



BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

Richard A. Davey, MassDOT Secretary and CEO and MPO Chairman
Karl H. Quackenbush, Executive Director, MPO Staff

DRAFT MEMORANDUM

DATE December 5, 2013
TO Boston Region Metropolitan Planning Organization
FROM Karl H. Quackenbush
CTPS Executive Director
RE Work Program for: MassDOT Title VI Program: Development and Support

Action Required

Review and approval

Proposed Motion

That the Boston Region Metropolitan Planning Organization, upon the recommendation of the Massachusetts Department of Transportation, vote to approve the work program for the Massachusetts Department of Transportation (MassDOT) Title VI Program: Development and Support presented in this memorandum.

Project Identification

Unified Planning Work Program Classification

Technical Support/Operations Analysis Projects

CTPS Project Number

13154

Client

Massachusetts Department of Transportation

Project Supervisor: John Lozada

CTPS Project Supervisors

Principal: Elizabeth M. Moore

Manager: Annette Demchur

Funding

Future MassDOT Administrative Services Contract

Impact on MPO Work

The MPO staff has sufficient resources to complete this work in a capable and timely manner. By undertaking this work, the MPO staff will neither delay the completion of nor reduce the quality of any work in the UPWP.

Background

MassDOT, as a recipient of federal funds through both the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), is required to comply with Title VI of the Civil Rights Act of 1964. Title VI requires that recipients of federal financial assistance demonstrate that they do not discriminate on the basis of race, color, and national origin, and by extension, limited English proficiency (LEP), in their programs, activities, and services. The Federal Highway Administration (FHWA) has extended the requirements of its Title VI/Nondiscrimination program to cover protections enacted through several additional laws, such as the Americans with Disabilities Act (ADA), and executive orders that prohibit discrimination on the basis of gender, age, income, and disability.

The US Department of Transportation's Title VI regulations are codified in 49 CFR Part 21, which requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general, recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance."

To this end, both FHWA and the FTA require MassDOT to develop and implement a Title VI program to ensure compliance with Title VI and to provide a report every three years detailing its efforts to comply with Title VI, including its efforts to monitor the compliance of its subrecipients. While both federal agencies require state DOTs to develop a Title VI program, engage in ongoing monitoring, and periodically report to those agencies, the specific requirements of the two agencies differ. The FTA prescribes their Title VI requirements in FTA C 4702.1B, and FHWA provides separate guidance on its requirements in the FHWA Title VI Handbook.

The Central Transportation Planning Staff (CTPS) has been working with MassDOT's Office of Diversity and Civil Rights (ODCR) over the past few years to help MassDOT ensure that it is compliant with Title VI. This work has entailed the provision of technical assistance for the development and implementation of: two separate Title VI programs—one for the FHWA and one for the FTA; monitoring

procedures; and reporting protocols. Both of MassDOT's Title VI programs were approved by the respective federal agency. MassDOT has requested that CTPS continue to provide technical assistance as MassDOT refines and implements both of its Title VI programs and prepares its triennial report for the FTA.

Objectives

The primary objective of this project is to provide support to MassDOT in the continuing development and implementation of both its FHWA and FTA Title VI programs, ensuring that they are fully compliant with the respective monitoring and reporting requirements, responsive to deficiencies identified by the FHWA and FTA, and consistent with MassDOT's mission, objectives, and organizational culture. To do so, the following elements have been identified for this work scope:

1. Assist MassDOT in the preparation of its 2014 Triennial Title VI Program for the FTA to meet the requirements of FTA C 4702.1B
2. Assist MassDOT in revising, finalizing, and implementing its Public Participation Plan to meet FHWA requirements
3. Provide technical assistance and ongoing support in the implementation of MassDOT's Language Access Plans for both FHWA and the FTA
4. Assist MassDOT in implementing revised protocols for internal and external monitoring's and oversight, providing technical assistance for MassDOT federal program areas, and supporting MPOs, regional planning agencies (RPAs), and regional transit authorities (RTAs) in achieving and maintaining compliance with Title VI and the ADA
5. Assist in the development of an analytical process for identifying the benefits and burdens of the state's transportation investments in order to shape MassDOT's analysis, and to be used by subrecipients
6. Provide additional ongoing technical assistance as requested by MassDOT

