



Southeastern Regional Planning and Economic Development District

2018 Title VI Program Submittal



December 2018



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Federal Disclaimer, Title VI and Nondiscrimination Notice of Rights of Beneficiaries

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

Individuals seeking additional information or wishing to file a Title VI/Nondiscrimination complaint may contact the SRPEDD Title VI/Nondiscrimination Coordinator at the contact information here. All such complaints must be received, in writing, within 180 days of the alleged discriminatory occurrence. Assistance will be provided, upon request, to individuals unable to provide the complaint form in writing.

Massachusetts Public Accommodation Law (M.G.L. c 272 §§92a, 98, 98a) and Executive Order 526 section 4 also prohibit discrimination in public accommodations based on religion, creed,

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

class, race, color, denomination, sex, sexual orientation, nationality, disability, gender identity and expression, and veteran's status, and SRPEDD and the SMMPO assures compliance with these laws. Public Accommodation Law concerns can be brought to SRPEDD's Title VI / Nondiscrimination Coordinator or to file a complaint alleging a violation of the state's Public

Accommodation Law, contact the Massachusetts Commission Against Discrimination (MCAD) within 300 days of the alleged discriminatory conduct.

The SMMPO is equally committed to implementing federal Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." In this capacity, the SMMPO identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The SMMPO carries out this responsibility by involving minority and low income individuals in the transportation process and considering their transportation needs in the development and review of the SMMPO's transportation plans, programs and projects.

Portuguese: Caso esta informação seja necessária em outra idioma, favor contar o coordenador em Título VI do SRPEDD pelo telephone (508) 824-1367.

Spanish: Si necesita esta información en otro idioma, por favor contacte al coordinador de SRPEDD del Título VI al (508) 824-1367.

Haitian / French Creole: Si yo bezwen enfòmasyon sa a nan yon lòt lang , tanpri kontakte Koòdonatè Tit VI SRPEDD a pa telefòn nan (508) 824-1367.

Introduction

This document is the annual Title VI update for the FFY2018 reporting cycle, prepared by SRPEDD staff on behalf of the SMMPO and as a sub recipient of federal funding. It is submitted to MassDOT, and demonstrates the MPO/RPA's follow-up action to the recommendations made herein, satisfying the organization's Title VI annual reporting requirements for this cycle.

Following below are the FFY 2018 Title VI-related program development comments and recommendations made by MassDOT for the MPO/RPA with the recommendations and reporting requirements **highlighted in yellow** and the *responses and follow-up actions in large italicized font* following each recommendation and reporting requirement.

Comments/Recommendations (responsive to FFY 2017 report):

I. Notice

Comment I-1: The multi-faceted Notice dissemination strategy is well designed and executed to ensure members of the public understand their Title VI rights and how to connect with staff to request additional information, make language access requests, file complaints, or other such activities. MassDOT notes that the MPO/RPA has made a hyperlink to the Title VI notice available on all of the organization's webpages by incorporating it into the footer which allows members of the public easy access to the information even if they don't necessarily find it in the navigation tabs at the top of the page.

Comment I-2: MassDOT notes that the one-page public meeting notice is well structured to provide relevant information on a single page.

Recommendation I-2: Regarding the one-page public meeting notice, please describe the frequency of use the QR codes that are included on the notice. How has the MPO/RPA incorporated this technology in to the operation of the organization? Is there a way to determine if the usage is consistent across Title VI as well as non-Title VI populations?

We include QR readers on meeting notices quite regularly, as a direct link via Smart Phone to a page on our website for additional information, or to a public survey being conducted as part of a study. This technology has become one of the many methods of public outreach that are regularly used

by SRPEDD staff. We have included QR readers on meeting notices for studies such as Route 140 in Foxboro, Mansfield & Norton and the Route 1 study in Attleboro and North Attleborough. We also include QR readers on public outreach materials such as tri-fold pamphlets and postcards for the Regional Transportation Plan. Links are also included on these materials in the event that access to a Smart Phone is an issue.

