

## **AGENDA MERRIMACK VALLEY MPO MEETING**

**DATE:** February 22, 2023  
**TIME:** 12:00 p.m. – 1:00 p.m.  
**PLACE:** Virtual Meeting (see link below)

Please join the MVMPO meeting from your computer, tablet, or smartphone.

### **Join Zoom Meeting**

<https://us06web.zoom.us/j/87880467679?pwd=eFFvM3FTR0lmNXBLZjJUM3BVdTZQQT09>

Meeting ID: 878 8046 7679  
Passcode: 310182  
One tap mobile  
+16469313860,,87880467679# US  
+13017158592,,87880467679# US (Washington DC)

Meeting ID: 878 8046 7679  
Find your local number: <https://us06web.zoom.us/u/kyMLRhas>

### **AGENDA**

1. Call to Order
2. Opportunity for Public Comment
3. Adoption of Minutes
4. Status of Ongoing and FFYs 2023-2027 Transportation Improvement (TIP) Projects
  - Status of TIP Roadway and Bridge Projects
  - Status of Transit Projects
5. UPWP Adjustment #2 – Add New MPO Staff to Contract
6. TIP Amendment #1: Addition of Two Highway Projects to the TIP
  - Release for 21-day comment period
7. TIP Amendment #2 – Addition of Two Transit Projects (Operating) to the TIP
  - Release for 21-day comment period
8. Endorsement of the Title VI Plan
  - Close 21-day comment period
  - Endorse draft plan
9. Performance Measure 1 (PM1) – Safety

- Endorse statewide PM1 target
10. Performance Measure 2 (PM2) – Bridge & Pavement Performance Measures
    - Endorse statewide PM2 target
  11. Performance Measure 3 (PM3) – Reliability, Congestion & Emissions
    - Endorse statewide PM1 target
  12. FY2024-2028 TIP Readiness Discussion
  13. Safe Streets and Roads for All (SS4A) Grant Award Update
  14. Other Business
  15. Adjourn

## **ACCESSIBILITY**

Notice: The above virtual meeting is accessible to persons with disabilities and individuals with limited English proficiency. The MVPC provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, CART, translated documents, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact Betsy Goodrich by phone at 978-374-0519, Ext. 21 or by email at [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org). Requests for accommodation or language assistance should be made as soon as possible, preferably at least two (2) weeks prior to the meeting.

### **English**

If this information is needed in another language, please contact the MVMPO Title VI/Nondiscrimination Coordinator at 978-374-0519 ext.15.

### **Spanish**

Si necesita esta información en otro idioma, por favor contacte al coordinador de MVMPO del Título VI/Contra la Discriminación al 978-374-0519 ext.15.

### **Portuguese**

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI e de Não Discriminação da MVMPO pelo telefone 978-374-0519, Ramal 15.

### **Chinese Simple**

如果需要使用其它语言了解信息，请联系Merrimack Valley大都会规划组织（MVMPO）《民权法案》第六章协调员，电话978-374-0519，转15。

**Chinese Traditional**

如果需要使用其他語言瞭解資訊，請聯繫Merrimack Valley大都會規劃組織（MVMPO）《民權法案》第六章協調員，電話978-374-0519，轉15。

**Vietnamese**

Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Điều phối viên Luật VI/Chống phân biệt đối xử của MVMPO theo số điện thoại 978-374-0519, số máy nhánh 15.

**French Creole**

Si yonmoun vle genyen enfòmasyon anyon lòt lang, tan pri kontakte Kowòdinatè kont Diskriminasyon/MVMPO Title VI la nan nimewo 978-374-0519, ekstansyon 15.

**Russian**

Если Вам необходимо данная информация на любом другом языке, пожалуйста, свяжитесь с Координатором Титула VI/Защита от дискриминации в MVMPO по тел: 978-374-0519, добавочный 15.

**French**

Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le coordinateur du Titre VI/anti-discrimination de MVMPO en composant le 978-374-0519, poste 15.

**Italian**

Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare il coordinatore del MVMPO del Titolo VI e dell'ufficio contro la discriminazione al 978-374-0519 interno 15.

**Mon-Khmer, Cambodian**

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែព័ត៌មាននេះ សូមទាក់ទងអ្នកសម្របសម្រួលជំពូកទី**6/**គ្មានការជឿសង្ឃឹររបស់ **MVMPO** តាមរយៈលេខទូរស័ព្ទ **978-374-0519** រួចភ្ជាប់ទៅលេខ **15**។

**Arabic**

إذا كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بمنسق الفقرة السادسة لمنع التمييز التابع لمنظمة التخطيط الحضري في ميريماك فالي على الهاتف: 978-374-0519 و ثم اضغط الأرقام 15.

Aviso: La ubicación arriba es accesible para personas con discapacidad. El MVPC proporciona adaptaciones razonables y / o ayuda con el idioma de forma gratuita bajo petición (incluyendo interprete de lenguaje de señas americano al igual que cualquier otro idioma. El MVPC no se limita a solo lengua de señas sino que tambien estan disponibles videos con subtítulos abierto o cerrado, dispositivos de ayuda auditiva y todos los formatos de materiales alternativos, tales como audio cintas, Braille o cualquier cosa en letra grande), estan a su disponcion. Para las reservaciones o ayuda con el idioma, por favor póngase en contacto con Anthony Komornick por

teléfono, 978-374-0519, extensión 15, o por correo electrónico, [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org) (correo electrónico). Las solicitudes de acomodación o asistencia deben hacerse lo mas antes posible, preferiblemente por lo menos dos (2) semanas antes de la reunión.

## **TITLE VI NOTICE OF PROTECTION**

The MVMPO complies with federal and state nondiscrimination obligations and does not discriminate on the basis of race, color, age, religion, creed, national origin (including limited English proficiency), ethnicity, ancestry, sex, gender, sexual orientation, gender identity or expression, disability, veteran's status, or background. For more information, to express a concern, or to file a complaint, please contact Betsy Goodrich by phone at 978-374-0519, Ext. 21 or by email at [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org). Visit [www.mvpc.org](http://www.mvpc.org) to learn more about these nondiscrimination obligations.

El MVMPO cumple con el Título VI del Acta de Derechos Civiles de 1964, la Ley de Estadounidenses con Discapacidades (ADA) y otros estatutos de no discriminación federales, estatales y los reglamentos en todos sus programas y actividades. Para obtener más información sobre la declaración de no discriminación de la MVMPO e información relacionada, por favor vea la sección Transporte de la página web MVPC en [www.mvpc.org](http://www.mvpc.org).

**Merrimack Valley Metropolitan Planning Organization (MVMPO) Docket****February 22, 2023**

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**Agenda Item: 5****Subject: UPWP Adjustment #2 – Add New MPO Staff to Contract**

**Context:** After 39 years of service, former Transportation Program Manager Tony Komornick retired and is no longer billing to Merrimack Valley Planning Commission's 3C transportation contract with MassDOT for the FY23 Unified Planning Work Program. On February 6, 2023, the Merrimack Valley Planning Commission (MVPC) hired new Transportation Program Manager Patrick Reed to support the Commission's Transportation Planning activities and the work of the Merrimack Valley Metropolitan Planning Organization (MVMPO). The new Transportation Program Manager's employment was endorsed by the MVPC on February 16, 2022.

**Discussion:** Previous Transportation Program Manager, Tony Komornick, was billing at a rate of \$67.88 per hour. Mr. Reed's hourly rate will be \$67.03, resulting in a slight reduction in expenditures budgeted for the position. Similar to Mr. Komornick, 100 percent of Mr. Reed's time will be billed to the contract. In addition to Mr. Komornick's retirement, the MVPC's Transportation Program has lost three staff initially programmed in the FY23 budget—each billing 100 percent of their time to the contract—resulting in a currently anticipated surplus of 3C PL fund availability. Following advertisement and targeting of new program candidates, MPO staff will run new comprehensive projections for the FY23 UPWP, which will be shared with the MVMPO for discussion regarding future amendments and/or adjustments.

**Action:** Adjust the UPWP to add Patrick Reed to the MassDOT 3C Contract, with an hourly rate of \$67.03.

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**Agenda Item: 6****Subject: TIP Amendment #1 – Addition of Two Highway Projects to the TIP**

**Context:** The Border to Boston Trail is a planned shared-use path trail, approximately 70-miles total, anticipated to connect various communities and employment centers along the Route 1/I-95 Corridor between Boston and New Hampshire. The planned trail is a component of the larger East Coast Greenway Corridor, which is a partially constructed multi-state pathway intended to facilitate safe, off-road active transportation between Florida and Maine.

**Discussion:** The 2021 Infrastructure Investment and Jobs Act (IIJA), more commonly referred to as the Bipartisan Infrastructure Legislation (BIL), included earmark funds to advance design and engineering of the Border to Boston Trail in FY23. The earmarks provide funding to design two separate segments of the planned trail, which will be added to the TIP as two separate projects. Design will be managed by MassDOT.

Because earmarks are treated like discretionary funding streams, the addition of these two projects has no impact on regional target funding. \$312,500 will support design and engineering of the planned boardwalk segment at the Parker River in Newbury. An additional \$312,500 will support a separate segment of the trail’s design and engineering costs in Boxford.

The TIP revisions report below summarizes the proposed amendment.



TIP Revisions Report  
Merrimack Valley

STIP: 2023 - 2027 (A)

Type	Value Changed	Date of Change	Former Value	New Value	Variance	Comments
Federal Fiscal Year 2023						
Section 1B / Earmark or Discretionary Grant Funded Projects						
Earmark Discretionary						
<b>S12754 Newbury: NEWBURY - BORDER TO BOSTON TRAIL DESIGN OF BOARDWALK SECTION AT THE PARKER RIVER</b>						
Amendment	2023: Merrimack Valley-DGN-Earmark Discretionary-HPP	2/10/2023	\$0	\$312,500	\$312,500	
<b>S12755 Boxford: BOXFORD - BORDER TO BOSTON TRAIL DESIGN</b>						
Amendment	2023: Merrimack Valley-DGN-Earmark Discretionary-HPP	2/10/2023	\$0	\$312,500	\$312,500	

**Action:** Release the proposed amendment for the 21-day comment period:

- \$312,500 for design of the Border to Boston Trail boardwalk in Newbury at the Parker River (#S12754) in FY23 of the FY23-27 TIP.
- \$312,500 for design of the Border to Boston Trail in Boxford (#S12755) in FY23 of the FY23-27 TIP.

**Agenda Item: 7**

**Subject: TIP Amendment #2 – Addition of Two Transit Projects (Operating) to the TIP**

**Context:** The Federal Transit Administration (FTA) Section 5310 Program provides apportioned funding to states, which pass these funds to subrecipient regional and local transit providers or community organizations. The intent of the Section 5310 program is to enhance mobility and accessibility for seniors and persons with disabilities, particularly in locations where transit is not available or does not fully accommodate the needs of seniors and/or the disabled.

Massachusetts uses its state-managed Community Transit Grant program as a competitive grant vehicle to distribute apportioned funds to subrecipients. The program can fund both capital and operating expenses; however, capital grants require a standard 20 percent match while operating awards require a 50 percent match.

**Discussion:** Two local organizations/agencies were awarded funding within the Merrimack Valley Region. MassDOT awarded \$9,000 of federal aid operating assistance to the Groveland Council on Aging and \$25,000 of federal aid operating assistance to Northern Essex Elder

Transport, which operates a regional volunteer driver program for 14 Council on Aging organizations in the Merrimack Valley. MassDOT is providing the 50 percent match for both projects. The TIP revisions report below summarizes the proposed amendments (federal awards) and adjustments (state matches).



TIP Revisions Report  
Merrimack Valley

STIP: 2023 - 2027 (A)

Type	Value Changed	Date of Change	Former Value	New Value	Variance	Comments
Federal Fiscal Year 2023						
Mobility Assistance Program						
<b>T00227 Groveland: Groveland COA - Funding for operating of Groveland Council on Aging vehicle (5310)</b>						
Amendment	2023: MVRTA-OT-Mobility Assistance Program-5310	1/11/2023	\$0	\$9,000	\$9,000	
Adjustment	2023: MVRTA-OT-Mobility Assistance Program-ONF	1/11/2023	\$0	\$9,000	\$9,000	
<b>T00229 : Northern Essex Elder Transport - Operating Administrative Costs (5310)</b>						
Amendment	2023: MVRTA-OT-Mobility Assistance Program-5310	1/11/2023	\$0	\$25,000	\$25,000	
Adjustment	2023: MVRTA-OT-Mobility Assistance Program-ONF	1/11/2023	\$0	\$25,000	\$25,000	

**Action:** Release for the 21-day comment period:

- \$9,000 Section 5310 subrecipient grant award and \$9,000 non-federal aid match for Groveland Council on Aging Vehicle operating assistance (#T00227)
- \$25,000 Section 5310 subrecipient grant award and \$25,000 non-federal aid match for Northern Essex Elder Transport operating assistance (#T00229)

**Agenda Item: 8**

**Subject: Endorsement of the Title VI Plan**

**Context:** Title VI of the Civil Rights Act of 1964 provides that no person in the United States 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 subjected to discrimination under any program receiving federal financial assistance. Equal opportunity connects all people and communities to transportation programs that receive Federal financial assistance from the United States Department of Transportation (USDOT).

The MVMPO’s Title VI Plan contains certifications, assurances, standard noticing, and complaint procedures to comply with federal law. The plan also details the MVMPO’s public participation practices as well as demographic profiles to inform and support participation.

**Discussion:** Staff completed a draft of the Title VI Plan in December of 2022. At its last meeting, the MVMPO released the Title VI draft for public comment. MVMPO staff held two public hearings on Wednesday, February 15 at 1pm and 6pm, and will hold additional public hearings on Monday, February 20 at 1pm and 6pm. As of this writing, staff have not received public comments on the draft.

**Actions:**

1. Close the 21-day comment period.
2. Endorse the MVMPO Title VI Plan.

**Attachments:**

1. Draft MVMPO Draft Title VI Plan
  2. Draft Limited English Proficiency and Language Assistance Plan
  3. Title VI Program Appendices A-C
  4. Current Public Participation Plan (March 2017)
- 

**Agenda Item: 9****Subject: Performance Measure 1 (PM1) - Safety**

**Context:** Per federal legislation, state Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs) are required to establish performance measures and associated targets to be used in assessing the transportation system and programming of federal aid projects. The first of these measures tracks transportation network safety through the following measures:

- Number of fatalities
- Fatality rate per 100 million vehicle miles traveled (VMT)
- Number of serious injuries
- Serious injury rate per 100 million vehicle miles traveled (VMT)
- Number of non-motorized fatalities and serious injuries

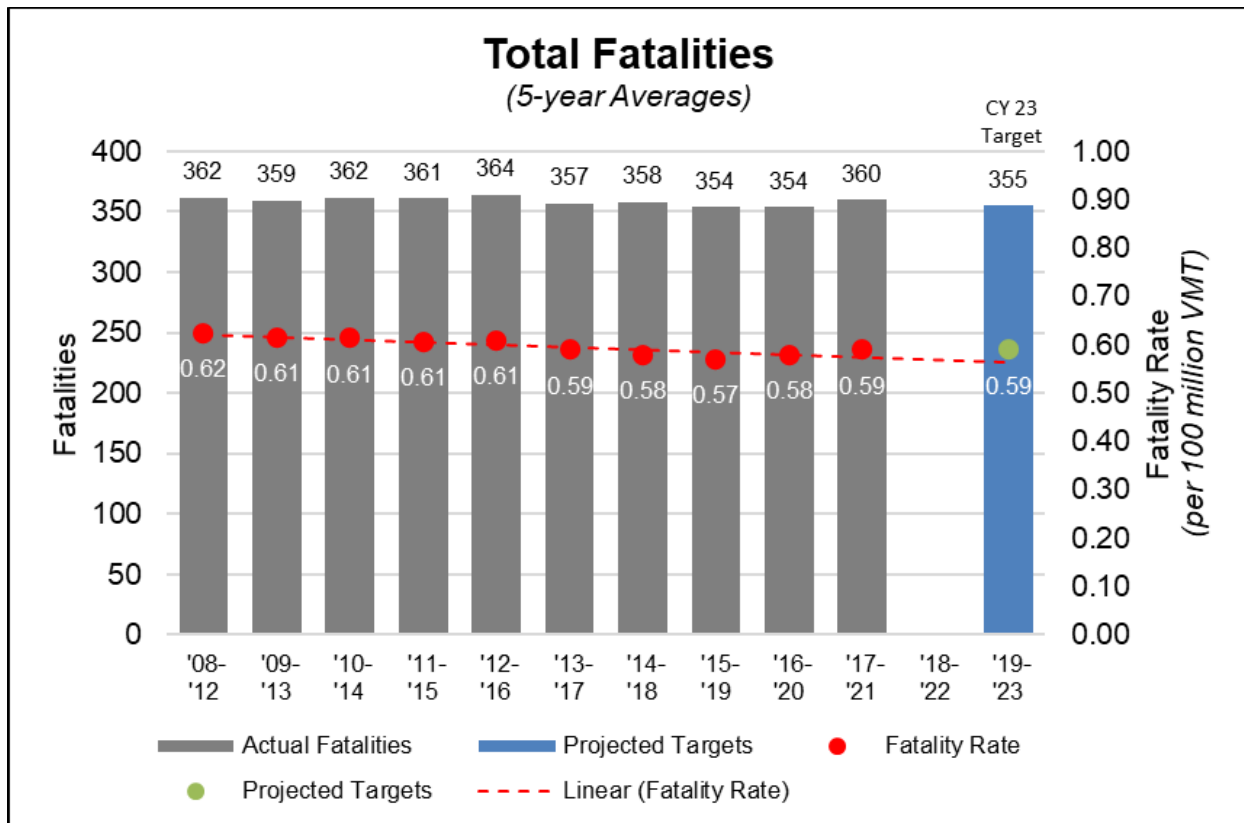
**Discussion:**

*Total Fatalities:* Per Federal Highway Administration (FHWA) guidance, the calendar year (CY) 2023 target setting process began in April 2022 with a trend line projection based on the most recent available data. Due to higher rates of speeding caused by decreased vehicle miles traveled (VMT) amid pandemic shutdowns in 2020 and the lingering impacts in 2021, 2020 and 2021 fatalities increased relative to previous years. Since the Infrastructure Investment and Jobs Act (IIJA) requires “performance targets to demonstrate constant or improved performance,” MassDOT would be unable to use a pure trendline approach to set CY 2023 targets. Therefore, MassDOT developed targets for CY 2023 by projecting 2022 fatalities to be equal to 3% higher than the state’s lowest year in recent history (2019), and projecting 2023 fatalities to be equal to 3% lower than 2019. This methodology was developed in order to project a future downward trend based on the data available at the time. This analysis resulted in five-year average fatalities decreasing from 360 (2017-2021) to 355 (2019-2023), a reduction of 1.69%. Fatalities are expected to decrease based on MassDOT efforts in the areas of speed management and safe systems, among other safety strategies. As always, MassDOT’s overarching goal is zero deaths and this goal will be pursued by implementing Strategic Highway Safety Plan (SHSP) strategies.