Work Description

The specific tasks that CTPS may undertake include the following:

Task 1 Assist MassDOT in the Preparation of Its 2014 Triennial Title VI Program for the FTA

The FTA requires MassDOT to document its compliance with Title VI by submitting a Title VI program once every three years. CTPS assisted MassDOT in its last program submittal, in 2011. Since that time, the FTA has provided revised guidance in FTA Circular 4702.1B, dated October 1, 2012. This circular sets forth new general reporting requirements for all FTA recipients and a

specific set of reporting requirements for states. CTPS will assist MassDOT in meeting the requirements of the new circular for its 2014 Title VI Program submittal to the FTA.

CTPS will assist in data collection and analysis efforts, and documentation of policies and procedures to demonstrate MassDOT's compliance with Title VI. The MassDOT Office of Diversity and Civil Rights and other MassDOT staff members will be proactively involved with CTPS in this effort.

Subtask 1.1 Documentation to Meet General Reporting Requirements

The FTA's Title VI Circular includes a number of general reporting requirements. These include:

- Public notification of protection under Title VI
- Title VI complaint procedures and forms
- A policy for providing access for limited-English-speaking populations
- Inclusive public-participation processes
- A breakdown of minority representation on non-elected planning and advisory bodies
- Efforts for ensuring that subrecipients comply with Title VI
- Equity analyses of the locations of any proposed transit facilities

CTPS will assist MassDOT with the documentation related to these general reporting requirements.

Subtask 1.2 Documentation to Meet State Reporting Requirements

In addition to the general reporting requirements, FTA Circular 4702.1B requires that states provide the following information:

- Demographic profile and maps of the state
- Charts that show the results of analyses of the impacts of the distribution of state and federal funds for public transportation projects
- Analysis of the state's transportation system investments that identifies and addresses any disparate impacts
- Description of the statewide planning process that identifies the needs of minority populations
- Description of the procedures used to pass FTA financial assistance through to subrecipients in a nondiscriminatory manner

- Description of the procedures used to provide assistance to potential subrecipients

CTPS will provide technical assistance to MassDOT in preparing the appropriate analyses and maps, and in documenting the state's relevant policies and procedures.

Product of Task 1

Documentation of reporting requirements

Task 2 Assist in the Development and Implementation of Standardized Public Outreach Policies and Procedures

CTPS will support MassDOT's agencywide efforts to incorporate standardized public meeting protocols and related documents and templates that incorporate Title VI and ADA elements across substantive program areas. This task will be accomplished in consultation with a MassDOT working group and will include the subtasks detailed below.

Subtask 2.1 Participate in a Title VI Public Participation Working Group

The public participation working group will include MassDOT's Office of Diversity and Civil Rights (ODCR) and, at a minimum, the MassDOT departments that have public outreach responsibilities, such as Transportation Planning and Research, Design (Highway and Bridge Project Management), Environment, Right-of-Way, Construction and Contracts/Contract Administration, Maintenance, and Safety. CTPS will support the MassDOT Title VI team in developing strategies for integrating civil rights outreach protocols across MassDOT's federal program areas that involve coordination of or participation in public engagement. This will include tailoring objectives to MassDOT departments and identifying deliverables (reports and other products) to ensure that each department effectively incorporates the civil rights components of public participation in its activities.

Subtask 2.2 Complete the Development of an Integrated Public Participation Plan

Under a previous contract, CTPS worked with MassDOT to develop a draft Public Participation Plan and articulate public meeting protocols that incorporate civil rights considerations. The protocols include guidelines, strategies, templates, and other resources for meeting planners, staff who are conducting meetings, and community host sites. In this task, CTPS will complete the development of the public meeting protocols with guidance from the public participation working group.

This task will focus on unifying MassDOT's Public Participation Plan, the civil rights public participation protocols, and the Accessible Meeting Policy into a

revised MassDOT Public Participation Plan. Elements of the unified plan will include, but not be limited to:

- Requirements for planning and conducting different types of outreach efforts
- Templates for flyers, notices, presentations, and meeting handouts for different types of meetings and hearings that comply with Title VI, ADA, and other meeting and hearing requirements
- Strategies for engaging traditionally underserved populations
- Guidelines for selecting meeting locations
- Guidelines and checklists for ensuring that meetings are accessible to all people, including those from all racial and ethnic backgrounds, and those with low-incomes, disabilities, and limited English proficiency
- Templates for sign-in sheets, comment forms, wayfinding signs, and other materials
- Procedures for requesting services such as interpreters and computer-aided real-time transcription (CART)
- Protocols for processing comments (oral and written) made during public participation events to ensure that such comments are directed to appropriate staff and that they are responded to accordingly

Subtask 2.3 Assist MassDOT with Public Participation Training

CTPS will assist MassDOT in providing public participation training for internal and external groups and organizations that have public engagement obligations. This will include assistance in preparing materials for the training and participation in the training sessions.

Products of Task 2

- Public meeting protocols, including, but not limited to the items outlined in Subtask 2.2
- Integrated Public Participation Plan
- Training materials

Task 3 Support MassDOT in Engaging the Public in the Development of the Public Participation Plan

CTPS will support MassDOT in its efforts to engage the public in the review and development of the final Public Participation Plan. This will include technical assistance in order to ensure that there is outreach to low-income and minority

communities, LEP populations, people with disabilities, and others who have been traditionally underserved. It will also include incorporation of the feedback received into the final Public Participation Plan.

Product of Task 3

Documentation of the public engagement process performed during the development of the final Public Participation Plan

Task 4 Produce the Final MassDOT Public Participation Plan

CTPS will incorporate feedback from FHWA, the FTA, and members of the public into the final MassDOT Public Participation Plan. Public participation guidelines, strategies, templates, and other resources will be included as part of the final Public Participation Plan.

Product of Task 4

An updated MassDOT Public Participation Plan

Task 5 Provide Technical Assistance for Language Access

CTPS will provide technical assistance and ongoing support in the implementation of MassDOT's Language Access Plan. The support will aid MassDOT in continuing to meet the federal LEP requirements, and will involve project-specific analyses of language assistance requirements. This work will include but not be limited to the following:

- Update analytical data for FHWA and FTA Title VI program submissions, as needed, in preparation for the 2014 and 2015 submissions to the FTA and FHWA, respectively
- Support MassDOT in providing assistance to Massachusetts metropolitan planning organizations (MPOs) in their efforts to build up language assistance capacity through training, resource sharing, and other information.

Product of Task 5

Revisions to MassDOT's Language Access Plans as needed and project-level assessments of language assistance requirements

Task 6 Assist MassDOT in Implementing Revised Monitoring and Review Protocols

Subtask 6.1 Assist MassDOT with Implementing External Monitoring and Oversight Protocols

CTPS will assist MassDOT in the implementation of revised protocols for external monitoring and oversight and will provide technical assistance for supporting MPOs, RPAs, and RTAs to achieve and maintain compliance with

Title VI and the ADA. This work will include adaptations, innovations, and recommendations for adoption of Public Participation Plan methodologies, Notice to Beneficiaries, and complaint procedures and forms, including Title VI and ADA considerations, for implementation at the subrecipient level.

Subtask 6.2 Assist MassDOT with Internal Monitoring and Review Protocols

CTPS will assist MassDOT in implementing revised internal monitoring and review protocols. More specifically, CTPS will assist in the development of procedures to collect and analyze data in order to monitor program, service, and activity impacts and demonstrate Title VI compliance. CTPS will then support the subsequent data collection and analysis.

Products of Task 6

- External Title VI monitoring and oversight protocols
- Internal Title VI monitoring and review protocols
- Data collection and analysis support

Task 7 Develop a Process for Identifying the Benefits and Burdens of the State's Transportation Investments

CTPS will assist in the development of an analytical process for identifying the benefits and burdens of the state's transportation investments at the recipient and subrecipient level. CTPS will work closely with MassDOT's ODCR, Office of Transportation Planning (OTP), and Rail and Transit Division (RTD) in this effort.

Product of Task 7

An analytical process for identifying the benefits and burdens of the state's transportation investments at the recipient and subrecipient level

Task 8 Provide Ongoing Technical Support to MassDOT

CTPS staff will provide ongoing technical assistance to MassDOT to address Title VI issues, as necessary. This will include responding to comments and directives received from the FTA and FHWA.

Product of Task 8

Technical support provided to MassDOT, as necessary

Estimated Schedule

It is estimated that this project will be completed 12 months after work commences. The proposed schedule, by task, is shown in Exhibit 1.

Estimated Cost

The total cost of this project is estimated to be \$169,900. This includes the cost of 65.2 person-weeks of staff time, overhead at the rate of 97.42 percent, and travel. A detailed breakdown of estimated costs is presented in Exhibit 2.

KQ/AD/ad

Exhibit 1
ESTIMATED SCHEDULE
MassDOT Title VI Program: Development and Support

Task	Month											
	1	2	3	4	5	6	7	8	9	10	11	12
1. Assist MassDOT in Preparation of 2014 Title VI Program for FTA	█											
2. Assist in Development and Implementation of Public Outreach Policies and Procedures	█											
3. Support MassDOT in Engaging the Public In the Development of the Public Participation Plan	█											
4. Produce Final Public Participation Plan				█								
5. Provide Technical Assistance for Language Access	█											
6. Assist MassDOT in Implementing Revised Monitoring and Review Protocols	█											
7. Develop Process for Identifying Benefits and Burdens	█											
8. Provide Ongoing Technical Support to MassDOT	█											

Exhibit 2
ESTIMATED COST
MassDOT Title VI Program: Development and Support

Direct Salary and Overhead								\$169,800
Task	Person-Weeks					Direct Salary	Overhead (97.42%)	Total Cost
	M-1	P-5	P-4	P-3	Total			
1. Assist MassDOT in Preparation of 2014 Title VI Program for FTA	3.9	0.4	4.0	4.0	12.3	\$16,617	\$16,189	\$32,806
2. Assist in Development and Implementation of Public Outreach Policies and Procedures	1.9	0.0	0.0	5.0	6.9	\$8,538	\$8,318	\$16,855
3. Support MassDOT in Engaging the Public In the Development of the Public Participation Plan	1.1	0.0	0.0	2.0	3.1	\$3,994	\$3,891	\$7,885
4. Produce Final Public Participation Plan	1.4	0.0	0.0	2.5	3.9	\$5,035	\$4,905	\$9,940
5. Provide Technical Assistance for Language Access	2.3	1.0	0.0	1.5	4.8	\$7,198	\$7,013	\$14,211
6. Assist MassDOT in Implementing Revised Monitoring and Review Protocols	2.6	0.0	3.0	3.0	8.6	\$11,402	\$11,108	\$22,510
7. Develop Process for Identifying Benefits and Burdens	2.4	0.0	4.0	5.0	11.4	\$14,448	\$14,075	\$28,524
8. Provide Ongoing Technical Support to MassDOT	4.2	0.0	5.0	5.0	14.2	\$18,777	\$18,292	\$37,069
Total	19.8	1.4	16.0	28.0	65.2	\$86,010	\$83,791	\$169,800
Other Direct Costs								\$100
Travel								\$100
TOTAL COST								\$169,900

Funding
 Future MassDOT Administrative Services Contract