These materials, including meeting notices, postcards, etc. are widely distributed and are routinely translated into our 'Safe Harbor' languages, which are Portuguese, Spanish and Haitian Creole. We can only determine the usage of Title VI populations by the number of translated surveys that are completed. Our most recent survey, for the RTP, has netted us 665 responses, and is broken down by language as follows: 638 English; 20 Spanish; and 7 Portuguese. There have been no responses to the Haitian Creole translation of the survey.

II. Language Access

Comment II-1: The MPO/RPA has demonstrated the ability to provide multi-lingual support and information sharing to members of the public. The FFY 2017 Title VI Report itemizes a number of documents that the MPO/RPA has developed, translated, and disseminated throughout the region. This includes a pedestrian safety brochure and general public outreach pamphlets.

Recommendation II-1: Please describe the outcome of disseminating the multilingual informational documents detailed in the FFY 2017 Title VI report. Was the MPO/RPA able to determine the reach, effectiveness, and reception of these materials by the LEP groups and individuals across the region?

In our attempts to reach specific populations, such as LEP, older adults and children, safety materials are translated and adapted (e.g. larger print formats) to reach these populations. Distribution is typically to agencies that deal with LEP populations on a regular basis, such as the Immigrant's Assistance Center, Community Economic Development Center (CEDC) and the Casa de Saudade, a branch of the New Bedford Public Library System, as well as to Councils on Aging for older adults.

Based on the requests from these agencies and the apparent need for translated materials, Spanish translations are in the greatest demand, despite the fact that the percentage of population that speaks English "less

than very well” in the region is much higher for the Portuguese language. It is 25,214 (4.29%) for Portuguese, 10,138 (1.72 %) for Spanish and 1,625 (0.28%) for Haitian Creole. There seems to be no demand for Haitian Creole materials, although we continue to create and distribute them.

In conversations with the aforementioned and other local agencies, and based upon the experiences of their staff and our own, we have surmised that a large portion of the Portuguese LEP population are partially bi-lingual, or have basic or beginning level English skills, as opposed to the Spanish LEP population. We have had to adjust the number of materials being printed and distributed based on demand, as opposed to relying on our Safe Harbor data.

III. Equity Analyses

Comment III-1: MassDOT commends the MPO/RPA on the quality of the organization’s TIP and UPWP equity analyses. These analyses are supported by clear and concise data tables and maps that readily provide a “spot check” of the outcomes of the organization’s project programming decisions and annual work tasks. MassDOT acknowledges the efforts of the MPO/RPA to continue to expand and refine these analyses.

Comment III-2: MassDOT acknowledges that standard practice with equity analyses only includes those communities that are advancing projects and compares the distribution and funding allocation of those projects vis-à-vis Title VI populations and non-Title VI populations. MassDOT further acknowledges that there are communities throughout the region that are not participating in the transportation project development process, for myriad reasons.

Recommendation III-2: The MPO/RPA should determine whether there is an equity concern in which communities are participating in the transportation project development process as compared to those that are not. Such an analysis would allow the MPO/RPA to determine if there is correlation between significant Title VI populations and those communities that either are or are not participating in advancing projects.

In the FFY2014-2018 “look back” Equity Analyses the 8 communities with no recent or future projects in the TIP are Acushnet, Berkley, Dighton, Fairhaven, Freetown, Marion, Rochester, and Swansea.

The same FFY2014-2018 “look back” analyses showed that 14 out of the 18 TIP projects fall within a community that meets the criteria for Title VI or EJ populations, which is 78% of the projects. Also, 13 out of the 18 projects, which is nearly 72%, fell directly within minority, low-income (poverty) and LEP areas.

In the FFY2019-2023 Equity Analyses, the same 8 communities have no recent or future projects in the TIP. They are, once again, Acushnet, Berkley, Dighton, Fairhaven, Freetown, Marion, Rochester, and Swansea.

The same FFY2019-2023 analyses showed that 14 out of the 20 TIP projects fall within a community that meets the criteria for Title VI or EJ populations, which is 70%. Also, 12 out of the 20 projects, which is 60% of the projects, fell directly within minority, low-income (poverty) and LEP areas.