*Fatality Rate:* The fatality rate represents five-year average fatalities divided by five-year average VMTs. The COVID-19 pandemic greatly impacted VMT, causing fatality rates to spike in 2020 with significantly lower VMT and slightly higher fatalities, along with lingering impacts in



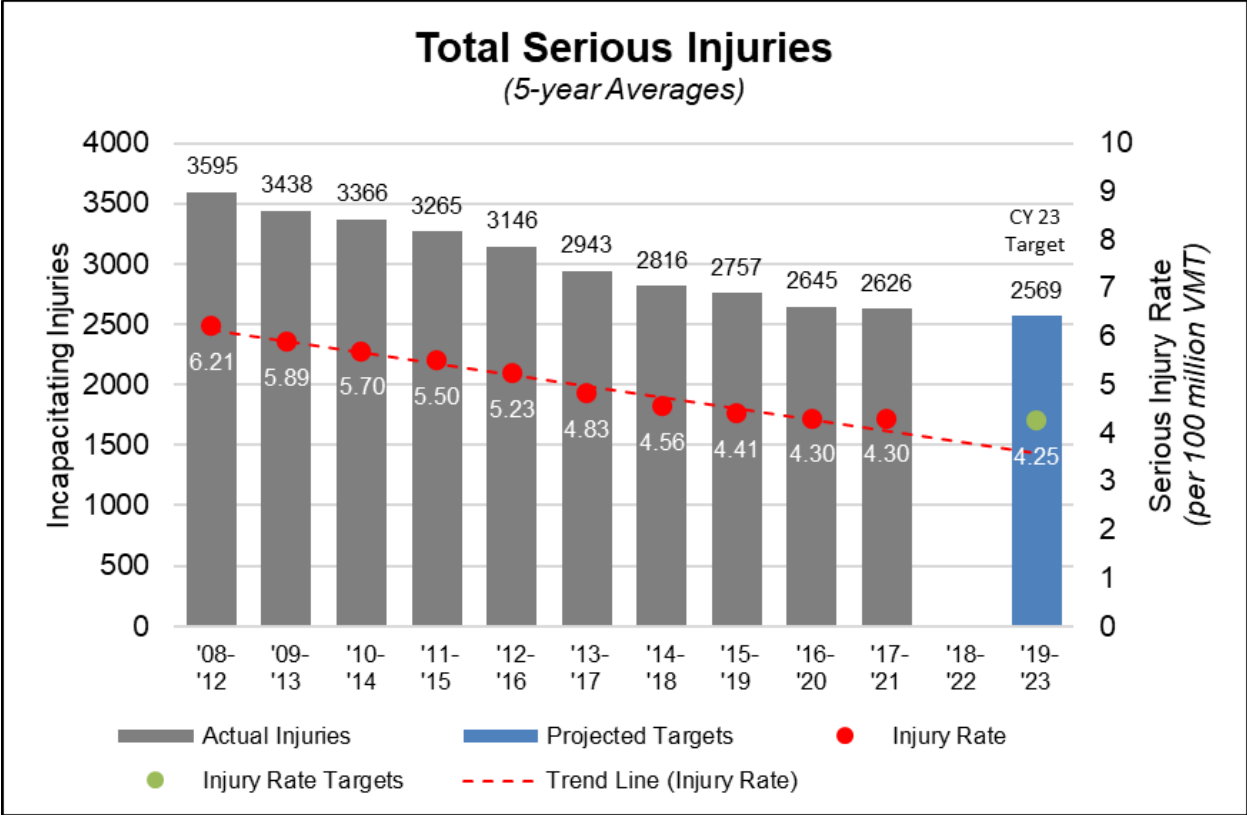
2021. The 2023 projection is now 0.59 fatalities per 100 million VMT (five-year average of 2019-2023). The long-term goal is towards zero deaths, so the long-term fatality rate target is 0 fatalities per 100 million VMT.



Note: 2022 data is not complete and therefore was not used for target setting purposes.

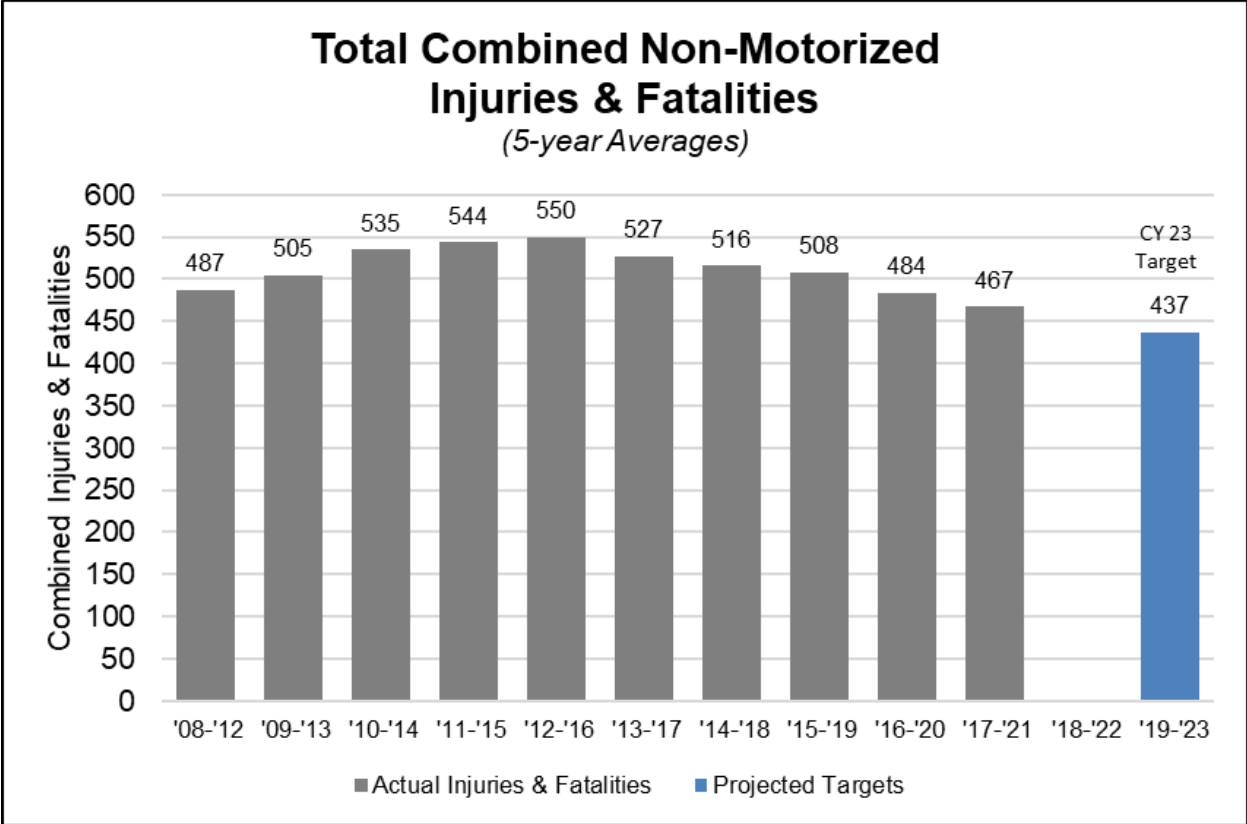
**Total Serious Injuries:** The 2020 – 2022 serious injury data were not finalized in the statewide crash system at the time of target setting, so MassDOT used the information that was available as of April 2022. Due to higher rates of speeding caused by decreased VMT amid pandemic shutdowns in 2020 and the lingering impacts in 2021, 2020 and 2021 serious injuries increased relative to previous years. Therefore, MassDOT developed targets by projecting the 2022 annual serious injuries to be equal to the lowest year in recent history and the 2023 annual serious injuries to continue downward at a roughly 10% annual decrease, which reflects the average decreases in the years in which the state experienced reductions in serious traffic injuries. This approach resulted in a 5-year average number of serious injuries dropping from 2,626 (2017-2021) to 2,569 (2019-2023), a reduction of 1.99%.

**Serious Injuries Rate:** Similar to the fatality rate, serious injury rates were greatly impacted due to COVID. Following the methods above, the projection is now 4.25 serious injuries per 100 million VMT (2019-2023), down from 4.30 serious injuries per 100 million VMT (2017-2021), a reduction of 1.57%. The long-term goal is towards zero deaths and serious injuries, so the long-term serious injury rate target is 0 serious injuries per 100 million VMT.



Note: 2022 data is not complete and therefore was not used for target setting purposes.

*Total Number of Nonmotorized Fatalities and Serious Injuries:* The number of nonmotorist fatalities and serious injuries decreased dramatically during the start of the pandemic in 2020, followed by an increase in 2021 and further movement in the wrong direction to start 2022. This fluctuation made tracking the trend in this area difficult. Therefore, non-motorized fatalities and serious injuries for 2022 were set to be equal to 3% higher than Massachusetts’ recent lowest year, and 2023 were set to be 3% lower than the recent lowest year. This results in a 5-year average of non-motorist fatalities and serious injuries moving from 467 (2017-2021) to 437 (2019-2023), a reduction of 6.86%.



*Note: 2022 data is not complete and therefore was not used for target setting purposes.*

*Note: The fatality and serious injury data contained here was developed to align with the data included in MassDOT's annual Highway Safety Improvement Program (HSIP) report. As such, historical data may be different from what was reported in prior years.*

**Action:** Adopt MassDOT's proposed statewide PM1 performance target.

**Agenda Item: 10**

**Subject: Performance Measure 2 (PM2) – Bridge & Pavement Reliability**

**Context:** Per Federal legislation, State Departments of Transportation (DOT) and Metropolitan Planning Organizations (MPOs) are required to establish performance measures and associated targets to be used in assessing the transportation system and programming of federal aid projects. The second of these performance measures tracks bridge and pavement reliability through the following measures:

- Percentage of Pavements of the Interstate System in Good Condition
- Percentage of Pavements of the Interstate System in Poor Condition
- Percentage of Pavements of the non-Interstate NHS in Good Condition
- Percentage of Pavements of the non-Interstate NHS in Poor condition
- Percentage of NHS bridges by deck area classified as in Good Condition
- Percentage of NHS bridges by deck area classified as in Poor Condition

**Discussion:** During the February 22, 2023 meeting, MassDOT will present findings and targets for PM2 relevant to the state and region.

**Action:** Adopt MassDOT's proposed statewide PM2 performance target.

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## **Agenda Item: 11**

### **Subject: Performance Measure 3 (PM3) – Reliability, Congestion, & Emissions**

**Context:** Per Federal legislation, State Departments of Transportation (DOT) and Metropolitan Planning Organizations (MPOs) are required to establish performance measures and associated targets to be used in assessing the transportation system and programming of federal aid projects. The last of these performance measures tracks system performance, freight, and congestion mitigation and air-quality through the following measures:

- Percent of the Person-Miles Traveled on the Interstate that are Reliable
- Percent of the Person-Miles Traveled on the non-Interstate NHS that are Reliable
- Truck Travel Time Reliability (TTTR) Index on the Interstate System
- Annual Hours of Peak Hour Excessive Delay Per Capita
- Percent of Non-SOV Travel on the NHS System
- Total Emission Reduction of all projects funded with CMAQ in areas designated as nonattainment or maintenance for ozone (O<sub>3</sub>), carbon monoxide (CO), or particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)

**Discussion:** During the February 22, 2023 meeting, MassDOT will present findings and targets for PM2 relevant to the state and region.

**Action:** Adopt MassDOT's proposed statewide PM3 performance target.

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## **Agenda Item: 12**

### **Subject: FY2024-2028 TIP Readiness Discussion**

**Context:** MassDOT holds an annual TIP readiness discussion to inform programming for the annual TIP's development and eventual MVPMPPO endorsement. This discussion is led by MassDOT's Office of Transportation Planning and is supported by MVMPO staff, MassDOT District 4 staff, and MassDOT Environmental and Right-of-Way staff.

**Discussion:** During the February 22, 2023 meeting, MVMPO staff will provide the outcomes of the TIP readiness discussion to facilitate MPO discussion and/or comment.

**Action:** Adopt MassDOT's proposed statewide PM3 performance target.

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## **Agenda Item: 13**

### **Subject: Safe Streets and Roads for All**

**Context:** Last fall, the United States Department of Transportation (USDOT) released a Notice of Funding Opportunity (NOFO) for its Safe Streets and Roads for All (SS4A) discretionary federal aid program, which is a new program authorized by the 2021 Bipartisan Infrastructure Legislation (BIL, formally referred to as the Investment in Infrastructure and Jobs Act, or IIJA). This program supports two different activities. The first activity is the development of Comprehensive Safety Action Plans. These plans document aspirational community goals for reducing severe and fatal injuries as well identify strategies and projects to realize these goals. The program also offers implementation grants—which can only be applied for once a comprehensive safety action plan is complete—to help realize the projects identified within a safety action plan.

**Discussion:** This month, USDOT announced that the MVPC and Northern Middlesex Council of Governments (NMCOG) have been awarded \$375,233 in federal funding for the development of Comprehensive Safety Action Plans. These plans will set ambitious severe and fatal crash reduction goals and will identify stakeholders, strategies, and conceptual projects to advance safety on roadways throughout the two northeast regions. Together, the plans will be informed by broad outreach throughout the regions' 24 urban, suburban, and rural communities.

MVPC and NMCOG will lead the effort to develop the Comprehensive Safety Action Plans in partnership with MassDOT, which is supporting the project with matching state aid in the amount of \$93,808 for a total grant award of \$469,041.

The two regions look forward to collaboration in support of safe and equitable transportation for every walker, biker, roller, rider, and driver. The completed plans will unlock future grant cycle eligibility, allowing the two regions and their communities to directly apply for federal implementation funding to realize the plans' documented safety projects, strategies, and goals. Following acceptance and processing of the awards, MVPC and NMCOG will develop updated project pages with information about to be involved in development of the safety action plans.

**Docket Attachments:**

1. Agenda Item 3 – January 4, 2023 Draft Minutes
2. Agenda Item 8 - Draft MVMPO Draft Title VI Plan
3. Agenda Item 8 - Draft Limited English Proficiency and Language Assistance Plan
4. Agenda Item 8 - Title VI Program Appendices A-C
5. Agenda Item 8 - Current Public Participation Plan (March 2017)

**DRAFT MEETING MINUTES**  
**Merrimack Valley Metropolitan Planning Organization (MVMPO) Virtual Meeting**  
**Wednesday, January 4, 2023 – 12:00 p.m.**

**Attendees:****Voting Members:**

Derek Krevat, representing MassDOT Secretary Jamey L. Tesler  
Brian Fallon, representing MassDOT Highway Administrator Jonathan Gulliver  
Jerrard Whitten, Executive Director MVPC  
Noah Berger, Merrimack Valley Transit Authority (MeVa)  
John Pettis, representing Haverhill  
Dan McCarthy, representing City of Lawrence  
Neil Harrington, Salisbury, representing MPO Subregion #1  
John Cashell, Georgetown, representing MPO Subregion #3  
Paul Materazzo, Andover, representing MPO Subregion #4

**Others Present:**

Betsy Goodrich, MVPC	Chris Timmel, FHWA
Tony Collins, MVPC	Andrew Shapiro, North Andover
Derek Shooster, MassDOT	Katherine Lambert, MeVa
Andrew Wang, MassDOT	Alex Loncarevic, VHB
Tim Paris, MassDOT District 4	Anne Marie Casey, Amesbury
Josh Levin, MassDOT District 4	Jerry Klima, representing Salisbury

**Agenda Item No. 1: Call to Order**

Derek Krevat called the meeting to order at 12:01pm and stated that he was representing Transportation Secretary Jamey Tesler. A quorum was confirmed via roll call.

**Agenda Item No. 2: Opportunity for Public Comment**

Mr. Krevat paused to solicit comments from the public and noted that the chat function could also be used to provide comments. There being no comments, Mr. Krevat moved to item No. 3.

**Agenda Item No. 3: Adoption of Minutes for November 30, 2022 Meeting**

Mr. Krevat asked the members of the MPO to move to approve the draft minutes from the November 30 meeting. Mr. Berger moved to approve the minutes. Mr. Klima, serving as proxy for Mr. Harrington prior to his arrival, seconded. The Commission unanimously approved the minutes by roll-call vote.

**Agenda Item No. 4: Status of FY2023-2027 Transportation Improvement Program Projects and Status of Transit Projects**

Mr. Paris (MassDOT District 4) reviewed projects. Mr. Paris indicated that project #605304 was not included in the update as there was a legislative update held on December 19, 2022 which was not included in the comments. Mr. Paris proceeded to discuss additional updates:

- #608029 - Newburyport Intersection Improvements at Route 1 and Merrimack Street was issued a Notice to Proceed.

- #608816 – Lowell-Dracut-Methuen Route 110 Resurfacing received comments for 25 percent review at the November.
- #607710 – Salisbury Resurfacing and Related Work on Route 1A - A virtual public meeting was held on November 30.
- #608095 – North Andover Corridor Improvements on Route 114 received 75 percent design comments.
- #60284 – Reconstruction on Route 97 (W. Main Street) from Moulton Street to Groveland T.L. progressed to 75 percent design and costs were updated upward by approximately \$3 million.
- #607541 – Georgetown to Boxford Border to Boston trail moved into 100 percent design and costs have increased.
- #610924 – Lawrence Reconstruction on Amesbury Street moved into 75 percent design and costs move upwards.
- #610658 – Methuen Intersection Improvements at Riverside Drive and Burnham Road's estimate increased with minor cost changes.
- #609392 – Rowley Safety Improvements at Glen's TIP year moved to FY23.
- #60849 – Newbury – Newburyport – Salisbury Resurfacing Work on Route 1 identified and selected the lowest bidding firm.

Mr. Shooster noted that the Rowley project (#609392) was advertised in 2022 as the update sheet depicted 2023. Mr. Paris clarified that the FY22 is correct as suggested by Mr. Shooster.

Ms. Goodrich inquired about the status of the Basiliere Bridge's advertisement date and asked if there would be a design project website. Mr. Fallon replied that MassDOT was aiming for FY24 and will use a design-build project model. Mr. Fallon noted that the outreach process had just begun for the project, which necessitated a legislative meeting. Mr. Fallon stated that outreach materials would be forthcoming quickly and that these materials would be shared with MVPC. Ms. Goodrich inquired about two Lawrence intersection projects that had been taken off the TIP. Mr. Fallon replied that the ROW process for the two projects had not been finalized. Mr. Shooster noted that MassDOT would have a readiness year update for all projects, including projects that are not currently TIP programmed.

Mr. Berger highlighted MeVa's new branding, including new bus and van wrapping. Mr. Berger noted that MeVa received its first of eight new Gillig buses from California. Mr. Berger commented that buses will be equipped with signage noting the route and destination. Mr. Berger stated that the new buses will address concerns with previous carpeted bus seating by adding non-carpeted seats with some texture for friction. The seats are colored to align with MeVa's branding. Each of new buses will include lug nut indicators which will continue to support preventative maintenance. Mr. Berger highlighted coordination with Gillig on the development of the first high-quality low-floor cutaway van on the market. Mr. Berger stated that MeVa received a delivery of a supervisory vehicle, which will be used to support bus operations. Mr. Berger noted that the miscellaneous equipment line item in MeVA's budget is used to maintain facilities in a state of good repair and that funding is included in this year's TIP for improvements of the McGovern Transportation Center, which will allow for multiple bus berths and the conversion of Amesbury Street to two-way travel. Mr. Berger noted that MeVa is continuing to work to make existing routes more convenient and direct, and that similar efficiencies were being explored for MeVa's demand-response services. All paratransit services will be subsumed under the name "Mini MeVa" to reinforce the concept that paratransit can support access to MeVA's fixed route services. In April, Mr. Berger noted that MeVa will simplify the names of routes, making the bus route's numbering system more intuitive for customers. Mr.



Berger noted that MeVa will be rolling out an additional route providing service between the Ahepa apartments in Haverhill and the Rivers Edge Plaza and will run on Mondays and Thursdays, which will be called the Number 22 Buttonwoods Express. Finally, Mr. Berger highlighted a book entitled *Conversations on Equity and Inclusion in Public Transportation* by Paul Comfort, which discusses the successes of transit in the Merrimack Valley in chapter 5. Mr. Krevat indicated that the book may have supporting insights for the development of the State's Long Range Plan. Mr. Shooster called to Mr. Berger's attention that the MeVa website required an update to remove discontinued commuter bus service to Boston.

#### **Agenda Item 5. Amendment #1 to MVMPO's FFY 2023 UPWP**

Ms. Goodrich provided an overview of the proposed amendment, which would remove the programmed Bicycle and Pedestrian Access Study on Route 114 from the Intersection of Willow and Mill Streets to the Middleton Town Line and replace it with two Road Safety Audits (RSAs) at Woodland Street and Elm Street in Methuen and Merrimack Street and Parker Street in Lawrence. Mr. Krevat requested that a motion be made to approve the amendment. Mr. Whitten made the motion, which was seconded by Mr. Pettis and approved unanimously.

#### **Agenda Item 6. Draft Title VI Plan for Public Comment**

Ms. Goodrich provided an overview of MVMPO's Title VI Program, including the definition and purpose of Title VI and the Title VI Plan's contents. Ms. Goodrich displayed the region's racial profile and maps produced at the census tract level depicting the spatial locations of higher percentages of nonwhite communities. Ms. Goodrich noted that these locations largely overlap with locations of lower income households, which was defined for this study as 65 percent of the regional median household income (\$56,300). Ms. Goodrich noted that Haverhill and Lawrence have the greatest number of persons with disabilities and highest percentage of population that is minority (as defined by hearing, vision and ambulatory disabilities). Ms. Goodrich provided an example overview of a benefits-burdens analysis and spoke about Title VI Plan's Language Access Plan. Ms. Goodrich noted that the MVMPO will need to make translation services accessible in Spanish, Hatian Creole, Chinese, and Vietnamese based on American Community Survey Data. Documents requiring translation are typically the Title VI Plan and Executive Reports of 3C documents. Ms. Goodrich went on to highlight outreach strategies that MVPC uses to meet communities with language needs, highlighting an in-the-community approach to meet residents where they reside or frequent. Following Ms. Goodrich's presentation, Mr. Krevat requested a motion to release the Draft Title VI Plan for Public Comment. Mr. Pettis made the motion to release the plan for the 21-day comment period, which was seconded by Mr. Whitten and approved unanimously.

#### **Agenda Item 8. Other Business**

Ms. Goodrich noted that MVPC has posted the annual obligation report on its website for FY22. Mr. Krevat noted that at the February meeting, two amendments will need to be added to the TIP for the Community Transit Grant program.

#### **Agenda Item 9. Adjournment**

Mr. Krevat requested a motion to adjourn. Mr. Materazzo motioned to adjourn, which was seconded by Mr. Pettis. The motion passed unanimously and the meeting adjourned at 12:46pm.



# Draft 2023 Title VI Program

Merrimack Valley Metropolitan Planning Organization

December 31, 2022

Prepared by  
Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830  
[www.mvpc.org](http://www.mvpc.org)

## Merrimack Valley MPO 2023 Title VI Report

The Merrimack Valley Planning Commission (MVPC) Complies with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin (including limited English proficiency). Related federal and state nondiscrimination laws prohibit discrimination on the basis of age, sex, disability, and additional protected characteristics. MVPC is committed to nondiscrimination in all activities.

Individuals who believe they have been discriminated against may file a complaint with MVPC at:

Title VI Program Coordinator  
MVPC  
160 Main Street  
Haverhill, MA 01830  
Email: [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org)

Discrimination is prohibited at MVPC. If you believe discrimination has occurred you have the right to file a complaint. For translations of this notice, visit <https://mvpc.org/title-vi/>.

This document was prepared by the Merrimack Valley Planning Commission under Contract #118972 with the Massachusetts Department of Transportation (MassDOT) and with the assistance of the Merrimack Valley Regional Transit Authority (MVRTA), MassDOT, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Its contents do not necessarily reflect the official views or policies of the U.S. DOT.

## **Merrimack Valley Metropolitan Planning Organization Endorsement Sheet**

The signature below signifies that all members of the Merrimack Valley Metropolitan Planning Organization, or their designees, have met on XXX, 2023 and discussed the following item for endorsement: **Merrimack Valley 2023 Title VI Program.**

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Jamey Tesler, Secretary and Chief Executive Officer  
Massachusetts Department of Transportation  
Chair, Merrimack Valley MPO

## Table of Contents

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I.	Program Description .....	1
II.	General Requirements .....	2
A.	Title VI Certifications and Assurances .....	2
B.	Title VI Notice .....	39
C.	Title VI Complaints.....	42
D.	Complaint Process .....	42
E.	Complaint Form .....	48
F.	Title VI Specialist.....	50
G.	Dissemination of Title VI Information .....	51
III.	Public Participation and LEP.....	54
A.	Public Participation Plan .....	54
B.	Minority Representation in the MVMPO .....	57
C.	Summary of Public Involvement Efforts .....	57
D.	Language Access Plan.....	59
IV.	Demographic Profiles .....	59
A.	About the Region .....	60
B.	Analysis of MPO Transportation System Investment, Identifying and Addressing any Disparate Impacts.....	64
V.	Staff Capacity and Program Review Procedures.....	68
	Title VI Training.....	68
	Title VI Program Review Procedures.....	68

Figure 1: MVPC Organizational Chart ..... 50  
Figure 2: Image of MVPC Web site header with Title VI link. .... 51  
Figure 3: Image of Web site. .... 51  
Figure 4: Image of Web site. .... 52  
Figure 5: Image of Web site. .... 52  
Figure 6: Public Participation Plan Update Strategy..... 56  
Figure 7: Interactive board from SALSA event in June 2022. .... 59  
Figure 8 Minority Population in the Merrimack Valley Region (Based on ACS 2017-2021 data) ..... 61  
Figure 9: Low-income and Minority Populations in the Merrimack Valley (ACS 2017-2021 data) ..... 62

## I. Program Description

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Title VI of the Civil Rights Act of 1964 provides that no person in the United States 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 subjected to discrimination under any program proactively receiving Federal financial assistance. Equal opportunity connects all people and communities to transportation programs that receive Federal financial assistance from U.S. DOT. [DOT 1000.12C, June 2021]

This document contains the Merrimack Valley Metropolitan Planning Organization (MVMPO) Title VI Program. First created in 1972, the MVMPO is a cooperative body comprised of ten voting members designated to carry out the metropolitan transportation planning process for 15 communities.

The MVMPO's Title VI Program assures that Title VI requirements are fully met and that the MVMPO is compliant with federal guidelines and is responsive to the needs of Title VI beneficiaries.

## II. General Requirements

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### A. Title VI Certifications and Assurances



# TITLE VI/NONDISCRIMINATION ASSURANCES

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*The United States Department of Transportation (U.S. DOT) Order No. 1050.2A*

The Massachusetts Department of Transportation (MassDOT) (hereinafter referred to as the “Recipient”) hereby agrees that, as a condition to receiving any Federal financial assistance from the U. S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

## STATUTORY/REGULATORY AUTHORITIES

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- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin (including limited English proficiency));
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites are referred to as the “Acts” and “Regulations,” respectively.

## GENERAL ASSURANCES

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In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that:

*No person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from U. S. DOT, including FHWA.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

## SPECIFIC ASSURANCES

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More specifically, and without limiting the above general Assurance, the Recipient gives the following Assurances:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all its programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*The Massachusetts Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby affirmatively ensures that for any contract entered into pursuant to this advertisement, all bidders, including disadvantaged business enterprises, will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin in consideration for an award.*


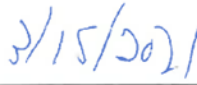
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to the Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith for the duration of Recipient ownership of the facility and future deeds, leases, licenses, permits, or similar transfers where the use of the facility remains transportation related (see Specific Assurance #8, below).
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program (Appendix C); and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).
  
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 will 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, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, 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 Acts, the Regulations and this Assurance.

By signing this Assurance, the Massachusetts Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Massachusetts Department of Transportation gives this Assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid Highway Program. This Assurance is binding on the Massachusetts Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the Recipient.

**SIGNED FOR THE RECIPIENT:**

   
\_\_\_\_\_  
Jamey Tesler Date  
Acting Secretary/CEO  
Massachusetts Department of Transportation

## **SUBRECIPIENT TITLE VI/NONDISCRIMINATION ASSURANCES**

The Merrimack Valley <sup>MPO</sup> ~~MPO~~ (hereinafter referred to as the "Sub-Recipient"), hereby agrees that, as a condition of receiving any Federal financial assistance from the United States Department of Transportation (U. S. DOT), Federal Highway Administration (FHWA), from the Commonwealth of Massachusetts, through its Department of Transportation (Recipient), it is subject to and must comply with the Acts and Regulations detailed in this document.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FHWA Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FHWA Programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

### **SIGNED FOR THE SUB-RECIPIENT:**

 12/5/2022

(Signature & Date)

GERARDO WHITTEN, EXECUTIVE DIRECTOR

(Print Name & Title)

## APPENDIX A

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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 (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, 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 will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Massachusetts Department of Transportation (MassDOT) or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, 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 will so certify to MassDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Nondiscrimination provisions of this contract, MassDOT will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or

b. cancelling, terminating, or suspending a control, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as MassDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request MassDOT to enter into any litigation to protect the interests of MassDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

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### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

*“Now, therefore, the U.S. Department of Transportation (hereinafter referred to as “U.S. DOT”), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as “FHWA”) of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT 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 Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT 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 Massachusetts Department of Transportation 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 Massachusetts Department of Transportation, its successors and assigns.*

*The Massachusetts Department of Transportation, 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 will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status 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 Massachusetts Department of Transportation will 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;*

*(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, U.S. DOT will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.\**

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\* 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.

## APPENDIX C

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### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7a:

1. *The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, 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:*
  - a. *In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
  
2. *With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\**

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\* 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.

3. *With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.\**

## APPENDIX D

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### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7b.

1. *“The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, 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 (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be 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 of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\**

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.\**

## **APPENDIX E**

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During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor,” which includes consultants) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **PERTINENT NON-DISCRIMINATION AUTHORITIES:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)

- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration's Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)

Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

*Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.*

*Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

## **CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.**

*All applicants must make the certifications in this category.*

### **1.1. Standard Assurances.**

*The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
  - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
  - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
  - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
  - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
  - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
  - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
  - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
  - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.



- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
  - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
  - (2) Notification of violating facilities pursuant to EO 11738;
  - (3) Protection of wetlands pursuant to EO 11990;
  - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
  - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
  - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
  - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
  - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

animals held for research, teaching, or other activities supported by this award of assistance.

- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
  - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
  - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
  - (3) Using forced labor in the performance of the award or subawards under the award.

## **1.2. Standard Assurances: Additional Assurances for Construction Projects.**

*This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

### **1.3. Procurement.**

*The Uniform Administrative Requirements, 2 CFR § 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.*

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.326 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

### **1.4. Suspension and Debarment.**

*Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.*

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

**1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.**

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (a) The applicant certifies that the applicant has not furloughed any employees.

**1.6. American Rescue Plan Act Funding.**

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

**CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS**

*This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d). This certification is required by 49 U.S.C. § 5329(d)(1) and 49 CFR § 673.13.*

*This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.*

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the State has a public transportation agency safety plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

### **CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.**

*If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. E, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.*

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

### **CATEGORY 4. LOBBYING.**

*If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.*

*This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.*

#### **4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### **4.2. Statement for Loan Guarantees and Loan Insurance.**

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## **CATEGORY 5. PRIVATE SECTOR PROTECTIONS.**

*If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.*

### **5.1. Charter Service Agreement.**

*To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.*

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

### **5.2. School Bus Agreement.**

*To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.*

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
  - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
  - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:

- (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
- (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
- (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

#### **CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.**

*If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).*

The applicant certifies that it is in compliance with 49 CFR Part 625.

#### **CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.**

##### **7.1. Rolling Stock Buy America Reviews.**

*If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.*

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

##### **7.2. Bus Testing.**

*If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.*

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will



receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

### **CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.**

*If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).*

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant’s transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
  - (1) Senior;
  - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
  - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);

- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
  - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
  - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

#### **CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.**

*If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).*

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
  - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
  - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and

- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
  - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
  - (2) It has determined that otherwise eligible local transit needs are being addressed.

**CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.**

*If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act’s Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).*

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

**CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.**

*If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula*

*Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.*

*If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.*

*Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.*

*If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).*

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

## **CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.**

*If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.*

*In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).*

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

### **CATEGORY 13. STATE OF GOOD REPAIR GRANTS.**

*If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.*

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

### **CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.**

*If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).*

*Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.*

#### **CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

*If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.*

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

#### **CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.**

*If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 672.31 and 674.39.*

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (b) Compliant with the requirements of 49 CFR Part 674, "State Safety Oversight".

#### **CATEGORY 17. DEMAND RESPONSIVE SERVICE.**

*If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.*

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;

- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

#### **CATEGORY 18. INTEREST AND FINANCING COSTS.**

*If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).*

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

#### **CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.**

*If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.*

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

**CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS  
FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT  
PROGRAMS).**

*Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.*

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
  - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
  - (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
  - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
  - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
  - (2) Category 06 (Transit Asset Management Plan),



- (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
- (4) Category 09 (Formula Grants for Rural Areas),
- (5) Category 15 (Alcohol and Controlled Substances Testing), and
- (6) Category 17 (Demand Responsive Service).

**CATEGORY 21. EMERGENCY RELIEF PROGRAM.**

*An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.*

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

**FEDERAL FISCAL YEAR 2022 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Merrimack Valley Metropolitan Planning Organization

The Applicant certifies to the applicable provisions of all categories: (*check here*) \_\_\_\_\_.

*Or,*

The Applicant certifies to the applicable provisions of the categories it has selected:

<b>Category</b>	<b>Certification</b>
01 Certifications and Assurances Required of Every Applicant	x _____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs \_\_\_\_\_
- 13 State of Good Repair Grants \_\_\_\_\_
- 14 Infrastructure Finance Programs \_\_\_\_\_
- 15 Alcohol and Controlled Substances Testing \_\_\_\_\_
- 16 Rail Safety Training and Oversight \_\_\_\_\_
- 17 Demand Responsive Service \_\_\_\_\_
- 18 Interest and Financing Costs \_\_\_\_\_
- 19 Cybersecurity Certification for Rail Rolling Stock and Operations \_\_\_\_\_
- 20 Tribal Transit Programs \_\_\_\_\_
- 21 Emergency Relief Program \_\_\_\_\_

**CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**

**AFFIRMATION OF APPLICANT**

Name of the Applicant: Merrimack Valley Metropolitan Planning Organization \_\_\_\_\_

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

Certifications and Assurances

Fiscal Year 2022

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature [Handwritten Signature] Date: 12/9/2022

Name Jerrard Whitten Authorized Representative of Applicant

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For (Name of Applicant): \_\_\_\_\_

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

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

Name \_\_\_\_\_ Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*

## B. Title VI Notice

The Merrimack Valley Metropolitan Planning Organization (MVMPO) promotes awareness of its notice and processes in a variety of ways. The Title VI Notice can be found on the MVPC website at <https://mvpc.org/title-vi/>. The Title VI notice is included in all outreach media including hearing notices, meeting notices among other documents. A list of the documents where the Title VI Notice is posted:

- Website: The Title VI Notice may be found on all web pages at MVPC.org in the footer of each page.
- MVMPO Meeting Agenda posted at MVPC, on the website,
- Public hearings and meeting notices – posted at MVPC, Merrimack Valley Transit bus stations, and at each member community town/city hall.
- Major documents and publications are made available at major libraries in the region.
- All draft documents are circulated and available for public review.

### **The following Language is included in notices for each MVMPO public hearing:**

Notice: The Virtual Public Hearings are accessible to people with disabilities and individuals with limited English proficiency. The MVMPO provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, CART, translated documents, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact Betsy Goodrich by email at [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org). Requests for accommodation or language assistance should be made as soon as possible, preferably at least 10 days prior to the meeting.

#### **English**

If this information is needed in another language, please contact the MVMPO Title VI/Nondiscrimination Coordinator at 978-374-0519 ext. 21.

#### **Spanish**

Si necesita esta información en otro idioma, por favor contacte al coordinador de MVMPO del Título VI/Contra la Discriminación al 978-374-0519 ext. 21.

#### **Portuguese**

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI e de Não Discriminação da MVMPO pelo telefone 978-374-0519, Ramal 15.

#### **Chinese Simplified**

如果需要使用其它语言了解信息，请联系 Merrimack Valley 大都会规划组织（MVMPO）《民权法案》第六章协调员，电话 978-374-0519，转 21。

**Chinese Traditional**

如果需要使用其他語言瞭解資訊，請聯繫 Merrimack Valley 大都會規劃組織 (MVMPO) 《民權法案》第六章協調員，電話 978-374-0519，轉 21。

**Vietnamese**

Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Điều phối viên Luật VI/Chống phân biệt đối xử của MVMPO theo số điện thoại 978-374-0519, số máy nhánh 21.

**French Creole**

Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Kowòdinatè kont Diskriminasyon/MVMPO Title VI la nan nimewo 978-374-0519, ekstansyon 21.

**Russian**

Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь с Координатором Титула VI/Защита от дискриминации в MVMPO по тел: 978-374-0519, добавочный 21.

**French**

Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le coordinateur du Titre VI/anti-discrimination de MVMPO en composant le 978-374-0519, poste 21.

**Italian**

Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare il coordinatore del MVMPO del Titolo VI e dell'ufficio contro la discriminazione al 978-374-0519 interno 21.

**Mon-Khmer, Cambodian**

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែពីភាសានេះ  
សូមទាក់ទងអ្នកសម្របសម្រួលជំពូកទី6/គ្មានការរើសអើងរបស់ **MVMPO** តាមរយៈលេខទូរស័ព្ទ **978-374-0519** រួចភ្ជាប់ទៅលេខ **21**។

**Arabic**

إذا كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بمنسق الفقرة السادسة لمنع التمييز التابع لمنظمة التخطيط الحضري في ميريماك فالي على الهاتف: 978-374-0519 و ثم اضغط الأرقام 21.

## **Title VI Notice of Protection**

The MVMPO complies with federal and state nondiscrimination obligations and does not discriminate on the basis of race, color, age, religion, creed, national origin (including limited English proficiency), ethnicity, ancestry, sex, gender, sexual orientation, gender identity or expression, disability, veteran's status, or background. For more information, to express a concern, or to file a complaint, please contact Betsy Goodrich by phone at 978-374-0519, Ext. 15 or by email at [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org). Visit [www.mvpc.org](http://www.mvpc.org) to learn more about these nondiscrimination obligations.

## **New Civil Rights Notice to the Public beginning 2023**

The Title VI Specialist is also the Transportation Program Manager. As of this draft, MVPC is conducting a new search for the Transportation Program Manager. In the interim, Betsy Goodrich, Senior Transportation Program Manager is identified as the Title VI Specialist.

## **Civil Rights Notice to the Public**

The Merrimack Valley Planning Commission (MVPC) Complies with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin (including limited English proficiency). Related federal and state nondiscrimination laws prohibit discrimination on the basis of age, sex, disability, and additional protected characteristics. MVPC is committed to nondiscrimination in all activities.

Individuals who believe they have been discriminated against may file a complaint with MVPC at:

Title VI Specialist  
MVPC  
160 Main Street  
Haverhill, MA 01830  
Email: [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org)

Complaints may also be filed directly with the United State Department of Transportation at:

U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Website: [civilrights.justice.gov/](http://civilrights.justice.gov/)

For additional information, language service requests, or reasonable accommodations visit <https://mvpc.org/title-vi/>

Translation:

English: Discrimination is prohibited at MVPC. If you believe discrimination has occurred you have the right to file a complaint. For translations of this notice, visit <https://mvpc.org/title-vi/>.

Spanish:

Chinese:

Simplified Chinese:

Haitian Creole:

Vietnamese:

(MVPC is awaiting translations from MassDOT)

### C. Title VI Complaints

As of December 12, 2022, the MVMPO does not have any active complaint, investigation, or lawsuit against it that allege discrimination on the bases of race, color, and/or national origin since the time of the last submission. Copies of the FFY2021 and FFY 2022 complaint logs are in Appendix B.

### D. Complaint Process

## **MVPC Title VI Complaint Procedures**

### **Purpose and Applicability**

The purpose of this document is to establish procedures for the processing and disposition of both discrimination complaints filed directly with the Merrimack Valley Planning Commission under Title VI of the Civil Rights Act of 1964 (Title VI) and related state and federal nondiscrimination authorities, including the Americans with Disabilities Act (ADA).

The processing of discrimination complaints will follow the steps outlined below and are further detailed throughout this document.

Step 1: Complainant submits their complaint.

Step 2: MVPC issues the complainant an acknowledgment letter.

Step 3: Complaint is assigned to, and reviewed by, an investigator.

Step 4: Investigator conducts interviews of complainants, witnesses, and the respondent.

Step 5: Investigator reviews the evidence and testimonies to determine whether a violation has occurred.



Step 6: Complainant and Respondent are issued a letter of resolution or a letter of finding and offered appeal rights.

Step 7: Once the appeal period has expired, the investigation is closed.

The procedures describe an administrative process aimed at identifying and eliminating discrimination in federally funded programs and activities. The procedures do not provide an avenue for relief for complainants seeking individual remedies, including punitive damages or compensatory remuneration; they do not prohibit complainants from filing complaints with other state or federal agencies; nor do they deny complainants the right to seek private counsel to address acts of alleged discrimination.

The procedures described in this document apply to MVPC and its subrecipients, contractors, and subcontractors in their administration of federally funded programs and activities.

As part of their efforts to comply with Title VI, subrecipients of federal financial assistance through MVPC are encouraged to adopt these complaint procedures. In so doing, these subrecipients acknowledge their obligation to afford members of the public with an opportunity to file complaints alleging violations of nondiscrimination policies in place across their organization and in their programs, services, and activities. In accordance with federal guidance, subrecipients of transit-related funds understand they have the authority to process Title VI complaints and will inform their recipients, MVPC, of complaints received and the outcome of investigations as the matters are resolved.

Subrecipients of highway-related funds further understand they do not have the authority to investigate Title VI violation claims filed against their organization (where their organization is the respondent or party alleged to have violated Title VI). All such claims will be forwarded to the MVPC's Title VI Specialist to determine the appropriate investigative authority. Highway-funding subrecipients retain the right to consider Title VI violation allegations as a matter of Assurance and/or internal policy compliance but are precluded from making determinations as to possible violations of Title VI. MVPC encourages all subrecipients to communicate with MVPC's Title VI Specialists, the when/if Title VI complaints are received to ensure proper handling.

### **Definitions**

**Complainant** – A person who files a complaint with MVPC.

**Complaint** – Written, verbal or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Where a complaint is filed by a person with a disability, the term complaint encompasses alternative formats to accommodate the complainant's disability.

**Discrimination** – That act or inaction, whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, or bases covered by other nondiscrimination authorities, such as gender, age, or disability,

has been subjected to unequal treatment or disparate impact under any program or activity receiving federal assistance.

**Operating Administrations** – Agencies of the U.S. Department of Transportation, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMSCA), that fund transportation programs or activities.

**Respondent** – The person, agency, institution, or organization alleged to have engaged in discrimination.

### **Filing of Complaints**

This section details MVPC's procedures for processing Title VI discrimination complaints (on the basis of race, color, or national origin, including language) and complaints alleging discrimination on the basis of additional federal nondiscrimination provisions (on the basis of age, sex, and disability). Federal law and regulations governing Title VI of the Civil Rights Act of 1964 (Title VI) places the overall coordination authority for the investigation of civil rights complaints in the United States Department of Justice, which works collaboratively with federal agencies that carry out this responsibility. In the transportation sector, this investigative authority rests with the US Department of Transportation (US DOT) and its agencies for the different modes of transportation, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). In coordination with USDOT requirements, FHWA and FTA have established regulations and guidance that require recipients and subrecipients of federal financial assistance to establish procedures for processing Title VI complaints filed with these organizations.

The procedures described below, modeled on recommended complaint procedures promulgated by the US Department of Justice (US DOJ), are designed to provide a fair opportunity to have complaints addressed that respect due process for both complainants and respondents. In addition to the formal complaint resolution process detailed herein, MVPC shall take affirmative steps to pursue informal resolution of any and all Title VI complaints, when possible.

### **The Complaint Process**

#### **1. Who can file a complaint?**

**ANY** member of the public, along with all MVPC customers, applicants, contractors, or subrecipients who believe that they themselves, a third party, or a class of persons were mistreated or treated unfairly because of their race, color, or national origin (including limited English proficiency) in violation of Title VI of the Civil Rights Act of 1964, related federal and state laws and orders, or MVPC's Anti-Discrimination/Harassment Prevention (ADHP) Policy. Retaliation against a member of the public on the basis of race, color, or national origin is also prohibited under Title VI and the ADHP Policy.

## 2. How do I file a complaint?

A complaint may be filed with the following:

### **Title VI Specialist**

MVPC

160 Main Street

Haverhill, MA 01830

Phone: (978)374-0519 ext 21

Email: [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org)

### **U.S. Department of Transportation**

Office of Civil Rights

1200 New Jersey Avenue, SE

Washington, DC 20590

Website: [civilrights.justice.gov/](http://civilrights.justice.gov/)

Please note:

- When FTA receives a Title VI complaint regarding MVPC, a subrecipient, or a contractor, the FTA may request the matter be investigated by MVPC.
- If a Title VI complaint is filed with MVPC that alleges a violation by MVPC, then it will be forwarded to the local FHWA Division Office which will then forward the complaint to the FHWA Headquarters Office of Civil Rights (HCR) for processing.
- If a Title VI complaint is received by MassDOT that is filed against a subrecipient of the MVPC, then MVPC may process and investigate the complaint.

## 3. What do I need to include in a complaint?

A Title VI/Nondiscrimination Complaint form is available electronically on the [MVPC Website](#) or in hardcopy at the MVPC. Alternatively, a complainant may submit correspondence in an alternative format that should include:

- Your name, signature and, current contact information (i.e., telephone number, email address and postal mailing address);
- The name and badge number (if known and applicable) of the alleged perpetrator;
- A description of how, when, and where the alleged prohibited conduct occurred;
- A detailed description of why you believe you were treated differently;
- Names and contact information of any witnesses; and
- Any other information you believe is relevant to your complaint.

A. In cases where the complainant is unable to provide a written statement, a verbal complaint may be made to the MVPC. Complainants will be interviewed by a Civil Rights Investigator (CRI). If necessary, the CRI will assist the person in converting the verbal complaint to writing. All complaints should be signed by the complainant.

- B. Anonymous complaints may be filed in the same manner. Anonymous complaints shall be investigated in the same manner as any other complaint.
- C. Complaints will be accepted in any recognized language. Multi-lingual complaint forms are available.

#### **4. How long do I have to file a complaint?**

- A. A complaint alleging violation of Title VI should be filed no later than one hundred and eighty (180) days from the date of the alleged violation.
- B. Complaints alleging violations of state or federal law must be filed within the time frames established by statute, regulation, or case law – in certain instances up to three hundred (300) days from the date of the alleged violation.

#### **5. How will my complaint be handled?**

When a complaint is received, it is assigned to a Civil Rights Investigator (CRI). The CRI will:

- A. Determine Jurisdiction: MVPC has jurisdiction if the complaint:
  - 1) involves a statement or conduct that violates:
    - i. MVPC's legal obligation and commitment to prevent discrimination, harassment, or retaliation on the basis of a protected characteristic with regard to any aspect of the Agency's service to the public;
    - or
    - ii. The commitment made by subrecipients and contractors working with MVPC to adhere to MVPC's policies;
  - AND
  - 2) is timely filed.
- B. Acknowledge receipt of the complaint and provide jurisdictional determination within ten (10) business days of receipt of the complaint.
  - 1) If the CRI determines that any complaint does not have the potential to establish a civil rights violation, then the CRI shall notify the complainant and Title VI Specialist in writing of its finding and the matter shall be closed.
- C. Conduct a thorough investigation of the allegations contained in the complaint in accordance with the MVPC's Internal Complaint Procedures.

#### **6. Findings and Recommendations?**

At the conclusion of the investigation, the CRI will transmit to the complainant and the respondent one of the following three letters based on the findings:

- A. A letter of resolution that explains the steps the respondent has taken or will take to comply with Title VI.

- B. A letter of finding that is issued when the respondent is found to be in compliance with Title VI. This letter will include an explanation of why the respondent was found to be in compliance and provide notification of the complainant's appeal rights.
- C. A letter of finding that is issued when the respondent is found to be in noncompliance.

This letter will include each violation referenced as to the applicable regulations, a brief description of findings/recommendations, the consequences of failure to achieve voluntary compliance, and an offer of assistance in devising a remedial plan for compliance, if appropriate.

### **7. Can I appeal a Finding?**

If a complainant or respondent does not agree with the findings of the CRI then he/she/they may appeal to MVPC's Executive Director and Title VI Specialist. The appealing party must provide any **new information that was not readily available during the course of the original investigation that would lead MVPC to reconsider its determinations.** The request for an appeal and any new information must be submitted within thirty (30) days of the date the letter of finding was transmitted. After reviewing this information, MVPC will respond either by issuing a revised letter of resolution or by informing the appealing party that the original letter of resolution or finding remains in force.

## E. Complaint Form

Translated copies of the form can be found in Appendix C.

# Discrimination Complaint Form

Please provide the following information in order for us to process your complaint. This form is available in alternate formats and multiple languages. Should you require these services or any other assistance in completing this form, please let us know.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Email Address: \_\_\_\_\_

### Please indicate the nature of the alleged discrimination:

Categories protected under *Title VI of the Civil Rights Act of 1964*:

Race  Color  National Origin (including limited English proficiency)

Additional categories protected under related Federal and/or State laws/orders:

Disability  Age  Sex  Sexual Orientation  Religion  Ancestry

Gender  Ethnicity  Gender Identity  Gender Expression  Creed  Veteran's Status  Background  Low-Income

### Who do you allege was the victim of discrimination?

You  A Third Party Individual  A Class of Persons

### Name of individual and/or organization you allege is discriminating:

\_\_\_\_\_

**Do you consent** to the investigator sharing your name and other personal information with other parties to this matter when doing so will assist in investigating and resolving your complaint?

Yes  No

**Please describe your complaint.** You should include specific details such as names, dates, times, witnesses, and any other information that would assist us in OUR investigation of your allegations. Please include any other documentation that is relevant to this complaint. You may attach additional pages to explain your complaint.



F. Title VI Specialist

The Title VI Specialist is also the Transportation Program Manager who has direct access to the Merrimack Valley Planning Commission’s Executive Director. See Figure 1.

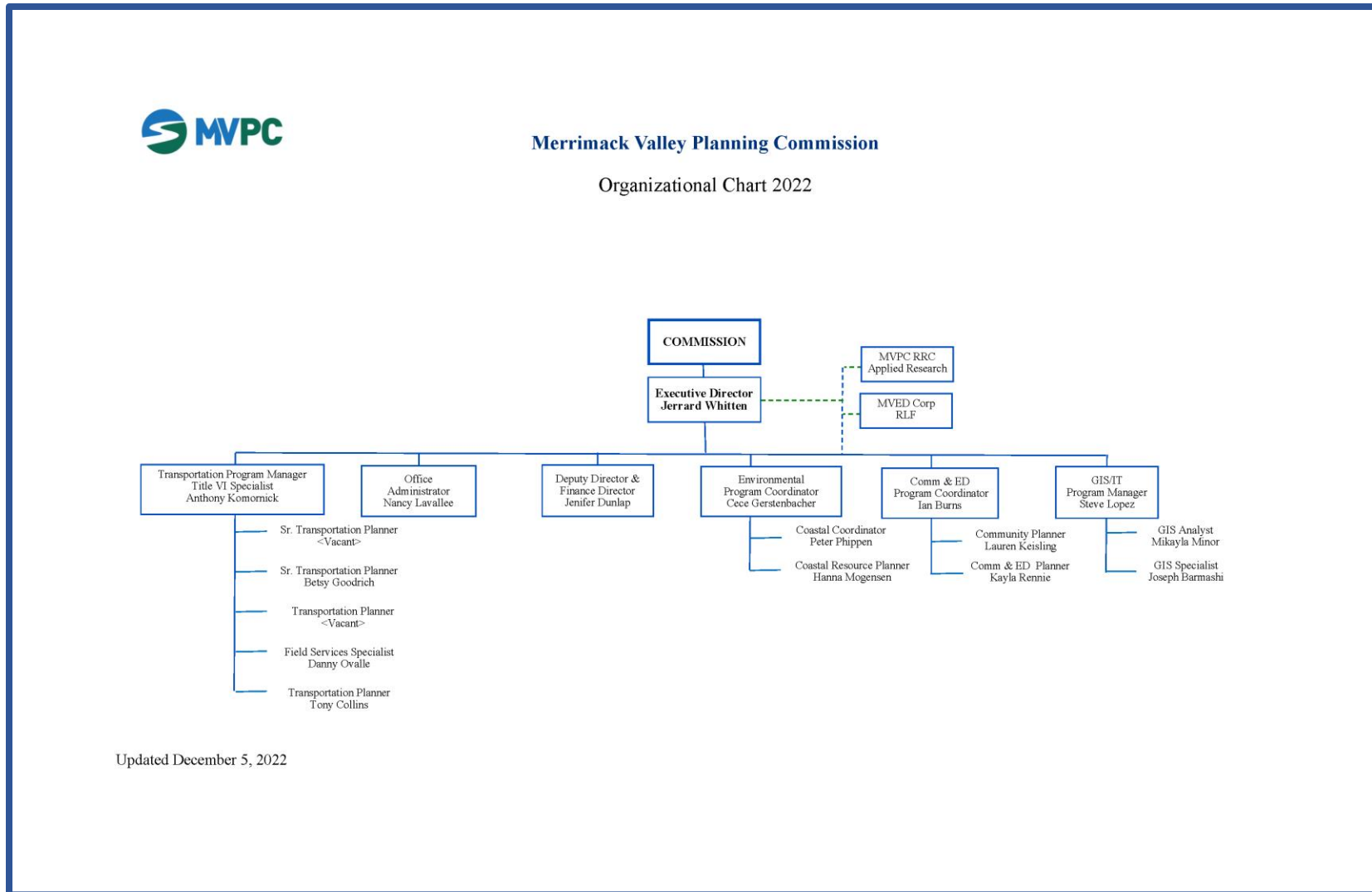


Figure 1: MVPC Organizational Chart



## G. Dissemination of Title VI Information

### MVPC Website

The MVMPO posts all necessary Title VI information on the Merrimack Valley Planning Commission’s website ([www.mvpc.org](http://www.mvpc.org)). The image below shows the bottom of the mvpc.org homepage that directs visitors to view the Title VI information.



Figure 2: Image of MVPC Web site header with Title VI link.

On the Title VI page, visitors can read through the Notice of Nondiscrimination Rights and Protections to Beneficiaries.

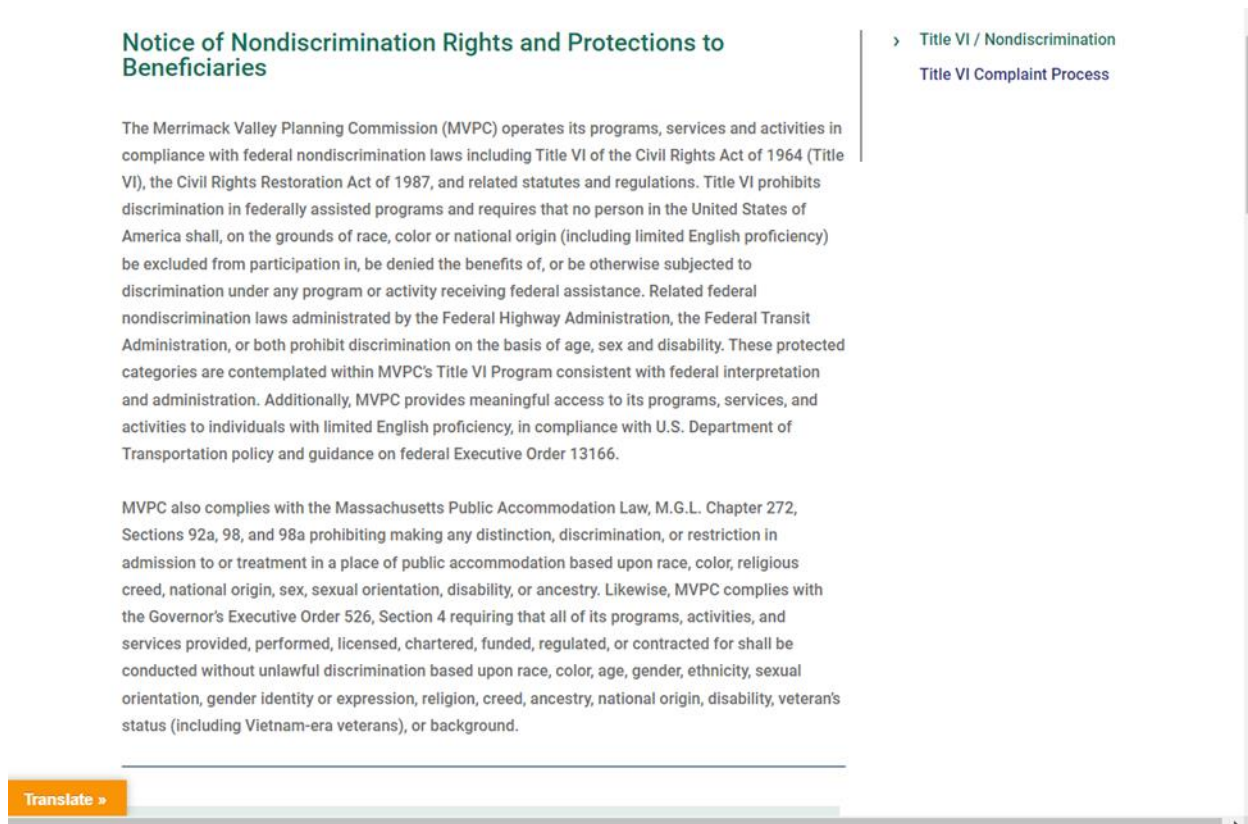


Figure 3: Image of Web site.

Visitors are prompted to contact the Title VI Coordinator, Tony Komornick, if they are seeking additional information.

## Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, or to provide suggestions on how we can better serve you, please contact:

Title VI Program Coordinator  
Merrimack Valley Metropolitan Planning Organization  
c/o Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830-5061  
(978) 374-0519, extension 15  
[akomornick@mvpc.org](mailto:akomornick@mvpc.org)

**Figure 4: Image of Web site.**

The Title VI complaint filing procedures and forms are listed on the webpage in English, Spanish and Simple Chinese. Html versions of the documents are also available with Google Translate capability for other languages not listed.

## Complaint Filing

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Program Coordinator (above) within one hundred and eighty (180) days of the alleged discriminatory conduct.

To file a complaint alleging a violation of the Commonwealth's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within three hundred (300) days of the alleged discriminatory conduct at:

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

Aviso sobre derechos y protecciones contra la discriminación para beneficiarios VMPO Title VI Notice  
to Beneficiaries

M致不歧视权与保护受益人的通知

Complaint Form (pdf) (html) (Español) (歧视投诉表)

Complaint Procedure (pdf) (html) (Español) (歧视投诉表)

**Figure 5: Image of Web site.**

## **Public Hearing Notices and MPO Agendas**

The MVMPO includes Title VI information on all public hearing notices and MPO Agendas.

Shortened notices of Public Hearings are distributed through local newspapers (Haverhill Eagle Tribune, Newburyport Daily News, and Rumbo News in Lawrence) and local cable news outlets in 10 of the 15 communities in the MVMPO region. The notices direct people to the full public hearing notice on the mvpc.org website. In addition to being posted on the website, the full public hearing notices are sent to the city and town clerks in the 15 communities to be posted at city and town halls. Public Hearing Notices are also posted in both Spanish and English at all MeVa transit stations and in the window of the Merrimack Valley Planning Commission. Finally, a mass email including a link to the notice is sent to over 1,000 stakeholder recipients in the Merrimack Valley.

### *Transportation Improvement Program, Unified Planning Work Program, and Metropolitan Transportation Plan*

The MVMPO includes a Title VI Notice of Public Protection at the beginning of the Transportation Improvement Program, Unified Planning Work Program, and Metropolitan Transportation Plan. All of these documents are posted on the mvpc.org website.

### III. Public Participation and LEP

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Public involvement is encouraged throughout all phases of planning and project development. This chapter describes the public involvement techniques the MVMPO uses.

#### A. Public Participation Plan

The MVMPO's Public Participation Plan (PPP) was last updated in March 2017 and can be found at <https://mvpc.org/wp-content/uploads/MVMPO-final-PPP-as-Amended-through-March-2017.pdf>. MassDOT has advised the MVMPO to update its Plan after MassDOT had released its draft updated PPP, which is due to occur by the end of December 2022. The MVMPO will then undertake an update to the PPP.

#### Public Participation Plan Update Strategy

The Merrimack Valley Metropolitan Planning Organization (MVMPO) will begin the Public Participation Plan (PPP) update process in February 2023 with an expected completion date by the end of July 2023. A Gantt Chart (Figure 6) has been provided below to show the timeline of completion.

##### Step 1: Review and Research

We will start by reviewing MassDOT's PPP update, our Metropolitan Transportation Plan outreach analysis, and the PPP endorsed in 2017. Takeaways from these documents and processes will be used in the development of our updated PPP this year.

The MVPC Transportation program developed a public outreach and participation plan to be implemented for the Metropolitan Transportation Plan in June 2022. The plan set a vision, goals, public engagement process, guidelines for public input opportunities, and criteria for measuring the effectiveness of the process. MVPC is currently in the middle of the MTP public outreach and participation plan and expects that the results of the plan process will inform the update of the PPP.

##### Step 2: Collaborate with other MPOs and Regional Partners

Staff will conduct research on best practices for community engagement and public outreach from other MPOs around the country as well as our counterparts in Massachusetts. We will review our findings with MeVa Transit and the Merrimack Valley Transportation Committee to assess areas that we want to expand on, exclude, or alter to fit the needs of our region.

##### Step 3: Draft PPP Updates

After reviewing all relevant materials from different perspectives, we will begin to draft our update. We will begin with developing a structure that allows for easy reading, comprehension, and practicality. We will seek to include best practices for both virtual and in-person engagement methods. The draft report will aim to include information that can be refined and edited during the review process. The document will be created in an accessible format.

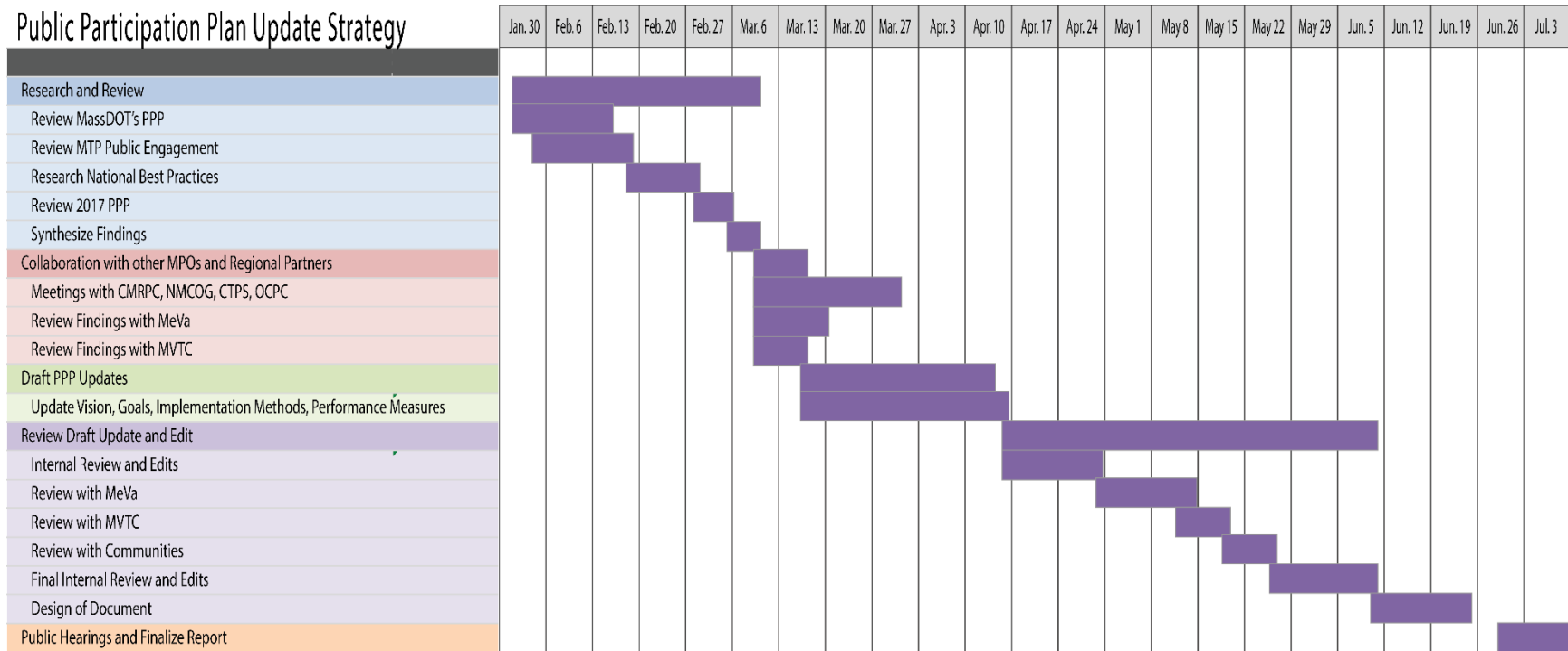
#### Step 4: Review Draft Update and Edit

The draft will be reviewed by internal staff to correct simple errors and to make sure the document covers all required topics. The document will then be sent to MeVa, MVTC Members, and planners from the 15 communities to include their edits. We will then conduct a final internal review and edit before completing the final design of the document.

#### Step 5: Public Hearings and Finalize

Staff will present the draft PPP to the MVMPO members and recommend that it be released for public review. During the review process we will begin with an internal review and look for minor edits in the document. The document and public hearing information will be distributed to over 1,000 stakeholders, MVMPO member communities and partners. The Draft PPP will be discussed at the MVTC meeting, which is open to the public. Two public hearings will be held on the document. Comments will be incorporated into the update and the document will be finalized.

# Public Participation Plan Update Strategy



**Figure 6: Public Participation Plan Update Strategy**

## B. Minority Representation in the MVMPO

In 2022, a Memorandum of Understanding was signed by the MVMPO members agreeing to work together to undertake the comprehensive, continuing, cooperative and multimodal transportation planning process (3C Process). The MVMPO does not select the individuals representing each community. Voting members are selected by Mayors or Boards of Selectmen to represent their community at the MVMPO meetings.

The MVMPO is comprised of the following six (6) permanent members:

1. The Massachusetts Secretary of Transportation
2. The MassDOT Highway Division Administrator
3. The Chairman of the Merrimack Valley Planning Commission
4. The Chairman of the Merrimack Valley Regional Transit Authority Advisory Board
5. Mayor of the City of Lawrence
6. Mayor of the City of Haverhill

In addition, one Selectman, Mayor or his/her designee from each of the following for Sub-Regions participate in the MVMPO on a rotating basis:

- Sub-Region 1: Amesbury, Newburyport and Salisbury
- Sub-Region 2: Newbury, Rowley and West Newbury
- Sub-Region 3: Boxford, Georgetown, Groveland and Merrimac
- Sub-Region 4: Andover, Methuen and North Andover

Sub-Region representatives are selected by the MVPC Executive Director, in his capacity as a member of the MVMPO, upon the recommendation of officials from that sub-region's communities. Representatives serve two-year terms.

The current Sub-Region representatives were include:

- Sub-Region 1: Neil Harrington, Town Manager, Salisbury
- Sub-Region 2: Robert Snow, Board of Selectmen, Rowley
- Sub-Region 3: John Cashell, Town Planner, Georgetown
- Sub-Region 4: Paul Materazzo, Planning Director, Andover

## C. Summary of Public Involvement Efforts

The MVMPO makes a special effort to connect with and consider the needs of individuals or neighborhoods with residents who are Limited English Speakers. We also work with representatives of organizations or agencies that work frequently directly with LEP persons, such as city agencies like the Lawrence Mayor's Health Task Force and the Council on Aging, Community Works, Merrimack Valley Transit, Greater Lawrence Family Health Center and Groundwork Lawrence. The MVMPO engages LEP with regard to MPO planning activities such as the Unified Planning Work Program (UPWP), the

Transportation Improvement Program, Metropolitan Transportation Plan (MTP), and the Coordinated Public Transit Human Services Transportation Plan. The MVMPO has made meeting notices in both Spanish and simplified Chinese and interpretation is available by request for meetings and hearings. The Executive Summary of the MTP, a UPWP summary and TIP project lists are translated and made available on the web site and handed out during outreach opportunities. With new 2017-2021 data, the MVMPO will be translating materials into more languages (see Language Assistance Plan).

The MVMPO also seeks opportunities to interact with LEP persons 'where they are' including neighborhood meetings or public events. For example:

- MVMPO staff participate partnered with MeVa to table at the City of Lawrence's SALSA public event in the South Common.
- MVMPO staff talked with veterans about transportation needs at a regularly scheduled coffee social.
- The MVMPO staff met with Spanish-speaking seniors and Chinese-speaking elders separately at the senior center with the aid of interpreters.
- MVPC participated in the Groundwork Lawrence Pa'Lante Project that sought to address heat island effect and mobility. MVPC staff made presentations, included members of the Pa'Lante Project in Road Safety Audits, invited them to the MVTC meetings and worked with them on implementing a pop up project.
- Attends meetings of the Methuen Arlington Neighborhood, Inc.

MVMPO staff participate in a variety of meetings that address the needs of low income, minority and LEP persons. Examples include:

- Co-chairing the Healthy Active Living Working Group of the Lawrence Mayor's Health Task Force. This is a coalition of organizations working in the City of Lawrence that represent areas of health and human services, senior services, open space, food access, schools, housing, sports and recreation, and more. This group has also worked on Mass in Motion funded projects such as food security.
- Participating in the Newburyport and Haverhill traffic and safety committee meetings.
- Co-chairing the data group for the Regional Food Access Planning effort for Lawrence, Haverhill, North Andover, Andover, and Methuen.
- Participating in the Community and Economic Development Strategy meetings (CEDS)

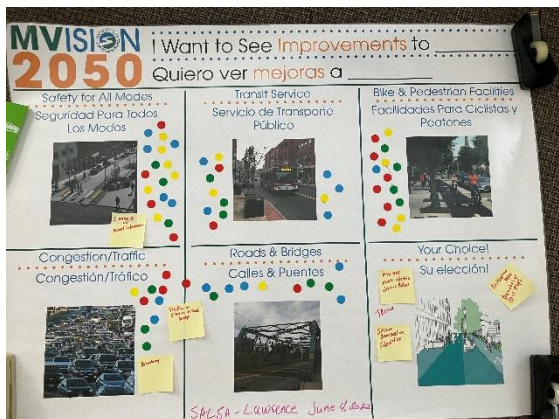
At the beginning of any study or public outreach process, a determination is made about LEP persons that may be impacted by the study or plan and what translations or interpretations will be needed. Outreach materials are translated and interpretation



needs are planned. An outreach plan is created to outline all outreach opportunities including those specifically for LEP, low income and minority communities.

Appendix D includes the list of outreach meetings and distribution of MVMPO notifications. During the pandemic, opportunities to attend meetings was greatly reduced as were opportunities to interact at events. For example, the City of Lawrence largely opened up to public events in parks during the summer of 2022. The SALSA Festival was held in June 2022, the first time since the pandemic started. Our outreach list reflects these challenges for the year 2021. In 2022, the MVMPO has increased our outreach considerably to more normal levels. With the Metropolitan Transportation Plan and Coordinated Plan underway, the MVMPO initiated an outreach strategy that includes surveys, tabling at outdoor events, meeting with groups of Limited English Proficiency persons and others in focus groups.

A survey for the Metropolitan Transportation Plan was distributed widely. 206 people responded with 14% self-identifying as minority, 12% self-identifying as having a disability, and 13% has having a household income of less than \$50,000. In addition to the surveys, MVMPO used interactive boards at events to ask people what they see as transportation priorities. People voted with stickers. These interactions afforded staff with the opportunity to engage and discuss transportation concerns with the general public.



**Figure 7: Interactive board from SALSA event in June 2022.**

#### D. Language Access Plan

The MVMPO 2023 Language Access Plan can be found in Appendix D.

### IV. Demographic Profiles

The MVMPO is required to develop a demographic profile of the metropolitan area that includes identification of minority populations under the FTA Title VI Circular 4703.1B. The MVMPO has also prepared data for low-income, disabled and households with no vehicles. This data is often used in identifying needs during different planning processes

whether for the development of the TIP, UPWP or MTP or if it is for discussions with communities around food access, housing, access to jobs and more. For this report, data was taken from the American Community Survey 2017-2021. The MVMPO did not analyze the data to the block group level, because data was missing for some of the region’s block groups.

#### A. About the Region

The MVMPO region is comprised of 15 communities, which includes five cities, several suburbs and rural towns. According to the ACS 2017-2021, the Total population of the Merrimack Valley is 366,607.

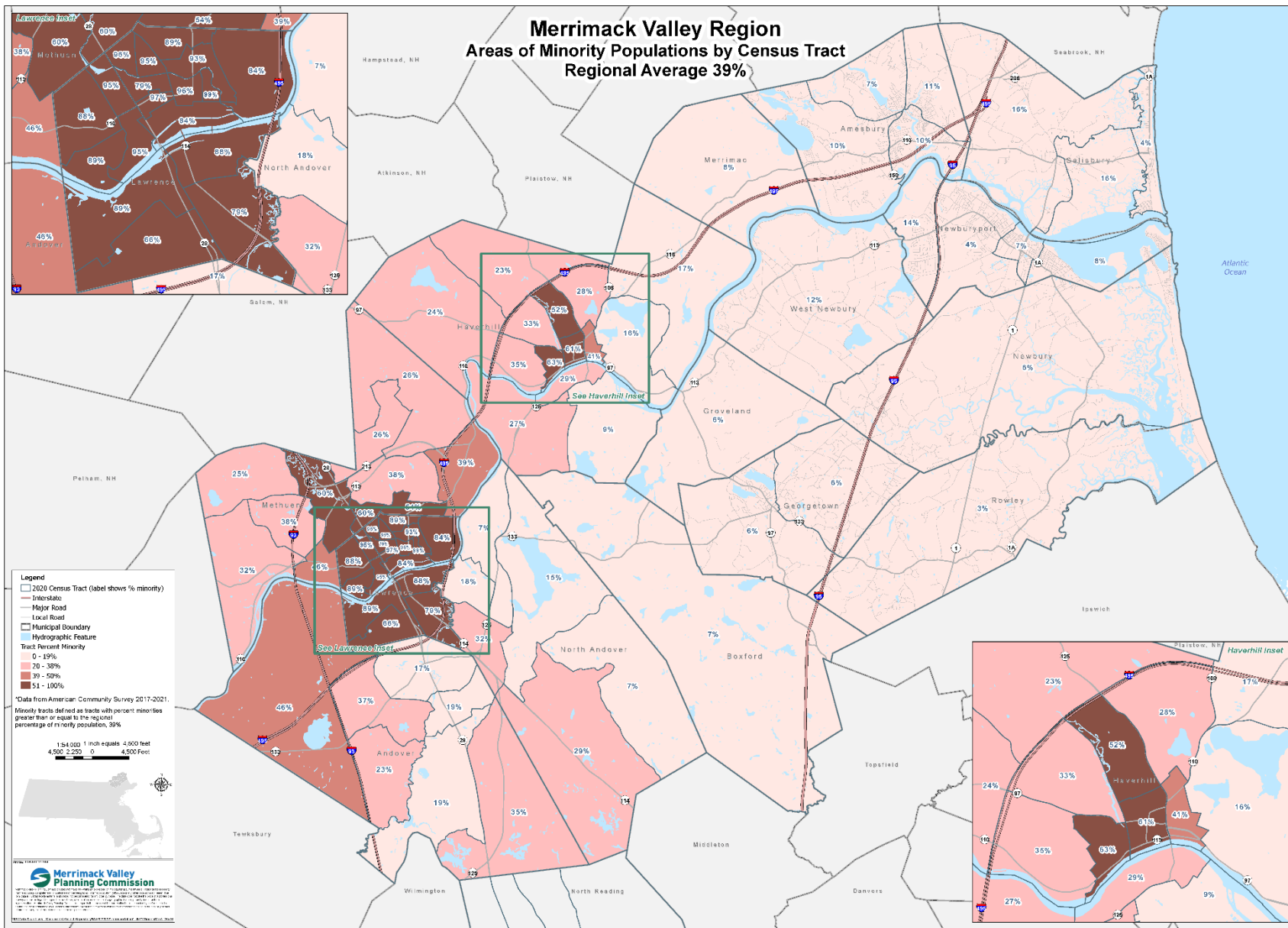
#### Minority Population

The MVMPO ‘defines’ minority populations as anyone not identified as White non-Hispanic. 39% of the region’s total population of 366,607 meet this definition. This analysis was applied to Census Tracts, finding that there were 27 Census Tracts that met this definition, where the number of people identifying as minority was greater than the regional average. See Figure 8.

**Table 1: Racial Characteristics of the Merrimack Valley Region**

Racial Groups	Population	Percent of Population
White (non-Latino)	221,883	61%
Hispanic or Latino	111,504	30%
Black or African American	8,087	2%
American Indian and Alaska Native	86	0%
Asian	14,085	4%
Native Hawaiian and Other Pacific Islander	0	0%
Other Race	1,368	0%
Two or More Races	9,594	3%
<b>Total Population</b>	<b>366,607</b>	<b>100%</b>
<b>Racial Minority Population (includes all by White alone)</b>	<b>144,724</b>	<b>39%</b>

Note: Data Source American Community Survey 2017-2021 Table B03002



**Figure 8 Minority Population in the Merrimack Valley Region (Based on ACS 2017-2021 data)**



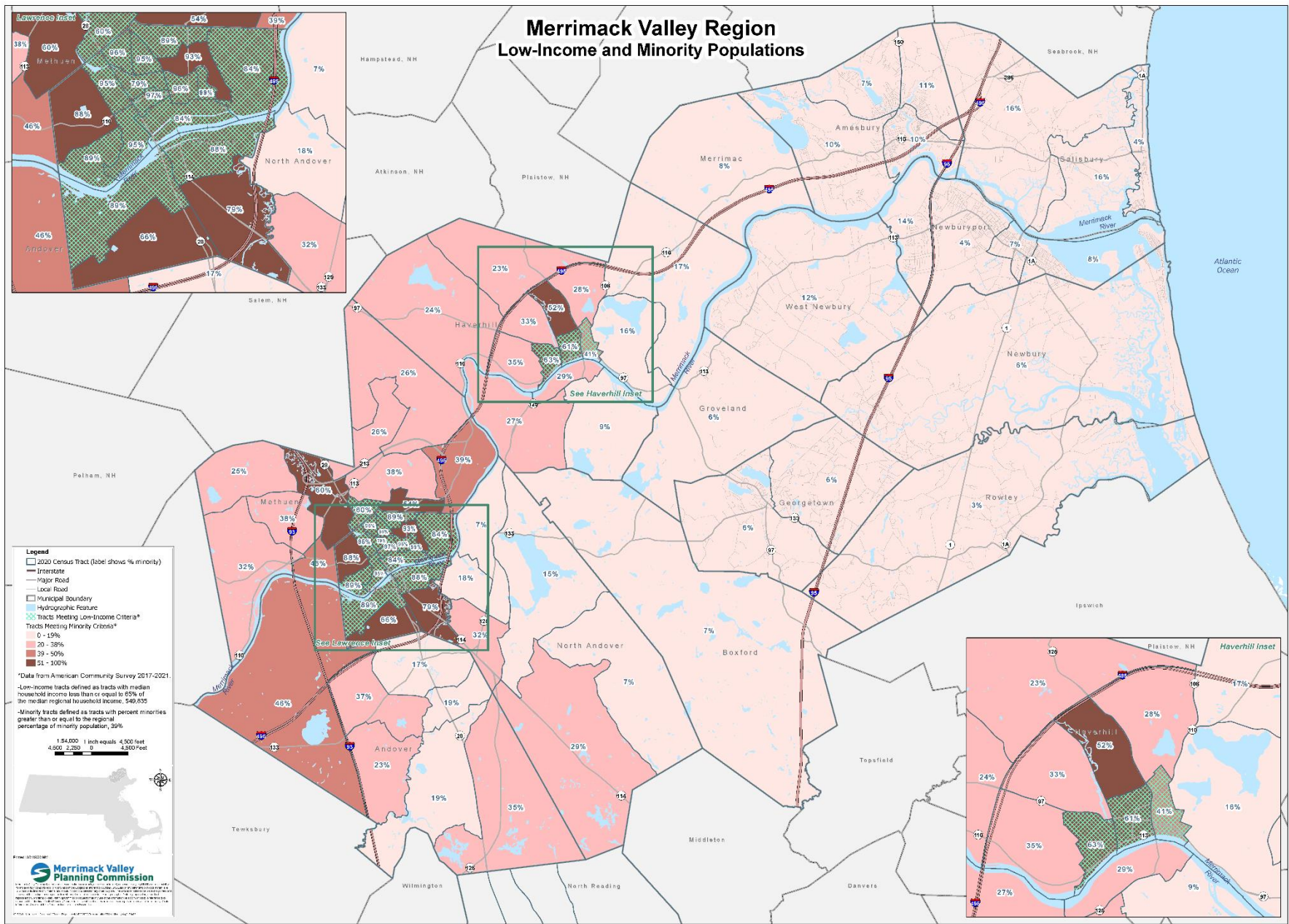


Figure 9: Low-income and Minority Populations in the Merrimack Valley (ACS 2017-2021 data)

## Low-Income Populations

The MVMPO defines low-income as 65% of the regional median household income. The regional median household income is \$85,615 and 65% of the regional median income is \$56,300. Figure 9 shows the distribution of low-income household Census tracts in the region in green and is overlaid on top of the minority population tracts. The majority of low-income tracts can be found in Lawrence with one tract in the Methuen and three in Haverhill.

## Disabled Populations

The MVMPO further looked at the number of people who self-identified as disabled. Disabilities included in this Census category include vision, hearing, ambulatory and cognitive. Not surprisingly, the highest numbers of total disabled person are in the larger cities as well as the higher proportions of disabled persons who are also minority. However, many of the smaller communities have similar proportions of disabled people to the larger communities. This is likely attributed to the aging populations in those communities and the higher proportions of the disabled population that are ages 65+.

**Table 2 : Non-Institutionalized Population Self-Identifying as Having a Disability**

<b>Community</b>	<b>Total Civilian Non-institutionalized Population</b>	<b>Total with Disability</b>	<b>% of Total Population with Disability</b>	<b>Total Disability &amp; Minority</b>	<b>% Disabled Population that is minority</b>	<b>% Disabled population Ages 65+</b>
Amesbury	17,074	1,961	11%	178	9%	38%
Andover	36,060	2,352	7%	232	10%	55%
Boxford	8,188	742	9%	17	2%	57%
Georgetown	8,461	768	9%	14	2%	63%
Groveland	6,739	415	6%	0	0%	44%
Haverhill	66,476	9,208	14%	2,035	22%	35%
Lawrence	86,941	12,086	14%	7,213	60%	35%
Merrimac	6,678	749	11%	82	11%	44%
Methuen	52,221	6,014	12%	1,406	23%	43%
Newbury	6,740	506	8%	2	0%	65%
Newburyport	18,048	1,658	9%	70	4%	53%
North Andover	30,425	3,367	11%	370	11%	39%
Rowley	6,091	818	13%	0	0%	56%
Salisbury	9,127	1,319	14%	141	11%	41%
West Newbury	4,500	505	11%	72	14%	45%
<b>Totals</b>	<b>363,769</b>	<b>42,468</b>	<b>12%</b>	<b>11,832</b>	<b>28%</b>	<b>41%</b>

Note: Disabilities in this data set include vision, hearing, ambulatory, and cognitive. Source: ACS 2017-2021 Table S1810.

B. Analysis of MPO Transportation System Investment, Identifying and Addressing any Disparate Impacts.

Every year, the MVMPO performs equity analyses when developing the new Transportation Improvement Program as well as the Unified Planning Work Program. In addition, during the process of evaluating studies for inclusion into the UPWP, the staff has provided MVMPO members with a list of proposed projects as well as information on whether or not the project addresses a high crash area or is within an Environmental Justice community. Below is an example of the list presented in 2022 in developing its FFY2023 UPWP with the results of what projects were chosen.

**Table 3: Study Options for Inclusion in the FFY 2023 UPWP**

Community	Project Name	Top 100 Crash Rank	Crash Cluster	Environmental Justice	Selected for Inclusion
Lawrence	Merrimack Street/S. Union Street	35	Y	Y	Yes
Lawrence	Franklin Street/Common	3	Y	Y	Yes
Salisbury	Main Street/I95 Connector	7	Y	N	Yes
Methuen	Lowell St (Rt 113) at Elm Street	40	N	Y	Yes
North Andover	North Andover/Middleton /Danvers bike/ped access on Route 114 Corridor/ Complete Streets		N	N	Yes
Methuen	Larchwood Rd/Lawrence St.		N	Y	
Lawrence	Cross Street/Broadway		N	Y	
Haverhill	Salem Street New Development Road		N	N	
Haverhill	New road to new industrial park on Route 108		N	N	
Methuen	Hampstead/Maple and Maple/Howe		N	N	
Haverhill	Farwood Road at Route 125 signalization analysis		N	N	
Lawrence	Broadway Corridor Study	Multiple locations	Y	Y	
Haverhill	Examine intersections in Haverhill that have been studied and improved, but remain in the Top 100 list	Multiple	Y	Y	

## **Equity Analysis from the Final FFY 2023 UPWP**

The MVMPO examined the distribution of studies undertaken under the UPWP with respect to geographic and social equity.

**Study Choices:** Each year, the MVMPO staff make it a priority to include studies in the UPWP that address safety concerns, but some studies are undertaken for reasons related to traffic congestion or mobility needs, as is the case with Complete Streets analyses. Additional studies are undertaken as part of local technical assistance in which our member communities request MVMPO assistance with various transportation issues. For example, West Newbury requested a guard rail study, but this study did not include any high crash areas. This is reflected in the geographic distribution of studies among all MVMPO member communities.

**Geographic Equity:** In the table on the following page, the second and third columns shows the number of studies undertaken in each community between 2016-2023. 48.7% of the studies conducted between 2016-2023 have been (will be) in those communities that represent 56% of the population of the Merrimack Valley or 34% of the Federal Aid roadway miles. Studies or analyses during this time period have been conducted in each of the 15 Merrimack Valley communities, but the emphasis has been on those communities with higher numbers of crashes.

**Social Equity:** To further drill down on the equity analysis, the geographic location of each study was then compared to the Title VI maps used for the Transportation Improvement Program (ACS 2019) in order to identify which ones were located in low-income and minority tracts. A tract is considered minority if it has a higher percentage of minorities than the regional average. A tract is considered low-income if the median income of the tract is 65% or less than the regional average.

A total of 69 transportation studies have been included in the MVMPO's UPWPs between FFY 2016 and 2023. Of those studies, 42% were (or will be in FFY 2023) conducted in or adjacent to Title VI/EJ tracts. It should be noted that these figures will change over the course of the FFY 2023 UPWP as communities come forward and ask MVPC for Local Technical Assistance related to transportation issues.

The analysis also takes into consideration the number of federal aid roadway miles and the number of crash clusters. 83% of the crash clusters designated by MassDOT between 2018-2020 occurred in the Merrimack Valley's largest cities of Haverhill, Lawrence, and Methuen. During the time period between 2016-2023, 47% of the studies were undertaken at high crash locations. The majority of these studies are also in low-income or minority tracts. The difference between the total number of crash clusters and the number of studies at crash cluster locations reflects the fact that studies are undertaken for a variety of reasons. In addition, this analysis only takes into account those studies during the time period 2016-2023. The MVMPO previously has studied many of the high crash locations identified through MassDOT's crash clusters and the MVMPO's Top 100 Intersection Crash List.

**Table 4: Equity Analysis  
UPWP FFY 2015-2020 Studies & Analyses**

<b>Community</b>	<b># Regional/ Local/ Subregional UPWP Studies 2016-2022</b>	<b>Proposed 2023 Studies</b>	<b># Studies Located in/adjacent to a low- income or minority Census Tract<sup>1</sup></b>	<b>Federal-Aid Roadway Centerline Miles (2015)</b>	<b># Studies between 2016-2023 at a Crash Clusters location<sup>2</sup></b>	<b># Crash Clusters 2018-2020</b>	<b>Total Pop.<sup>1</sup></b>
Amesbury	4		3	32.98			17,366
Andover	2		0	78.02		3	36,569
Boxford	2		0	27.43			8,203
Georgetown	2		0	20.43			8,470
Groveland	2		0	17.31			6,752
Haverhill	7		1	79.88	1	19	67,787
Lawrence	13	2	13	41.54	15	31	89,143
Merrimac	2		0	15.95			6,723
Methuen	10	1	7	58.14	4	6	53,059
Newbury	5		0	27.11			6,716
Newburyport	4		0	23.09			18,289
North Andover	3	1	2	41.9	3	5	30,915
Rowley	1		0	19.4	1	1	6,161
Salisbury	1	1	0	28.22	2	2	9,236
West Newbury	3		0	19.59			4,500
Regionwide	3		1				
<b>Total</b>	<b>64</b>		<b>27</b>	<b>530.99</b>	<b>26</b>	<b>67</b>	<b>369,889</b>

<sup>1</sup> Data from 2020 Census. Information based on Census Tracts.

<sup>2</sup> MassDOT Crash clusters. The crash clusters vary over time depending on the number of crashes. This number is based on the crash clusters at the time of the study. Crash clusters between 2018-2020 are based MassDOT designation.



## Transportation Improvement Program Equity Analysis

The following is the Equity Analysis from the FFY 2023-2027 Transportation Improvement Program

### TIP Part C. 7. Equity Analysis

The following tables illustrate a geographic and social equity analysis of highway funding in the Merrimack Valley MPO region. Haverhill, Lawrence and Methuen are designated as Title VI and Environmental Justice (EJ) communities. The Title VI communities have tracts with higher than average percentage of minorities than the regional average percentage and the same three communities are EJ communities with lower than average median income in some census tracts.

The following table shows the percent of population in Title VI / EJ communities relative to the percent of highway funding programmed in the 2023 to 2027 TIP.

**Table 5: Programmed Highway Spending in FFY 2023-2027 TIP Relative to Title VI and Environmental Justice Communities**

	Region Population (ACS 15-19)	Percent of Total Population	TIP Project Investment	Percent of Projects by Total Investment
<b>Within or Adjacent to Title VI/EJ Community</b>	200,647	57%	\$337,381,396	59%
<b>Outside Title VI/EJ Community</b>	153,349	43%	\$231,725,652	41%
<b>Total</b>	353,996	100%	\$569,107,048	100%

This table illustrates 59% of the investment is in or adjacent to Title VI and EJ communities, which is consistent with 57% of the population living in those communities. One project, the Andover- Bridge Rehabilitation, A-09-036, I-495 over St 28 (SB), A-09-037, I-495 over B&M and MBTA, A-09-041, I-495 over St 28 (NB) (# 606522) costing \$173,075,000 is 30% of the TIP investment dollars and is largely adjacent to but extends into Lawrence, a Title VI and EJ community. The funding for this project is split between Andover (not a Title VI or EJ community) and Lawrence. The Lawrence population will benefit from and is served by this project.

Persons with Limited English Proficiency (LEP) are those who self-report on the Census as speaking English 'less than very well'. USDOT guidance defines "Safe harbor" languages as those non-English languages that are spoken by LEP persons who make up at least 5% of the population, or 1,000 individuals, whichever is less.

Using this definition for LEP people ages 5+ living in the region, the number of LEP individuals exceeds the 1,000-person threshold in Spanish (32,513 people) and Chinese (1,124 people). The LEP persons in these two languages represent 83% of all LEP people in the region. Communities with more than 1,000 individuals whose "Safe-harbor" language is Spanish are Haverhill (3,010 people), Lawrence (25,355 people) and Methuen (3,352 people). Andover has the highest number of individuals (630 people) whose "Safe-harbor" language is Chinese. Therefore these 4 communities are considered LEP communities.

## V. Staff Capacity and Program Review Procedures

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### Title VI Training

In August 2022, as part of new staff training, MVPC's newly hired Transportation Planner watched the Title VI Overview Training video that was recorded and posted on the Federal Transit Administration's website.

### Title VI Program Review Procedures

Title VI reviews and procedures are built into all parts of the MVMPO workplan. Review of the various components occurs annually.

### **Annual Reporting**

The MassDOT Office of Civil Rights (OCR) oversees Title VI compliance for the MVMP through an annual reporting procedure. Based on the reporting requirements, the MVMPO will provide documentation of its Title VI activities for the year.

### **Equity Analyses**

The MVMPO conducts annual equity analyses as part of the TIP, UPWP and MTP development processes. Staff will discuss options for completing the analyses as part of this process. The most recent Census data is used for the analyses.

### **Outreach to Title VI and EJ Communities**

MVMPO actively seeks ways in which to engage with residents and organizations that work with residents of Title VI and EJ communities. Staff are continually seeking information on new and better ways to reach these communities through input from stakeholders, training webinars and information exchange with colleagues at other RPAs. Staff keep track of Title VI dissemination efforts as well as outreach events/meetings/opportunities.

# **Merrimack Valley Metropolitan Planning Organization**

## **Limited English Proficiency (LEP) Analysis and Language Access Plan (LAP)**

Revised December 2022

### **I. Introduction**

Most individuals living in the United States read, write, speak, and understand English. There are many individuals, however, for whom English is not their primary language. If these individuals have a limited ability to read, write, speak, or understand English, the federal government classifies them as "Limited English Proficient", or LEP. Language for LEP individuals can be a barrier to accessing important benefits or services; understanding and exercising important rights; complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

As a recipient of federal funding from the Federal Transit Administration (FTA), the Federal Highway Administration, the Merrimack Valley Metropolitan Planning Organization (MVMPO) is required to comply with federal civil rights statutes and executive orders. These laws include Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin. Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency", reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency subject to Title VI to publish guidance for its respective recipients clarifying its Title VI obligation. This Executive Order further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ) Policy Guidance entitled 'Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against persons With Limited English Proficiency.' (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including Metropolitan Planning Organizations (MPOs).

## II. LEP Population Analysis

The Merrimack Valley MPO (MVMPO) developed this LEP Analysis (and the accompanying LAP) to identify reasonable steps it could take to provide language assistance for LEP persons seeking meaningful access to MVMPO programs as required by Executive Order 13166. As defined above, LEP persons do not speak English as their primary language and have a limited ability to read, speak, write or understand English.

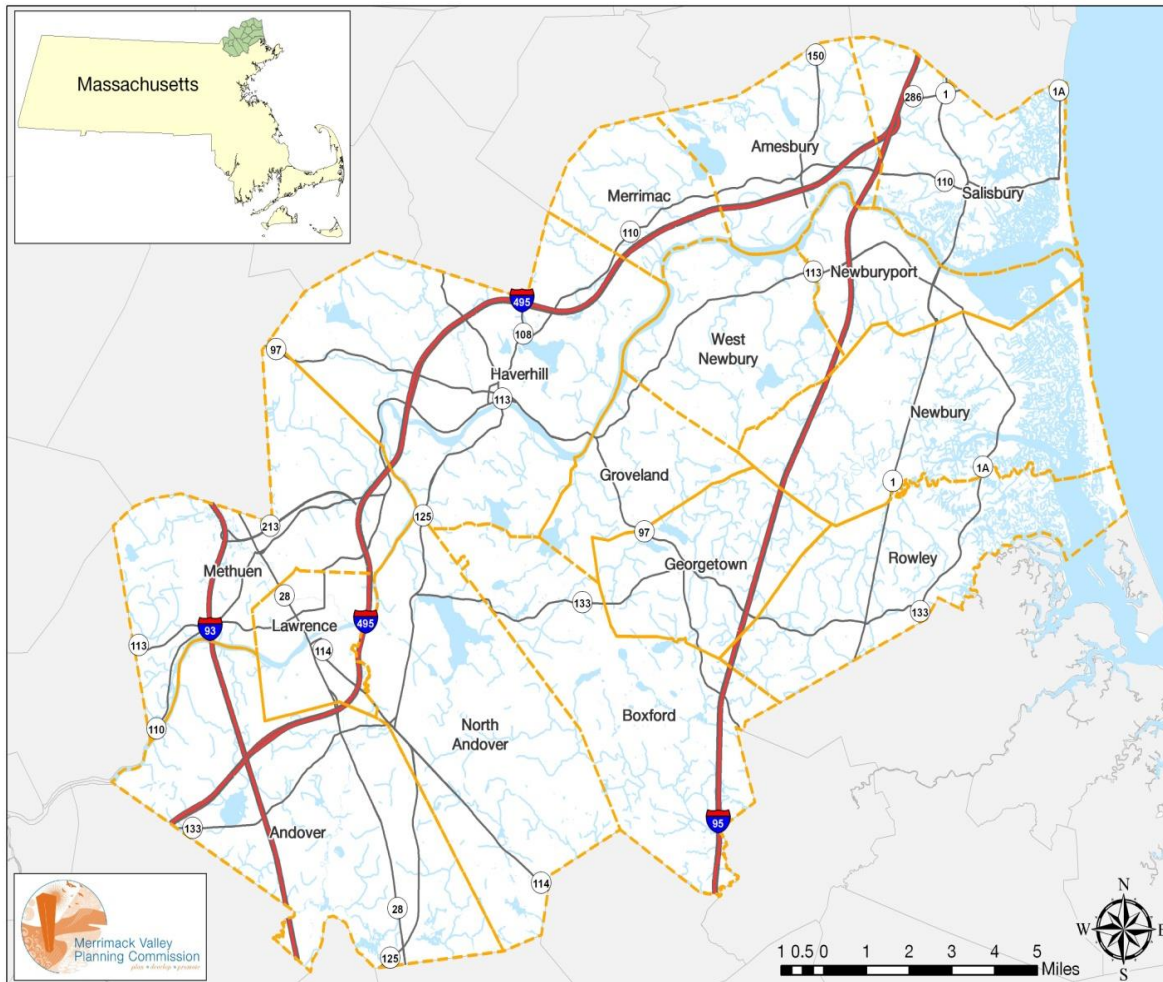


Figure 1: Geographic boundary of the MVMPO region.

In determining the MVMPO’s extent of obligation to provide LEP services for development of *its* LAP, the MVMPO undertook a U.S. Department of Transportation-defined **Four-Factor LEP analysis** that considers the following:

**Factor 1: The number or proportion of LEP-eligible persons in the service area or likely to encounter an MVMPO program, activity or service.**

(a) *How LEP person interact with the agency*

The Merrimack Valley MPO region includes 15 cities and towns in the northeast corner of Massachusetts. The communities included in our region include:

**Table 1: Merrimack Valley Communities**

Amesbury	Merrimack
Andover	Methuen
Boxford	Newbury
Georgetown	Newburyport
Groveland	North Andover
Haverhill	Rowley
Lawrence	Salisbury
	West Newbury

MVPC makes a special effort to reach out to LEP persons and include them in planning processes and is engaged in the following ways:

**1. Focus Groups and Community Meetings**

MVPC attends neighborhood meetings to present information on plans and studies and solicit feedback and input from participants.

**2. Meeting with Community Organizations**

MVPC staff also participate in a variety of meetings attended by representatives of community-based organizations. The provide opportunities for MVPC to contribute to existing activities as well as solicit input on planning activities.

**3. Participating in Community-Based Events**

MVPC staff participate in local events by tabling and interacting with participants and asking for their input.

4. Implementation of the Public Participation Process  
This process includes translation and distribution of public hearings, etc. in local newspapers (Rumbo), cable TV stations and at the transit stations.
5. Translation of surveys, fact sheets, and project lists.

Next Steps:

- MVPC staff will reach out to communities with LEP persons, especially those with newer language requirements (Vietnamese, Haitian Creole, Portuguese to identify language barriers and ways in which the agency can better interact with these groups. Merrimack Valley Transit will be included in these meetings.
  - Coordinate outreach activities with Merrimack Valley Transit to ensure that information is provided to these new groups.
  - Create an action plan for:
    - Identifying new organizations to work with
    - Best methods for reaching LEP persons
- (b) *Identification of LEP communities and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group.*

Persons with Limited English Proficiency are considered those who self-report on the Censes as speaking 'less than very well'. The MVMPO did not choose to use the Public use Microdata (PUMS) 2021 data at this time, because the data set does not match our region – it includes communities outside our region and leaves out one that should be included. The 2022 data promises be oriented to regional planning agency geographies and the MVMPO will examine the data when it is released.

The MVMPO used data from the 2017-2021 American Community Survey to determine the number of LEP people ages 5+ living in the region. Table 2 shows the number of LEP individuals exceeds the 1,000-person threshold in Spanish (38,959 people), French, Haitian, or Cajun (1,186), Chinese (1,113 people) and Vietnamese (1,095). The LEP persons in these two languages represent 90% of all LEP people in the region. The table also includes other languages that are under the 1,000-person threshold. 'Other unspecified languages' includes a wide array of languages.

Further, Table 2 shows the distribution of LEP persons in each community. By far, Lawrence has the highest number of LEP persons, with 31,404 people, 96% who speak Spanish. In Haverhill, 76% of LEP persons speak Spanish.

**Table 2: Limited English Proficiency People Who Speak English Less Than Very Well By Community**

Community	Spanish	French, Haitian, or Cajun	German or other West Germanic languages	Russian, Polish, or other Slavic languages	Other Indo-European languages	Korean	Chinese (incl. Mandarin, Cantonese)	Vietnamese	Other Asian and Pacific Island languages	Arabic	Other and unspecified languages	Total Speaking English Less Than Very Well
Amesbury	194	0	0	0	29	0	46	0	5	43	0	317
Andover	288	15	10	44	368	122	545	88	237	32	0	1,749
Boxford	0	0	18	18	29	0	0	0	0	0	0	65
Georgetown	32	7	0	36	15	0	0	0	0	0	0	90
Groveland	0	0	0	0	12	0	0	0	0	0	0	12
Haverhill	3,203	333	0	49	360	17	20	182	0	0	21	4,185
Lawrence	30,237	7	0	37	189	0	96	435	208	195	0	31,404
Merrimac	17	0	44	0	16	0	0	0	0	0	0	77
Methuen	4,325	733	0	34	399	79	122	356	44	176	142	6,410
Newbury	23	0	10	0	29	0	0	0	0	0	0	62
Newburyport	32	5	14	0	348	0	7	0	0	0	0	406
North Andover	534	68	0	86	406	148	192	34	18	13	11	1,510
Rowley	2	0	0	0	79	0	0	0	0	0	0	81
Salisbury	46	18	9	44	0	0	57	0	0	0	0	174
West Newbury	26	0	0	0	7	0	28	0	0	0	38	99
<b>Total</b>	<b>38,959</b>	<b>1,186</b>	<b>105</b>	<b>348</b>	<b>2,286</b>	<b>366</b>	<b>1,113</b>	<b>1,095</b>	<b>512</b>	<b>459</b>	<b>212</b>	<b>46,641</b>

Source: American Community Survey 2017-2021, Table C16001

**Table 3: Massachusetts Department of Education English Learners in the Merrimack Valley (2021-2022 School Year)**

School/District	Total Enrollment 2021-22 School Year	English Learner (EL) Enrollment		English Learner (EL) First Language				
		EL#	EL%	Most Common Language	Most Common Language % of EL	Second Most Common Language	2nd Most common Language % of EL	# of Languages
Amesbury	1,797	29	1.6	Spanish	48.3	Portuguese	20.7	30
Andover	5,456	161	3	Spanish	24.8	Chinese	15.5	30
Boxford	739	8	1.1	Portuguese	50	Bengali	12.5	5
Community Day Charter - Prospect	400	98	24.5	Spanish	100			1
Community Day Charter - Webster	394	79	20.1	Spanish	100			1
Community Day Charter Gateway- Gateway	401	91	22.7	Spanish	100			1
Georgetown	1,276							
Greater Lawrence RVT	1,655	135	8.2	Spanish	99.3	Indo- European	0.7	2
Haverhill	7,738	786	10.2	Spanish	84.5	Portuguese	5	25
Lawrence	12,786	4,697	36.7	Spanish	98.6	Haitian Creole	0.3	15
Lawrence Family Development Charter	796	208	26.1	Spanish	100			1
Methuen	6,439	858	13.3	Spanish	83.3	Arabic	5	18
Newburyport	2,150	51	2.4	Portuguese	84.3	Spanish	7.8	6
North Andover	4,493	105	2.3	Spanish	42.9	Portuguese	28.6	15
Pentucket	2,210	7	0.3	Portuguese	42.9	Arabic	28.6	4
Phoenix Charter Academy	185	117	63.2	Spanish	89.7	Portuguese	6.8	6
Triton	2,217	26	1.2	Portuguese	34.6	Spanish	30.8	8
Whittier RVT	1,282	15	1.2	Spanish	80	Portuguese	20	2

Source: <https://www.doe.mass.edu/ele/>



MVPC also examined data from the Massachusetts Department of Education English Learner data for schools in the Merrimack Valley (Table 3). As expected, Spanish is the most frequent language spoken by English Learners. However, the data also shows that families are speaking other languages, such as Portuguese, Chinese, Bengali, Arabic and Haitian Creole. Portuguese seems to be the second most spoken language among school age language learners.

The MVMPO further contacted the City of Methuen regarding the French/Haitian Creole/Cajun LEP persons, because data indicates that the largest group lives in Methuen. City officials indicated that the group speaks Haitian Creole. The MVMPO is scheduling a meeting with City officials about outreach needs in their LEP populations.

### **Factor 2: Frequency of Contact with LEP Persons**

MVMPO members and staff are in contact with organizations and individuals representing concerns of LEP persons during planning processes, but not frequently due to the nature of the programs. Interactions with LEP generally occur during specifically scheduled outreach activities in concert with the development of a plan such as the Coordinated Public Transit Human Services Transportation Plan, the Unified Planning Work Program, Transportation Improvement Program or Metropolitan Transportation Plan. Examples include:

- Focus groups organized for specific language groups.
- Tabling at community events.
- Coordination of public involvement of outreach for planning projects, posting of public hearing information, distribution of surveys, etc.
- Participating in meetings with community-based organizations.

### **Factor 3: Nature and Important of MVMPO Transportation Planning and Service to LEP Community**

MVMPO's role in improving the transportation system through planning is important to the lives of every person, whether it is improving transit service, increasing multi-mobility options or eliminating fatalities and serious injuries caused by car crashes. However, the planning process does not impact a person on a daily basis as, for example, providing transit service does. The MVMPO strives to include LEP persons in the public involvement process through quality interactions that allow people to tell us about their transportation needs. Our conversations have resulted in action items for the MVMPO to follow up on a variety of topics including bridge disrepair, confusing signage on roadways, dangerous intersections needing study, bike

racks at shelters, and the need for more transit information to be distributed.

Projects chosen to be funded through the Transportation Improvement Program must progress through an outreach, visioning, design and construction process under the responsibility of a municipality or MassDOT. These implementing agencies have their own policies in place to reach out to LEP persons.

**Factor 4: Resources Available**

The MVMPO is committed to ensuring that it's public documents and meetings are accessible to people with disabilities as well as to people with Limited English proficiency. Support for LEP outreach is integrated within specific planning projects (such as the Coordinated Public Transit Human Services Transportation Plan, the Unified Planning Work Program and the Metropolitan Transportation Plan) as well as in the implementation of the Public Participation Planning Process. The MVMPO receives Spanish translation and interpretation services from our partner, Merrimack Valley Transit. The MPO also works with our partners for additional interpretation assistance with our Chinese/Vietnamese speaking audiences. In the past, the MVMPO has also contracted with interpreters for meetings when needed. In addition, the MVMPO contracts for translation services. For FFY2022, the MVMPO spent \$2,388.04 on translation services.

**Table 4: Safe Harbor Languages Spoken in the Merrimack Valley Region**

Language	LEP Population	Percent of LEP Population	Percent of MVMPO Region (Age 5+)
Spanish	38,959	83.5%	11.3%
French, Haitian, or Cajun	1,186	2.5%	0.3%
Other Indo European Languages	2,286	4.9%	0.7%
Chinese	1,113	2.4%	0.3%
Vietnamese	1,095	2.3%	0.3%
Total Safe Harbor Languages	44,639	95.7%	13.5%
Total LEP Population	46,664		

Source: ACS 2017-2021

Note: MVMPO region total population Ages 5+ is 346,209.

### Safe Harbor

According to USDOT guidance, if a recipient provides written translation of vital documents into languages that meet certain thresholds—called “Safe Harbor languages”—then their obligation is likely to be considered to have been met. Safe harbor languages are those non-English languages that are spoken by LEP persons (of those eligible to be served or likely to be affected or encountered by the recipient) who make up at least 5% of the population, or 1,000 individuals, whichever is less.

As a result of our findings, the MVMPO has translated its vital documents into both Spanish and Simplified Chinese. With the new data showing additional language needs, the MVMPO will translate vital documents in Spanish, simplified Chinese, Vietnamese, and Haitian Creole.

No requests for interpretation services or for additional translations of the MPO documents have been submitted in the last three years.

### **III. LEP LANGUAGE ASSISTANCE PLAN FOR IMPLEMENTATION**

This section describes the MVMPO's current and future plans for providing language assistance to LEP persons in its region.

#### **HOW TO IDENTIFY PERSONS WHO MAY NEED LANGUAGE ASSISTANCE**

The MVMPO identifies LEP persons needing language assistance through the following activities and services:

- Coordination with municipal, regional and Commonwealth of Massachusetts agencies engaged in transportation planning.
- Outreach to community organizations and municipal agencies to request assistance in identifying LEP persons needing language assistance.
- Outreach to service agencies in the MVMPO region.
- Ongoing planning coordination, public involvement services and activities with Merrimack Valley Transit.
- Inclusion of instructions for requesting language translation of key written documents referenced in public meeting notices.
- Routine assessment of demographics information for the MVMPO region to identify likely geographic location of potential LEP persons and transportation consumers.

The MVMPO staff will continue to administer these tasks and will record the outcome of this effort.

#### **LANGUAGE ASSISTANCE MEASURES**

##### **1. Oral Translation**

The MVMPO provides interpreter services upon request with two weeks advance notice. Notices for all meetings state this information and how to request an interpreter. The MVMPO has rarely had a request for interpretive services at meetings or public hearings.

The MVMPO tries to anticipate the need for oral translations at workshops and community meetings in which we know that LEP

persons will be present. The MVMPO often requests assistance from Merrimack Valley Transit or other partners at these meetings or employs interpreters.

The MVMPO has and continues to employ a company to provide interpretation translations. The MVMPO has never had a need for the telephonic interpretation.

Examples include:

- When planning meetings or outreach events in the City of Lawrence, ensure that a Spanish speaking translator is on hand.
- When holding workshops specifically to reach the Chinese-speaking populations, the MVMPO has sought the services of an interpreter.

## 2. Virtual Public Meetings

Due to the pandemic, the MVMPO has held meetings and public hearings virtually. MPO meetings are held via Zoom meeting platform. Attendees may request an interpreter at least two weeks ahead of time.

## 3. Written Translation

The MVMPO provides written translation of vital documents. Vital documents are those that contain critical information for obtaining MPO services, or that are required by law. The MVMPO believes vital documents should help people participate in the planning process. The MVMPO's vital documents include:

- Title VI nondiscrimination Rights and Protections
- Complaint Procedures and form.
- Executive summaries for the MTP and the Title VI Program
- UPWP summary sheet and TIP project lists
- Language Assistance Plan
- MPO meeting and planning document notices

MVMPO Website has a translation button visible and easily found on every web page. LEP persons also have the option of setting their internet web browser language.

In addition to posting translations of vital documents, the MVMPO provides documents in html format that are easily translatable using Google translation button provided in each document.

## **NOTICE TO LEP PERSONS**

The MVMPO provides this notification through the following:

1. The statement in meeting notices that language services are available from the MVMPO. If this information is needed in another language, please contact the MVMPO Title VI/Nondiscrimination Specialist at 978-374-0519.
  - Posting MVMPO meeting or document development process Notices in languages other than English in local newspapers or at MVRTA-served transit facilities.
  - Posting MVMPO meeting notices in English, Spanish and simplified Chinese (in print and on the MVMPO website, plus instructions on how to request language assistance with advance notice). The notice is posted in html with a google translator for additional language access;
  - Selecting and translating into Spanish and Chinese certain MVMPO documents (including Title VI rights); document summaries, and other information for posting and distribution in MVMPO communities with significant proportions of LEP persons (5% or 1,000 or more);
  - When appropriate, the MVMPO staff will prepare fact sheets outlining important information related to its planning documents. These sheets may be translated in order to communicate with LEP individuals.

## **TRAINING**

MVPC has a handbook of information regarding Title VI, ADA accessibility that is available to all staff members. Periodic training takes place to ensure that all staff are aware of the agency's legal obligation as well as the tools available.

#### **IV. MONITORING AND UPDATING THE LANGUAGE ACCESS PLAN (LAP)**

The MPO continues to monitor the language needs of the region and to update language-assistance services as appropriate. Staff tracks the number of requests for language assistance and looks for ways to expand the participation of LEP persons in its transportation-planning process. The MPO has not received any requests for oral language assistance in the past three years. However, this does not mean that there will not be a need in the future. The MPO advertises its language-assistance services through its communications avenues, including email notifications and the MPO website.

Any questions or comments regarding this LEP Analysis or LAP should be directed to:

Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830-5061  
978-374-0519, extension 29  
Attn: Title VI / Nondiscrimination Program Coordinator





# MVMPO 2023 Title VI Program Appendices A-C

## CONTENTS

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Appendix A – Complaint Logs.....	2
Appendix B -- Translated Complaint Forms .....	4
Appendix C – Outreach Meetings and Distribution of MVMPO Notifications.....	12

# APPENDIX A – COMPLAINT LOGS

*No Title VI Complaints filed,  
FFY 2021  
Antony Kononovich, Title VI  
Coordinator*

**Merrimack Valley Metropolitan Planning Organization (MVMPO) TITLE VI COMPLAINT LOG**

File Location: MVPC Finance Administrator  
Format source: NDDOT, Civil Rights Division

Year: **FFY 2021**

Name						
Address					State	ZIP Code
Race	Color	National Origin	Sex	Age	Disability	Income Status
Nature of Complaint (attach additional sheets if necessary)						
Recipient (processor of complaint)						
Date Filed		Date Investigation Completed			Date of Disposition	
Disposition (attach additional sheets if necessary)						

*No Title VI Complaints Filed,  
 FFY 2022  
 Anthony Konowicki, Title  
 Coordinator*

**Merrimack Valley Metropolitan Planning Organization (MVMPO) TITLE VI COMPLAINT VI LOG**

File Location: MVPC Finance Administrator

Year: **FFY 2022**

Format source: NDDOT, Civil Rights Division

Name						
Address					State	ZIP Code
Race	Color	National Origin	Sex	Age	Disability	Income Status
Nature of Complaint (attach additional sheets if necessary)						
Recipient (processor of complaint)						
Date Filed		Date Investigation Completed			Date of Disposition	
Disposition (attach additional sheets if necessary)						

## APPENDIX B: TRANSLATED COMPLAINT FORMS

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Vietnamese

### **Đơn Khiếu nại Phân biệt đối xử**

Vui lòng cung cấp các thông tin sau để chúng tôi xử lý khiếu nại của quý vị. Đơn này có sẵn ở các định dạng khác nhau và bằng nhiều ngôn ngữ. Hãy cho chúng tôi biết nếu quý vị cần các dịch vụ này hoặc bất kỳ hỗ trợ nào khác để điền đơn này.

Tên: \_\_\_\_\_

Địa chỉ: \_\_\_\_\_

Số điện thoại: (Nhà) \_\_\_\_\_ (Cơ quan) \_\_\_\_\_ (Di động) \_\_\_\_\_

Địa chỉ email: \_\_\_\_\_

#### **Vui lòng cho biết bản chất của sự việc bị cho là phân biệt đối xử:**

Các thể loại được bảo vệ theo Đạo luật VI của Luật dân quyền năm 1964:

Chủng tộc Màu da Quốc gia xuất xứ (bao gồm tiếng Anh không thông thạo)

Các thể loại bổ sung được bảo vệ theo luật/lệnh liên quan của Liên bang và/hoặc Tiểu bang:

Khuyết tật Tuổi Giới tính (Sex) Định hướng tình dục

Tôn giáo Tổ tiên

Phái tính (Gender) Dân tộc Xác định phái tính Thể hiện phái tính

Tín điều (Creed) Tình trạng thương binh Lý lịch Thu nhập thấp

#### **Ai là người quý vị cho là nạn nhân của phân biệt đối xử?**

Quý vị Một cá nhân thứ ba Một lớp người

#### **Tên của Cá nhân và/hoặc tổ chức mà quý vị cho là đang phân biệt đối xử:**

\_\_\_\_\_

**Quý vị có đồng ý** cho điều tra viên chia sẻ tên và các thông tin cá nhân khác của quý vị với các bên khác về vấn đề này để hỗ trợ việc điều tra và giải quyết khiếu nại của quý vị không?

Có Không



## Fòmilè pou Pote Plent pou Diskriminasyon

Tanpri, ekri enfòmasyon yo mande la yo, pou ede nou travay sou plent ou pote a. Ou ka jwenn fòmilè sa a nan lòt fòm, ak nan plizyè lang. Si ou bezwen li nan lòt fòm oubyen lòt lang, oubyen si ou vle mande lòt kalite asistans pou reponn kesyon nan fòmilè sa a, tanpri fè nou konnen.

Non ou: \_\_\_\_\_

Adrès: \_\_\_\_\_

Nimewo telefòn: (Lakay ou) \_\_\_\_\_ (Nan Travay ou) \_\_\_\_\_ (Tel. Selilè) \_\_\_\_\_

Adrès elektwonik: \_\_\_\_\_

### Tanpri, ekri pi ba la a pou ki kalite diskriminasyon w ap pote plent:

Kategori ki pwoteje dapre *Tit 6 nan Lwa sou Dwa Sivik 1964 la*:

Ras  Koulè  Nasyonalite (oubyen moun ki pa konn pale angle byen)

Lòt kategori ki pwoteje dapre lwa/òdonnans Eta a oswa gouvènman federal la:

Andikap  Laj  Gason oubyen Fi  Oryantasyon seksyèl  Relijyon  Zansèt

Gason ak Fanm  Gwoup Etnik  Idantite gason oswa fanm  Deklarasyon idantite

Gason oswa Fanm  Kwayans  Kondisyon Veteran  Antesedan  Touche Ti Salè

### Ki moun ou vle di ki viktim diskriminasyon an?

Oumenm  Yon Lòt Moun  Yon Gwoup Moun

### Di non moun ak/oswa òganizasyon ou kwè ki fè diskriminasyon an:

\_\_\_\_\_

**Èske ou dakò** pou moun k ap mennen ankèt la bay lòt moun ki fè pati nan ka a, non ou ak lòt enfòmasyon pèsònèl sou ou, si sa kapab ede nan ankèt sou plent ou fè a, oswa rezoud pwoblèm lan?

Wi  Non



请提供以下信息以便我们处理您的投诉。本表有特殊版式以及多语种版本可供选择。如您需要此类版本或其它任何协助以填写投诉信息，请联系我们。

姓名：\_\_\_\_\_

地址：\_\_\_\_\_

电话号码：（家）\_\_\_\_\_（工作）\_\_\_\_\_（手机）\_\_\_\_\_

电子邮件地址：\_\_\_\_\_

**请说明投诉歧视的性质：**

*1964 年颁发的民权法案第六章保护的类别：*

种族  肤色  国籍（包括有限的英文水平）

相关的联邦和/或州法律/条例保护的其它类别：

残障  年龄  性别  性取向  宗教  祖籍  低收入人群

社会性别  族群  性别认同  性别表达  教义  退伍军人身份  背景

**您投诉的歧视受害者是谁？**

本人  第三方个人  一个类别的人士

**您投诉的歧视的个人和/或组织的姓名或名称：**

\_\_\_\_\_

**您同意**让调查人员同其他相关方共享您的姓名和其它个人信息以协助调查并解决投诉吗？

是  否

**请描述您的投诉。**您在描述中应提供细节信息，如姓名、日期、时刻、证人以及其它任何有助于我们调查您所投诉的信息。请提供任何其它与本投诉相关的证明材料。您可另页附上您对投诉的解释。

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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您向其它机构（联邦、州或当地机构）提交过本投诉吗？

是 否

如投诉过，请说明： \_\_\_\_\_

您对本投诉提起过诉讼吗？

是 否

如果提起过诉讼，请提交一份诉讼副本。

签名： \_\_\_\_\_ 日期： \_\_\_\_\_

邮寄地址： Title VI Coordinator, MVPC, 160 Main Street, Haverhill, MA 01830

电子邮件： [bgoodrich@mvpc.org](mailto:bgoodrich@mvpc.org)

## Spanish

# Formulario de queja por discriminación

Por favor, complete la siguiente información para que podamos tramitar su queja. Este formulario está disponible en otros formatos y en varios idiomas. Si usted necesitara estos servicios o cualquier otro tipo de asistencia para completar este formulario, por favor, avísenos.

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Nos. de teléfono: (Casa) \_\_\_\_\_ (Trabajo) \_\_\_\_\_ (Celular) \_\_\_\_\_

Dirección de correo electrónico: \_\_\_\_\_

### Por favor, indique la índole de la presunta discriminación:

Categorías protegidas por el *Artículo VI de la ley de derechos civiles de 1964*:

Raza  Color  Origen nacional (incluido un nivel limitado del idioma inglés)

Otras categorías protegidas por leyes o disposiciones federales y/o estatales:

Discapacidad  Edad  Sexo  Orientación sexual  Religión  Abolengo

Género  Etnia  Identidad de género  Expresión de género  Credo

Categoría de veterano  Origen  Bajos ingresos

### ¿Quién afirma usted que fue víctima de discriminación?

Usted  Un tercero  Una clase de personas

### Nombre de la persona u organización que usted afirma que está discriminando:

¿Consiente usted en que el investigador facilite su nombre y otros datos personales a otras partes de este asunto con el fin de que ayuden en la investigación para poder resolver su queja?

Sí  No

**Por favor, describa su queja.** Incluya detalles específicos, como nombres, fechas, horarios, testigos y otra información que pudiera ayudarnos en nuestra investigación de sus alegatos. También incluya cualquier otra documentación que fuera relevante para esta queja. Puede adjuntar páginas adicionales para explicar su queja.



## APPENDIX C – OUTREACH MEETINGS AND DISTRIBUTION OF MVMPO NOTIFICATIONS

### PUBLIC EVENT TRACKING (JUNE 2021-DECEMBER 2022)

NAME OF EVENT	Date	Attendees	Organizations or Affiliates	Public Officials	Comments Received	Community	Location	EJ Group (Yes or No)
LAWRENCE PA'LANTE PROJECT DISCUSSION ABOUT TRANSPORTATION IN LAWRENCE	6/21/2021	15	Residents, municipal officials, Groundwork Lawrence and Conservation Law Foundation		discussion format	Lawrence	Virtual	Yes
REGULAR MONTHLY MEETINGS WITH HEALTHY ACTIVE LIVING WORKING GROUP	multiple 2021	varies	health and human services, schools, sports, housing, etc.		discussion format	Lawrence	Zoom	Yes
LAWRENCE PA'LANTE PROJECT PRESENTATION ON TRANSPORTATION	9/21/2021	10	residents, Groundwork Lawrence, Conservation Foundation		discussion format	Lawrence	Zoom	Yes
GROUNDWORK LAWRENCE PA'LANTE PROJECT	12/9/2021	7	residents, Groundwork Lawrence, Conservation Foundation		discussion format	Lawrence	Zoom	Yes
MANCHESTER STREET/BROADWAY/DAISY STREET RSA	12/20/2021	21	City of Lawrence, MVRTA, Groundwork Lawrence, Lawrence Pa'Lante, MassDOT and Conservation Law Foundation		discussion format	Lawrence	Lawrence	Yes
REGIONAL COORDINATING COUNCIL MEETING	1/20/2022	10	Councils on Aging, LRTA, MVRTA, Cancer Society		discussion format	Regional	Zoom	Mix

NAME OF EVENT	Date	Attendees	Organizations or Affiliates	Public Officials	Comments Received	Community	Location	EJ Group (Yes or No)
MEETING WITH LAWRENCE PUBLIC SCHOOLS REGARDING SAFE ROUTES TO SCHOOLS	3/17/2022	5	Lawrence Public Schools, MassDOT, City of Lawrence		discussion format	Lawrence	Lawrence	Yes
METHUEN ARLINGTON NEIGHBORHOOD MONTHLY MEETING	5/10/2022	20	residents/Methuen Police Department		Suggested the intersection of Lawrence St/Larchwood	Methuen	MAN, Inc.	Yes
MAYOR'S HEALTH TASK FORCE GENERAL MEETING	5/24/2022	37	Health and human services organizations/hospitals/SRTS/Lawrence Public Schools/Lawrence Sports Alliance/American Red Cross /MVRTA and more		None	Lawrence	Virtual	Yes
MAYORS HEALTH TASK FORCE MEETING	5/24/2022	20+	health and human services organizations.		Presentation on TIP, MTP/UPWP	Lawrence	Lawrence	Yes
METROPOLITAN TRANSPORTATION PLAN KICK-OFF MEETING	6/9/2022	20	Groundwork Lawrence/Town of Rowley/ City of Amesbury/City of Haverhill/City of Methuen/Stantec (North Andover)/MassDOT/MVRTA	10	30	Region	Virtual	Yes

NAME OF EVENT	Date	Attendees	Organizations or Affiliates	Public Officials	Comments Received	Community	Location	EJ Group (Yes or No)
SALSA OUTDOOR EVENT	6/4/2022	15	Groundwork Lawrence/Residents of Lawrence		15	Lawrence	Lawrence	Yes
MASSACHUSETTS COMMISSION FOR THE BLIND TRANSIT INFORMATIONAL MEETING AND DISCUSSION WITH BLIND STUDENTS	6/7/2022	5	students, MCB, MVRTA, NMCOG, MVPC, Haverhill Tranist		discussion format	Regional	Zoom	disabled
MEETING WITH YMCA REGARDING TRANSPORTATION CONCERNS RELATED TO THE HAVERHILL STREET/LAWRENCE STREET ROAD SAFETY AUDIT	6/22/2022	1	YMCA	0		Lawrence	YMCA, Lawrence	Yes
METROPOLITAN TRANSPORTATION PLAN TRANSPORTATION NEEDS SURVEY	6/1/2022-9/30/2022	206	individuals: 14% identified as minority; 13% have HH income <\$50,000; 12% self-identified as having a disability.		survey	Regional	Virtual	Mix
ANDOVER FARMERS' MARKET	7/23/2022	25	Andover/North Andover Residents	0	25	Andover	Andover	No
COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY MEETINGS	7/28/2022	28	Municipal official officials, MeVa and Lawrence Partnership		discussion format	Regional	Virtual	Mix

<b>NAME OF EVENT</b>	<b>Date</b>	<b>Attendees</b>	<b>Organizations or Affiliates</b>	<b>Public Officials</b>	<b>Comments Received</b>	<b>Community</b>	<b>Location</b>	<b>EJ Group (Yes or No)</b>
<b>ANDOVER ROBB CENTER</b>	8/9/2022	15	Andover/Lawrence Residents, MVRTA, Andover Senior Center Staff	2	20	Andover	Andover Robb Center	no
<b>LAWRENCE PA'LANTE CLIMATE EVENT</b>	8/11/2022	15	Groundwork Lawrence, Lawrence City Staff, MVRTA, Safe Routes to School	3	10	Lawrence	Lawrence Public Library	yes
<b>HAVERTHILL FARMER'S MARKET</b>	8/27/2022	20	TEAM Haverhill	0	20	Haverhill	Downtown Haverhill	Mix
<b>COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY MEETINGS</b>	8/30/2022	30	Municipal officials, MeVa, Lawrence Partnership, technical HS, NECC		discussion format	Regional	Haverhill Innovation Hub	Mix
<b>REGIONAL COORDINATING COUNCIL COORDINATED PLAN SURVEY</b>	August/September 2022	33 participants	Councils on Aging, Transit providers, DDS	Not all people identified	multiple in survey format	Regional	Survey	Mix
<b>REGIONAL COORDINATING COUNCIL MEETING</b>	9/15/2022	15	health and human services, transit providers, American Cancer Society, Councils on Aging, and more		discussion format	Regional	Zoom	Mix
<b>COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY MEETINGS</b>	9/27/2022	30	Lawrence Partnership, Northern Essex Community College, Lawrence Technical HS, Whittier Technical HS, Meva, municipal officials		discussion format	Regional	CI Works, Amesbury	Mix
<b>NAME OF EVENT</b>	<b>Date</b>	<b>Attendees</b>	<b>Organizations or Affiliates</b>	<b>Public Officials</b>	<b>Comments Received</b>	<b>Community</b>	<b>Location</b>	<b>EJ Group</b>

								(Yes or No)
<b>VETERANS COFFEE SOCIAL</b>	10/25/2022	30	International Veterans Care Services	0	20	Lawrence/Methuen/Danvers and other	90 Broadway, Methuen	Mix
<b>LAWRENCE PA'LANTE FOCUS GROUP</b>	10/22/2022	5	Lawrence Residents	0	15	Lawrence	Groundwork Lawrence	Yes
<b>COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY MEETINGS</b>	10/18/2022	30	Municipal officials, MeVa, Lawrence Partnership, technical HS		discussion format	Regional	Virtual	Mix
<b>COORDINATED PUBLIC TRANSIT HUMAN SERVICES TRANSPORTATION PLAN MEETING</b>	11/16/2022	16	Councils on Aging, Transit providers, Arc of Haverhill, senior housing	11	multiple	Regional	HC Media Merrimack St, Haverhill	Mix
<b>TRANSPORTATION FOCUS GROUP ASIAN SENIORS</b>	11/7/2022	8	residents of Lawrence	0	27	Lawrence	The Center	Yes
<b>TRANSPORTATION OUTREACH MEETING SPANISH-SPEAKING SENIORS</b>	11/3/2022	18	Spanish speaking elder residents of Lawrence	0	30	Lawrence	The Center	Yes
<b>MONTHLY MERRIMACK VALLEY TRANSIT ADVISORY BOARD MEETINGS; PROVIDE TRANSPORTATION UPDATE AND DISCUSS WITH BOARD.</b>	9 months of the year	Varies		varies		Regional	MeVa	Mix
<b>MONTHLY PLANNING DIRECTORS MEETING</b>	monthly	varies		varies	multiple	Regional	Zoom	Mix



**PUBLIC NOTICES, PUBLIC HEARINGS AND PUBLIC MEETINGS, JUNE 2021—DECEMBER 2022**

ACTIVITY	Purpose	Date	Location	Attendees/ Title VI/EJ Notes
<b>MVTC MEETING</b>	Freight, Transportation Safety, TIP, Road Safety Audit Broadway, Manchester and Daisy Street in Lawrence, TIP, MVRTA Updates	January 13, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees from Andover, Lawrence (Title VI/EJ community), Methuen (Title VI/ EJ community) and Newburyport
<b>MVMPO MEETING</b>	Development of FFYs 2023-2027 TIP and FFY 2023 UPWP, Adoption of MVMPO CY 2022 PM1 Safety Performance Measure Targets, Draft Amendment #1 to FFY 2022 UPWP	January 26, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees include 9 of 10 MVMPO voting members (including members from Haverhill (Title VI/EJ community) and Subregion #4 of which Methuen (Title VI/EJ Community) is a part), additional attendees from Newburyport, North Andover, Rowley, West Newbury, Consultants from TEC, Inc. and VHB, MassDOT and FHWA
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS*</b>	Draft Amendment #1 to the FFY 2022 UPWP	February 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*Notices, amendments and document summaries are posted on the MVPC website in English, Spanish and Chinese, and as html files with Google Translate. Newspaper Notice includes being published in Spanish in a Spanish language newspaper. Posting at Transportation Centers in English and Spanish, Notice to community clerks include Spanish and Chinese notices.

ACTIVITY	PURPOSE	DATE	LOCATION	ATTENDEES/ TITLE VI/EJ NOTES
<b>NOTICE OF DEVELOPMENT OF DOCUMENT(S)*</b>	Development of FFYs 2023-2027 TIP and FFY 2023 UPWP	February 2022	Newspapers, Transit Stations, Community TV and Stakeholders (email)	*Notices, amendments and document summaries are posted on the MVPC website in English, Spanish and Chinese, and as html files with Google Translate. Newspaper Notice includes being published in Spanish in a Spanish language newspaper. Posting at Transportation Centers in English and Spanish, Notice to community clerks include Spanish and Chinese notices.
<b>PUBLIC HEARINGS</b>	Draft Amendment #1 to the FFY 2022 UPWP	February 16, 2022 at 1PM and February 16, 2022 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
<b>MVMPO MEETING</b>	Update on Draft MVMPO FFYs 2023 to 2027 TIP, Update on Draft MVMPO FFY 2023 UPWP, Draft Amendment #1 to MVMPO's FFY 2022 UPWP, Draft Update to MVMPO MOU	February 23, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees include 6 of 10 MVMPO voting members, (including member from Subregion #4 of which Methuen (Title VI/EJ Community) is a part) additional attendees from Newburyport, North Andover, Salisbury, Consultant from VHB, MassDOT and FHWA
<b>MVTC MEETING</b>	Non-motorists Fatalities and Serious Injuries, TIP, MVMPO MOU, MVRTA Updates	March 10, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees from Andover, Boxford, Salisbury, Newbury and Newburyport, Rowley Council on Aging, Elder Services of North Andover, Ride Free Program Haverhill, Arc of Greater Haverhill/Newburyport and MassDOT

ACTIVITY	PURPOSE	DATE	LOCATION	ATTENDEES/ TITLE VI/EJ NOTES
<b>MVMPO MEETING</b>	Update on Draft MVMPO FFYs 2023 to 2027 TIP, Draft Update to MVMPO MOU	March 23, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees include 10 of 10 MVMPO voting members, (including members representing 3 of 3 Title VI/EJ communities), additional attendees from Amesbury, Andover, Georgetown, Haverhill (Title VI/ EJ community), Methuen (Title VI/ EJ community), Newburyport, North Andover, