Corners Coalition (Dorchester area)
- Salem Harbor Community Development Corporation (Salem, Lynn area)
- Somerville Community Development Corporation (Somerville, Cambridge area)
- South Coastal Workforce Board (Quincy area)

- South Middlesex Opportunity Council (Framingham, Marlborough area)
- Tent City Corporation (Mattapan area)
- Tri-City Community Action (Malden, Medford, Everett area)
- Waltham Alliance to Create Housing (Waltham area)
- Executive Office of Transportation (MPO member)
- Executive Office of Environmental Affairs
- City of Boston (MPO member)
- Massachusetts Bay Transportation Authority (MPO member)
- MBTA Advisory Board (MPO member)
- Massachusetts Highway Department (MPO member)
- Metropolitan Area Planning Council (MPO member)
- Regional Transportation Advisory Council (advisory to MPO)
- Town of Bedford (MPO member)
- Town of Hopkinton (MPO member)

Fourteen meetings were held to provide input for the systems-level analysis for the 2004–2025 Plan and for other issues. Several of the meetings were held to provide a base of information for members and elicit comments to guide the development of the Environmental Justice Addendum to the 2000–2025 Plan Update and of the work scope for the systems-level analysis. Other meetings were forums for seeking guidance in data collection and analysis and for discussing work products and their results. Some members hosted Environmental Justice Committee meetings in their communities to provide members an opportunity to get to know their area. Members provided detailed presentations on existing conditions and important transportation needs in their communities. This information was incorporated into community profiles and needs analyses.

The committee made numerous comments and gave important guidance for the environmental justice work. The committee prepared language that was included in the Environmental Justice Addendum, identified additional data to be collected as part of the work scope for the environmental justice systems-level analysis for the 2004–2025 Plan, and provided guidance for future considerations. Reviewing mapping and data prepared by the MPO, it provided input and defined:

- MPO environmental justice target populations
- Specific neighborhoods of concern
- Destinations to be evaluated, including employment sectors, institutions of higher education, and health care institutions

Members also provided numerous suggestions for the analysis, made requests for additional information, and made specific recommendations for projects to be included in the 2025 Build analysis for the 2004–2025 Plan. The MPO analysis focused on mobility, accessibility, and environmental results. Though not all of the projects recommended by the committee were included in the Plan, the following were: Fairmount Line Improvements, Urban Ring, Phases 1 and 2, and 100 additional MBTA buses.

Starting in 2004, the MPO has held several regional equity meetings with organizations that represent the region's neighborhoods of concern. At these meetings, the MPO staff answers questions, provides insight, and gains information on transportation issues that are important to these communities. After the meeting, MPO staff summarizes the meeting, circulates the summary to MPO members, and sends information and items of concern to relevant entities (e.g., the MBTA or the city transportation department). The MPO also uses the information gained at these meetings to formulate ideas for planning studies to address environmental justice concerns. In 2006, in light of a new, finer-grained TAZ regional map that contains 2,727 TAZs instead of 986 TAZs, the MPO increased the original 17 neighborhoods of concern to 28, which represents the addition of 11 communities.

## **Transportation Improvement Program**

The TIP is an agreed-upon list of specific, prioritized roadway and transit projects in the Boston region. In an effort to make the process of choosing projects for programming in the TIP both more logical and more transparent, the MPO developed project-selection criteria.

### ***Roadway Evaluation***

TIP Roadway Project Information Forms are evaluated based on the TIP criteria that were developed based on the policies of the MPO as stated in the Regional Transportation Plan. Evaluations are given to each project in the basic criteria categories based on information from the project information forms.

- Condition (need/effectiveness)
- Safety (need/effectiveness)
- Mobility (need/effectiveness)
- Community
- Environment
- Land Use
- Economic Development

Starting in 2006, four levels of evaluation were performed on a project encompassing all criteria categories:

1. Needs Criteria – Performed on all project ideas to determine the relative need for transportation improvements in the project area.
2. Effectiveness Criteria – Performed on all project ideas to determine the relative effectiveness for transportation improvements in the project area.
3. Environment and Community Project Criteria – Performed on all projects with sufficient design, to assess the magnitude of the effect on environmental justice, community character, and environmental conditions of the project area.

Each of the first three criteria is evaluated as follows:

- Need criteria scored 3 to zero
- Project effectiveness criteria scored –3 to 3

With 3 indicating the “highest need”/“most effective,” negative 3 indicates the “most counter to the criteria,” and zero indicates “no need”/“neutral to the criteria.” Where no information is available, the item is left blank and counts against the sum/average as zero (neutral).

The projects’ scores for each criterion are averaged by criteria category:

- Condition Need
- Condition Effectiveness
- Safety Need
- Safety Effectiveness
- Mobility Need
- Mobility Effectiveness
- Community
- Environment

4. Land Use and Economic Development Criteria – Performed on all projects with sufficient design, to assess the magnitude of effect on land use and economic development conditions in the project area.

Land Use was scored using a range from –1 to 4 depending on the amount of points granted for answers to land use related questions on the project information forms.

Economic Development was scored using a range of –1 to 8 depending on the amount of points granted for answers to economic development related questions on the project information forms.

### ***Transit Projects***

System expansion and service enhancement project ideas were evaluated based on 32 individual performance measures divided into seven categories. For each category, a high, medium, or low rating was assigned. In some cases, certain categories were listed as not applicable. Project ideas are divided by mode: commuter rail, rapid transit, bus/trackless trolley, and boat. For additional information, see the MBTA’s Program for Mass Transportation. The following information is used in the descriptions of the projects.

*Project:* Name of project idea, categorized by mode: commuter rail, rapid transit, bus/trackless trolley, or boat.

*Type:* Type of expansion or improvement.

*Overall Category Scores:*

- Utilization
- Mobility
- Cost effectiveness
- Air quality
- Service quality
- Economic/land use
- Environmental justice
- Total

The readiness of a given project is important in determining the staging of a project in the TIP program. The readiness is determined by many factors, including the status of project design, environmental permits, and right-of-way acquisition.

