

A woman with short dark hair, wearing a grey blazer and a colorful scarf, is smiling and talking to a transit worker. The worker, an older man with grey hair wearing a red jacket with a transit logo, is holding a green card. They are standing next to a silver turnstile. The turnstile has instructions: "1. INSERT" and "2. REMOVE TICKET". A sign on the turnstile says "FOR HELP 617-222-3200 MACHINE # 411245". A yellow sign on the turnstile says "KEEP H S C".

CHAPTER 1

BACKGROUND AND PURPOSE

Please note that the text of some pages in this report may not be accessible to individuals with low or no vision who use a screen reader. These include the FTA and FHWA certifications and assurances and the Title VI program MPO member endorsement page. If you would like to request these or any other material in this report in a different format, please contact the Central Transportation Planning Staff (CTPS) via email at publicinfo@ctps.org.

1.1 THE BOSTON REGION MPO'S VISION AND FUNCTION

Covering 101 municipalities in eastern Massachusetts, the Boston Region MPO consists of a 22-member board of state agencies, regional transportation-planning organizations, and elected local officials who represent the region's diverse transportation interests. MPO members, supported by staff, are responsible for allocating federal funds for public transit, roadway, bicycle, and pedestrian projects in the region. In collaboration with MPO staff, they are also responsible for setting the region's transportation vision, goals, and objectives. These are reflected in the studies, reports, technical memoranda, and the three federally required certification documents that MPO staff produces: the Transportation Improvement Program (TIP), Long-Range Transportation Plan, (LRTP) and Unified Planning Work Program (UPWP).

The MPO's vision, as updated for the 2040 LRTP, *Charting Progress to 2040*, is as follows: "The Boston Region Metropolitan Planning Organization envisions a modern transportation system that is safe, uses new technologies, provides equitable access, excellent mobility, and varied transportation options—in support of a sustainable, healthy, livable, and economically vibrant region."

The MPO also established goals to help make its vision a reality; these goals (cited below) guide the various work that the MPO undertakes and help staff prioritize the studies and transportation projects that the MPO funds.

- Safety—Make all transportation modes safe
- System preservation—Maintain the system
- Capacity management/mobility—Use existing facility capacity more efficiently and increase healthy transportation capacity
- Clean air/clean communities—Create an environmentally friendly transportation system
- Transportation equity—Provide comparable transportation access and service quality among communities, regardless of income level or minority population
- Economic vitality—Ensure that our transportation network serves as a strong foundation for economic vitality

The MPO's vision, goals, and objectives reflect the diverse transportation needs of the more than 3.1 million people who live in the region. Encompassing 1,405 square miles, it contains urban centers, established and emerging suburbs, coastal towns, and rural communities. In addition to this geographic diversity, the region's residents represent a rich ethnic, racial, and cultural diversity. More than one-quarter of residents are non-White and/or of Hispanic origin and more than 38 non-English languages are spoken in homes throughout the region. More than 10 percent of the region's population lives in poverty,² and 16 percent of households do not have access to a car, meaning that affordable, non-auto transportation modes are vital to many residents in the region.

The MPO strives to take into account this demographic, cultural, environmental, and economic diversity when funding transportation projects and evaluating their impacts. To this end, this Title VI Triennial Report reflects the MPO's efforts during the past three years³ to identify the specific transportation concerns and needs of populations protected under Title VI of the Civil Rights Act of 1964 and the related limited English proficiency EO 13166. The report also discusses actions taken by the MPO to address the needs of the populations protected by Executive Order 12898 (EJ EO) concerning environmental justice (EJ) and the Americans with Disabilities Act of 1990 (ADA). The MPO believes that these efforts are vital: they comply with federal regulations, and also reflect sound transportation-planning practices, reflecting the MPO's vision of providing equitable transportation access and involvement in the MPO decision-making process to all residents in the region regardless of their background.

1.2 FEDERAL REQUIREMENTS AND GUIDANCE

The MPO's Title VI and Transportation Equity (TE) programs were developed in response to federal laws, namely the Civil Rights Act of 1964, and several EOs. These two programs seek to ensure that people who historically have been excluded from participating in the MPO transportation-planning process, and who have been underserved by transportation investments, have opportunities to participate, have a voice in the selection of transportation investments in their communities, and receive a fair share of their region's investments. Through these programs, the Boston Region MPO remains committed to a transparent, accessible, and open transportation-planning process as it considers all residents' needs in developing its plans and selecting the studies and projects it funds.