Of the 8 communities with no recent or future projects in the TIP, only two communities have Title VI or Environmental Justice populations. Fairhaven, with a low-income population (7.6%) in two census tracts in the northwest corner of the community, has always been an active participant in the JTPG. The town has recently experienced personnel changes in administration and planning and that may explain the lull in participation and subsequent projects.

The other community, Acushnet, has one census tract that comprises most of the town’s area and is .063% above the regional average for LEP. This community has a history of limited or no presence at Joint Transportation Planning Group (JTPG) meetings and they have not taken full advantage of the array of services and technical assistance offered by the staff of the SMMPO.

The lack of participation of these two communities does not adversely affect the analyses results but any inequity is a cause for concern. We will, once again, reach out to these towns, especially Acushnet, in an attempt to encourage participation.

Comment III-3: MassDOT commends the work of the MPO/RPA to identify demographics and datasets that are currently mapped and therefore could be incorporated into the equity analysis process to produce more thorough and robust analyses that may be more informative regarding the equity implications of transportation investments. For example, by including population density as an element of the analysis.

Recommendation III-3: The MPO/RPA should consider expanding the analytical process of equity analyses in the manner described in the FFY 2017 Title VI report in subsequent analysis and reporting cycles.

We have expanded the analytical process of our Equity Analyses to include population density as an element of the analysis and this will be included in the upcoming Equity Analyses.

Comment III-4: MassDOT acknowledges the comment by the MPO/RPA that some municipalities opt not to advance transportation projects due to the complexity of the project development process, strict design requirements, and other such factors.

Recommendation III-4: The MPO/RPA may be able to assist non-participatory communities to feel empowered to engage in the project development process by performing both major and non-major UPWP studies with these communities. These studies could lead to the identification of more manageable projects that the municipalities hadn't previously considered. Such efforts can be documented in UPWP and TIP equity analyses and reported on a recurring basis. This could allow the MPO/RPA to determine if communities are reached, in an equitable manner, by the technical assistance services of the organization.

Our efforts to engage non-participatory communities has been on-going. Besides continuous outreach and offers of assistance, we have seized unique opportunities to cultivate interest when presented. For example, in 2008, we reached out to the communities of Acushnet and Swansea (two of the non-participatory communities) to perform a Road Safety Audit to address lane departure crashes in conjunction with the Commonwealth's Strategic Highway Safety Plan. As a result, both communities had edge markings installed on their affected roadways. In 2012 we reached out to communities on a statewide HSIP project for Low Cost Safety Enhancements at Stop-controlled Intersections. The communities of Dighton and Marion

(also included as non-participatory communities) were among the communities who were awarded improvements at state controlled intersections. Unfortunately, since these projects were completed, not one of these 4 communities has since engaged in the project development process.

Many of these communities take advantage of non-UPWP technical assistance offered by SRPEDD, including zoning, open space plans, housing plans, master plans, etc. but do not seem inclined to navigate the complexities of the TIP process.

Our staff will review our Safety Program and Congestion Management Plan to attempt to identify smaller projects within these communities that might not have been considered by these communities and might encourage participation.

IV. Equity Impacts on MPO Activities

Comment IV-1: MassDOT commends the efforts of the MPO/RPA to develop demographic maps tailored to individual communities across the region to ensure they are informed of potential project impacts and possible scoring considerations during the project initiation and development process. MassDOT acknowledges that these maps can also be used to better inform local public engagement activities associated with project development initiatives.

V. Public Engagement

Comment V-1: MassDOT commends the public engagement work performed by the MPO/RPA during the FFY 2017 reporting cycle. These efforts seem to be producing useful partnerships with community organizations and are fostering new relationships with the diverse constituencies of the region.

VI. Training

Comment VI-1: MassDOT acknowledges the MPO/RPA's commitment to training on Title VI and related equity matters as demonstrated in participation in available trainings throughout FFY 2017.

VII. Complaints

Comment VII-1: MassDOT understands that the MPO/RPA has adopted the MassDOT-provided Title VI/Nondiscrimination Complaint Form template.