In addition to the above evaluation categories, the MPO also considers whether a project serves an environmental justice community of concern and/or meets a specific transportation need.

***Suburban Mobility Program***

The Suburban Mobility Program provides funding for programs and projects that improve the mobility of residents in areas currently not served or underserved by transit. Potential services eligible for funding under this program include fixed-route shuttles serving markets not typically addressed (e.g., suburb-to-suburb and reverse commuting), employer-based van/carpool services, flexible-route shuttle services, and similar programs. Particular consideration is given to services that connect to commuter rail and bus stations, provide increased access to employment, and improve mobility for suburban residents dependent on public transit.

**MPO Initiatives in the Unified Planning Work Program**

The following list represents some of the MPO initiatives providing data collection and analysis to support MPO coordination of environmental justice issues and the transportation needs of minority residents. The UPWP is the main conduit for developing studies to identify where populations of concern are located, what service is being provided to them, and how this service affects them. These projects are funded, at least in part, by the MPO.

***Regional Equity/Environmental Justice Support***

The primary purpose of this project is to integrate and foster environmental justice awareness in relation to the Regional Transportation Plan, the UPWP, the TIP, the MMS, air quality conformity determinations, environmental impact studies, and project-specific work products. This has been done through continued outreach to minority and low-income populations (see Section D of this chapter for a more detailed discussion).

***Future Regional Equity/Environmental Justice Projects***

Through continued outreach and the completed system-level analysis of the Plan, the Boston Region MPO staff will identify one or more topics to be studied to address the concerns of



minority and low-income communities. The project(s) approved for study will be funded by a pool of money the MPO has set aside to address environmental justice concerns.

All activities and expected work products are presented to the Transportation Planning and Programming Committee for approval as detailed work scopes outlining the specific tasks and products associated with that project.

### ***Mobility Management System (MMS)***

The focus of this project is not on Title VI or environmental justice concerns, but it has become a significant resource for information about them as the project has developed. The data collection work contributes to environmental justice analysis in the Plan, Title VI, and project specific studies by providing data that can be linked to the populations of concern. The MMS program monitors transit, roadway, and park-and-ride facilities in the MPO region and identifies problem locations. This information is used in the development of the Plan and TIP. Studies that help address problems identified in the MMS report are typically given priority in the UPWP.

### ***Route 60 in Malden and Medford, Mobility Improvement Study***

MPO staff will first identify, with community participation, problems that contribute to congested and potentially unsafe conditions for drivers, pedestrians, and bicyclists along Route 60 in Malden and Medford. Next, strategies to reduce delay and improve safety for drivers, pedestrians, and bicyclists will be identified at key deficient locations and along roadway segments. Depending on the severity of the problems to be addressed, 7 to 10 critical locations will be selected, in consultation with municipal officials. Study staff will focus on access management issues and how to resolve them. This will include identifying locations where signal upgrades, signal coordination, pavement markings, and on-street-parking management would improve pedestrian, bicyclist, bus, and vehicle traffic flow. Malden and Medford both contain environmental justice neighborhoods of concern.

### **Non-MPO Initiatives in Support of the MBTA**

The following is a list of projects that have been or are being conducted for the MBTA to assist them with meeting various federal requirements. These studies will also provide a wealth of information that the MPO can and has used to undertake its own environmental justice work and analysis. Even though this work was initiated from outside the MPO, the Transportation Planning and Programming Committee reviewed the work scopes for all of the studies and voted to allow the work to be conducted by the MPO staff. The transit agency client, not the MPO, provided the funding.

### ***Green Line Extension***

MPO staff will provide support in the development of the environmental review for the proposed extension of the Green Line through Somerville to Medford with a branch to Union Square in Somerville. The extension will serve environmental justice neighborhoods of concern in Somerville and Medford.

### ***North Shore Improvement Draft Environmental Impact Statement***

This project would extend the Blue Line rapid transit line 4.5 miles from Wonderland Station in Revere to Central Square, Lynn. The alignment would either be parallel to the Newburyport/Rockport commuter rail line or it would make use of the abandoned narrow-gauge right-of-way through Oak Island Center and Point of Pines Center. The MBTA is currently evaluating these options as part of its Draft Environmental Impact Statement (DEIS) for the Revere-to-Lynn corridor. The DEIS will provide additional details on the relative benefits of each alignment. The extension would also include a crossing of the Saugus River, which is a navigable waterway. Consequently, a bridge there would need to accommodate both large vessels on the river and high-frequency rapid transit service. MPO staff is working with MBTA staff on completing the DEIS. This work serves communities with several environmental justice neighborhoods, namely in Lynn and Revere.

### ***Silver Line, Phase III, Study***

MPO staff conducted analysis for the Silver Line, Phase III, New Starts funding application submission. This project will serve low-income and minority neighborhoods in Roxbury and Chinatown, providing a one-seat ride from Dudley Square in Roxbury to employment opportunities at Logan Airport. The Silver Line, Phase III, project consists of constructing a new transitway tunnel from South Station to New England Medical Center with intermediate stops at Boylston and Chinatown stations. The segment would connect Phase I (Dudley Square to New England Medical Center) and Phase II (South Station to Logan Airport). The Phase III segment would also allow for direct transfers from all segments of the combined Silver Line with the Red, Orange, and Green Lines.

### ***Urban Ring, Phase 2, Revised Draft Environmental Impact Report/Environmental Impact Statement***

This project involves the EOT's preparation of a Revised Draft Environmental Impact Report/Draft Environmental Impact Statement to analyze Phase 2 of the Circumferential Transit Improvements in the Urban Ring Corridor project. Urban Ring, Phase 2, entails the implementation of a series of bus rapid transit routes in the Urban Ring corridor. Previously, Boston Region MPO staff conducted an analysis, under MPO guidance, to produce demographic information on which environmental justice neighborhoods would be served and how that service improvement would affect them. This project serves several environmental justice neighborhoods of concern, namely Allston-Brighton, Cambridge, Chelsea, Dorchester, East Boston, Everett, Jamaica Plain, Medford, Roxbury, Somerville, and South Boston, and improves access to jobs, health services, and higher education facilities.