The following subsections discuss the federal statutes and EOs that govern the MPO's civil rights activities, the regulations and guidance that direct their implementation, and the populations covered by each.

² Poverty statistics and other data for the Boston region are reported in the 2010–2014 American Community Survey and vary based on household size. Using the household as the unit of measurement (which the MPO uses in the form of annual household income), instead of individual income measures, accounts for the economies of scale inherent as household size increases.

³ The FTA requires that MPOs submit documentation of their Title VI effort every three years. As a measure of expediency, the Boston Region MPO combines reporting efforts to FHWA with those to FTA.

1.2.1 Title VI

Title VI is part of the Civil Rights Act of 1964. It states that “no persons 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 subjected to discrimination under any program or activity receiving federal financial assistance.” As recipients of federal financial assistance from FHWA and the FTA, all MPOs are required to document their efforts to ensure that their activities, programs, and services are not discriminatory on these grounds.

The following races and ethnicities are protected under Title VI: American Indian/Alaska Native; Asian; Black/African American; Hispanic or Latino, of any race; and Native Hawaiian/other Pacific Islander. Discrimination on the basis of limited English language proficiency (LEP) qualifies as discrimination on the basis of national origin as provided under Title VI. While prohibition of discrimination based on national origin dates back to the Civil Rights Act, EO 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and several subsequent iterations of clarifying guidance led to LEP being recognized as the primary way of identifying national origin.

EO 13166 directs federal agencies to take reasonable steps to provide meaningful language access in their services, and for all recipients of any federal financial assistance to do the same, regardless of whether those services are directly supported financially by a federal agency. In 2002, the Department of Justice (DOJ) finalized guidance on how recipients can provide meaningful LEP access. In 2005, the U.S. Department of Transportation (USDOT) issued its own LEP guidance, which was based on the DOJ guidance. Under this guidance, FTA and FHWA recipients and subrecipients are required to develop a Language Assistance Plan (LAP), in which they establish procedures for identifying the number of LEP persons who may be served; determining how language assistance will be provided; establishing a process for training staff; notifying LEP persons about available resources; and monitoring and updating the LAP. As part of the LAP, recipients complete a “Four Factor Analysis” to determine what constitutes meaningful access for LEP persons and identify those languages that are most widely spoken amongst the population that is served. The guidance also identifies which documents are considered “vital,” and thus should be translated.

In their role in carrying out the mission and directives of Title VI, the FTA and FHWA have each issued their own guidance for recipients of their financial assistance regarding compliance with Title VI. The latest FTA guidance, FTA Circular 4702.1B, was issued in 2012. It describes the contents of FTA’s Title VI compliance programs that must be adopted and maintained by their recipients. FHWA incorporates Title VI into

a broader application of non-discrimination statutes, regulations, and EOs into its Title VI/non-discrimination program. FHWA's Title VI/non-discrimination program also covers discrimination based on sex, disability status, income, and age, through the FHWA Title VI program requirements, Age Discrimination Act of 1975, Rehabilitation Act of 1975, and Title 23 (section 324) of the U.S. Code prohibiting discrimination based on sex. Guidance for financial recipients is found in the 2015 "Federal Highway Administration Environmental Justice Reference Guide."

1.2.2 Environmental Justice

Environmental justice at the federal level is based on EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations." Signed by President Clinton in 1994, this EJ EO instructs federal agencies to identify and address any disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority and low-income populations. To this end, each agency must develop strategies to incorporate EJ principles into their operations and into those of the recipients of their financial assistance. The EJ EO does not create new legal mandates; rather, it ensures that EJ is considered when implementing existing statutes. Although the EJ EO applies to federal agencies, the requirements are passed through to their recipients of federal financial assistance, such as MPOs, which implement federal policy and programs.

To assist their recipients, in 2012 the FTA published FTA C 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients." The FTA has also incorporated some requirements for accommodating low-income populations into its Title VI Circular—specifically with regard to fare and service equity analyses for transit providers. FHWA EJ guidance may be found in the EJ reference guide referenced above.

1.2.3 Americans with Disabilities Act

The ADA prohibits public entities from discriminating against people with disabilities or excluding them from participating in, or denying them the benefits of, the entities' services, programs, or activities. Although disability protections are not explicitly a part of Title VI, they are implied in the inclusive public participation requirements. For MPOs, this means that public meetings are held in accessible buildings and that vital MPO documents are available in accessible formats to members of the public.

