

EXECUTIVE SUMMARY

ES.1 BACKGROUND AND PURPOSE

The Boston Region Metropolitan Planning Organization (MPO) is responsible for conducting the federally required metropolitan transportation-planning process (often called the 3C—continuing, cooperative, and comprehensive—process) for the Boston metropolitan area. The MPO uses this process to develop a vision for the region and then decides how to allocate federal and state transportation funds to programs and projects—roadway, transit, bicycle, and pedestrian—that support this vision. To perform the 3C planning process, the MPO receives funding from both the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA).¹

As a recipient of this federal funding, the MPO is required to comply with various civil rights statutes, executive orders, and regulations that are intended to ensure that traditionally underserved populations are included in the planning process and have access to MPO activities. The primary civil rights authorities include:

- **Title VI of the Civil Rights Act of 1964**, which 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.”
- **Executive Order 13166—Improving Access to Services for Persons with Limited English Proficiency (LEP)**, which directs federal agencies, and recipients of federal funding, to provide meaningful language access to their services. Under Title VI, LEP is considered the primary marker of national origin.
- **Executive Order 12898—Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-income Populations**, which requires federal agencies, and recipients of their funding, to address EJ concerns.
- **The Americans with Disabilities Act (ADA)**, which prohibits public entities from discriminating against persons with a disability or excluding them from participation in, or denying them of the benefits of, their services, programs, or activities.

Both the FTA and FHWA require the MPO to comply with these civil rights mandates by developing programs to include underserved populations, and monitoring and reporting regularly on the programs’ success. The MPO’s compliance efforts are

¹ The Massachusetts Department of Transportation is the primary recipient of the funding from FTA and FHWA, and the MPO is a subrecipient of the funding through MassDOT.

fulfilled under its Title VI and Transportation Equity (TE) programs, which address the transportation needs of populations protected under the mandates discussed above, analyze the effects of the MPO's activities, and perform public outreach. The Title VI program, which focuses specifically on Title VI requirements, is a part of the broader TE program, which identifies and addresses the concerns of EJ and other traditionally underserved populations, including those protected on the basis of age, sex, and disability. In addition to these programs, consideration of equity is integral to all aspects of the MPO planning process.

This report addresses the FTA's triennial reporting requirements under Title VI of the Civil Rights Act of 1964 and FHWA's annual reporting requirements under its Title VI/ non-discrimination program. The report reflects the MPO's efforts over the past three years (since its prior Title VI report) to identify the specific transportation concerns and needs of populations protected under the above legal authorities. The MPO believes that these efforts are vital not only because they comply with federal regulations, but also because they are sound transportation-planning practices that further the MPO's vision of providing equitable transportation access and involvement in its decision-making process to all residents in the region regardless of their background.

ES.2 GENERAL REPORTING REQUIREMENTS

As part of their Title VI reporting processes, all recipients of federal funding, including MPOs, must provide the following documentation, all of which is included in this report.

- **Annual Title VI Certifications and Assurances:** Forms signed by the MPO to assure that MPO programs and activities are fulfilled in compliance with Title VI regulations (signed and inserted in the final report after public review and subsequent approval by the MPO).
- **Notice of Non-discrimination Rights and Protections to Beneficiaries:** A statement by the MPO to apprise members of the public of the protections against discrimination afforded to them by Title VI.
- **MPO Endorsement:** Evidence that the MPO has reviewed and approved the Title VI program and report (inserted in the final report after public review and subsequent approval by the MPO).
- **Complaint Procedures:** A process through which individuals can file discrimination complaints against the MPO, and which allows the MPO to track and investigate these complaints.

- **Title VI Investigations, Complaints, and Lawsuits:** A list of any allegations of discrimination by the MPO in its programs and activities during the past three years (the MPO has experienced none).
- **Boston Region MPO Language Assistance Plan (LAP):** The MPO’s plan to identify LEP populations and the languages spoken by them, and to translate vital documents into these languages.
- **Minority Representation on Planning and Advisory Bodies:** Documentation of racial breakdowns of the membership of any MPO transit-related, non-elected planning boards, advisory councils or committees for which the MPO selects the members; and a description of efforts made to encourage participation of minorities on such committees (the MPO does not have any such advisory bodies or committees).
- **Boston Region MPO Public Participation Plan:** Documentation of the various outreach activities in which the MPO engages to ensure that all members of the public are given the opportunity to participate in the MPO’s transportation planning process.