### ***Ongoing Bus and Trackless Trolley Ridechecks***

MPO staff collects boarding, alighting, and travel time data by stop on MBTA bus and trackless trolley routes. These ridechecks are conducted on an ongoing basis, but only a subset of the routes are observed each year. Observations are prioritized according to those routes that have undergone service changes in the prior year and a half, those that have received complaints about overcrowding and/or poor on-time performance, and those that have not been ridechecked in the last four years. This data collection effort is sponsored by the MBTA for their planning efforts and is also used for the MBTA's triennial Title VI assessment and compliance report, the

MBTA's Program for Mass Transportation, and other specific projects in order to analyze the usage of the transportation system by neighborhood.

### ***Onboard Passenger Surveys***

MPO staff periodically conducts onboard passenger surveys for the MBTA. These surveys capture information on the socioeconomic status of riders, modes of access, alternate means of transportation, typical fare payment method, perception of service, etc. The most recent surveys include a commuter boat survey in 2000, Silver Line Washington Street surveys in 2003 and 2005, and Silver Line Waterfront in 2006. Information on racial composition of MBTA ridership was not collected as part of these passenger surveys. This data collection effort is sponsored by the MBTA for their planning efforts and is also used for the MBTA's triennial Title VI assessment and compliance report and other specific projects in order to analyze the usage of the transportation system by neighborhood.

### ***Commuter Rail Peak Load Counts***

Periodically, MPO staff conducts observations onboard each weekday peak-period and peak-direction commuter rail train to record passenger loads at the peak load point. While each peak-period and peak-direction train are observed, not all observations are conducted on the same day. The passenger load figures are then divided by the seating capacity of the trains to determine the load factor. This data collection effort is sponsored by the MBTA for their planning efforts and is also used for the MBTA's triennial Title VI assessment and compliance report and other specific projects in order to analyze the usage of the transportation system by neighborhood.

### ***Commuter Rail On-Time Performance Data***

The contract operator of MBTA commuter rail service is required to provide the MBTA with daily summaries of the on-time performance of each train at its arrival terminal. "On time" is generally defined as a train arriving within five minutes of its scheduled arrival time. This data collection effort is sponsored by the MBTA for their planning efforts and is also used for the MBTA's triennial Title VI assessment and compliance report and other specific projects in order to analyze the usage of the transportation system by neighborhood.

### ***Rapid Transit On-Time Performance Data***

The MBTA Operations Control Center makes automated observations of the departure and arrival times of all heavy rail and bus rapid transit trips at their outer terminals on a daily basis. This data collection effort is sponsored by the MBTA for their planning efforts and is also used for the MBTA's triennial Title VI assessment and compliance report and other specific projects in order to analyze the usage of the transportation system by neighborhood.

### ***Bus On-Time Performance Data***

All of the new MBTA buses come equipped with GPS technology, and the older buses are being retrofitted. The GPS equipment will provide running time and schedule adherence data on a daily basis. The MBTA is developing methods of analyzing this data to better measure and correct the on-time performance of its bus routes.

## C. Cape Ann Transportation Authority Data Collection Activities

In order to better understand what impact the Cape Ann Transportation Authority's transit service has on the minority and low-income populations in our region, the MPO may consider contacting and working with them to examine what data they have and explore future data collection activities.

## D. MPO Regional Equity/Environmental Justice Program

### Background

The regional equity/environmental justice program builds on the foundation of previous outreach and analysis of the transportation needs of minority and low-income populations in the Boston region conducted by the MPO. Previous work conducted provided inputs for a number of federally required documents, including the 2000–2025 Regional Transportation Plan, the 2000–2025 Plan Addendum and Update, the 2004–2025 Plan, and the TIPs and UPWPs in these years. The 2004–2025 Plan includes an environmental justice analysis of 17 identified neighborhoods of concern, and JOURNEY TO 2030 will include an environmental justice analysis of an additional 11 neighborhoods of concern.

In earlier phases, the MPO worked closely with its Ad Hoc Environmental Justice Committee and, later, with its re-organized Environmental Justice Committee. Most recently, to identify transportation needs of minority populations and to provide awareness for involvement in the planning process, the MPO has formulated a program focusing on outreach to social service organizations serving neighborhoods of concern in the region, including conducting and participating in organized forums in the region.

### Neighborhoods of Concern

As described in Section B above, the MPO increased the number of neighborhoods of concern from 17 to 28 in 2006 to reflect the new, finer-grained regional transportation model and maps.

While the original 17 neighborhoods of concern were selected based on TAZs that either had a median household income of 50 percent of the region's median or were over 50 percent minority with a median household income of 75 percent of the region's median, the current 28 neighborhoods of concern are defined differently. When the MPO considered the implications of the finer-grained model and maps, they decided to be clearer about how the neighborhoods of concern are defined. The MPO separated out the definition so that a TAZ that is considered a community of concern would be over 50 percent minority or would have a median household income of 60 percent of the region's median. The MPO adopted this income threshold from a United States Department of Housing and Urban Development definition of low-income households.<sup>2</sup> TAZs must also have a minimum minority population of 200 people. Coupled with

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<sup>2</sup> “**60 percent of area median income.** Used as low income for the low-income housing tax credit and HOME programs.” This quote appears in the Office of Policy Development and Research of the U.S. Department of

the finer-grained map, this new definition resulted in the addition of 11 neighborhoods of concern.

The MPO performed an accessibility analysis on the original 17 neighborhoods of concern that can be found in the 2004–2025 Regional Transportation Plan. Similarly, the MPO will perform an accessibility analysis on the current 28 neighborhoods of concern in JOURNEY TO 2030.

The original 17 neighborhoods of concern are:

- Allston-Brighton
- Cambridge
- Chelsea
- Chinatown
- Dorchester
- East Boston
- Framingham
- Jamaica Plain
- Lynn
- Mattapan
- Quincy
- Revere
- Roxbury
- Salem
- Somerville
- South Boston
- South End

The additional 11 neighborhoods of concern are:

- Charlestown
- Everett
- Fenway
- Hyde Park
- Malden
- Medford
- Milford
- Peabody
- Randolph
- Roslindale
- Waltham

The darker shades in Figures 4-1 and 4-2 show the geographic distribution of neighborhoods of concern within the MPO region. The MPO developed profiles of the original 17 neighborhoods of concern with input from the Environmental Justice Committee (no longer active) and included them in the 2004–2025 Plan.

### **Populations of Concern**

The MPO defined populations of concern to use when performing systemwide mobility and environmental analyses. These analyses, based on TAZs throughout the region, are conducted to evaluate the impact of proposed Regional Transportation Plan projects. The populations of concern are defined as either being low-income or minority:

- Low-income – The MPO median household income in 2000 was approximately \$55,800. A low-income TAZ was defined as having a median household income at or below 80 percent of this level (\$44,640). Please see Figures 4-1 and 4-2.
- Minority – Of the MPO population in 2000, 21.4 percent was made up of minorities (non-white and Hispanic). A minority TAZ was defined as having a percentage of minority population greater than 21.4 percent. Please see Figures 4-1 and 4-2.

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Housing and Urban Development’s report, “Rental Housing Assistance – the Worsening Crisis: A Report to Congress on Worst Case Housing Needs,” March 2000, 99 pages.

Table 4-1 gives each of the groups described above the total number of residents or households in the region that fit the criteria.

**TABLE 4-1**  
**Populations and Neighborhoods of Concern**

Population	Number Covered by TAZs	Threshold (at TAZ Level)
<b>Total</b>		
MPO (101 communities) population	3,062,445	Not applicable
MPO (101 communities) households	1,195,852	Not applicable
<b>Neighborhoods of Concern</b>		
Low-income households	101,586	Median income less than \$33,480
Minority population	325,446	Minority population greater than 50%
<b>Populations of Concern</b>		
Low-income households	259,662	Median income less than \$44,460
Minority population	508,342	Minority population greater than 21.4%

*Source: Boston Region MPO staff, November 2006*

## **Work Program**

### ***Information-Gathering Methods***

The MPO takes a proactive, grassroots approach to identifying and articulating environmental justice issues in the region. Methods include gathering information on the transportation needs of minority and low-income populations for consideration in the development of the certification documents, identifying new contacts and sources of information for the planning process, meeting new persons interested in participating in the planning process, and serving as a conduit for ideas on improving transportation that can be relayed to other agencies.

In carrying out these methods, the MPO has identified social service and community contacts in the neighborhoods of concern involved in and knowledgeable about the transportation needs of neighborhoods of concern. These contacts include social service organizations, community development corporations, regional employment boards, civic groups, business and labor organizations, transportation advocates, environmental groups, and environmental justice/civil rights groups.

Gathering information about the transportation needs of minority and low-income populations is completed through one of three ways: (1) One-on-one needs interviews with persons from neighborhoods of concern, (2) standardized surveys, and (3) conducting and attending partner forums and/or meetings. One-on-one interviews with community organizations are used to discuss transportation needs and burdens and facilitate participation. The MPO has learned that, in some cases, the people best positioned to speak about the transportation needs of neighborhoods of concern do not have the time and financial resources to travel to meetings in a

# Figure 4-1

## Boston Region MPO

Transportation Analysis Zones With Concentrations of Minority and/or Low Income Populations

### Legend

#### Rapid Transit Lines

- Active
- - - - Proposed
- Silver Line

#### Commuter Rail Lines

- Active
- - - - Proposed

#### Major Roads

- 

#### Household Inc. by Minority Population Pct.

##### Above 80% of MPO Median Income

- Up to 21.4% Minority
- 21.5 to 50% Minority
- Majority Minority

##### 60.1 to 80% of MPO Median Income

- Up to 21.4% Minority
- 21.5 to 50% Minority
- Majority Minority

##### 0.1 to 60% of MPO Median Income

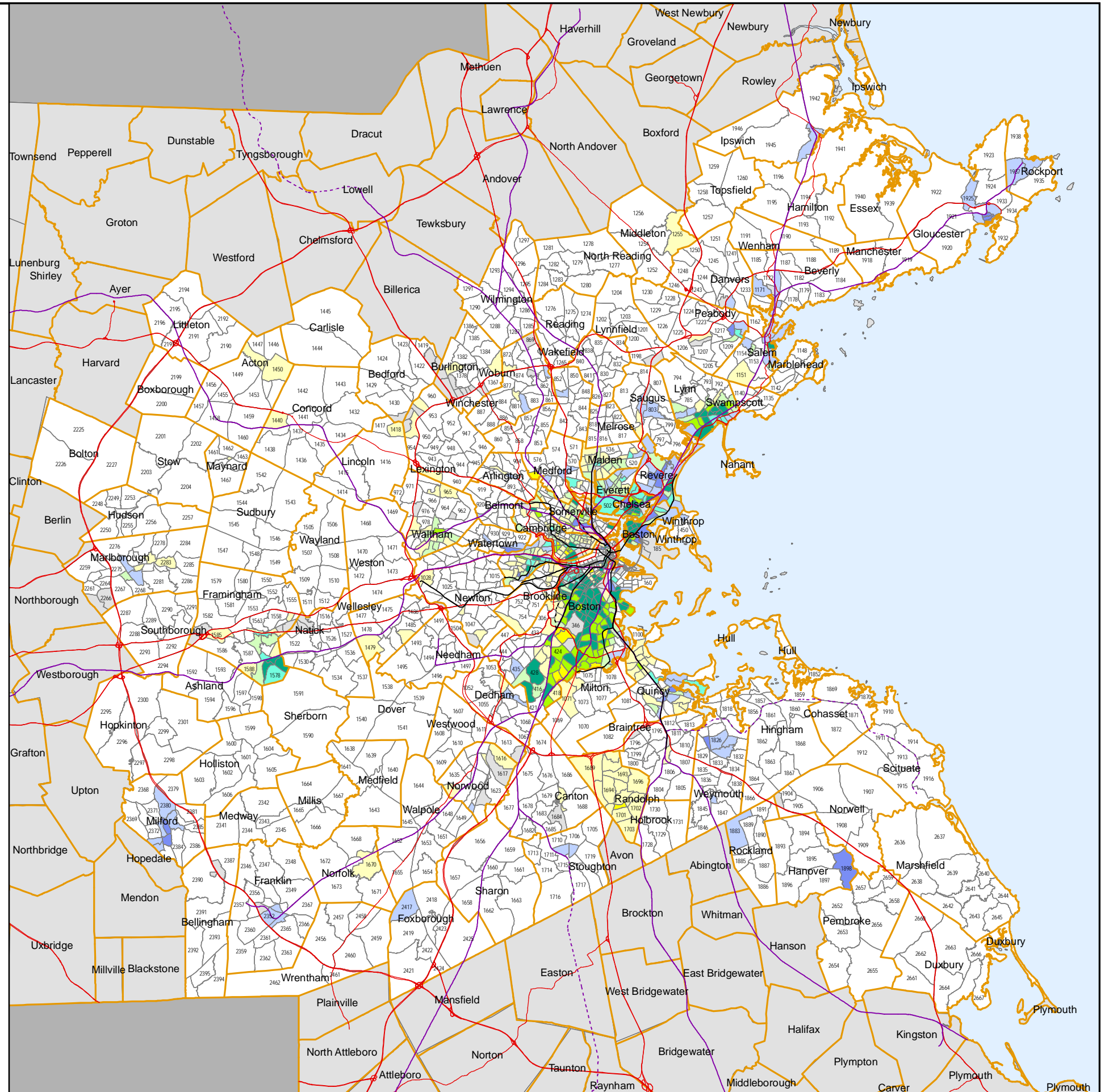
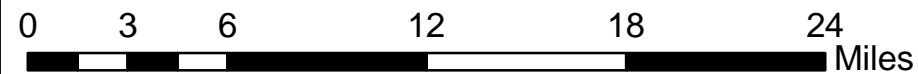
- Up to 21.4% Minority
- 21.5 to 50% Minority
- Majority Minority

##### No Data or Outside Boston Region MPO

- 

This map displays Boston Region MPO transportation analysis zones by 2000 minority population percentage and 1999 median household income. Minority population is defined as all persons identified as either non-white or multi-racial, as well as all persons of any race who were identified as Hispanic.

The population of the MPO region in 2000 was 3,066,394, of which 657,102, or 21.4%, were members of a minority group. The median household income of the MPO region in 1999 was estimated to be approximately \$55,800.



# Figure 4-2

## Boston Region MPO - Urban Core

Transportation Analysis Zones With Concentrations of Minority and / or Low Income Populations

### Legend

#### Rapid Transit Lines

- Active
- - - - Proposed
- Silver Line

#### Commuter Rail Lines

- Active
- - - - Proposed

#### Major Roads

- 

#### Household Inc. by Minority Population Pct.

##### Above 80% of MPO Median Income

- Up to 21.4% Minority
- 21.5 to 50% Minority
- Majority Minority

##### 60.1 to 80% of MPO Median Income

- Up to 21.4% Minority
- 21.5 to 50% Minority
- Majority Minority

##### 0.1 to 60% of MPO Median Income

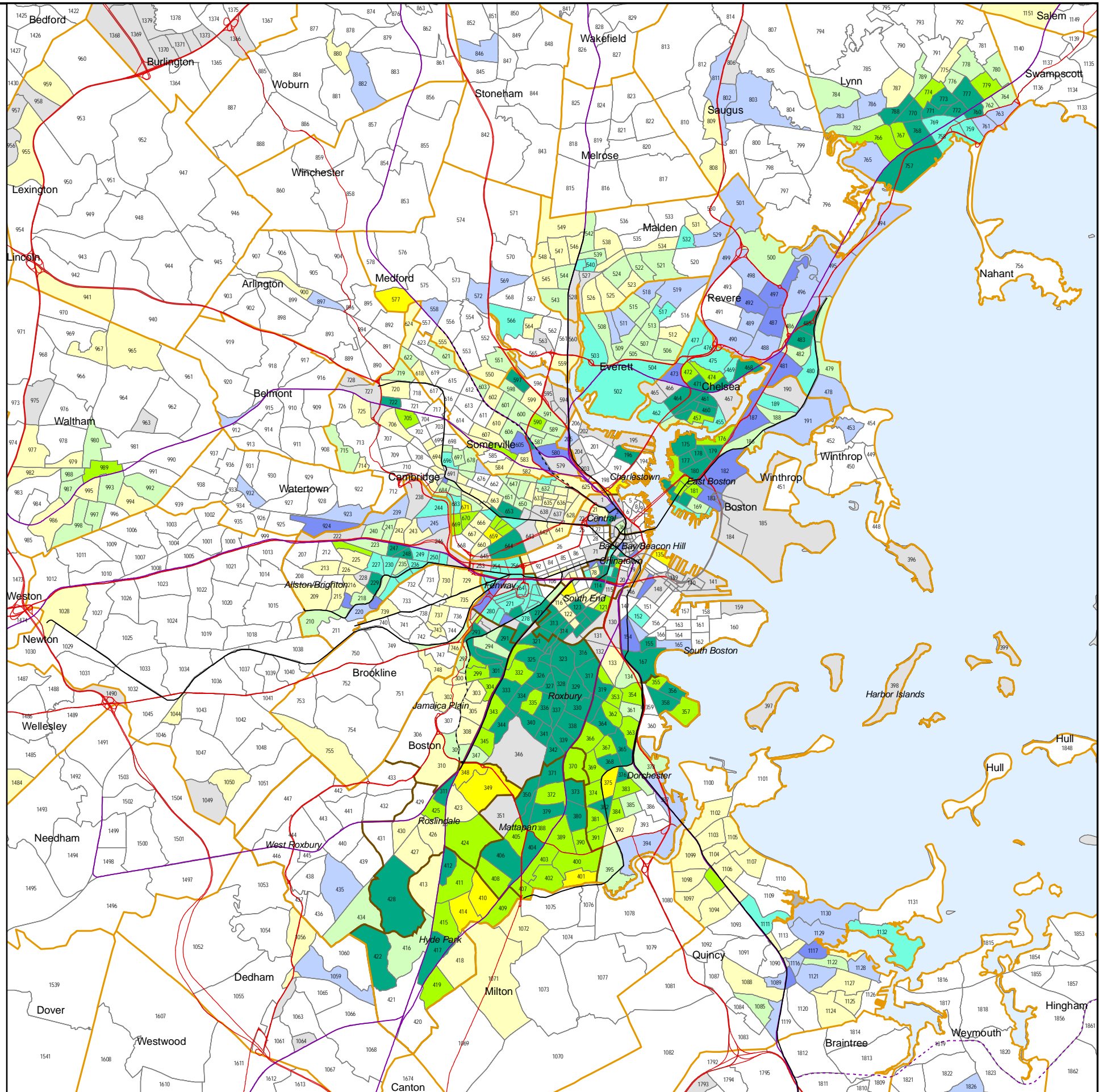
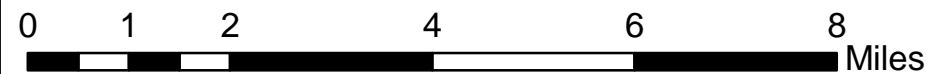
- Up to 21.4% Minority
- 21.5 to 50% Minority
- Majority Minority

##### No Data or Outside Boston Region MPO

- 

This map displays Boston Region MPO transportation analysis zones by 2000 minority population percentage and 1999 median household income. Minority population is defined as all persons identified as either non-white or multi-racial, as well as all persons of any race who were identified as Hispanic.

The population of the MPO region in 2000 was 3,066,394, of which 657,102, or 21.4%, were members of a minority group. The median household income of the MPO region in 1999 was estimated to be approximately \$55,800.





central location nor to participate in public forums. By visiting community representatives at their offices and facilitating one-on-one or small group interviews, the MPO is able to obtain valuable information about the transportation needs of the community and should inform the MPO during its transportation decision-making process.

Standardized surveys are also used in order to gather data for analysis and presentation to the MPO. Blank surveys are mailed to other community contacts who are unable to schedule time for an interview. Summaries of the information gathered and copies of the surveys, maps, and any other notes and information are compiled and presented in briefing books for review by the Transportation Planning and Programming Committee and are made available to contacts and interested parties in neighborhoods of concern.

MPO staff also keeps track of forums and meetings planned by community organizations. Staff also conducts forums or meetings to gather information and views. Information is then summarized and incorporated into the briefing book and annual report to the Transportation Planning and Programming Committee.

### ***Summarizing of Needs***

Once information is collected from the interviews and surveys and prior to its inclusion in the briefing book and annual report to the Transportation Planning and Programming Committee, MPO staff interprets the needs identified by each community and classifies them as related to the Plan, TIP, UPWP, service planning, or other planning processes. The Plan-related needs will be a foundation of the Plan needs assessment. The TIP-related needs will be identified in the project information forms and in the TIP and will inform the community impacts criteria category in the TIP ratings matrix. The UPWP-related needs will be referred to the UPWP subcommittee for possible development of an MPO study. The service planning needs will be submitted to the MBTA during the service plan development period, and other needs will be referred to appropriate entities as well.

### ***Providing Feedback to Community Partners***

The MPO provides feedback to community partners involved in the MPO regional equity process by providing a written draft summary of their needs for their review and the needs classification as Plan, TIP, UPWP, service planning, and other. Communication will be ongoing, as the MPO staff will keep community partners updated with information. A summary of current and planned MPO activities (including MPO-sponsored meetings, open houses, and workshops or meetings sponsored by other agencies, if known) that are related to the community's needs may also be included.

### **Summary**

The MPO is committed to regional equity/environmental justice and will continue to seek equitable distribution of benefits and burdens in the transportation system through ongoing compliance with its own policies and consideration of environmental justice factors through its evaluations and input from the public.

The MPO will continue to expand its outreach to neighborhoods of concern and broaden its direct contacts with minority and low-income residents in these communities. The goal is to identify specific community needs and to develop solutions that can be implemented quickly. Assistance in reaching these solutions will closely involve the Operations and Service Planning departments of the MBTA and the Office of Transportation Planning at EOT.

## Chapter 4      **Information Dissemination** [UMTA C4702.1 III.3.b (3)]

### **A.      Methods for Informing – Public Notification Processes**

#### **MPO Methods**

The MPO uses both traditional and new means of promoting awareness of MPO processes and interest in regional equity/environmental justice concerns:

- Legal notices announcing public review of the certification documents or their amendments are placed in the *Boston Globe*, the *Boston Metro* (the daily newspaper circulated free to transit riders), the *Bay State Banner* (the region's major minority news publication), and sometimes in *El Mundo* or *La Semana* (the region's two major Spanish language newspapers).
- Press releases – in English and in Spanish – inviting the public to participate in the workshops and open houses are distributed to all major and most local newspapers in the region.
- Several local and regional professional (planning and engineering) and special interest (accessibility and vision-impaired) organizations include MPO announcements in their e-mail newsletters, websites, or radio broadcasts, and the MPO is working to expand the number.
- Upon request, the MPO will provide an informational presentation or will be present at a significant meeting when necessary.
- A one-way, e-mail list server, MPOINFO (with more than 1,000 recipients), is used to contact individuals about upcoming events. The list includes municipal officials, legislators, local and regional transportation activists, and interested citizens.
- Notices are also sent to regional equity/environmental justice contacts and interested parties, the Regional Transportation Advisory Council, the Access Advisory Committee to the MBTA (representing disability interests in the region) and the MBTA Advisory Board. Some notices to local officials, usually members of city councils and local officials in communities hosting a workshop, are also sent via fax.
- All workshops are held in accessible venues, and materials, including notices, are available in accessible formats. Community personnel are available to provide translation services.

The MPO now consistently uses its website ([www.bostonmpo.org](http://www.bostonmpo.org)) to post upcoming meetings, agendas, and meeting minutes, and promotes its site at all public discussions. The website includes access to all documents produced by the MPO and MPO staff, as well as links to other agencies, maps, local municipalities, and data.

The MPO continues to rely on its monthly newsletter, *TRANSREPORT*, to provide the public with information on MPO certification activities. *TRANSREPORT* provides wide circulation (more than 2,500 individuals and organizations) of transportation information to a targeted population with a history of interest in transportation issues. *TRANSREPORT* is also available on the MPO's

website. As outreach draws out new participants, they are added to the mailing list and to MPOINFO.

When the draft certification documents are circulated for public review, at least one workshop is held in a regional equity/environmental justice community of concern. E-mail notices and flyers are sent to community organizations inviting members of their community to attend and discuss regional equity transportation issues.

The Regional Transportation Advisory Council meetings are held the second Wednesday of every month. MPO meetings are open to the public. All meeting and workshop dates and agendas are included in the *TRANSREPORT* calendar and posted on the MPO website.

The MPO also benefits from its members disseminating information and representing the views of their constituencies and the public. Members communicate with their constituencies on a regular basis and are informed by the input gathered through their outreach efforts. For example, EOT uses a wide variety of communication tools to involve the public in the development and review of projects and documents, construction activity, emergency situations, and service updates. These tools include press releases, television and radio messages, Variable Message Boards, legal notices, and the Internet. Similarly, the MBTA conducts outreach using a wide variety of communication tools to involve the public. A full description of methods used can be found on page 5-2 of the MBTA's 2005 Title VI Report.

## **Chapter 5      Minority Participation in the Decision-Making Process**

*[UMTA C4702.1 III.3.b (4)]*

### **A.      Opportunities for Participation**

#### **Development of Certification Documents**

The MPO conducts numerous discussions with the general public during the development of the certification documents. In this process, the MPO follows the guidelines discussed in its public involvement program adopted in March 2002. The program lays out basic principles and activities designed to provide effective opportunities for generating public discussion of the certification documents and eliciting new interest in the 3C transportation planning process.

Public involvement activities seek to: promote respect, provide opportunities for meaningful involvement, be responsive to participants, offer substantive work, provide a predictable process, open new avenues of communication, and attract new constituencies.

All public discussions inform MPO deliberations and decision-making. Copies of written comments are made available to MPO members and summaries of all comments, written or verbal, are prepared and submitted to all members. Members review and discuss all responses. All written comments, whether sent by U.S. mail or e-mail, receive two written responses: one indicates that the comment has been received, the other explains MPO consideration and action taken on the issue(s) raised.

MPO and Transportation Planning and Programming Committee meetings are all open to the public. Members of the public are provided some time at the beginning of each meeting to make comments and address the members. MPO members are themselves responsible for representing the transportation needs and concerns of their minority constituencies in MPO planning and deliberations. To gather public input on the TIP earlier in the development process, the MPO schedules Municipal and Agency TIP days in April of each year to listen to TIP project proponents provide updates. Outreach to collect ideas for transportation studies is ongoing through the Regional Equity Program and is seasonal through coordination with MAPC subregions.

Interactive workshops and MPO Open Houses are important ways that the MPO generates input into its planning. These are organized to stimulate active participation from members of the public and to provide information clearly and efficiently. Typically, the MPO conducts workshops during the 30-day public review and comment period for certification documents. These workshops are planned to generate not only comments, but longer-term interest in regional transportation planning.

In addition to the workshops, day-long open houses are held in the MPO conference room in the State Transportation Building. These open houses provide an opportunity for people to drop in at

any time during the workday and early evening to talk with MPO staff. These activities initiate many comments and public-to-staff contacts.

Meetings are accessible to persons with disabilities. Meeting materials and certification documents are also made available in various formats: Braille and large-format copies and audiotapes are prepared upon request. American Sign Language interpreters or Computer-Aided Realtime Reporting is made available upon request.

The MPO provides meeting notices and press releases in Spanish, and Spanish translation is offered at public meetings. Informational material in Spanish is available upon request. The MPO has recently published a Spanish text booklet on how to be involved in the transportation planning process. Outreach to speakers of other minority languages will be undertaken in the future.

The MPO works with MAPC subregions on an ongoing basis by co-sponsoring public discussions, attending monthly subregion meetings, and soliciting views and priorities. The subregions are a valued source of informed input for the MPO. The MPO has co-sponsored subregional visioning and prioritizing workshops, which provided information for the Plan, TIP, and UPWP development.

### **Other MPO Direct Outreach to Populations of Concern**

Throughout the year, several community-based organizations conduct daylong conferences on environmental justice. While many of these discussions are often focused on air and water quality, noise, and hazardous and toxic materials issues, transportation is often a topic. MPO staff has attended these meetings to gather information and make contacts with community representatives and organizations. The MPO will continue to expand its outreach through this format and through the regional equity/environmental justice program.

### **Regional Transportation Advisory Council**

The Regional Transportation Advisory Council (the Advisory Council) is an independent organization of citizen groups, municipalities, and state agencies that holds nonvoting membership on the MPO and full membership on the MPO's Transportation Planning and Programming Committee. The Advisory Council is a primary avenue for public input on transportation planning to the MPO. The Advisory Council provides a forum for broad-based and robust discussions of transportation issues, planning, and programming of federal funding for the region. The Advisory Council meets monthly. Meetings are accessible to persons with disabilities.

The Advisory Council advises the MPO, comments on certification documents, provides a voice for the public, promotes regionalism, and tries to meld local interests with regional transportation needs. It has committees charged with providing input to the certification documents as they are developed, reviewing the documents with the full Advisory Council membership, and guiding the development of comments on the draft documents. The Advisory Council also participates on

Transportation Planning and Programming Committee subcommittees and various transportation agencies' policy advisory committees.

### **MBTA Planning Processes**

The MBTA conducts both long-range and yearly planning to guide its expansion, maintenance, state-of-good-repair programs, and service planning. The MBTA typically conducts inclusive outreach to support all planning. Further documentation is provided in the MBTA's 2005 Title VI Report.

### **EOT/MassHighway Planning Processes**

EOT's Office of Transportation Planning also conducts both long-range and yearly planning to guide its expansion, maintenance, and state-of-good-repair programs for roadways, bicycle facilities, and bridges. EOT typically conducts inclusive outreach to support all planning through press releases, public hearings, meetings, and the Internet.





## **Chapter 6**      **Minority Representation on Decision-Making Bodies** *[UMTA C4702.1 III.3.b (5)]*

The Boston Region MPO Memorandum of Understanding stipulates MPO member entities. Eight of them are permanent: City of Boston, EOT, MBTA, MassHighway, MassPike, Massport, MBTA Advisory Board, and MAPC. Six municipalities (three cities and three towns) are elected to three-year terms by the 101 municipalities in the MPO region in an election coordinated by MAPC and the MBTA Advisory Board. MPO member designees are charged with the responsibility of communicating the transportation needs of their minority constituents to the full MPO. Currently, four of the seven municipalities on the MPO include communities with identified regional equity/environmental justice neighborhoods of concern: Boston, Everett, Framingham, and Salem. Currently, no MPO member designees identify as minorities.

There are several advisory boards to the MPO. The Regional Transportation Advisory Council is an independent body that provides advice and input to the MPO. The Advisory Council determines its own membership. Currently, there are several municipalities on the Council that contain a community of concern: the MPO municipalities (Boston, Everett, Framingham, and Salem), as well as Cambridge, Revere, Somerville, and Quincy. In addition, the Executive Office of Environmental Affairs is a member and has selected its environmental justice manager to be its representative on the Advisory Council. There are 74 members of the Advisory Council, three of whom identify as African-American.

There are three policy advisory boards for the MBTA. The MBTA Board of Directors is the governing body that manages the MBTA, and was created by the MBTA enabling statute, Massachusetts General Laws, c. 161A. The members of the Board serve two-year staggered terms, and are appointed by the Governor of the Commonwealth. There were nine members of the Board. Accordingly to the 2005 MBTA Title VI report, two of the current members are women, while seven are men. In addition, one member identifies as Asian, while three identify as African-American and four identify as Caucasian.

The MBTA Advisory Board is also a creation of the MBTA's enabling legislation and is comprised of 175 members. The mission is to provide public oversight of the MBTA as well as technical assistance and information on behalf of the 175 members of the Advisory Board and the transit-riding public. The 175 cities and towns served by the MBTA are represented by the local Chief Elected Officials of those communities, who are chosen by voters in municipal elections. The MBTA Advisory Board does not collect information on the racial and ethnic identities of its members and designees.

The MBTA Rider Oversight Committee (ROC) grew out of the MBTA's public discussions of fare policy, and is comprised of eight members representing various advocacy groups, eight senior MBTA managers, eight public members, and three public alternate members. The public members were originally selected by the other 16 members from over 400 applicants. Seven members identify as African-American, one member identifies as Hispanic, and one member identifies as Asian. As new members continue to be added to replace departing members, the ROC will seek to maintain a diverse membership representative of the MBTA's ridership.

The Access Advisory Committee to the MBTA (AACT) is a consumer advocacy organization composed primarily of people with disabilities, senior citizens, and representatives of human service agencies. Working closely with the MBTA, AACT strives to ensure that the transportation system of the Boston region is accessible, in addition to being safe and efficient, as guaranteed by the Americans with Disabilities Act (ADA). AACT is managed by a board comprised of six members, one of whom identifies as African-American.

## APPENDIX A TO TITLE VI ASSURANCE

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

- (1) *Compliance with Regulations:* The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) *Nondiscrimination:* The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) *Solicitations for Subcontracts, Including Procurements of Materials and Equipment:* In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) *Information and Reports:* The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Boston Region MPO or the Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Boston Region MPO, or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) *Sanctions for Noncompliance:* In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the Boston Region MPO shall impose contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:
  - (a) withholding of payments to the contractor under the contract until the contractor complies; and/or
  - (b) cancellation, termination, or suspension of the contract, in whole or in part.
- (6) *Incorporation of Provisions:* The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The

contractor shall take such action with respect to any subcontract or procurement as the Boston Region MPO or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Boston Region MPO to enter into such litigation to protect the interests of the Boston Region MPO, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B TO TITLE VI ASSURANCE**

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Boston Region MPO will accept title to the lands and maintain the project constructed thereon, in accordance with Federal Transit Administration, the Regulations for the Administration of 5303 federal financial assistance and the policies and procedures prescribed by Federal Transit Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Boston Region MPO all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the Boston Region MPO and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Boston Region MPO, its successors and assigns.

The Boston Region MPO, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person 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 with regard to any facility located wholly or in part on, over or under such lands hereby conveyed (,) (and)\* (2) that the Boston Region MPO shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and

vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C TO TITLE VI ASSURANCE

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Boston Region MPO pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, Boston Region MPO shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (licenses, lease, permit, etc.) had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, Boston Region MPO shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Boston Region MPO and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Boston Region MPO pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal

Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, Boston Region MPO shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, Boston Region MPO shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Boston Region MPO and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.