1.3 THE MPO PLANNING PROCESS AND TITLE VI

The Boston Region MPO follows a "3C" transportation-planning process—continuing, comprehensive, and cooperative—that results in plans, documents, and programs that are consistent with the transportation objectives of the MPO. To be *continuing*, MPO work is conducted on an ongoing basis; to be *comprehensive*, the work is inclusive

of all transportation modes, all populations, all areas in the region, and all of the regional transportation needs; and to be *cooperative*, the work is performed in close communication and consultation with all of the region’s municipalities and with a broad coalition of agencies, organizations, and stakeholders.

As part of the 3C process, the MPO produces the TIP, LRTP, and UPWP, which are required for the MPO to be certified as meeting federal requirements for metropolitan transportation planning and to receive federal surface transportation funds. All three documents, to different degrees, prioritize projects that address the needs of populations included in the MPO’s TE and Title VI programs. The MPO’s TE and Title VI programs support the various 3C-document equity analyses, public outreach efforts, and MPO-led equity-related studies. The Title VI program focuses on FTA and FHWA requirements that help ensure that minority and LEP persons are not subject to discrimination in the course of the MPO’s work, and that Title VI reports are developed as necessary. The TE program is broader-based, tasked with identifying and addressing the concerns of a wider range of EJ and other protected populations that have been traditionally under-represented in the transportation-planning process and underserved by the transportation system. This program includes collecting and analyzing data, conducting public outreach, and evaluating whether the transportation needs of protected populations are being met.

As a subrecipient of federal funding from the FTA and FHWA, the MPO is required to incorporate Title VI regulations into all of its planning and programming activities. The subsections that follow provide an overview of how the MPO incorporates Title VI and EJ into the planning processes for each of the certification documents. You may find more detailed information in Chapter Four.

1.3.1 Transportation Improvement Program

The MPO’s TIP, which is produced every year, allocates funding to projects within the MPO region over a five-year period.⁴ Projects that are selected for the TIP—which include public transit, roadway, bicycle, and pedestrian transportation projects—reflect the MPO’s vision, goals, and objectives, as identified in the MPO’s LRTP.

Because there is not enough funding available to support every project that is proposed for inclusion in any given TIP, MPO staff evaluate each project based on a set of pre-determined criteria to select those that most align with the MPO’s vision, goals, and objectives. There are 28 criteria that relate directly to the MPO’s six goals, one of

⁴ After completing the 2015–2018 TIP, the MPO changed the time frame of its TIPs to five years from four years.

which concerns transportation equity. A project can earn up to 12 points for serving Title VI/EJ/non-discrimination populations. Ensuring that all residents share in the benefits of the MPO's TIP investments is an important part of the MPO's planning work.

1.3.2 Long-Range Transportation Plan

The purpose of the LRTP is twofold: 1) to develop a long-range vision that identifies which transportation issues are of greatest concern to the MPO and the public, and 2) to recommend projects over the 20-year-plus time horizon of the LRTP that reflect this vision. The vision and related goals and objectives guide not only the long-range planning process, but all of the MPO's planning work as well, including the TIP, UPWP, its public participation program, and its TE and Title VI programs. Projects or investment programs must be contained in the LRTP to be programmed in the TIP.

1.3.3 Unified Planning Work Program

The UPWP identifies the studies, programs, and resources that the MPO will fund in the course of a year. It includes certification requirements, transportation studies that MPO staff conduct, and ongoing work programs, such as the MPO's Title VI and TE programs. Proposed studies are evaluated based on several criteria, including how a program helps to accomplish the MPO's LRTP goals; what transportation modes it addresses; the scale of the study; the time frame and type of impact anticipated; whether it furthers existing work; and if it is a new idea or has been funded in the past. The UPWP always includes programs and projects that relate directly or indirectly to understanding and/or furthering the needs of protected populations.

1.4 PURPOSE AND CONTENT OF THE TITLE VI REPORT

This document covers the MPO's work related to its Title VI program in federal fiscal years (FFYs) 2015, 2016, and 2017, and is based on the structure of the FTA's Title VI circular. To demonstrate compliance with FHWA's Title VI/non-discrimination requirements, the document also reports on parallel efforts to engage and accommodate a broader set of protected populations through the MPO's TE program. Chapter Two of this report demonstrates how the Boston Region MPO has satisfied the FTA Title VI Circular's general reporting requirements, which are also required by FHWA. Chapter Three provides evidence that the MPO has satisfied MPO-specific requirements. Finally, Chapter Four discusses how the MPO integrates Title VI and EJ requirements and principles into its transportation-planning activities.



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