ES.3 REPORTING REQUIREMENTS SPECIFIC TO MPOS

For reporting purposes, the MPO is required to collect data and complete various analyses to evaluate the impact of its planning activities on protected populations. This includes analyzing demographic characteristics of protected populations, analyzing how the MPO’s transportation investments are distributed, and determining whether projects funded by the MPO cause disparate impacts or disproportionate burdens to minority and low-income populations, respectively.

Demographic Profiles

To meet FTA Title VI requirements, the MPO has produced demographic profiles—a collection of maps and tables—of minority and LEP populations. In response to FHWA broader requirements, the MPO also has developed demographic profiles for other protected populations, including low-income, elderly, people with disabilities, zero-vehicle households, and female-headed households with children.

Analyses of the Distribution of Federal Funds

Transportation Improvement Program (TIP)

MPO staff produced an analysis and map of the geographical distribution of projects in the federal fiscal years (FFYs) 2017–2021 Transportation Improvement Program (TIP). The analysis reviews the distribution of MPO target-funded projects that

serve transportation analysis zones (TAZs) that exceed regional thresholds for TE populations. The map shows location-specific public transit projects in the TIP. In the FFYs 2012–2021 TIP, staff also analyzed distribution of state and federal funds for public transit projects to low-income, non-low-income, minority and non-minority passengers. This analysis determined the amount of investments per transit passenger, relative to ridership.

Unified Planning Work Program (UPWP)

For the FFYs 2017 and 2018 Unified Planning Work Programs (UPWP), the MPO produced a geographical assessment of the distribution of MPO-funded studies. It cites which communities in the region have been the subject of these studies, as well as their low-income and minority composition.

Identification of Benefits and Burdens

The MPO analyzes all of the proposed projects, in the aggregate, in its Long-Range Transportation Plan (LRTP) to identify potential impacts—called disparate impacts for minority populations and disproportionate burdens for low-income populations. In addition, the MPO recently developed a methodology to do a similar analysis for the TIP. The goal for both analyses is to determine whether the collection of projects would cause disparate impacts or disproportionate burdens for minority and low-income populations. In the process of doing so, the MPO has developed a draft disparate impact/disproportionate burden (DI/DB) policy that, while not explicitly required by the FTA and FHWA, sets thresholds that allow the MPO to determine whether a collection of projects would cause disparate impacts and/or disproportionate burdens.

The MPO's most recent LRTP, *Charting Progress to 2040*, evaluated these impacts, using a number of metrics related to accessibility, mobility, and air quality. The analysis found that the LRTP would not cause disparate impacts or disproportionate burdens. The MPO's TIP equity analysis methodology needs to be refined before it can be used to determine potential benefits and burdens.

ES.4 TITLE VI AND EJ IN THE MPO PLANNING PROCESS

The importance of incorporating transportation equity into the MPO's planning and programming activities is reflected in the MPO's certification documents: the LRTP, TIP, and UPWP. The MPO's commitment to equity is also demonstrated through its performance-based planning practice (PBPP) and ongoing public participation process.

The LRTP describes the MPO's transportation policies and goals and lays out an investment program for the region's transportation system for a 20-plus-year period. The six goals in *Charting Progress to 2040*, and their accompanying objectives, guide TIP, LRTP, and UPWP project and study selection. One of the goals—transportation equity—has three objectives that are designed to improve access to and benefit from the transportation-planning process: 1) target investments to benefit a high percentage of low-income and minority populations, 2) minimize burdens in low-income and minority areas, and 3) break down barriers to participating in MPO decision-making.

Every year, the MPO develops a TIP that prioritizes transportation investments over a five-year period. Project selection is guided by the MPO's vision, goals, and objectives as stated in the LRTP. To meet the transportation equity goal, the MPO has developed project-selection criteria to assess whether a project serves one or more protected populations, as well as whether it creates a disparate impact or disproportionate burden.

The UPWP describes how the region's federal transportation-planning funds will be spent each year. Every year, the MPO makes an effort to select UPWP studies that directly or indirectly address the needs of protected populations.

The Boston Region MPO is working to develop and implement its PBPP, through which the MPO can monitor and evaluate its progress toward achieving the goals established in the LRTP. Because transportation equity is a critical goal, it is being integrated into the MPO's PBPP, through which staff is tracking transportation investments in minority and low-income communities to ensure that all areas of the region benefit from the programming for federal dollars.

The MPO's Public Participation Plan (PPP) describes the various public outreach and communications activities in which the MPO engages to ensure that all members of the public have the opportunity to participate in the metropolitan transportation-planning process. The PPP specifically identifies ways in which the MPO promotes participation among populations that historically have been underserved by the transportation system and/or have lacked access to the decision-making process. The MPO incorporates inclusive public outreach into every aspect of its transportation-planning process.