Recommendation VII-1: MassDOT understand that the MPO/RPA removed the reference to the availability of the complaint form in “alternate formats” as none are presently available. MassDOT recommends adding this phrase back in to the forms on the understanding that the MPO/RPA can reach out to MassDOT’s Title VI Staff with questions regarding how to address such requests, if/when they arise. The most frequent requests for documents in alternate formats are electronic, large-print, and braille. For electronic documents, simply make the electronic copy of the file (typically in accessible PDF, unless otherwise indicated) available to the requestor. For large print, it is usually sufficient for the organization to print the document enlarged to fit on 11x17 paper. For braille, the MPO/RPA can contact the Massachusetts Office on Disability (MOD) which maintains a database of braille printers available to public agencies across the state. Any other requests can be analyzed by SRPEDD and MassDOT’s Title VI Staff for feasibility and appropriate response.

In our SMMPO Nondiscrimination / Title VI Complaint Process document, in the section entitled Filing of Complaints, the following language has been added: “SRPEDD provides reasonable accommodations, including this Complaint Form in alternate formats.”

(in future, it would be helpful to entirely skip this type of recommendation when in ‘Additional Reporting Requirements’ our present Complaint Process is being entirely replaced by MassDOT’s. Consequently, this recommendation, and the subsequent work involved and already completed, is now entirely unnecessary.)

VIII. Transit Funding Distribution Analysis

Comment VIII-1: MassDOT recognizes that a mapping analysis to determine the equity of the distribution of transit projects and funding is hampered in those instances where projects cannot be geo-located and must be regarded as system-wide investments.

Recommendation VIII-1: If some transit investments are difficult to geo-locate for mapping analysis purposes, please consider and report on what other manifestations of the transit system and its operation could be mapped and analyzed vis-à-vis Title VI communities with currently available data. If additional data is needed, please identify. For example, among the two RTAs in the region, are there features of the transit system (stations, stops, shelters, information booths, ticketing locations, etc.) that can be

located on a map? If so, can analyzing the distribution of these features help inform the equity analysis of transit investments and further develop an understanding of how diverse communities are served by the transit system and investments in it?

Our staff has been developing an inventory of transit stops, shelters, terminals and other amenities that had not been completed at the time of last year's submittal. Since then, these amenities have been located, data has been gathered and mapped, and is included at the end of this document. The map indicates terminals, shelters and bus stops in both the SRTA and GATRA areas of transit service and was overlaid with areas of low-income, minority and LEP populations. (See map attached at the end of this document.)

Comment VIII-2: MassDOT commends the work of the MPO/RPA to analyze the vehicle assignment policies of the RTAs that operate in the region to determine whether there are equity implications in these practices.

IX. MPO Determined Focus Areas

Comment IX-1: MassDOT fully supports the goals of the MPO/RPA for increasing Title VI capacity at the organization and looks forward to subsequent reporting on these efforts.

Additional Reporting Requirements:

1. **Complaint Procedures:** MassDOT has updated and translated (into the top ten languages in the Commonwealth) the Title VI Complaint Procedures document. These procedures are designed to instruct recipients and subrecipients of federal transportation dollars on how to process allegations of discrimination made by members of the public. The revisions reflect recent guidance from FHWA regarding delegation of authority to recipients and subrecipients to conduct Title VI investigations. In addition, in creating these updated procedures, MassDOT's Title VI staff worked closely with the agency's Manager of Investigations in order to simplify the content for ease of understanding among members of the public. These revised complaint procedures are in use by MassDOT and as such have been reviewed and approved by FHWA and FTA. In addition, they have been professionally translated. Please download the documents from the MassDOT Title VI SharePoint page (<https://services.eot.state.ma.us/cr>) and document their dissemination.

Both the English and translated versions of the updated / revised Complaint Processes and Complaint Forms have been downloaded from Share Point and minor changes have been made to modify them for the SMMPO region. We have included text identifying the SMMPO as one of the subrecipients

repeatedly mentioned and have added the contact information for SRPEDD's Title VI Coordinator to join the contact information for MassDOT's Title VI Specialist, MassDOT's ODCR, Federal Highway and Federal Transit. We are in the process of updating our website with these revised documents.

We are assuming that it is acceptable for us to utilize the Complaint Forms that include the MassDOT logo / letterhead. If it is not, simply let us know. Our complaint forms are very similar and we can easily switch back to those that include our own letterhead and logo.

2. **"Engage" Contact Data:** MassDOT continues to refine the "Engage" suite of Title VI and ADA related public engagement tools on the GeoDOT platform. Recent upgrades to the database for contact information requires the attention of MPO/RPA staff to ensure that data housed in the platform is up to date and includes all relevant attributes. Please consider the following list of needed updates as part of your ongoing efforts to keep this content relevant. For this reporting cycle, it is particularly important that MassDOT receive updated data in the fields of "Service Area," "Public Organization," and "Category/Subcategory." For a full list of organization and contact attributes, please consider the tables below.

"Engage" Database Fields for Organization Data:

Field Name	Required	Description
Organization Name	Yes	The name of the organization. (note if an organization name already exists, users may need to be more specific. For example – YMCA of Middletown instead of YMCA)
MPO	Yes	The name of the MPO that the organization resides in
Website	Yes, where applicable	Website of the organization
Notes	No	Any helpful notes regarding the organization that can help you or MassDOT engage the community. Example: "Contact only during the hours of 8AM-12AM, m-f. Wheelchair accessible."
Category	Yes	The category which the organization falls into. If more than one category applies, please select the main primary functional category of the organization and select another category in the secondary category field
Subcategory	Yes	The subcategory which the organization falls into. If more than one subcategory applies, please select the main primary functional subcategory of the organization and select another subcategory in the secondary category field
Secondary Category	Yes	The secondary category which the organization falls into. If more than one category applies, please select the main primary functional category of the organization and select another category in the secondary category field

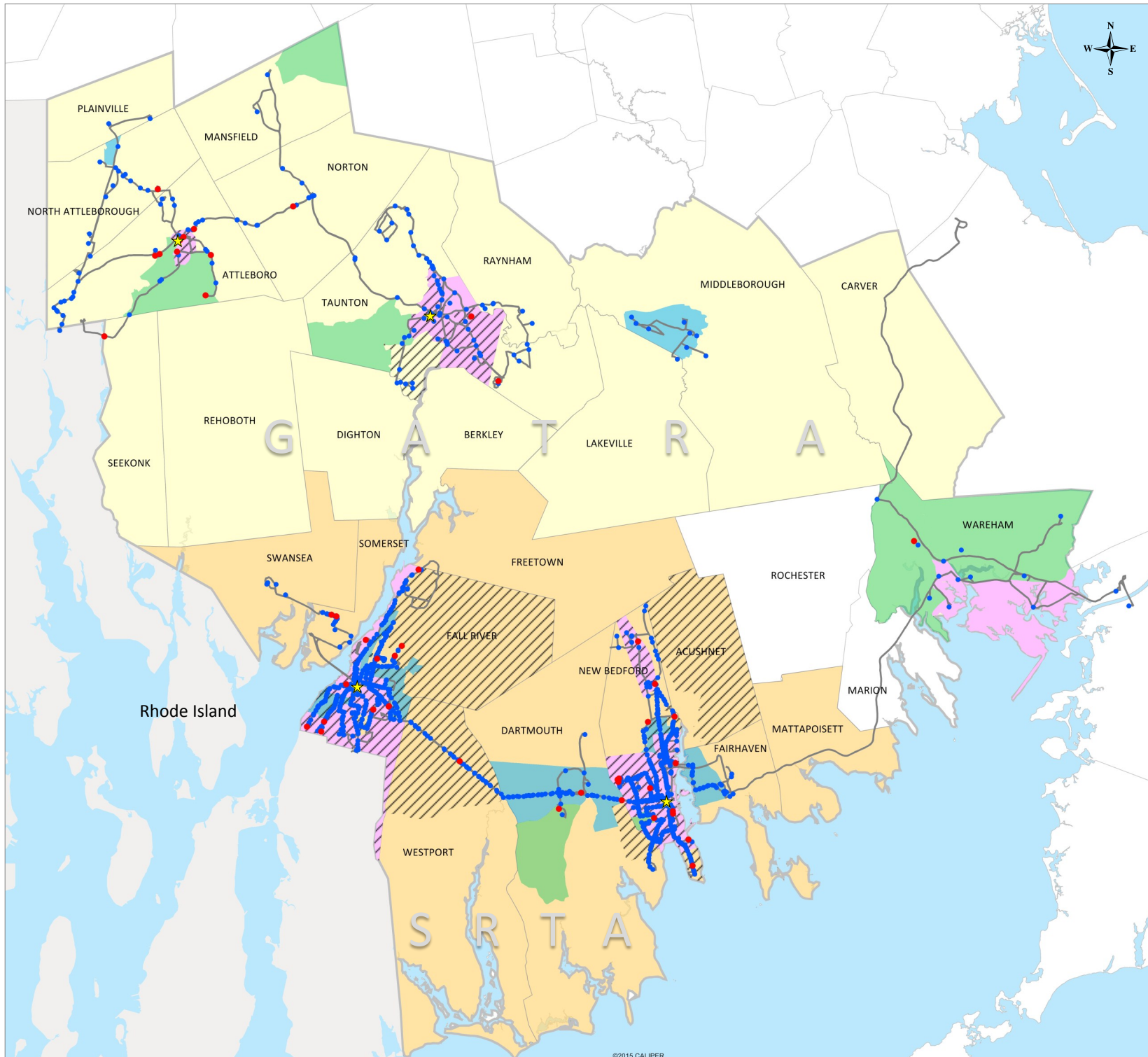
Secondary SubCategory	Yes	The secondary subcategory which the organization falls into. If more than one subcategory applies, please select the main primary functional subcategory of the organization and select another subcategory in the secondary category field
Primary Contact	Yes, where Applicable	The primary contact of the organization. An organization can have several contact points. Please select the name of the primary contact for the organization from the list of contacts. This list will be populated by the list of contacts entered in from an organization.
Service Area	Yes	The geographical area serviced by an organization. If an organization services the whole state (or nationwide) select "Statewide". If the organization services an area smaller than the state, but greater than a city (MPO, RPA, etc) select "Regional". If the organization services a city or municipality, then select "Municipal". If the organization services a smaller area, such as a neighborhood, than select "Local".
Public Organization	Yes	A yes/no checkbox. Check if the organization is a public organization (for example, Town of Otis, Planning Board). Uncheck if the organization is not a public organization (example, American Legion of Marshfield)

"Engage" Database Fields for Contact Information:

Field Name	Required	Description	
First Name	Yes	First Name of the organizational contact	
Last Name	Yes	Last Name of the organizational contact	
Position	Yes	The position of the organizational contact (example: principal, directory, etc.)	
Address	Yes	The address of the organizational contact (street # and full street name)	
Town	Yes	Town name or City of the organizational contact	
State	Yes	Two letter state abbreviation of the organizational contact	
Zip code	Yes	5 digit Zip code of the organizational contact	
Zip code extension	No	4 digit Zip code extension	
Phone	Yes	Phone number of the organizational contact (XXX)-XXX-XXXX	
Phone Extension	No	Phone extension related to the phone of the organizational contact	
Email	Yes	Email of the organizational contact	

The staff of the SMMPO will consider the above list of needed updates as we continue our ongoing efforts to keep the "Engage" content relevant. This updating of data contained in the "Engage" suite of Title VI and ADA related public engagement tools on the GeoDOT platform is being conducted on the basis of staff availability.

Transit Amenities with Title VI / Environmental Justice



Title VI / EJ Criteria

- Low Income
- Minority
- Low Income & Minority
- ▨ Limited English Proficiency

Transit Amenities

- Fixed Bus Route
- Bus Stop
- Bus Stop with Shelter
- ★ Bus Terminal

SRPEDD Definitions:

Low Income:

Census tracts that are greater than SRPEDD's low income regional average of 12.13%

Minority:

Census tracts that are greater than SRPEDD's minority regional average of 10.98%.

Limited English Proficiency:

Census tracts that are greater than SRPEDD's LEP regional average of 7.40%

Data Sources:

SRPEDD, MassGIS, MassDOT, 2010 Census, ACS 2010-2014.

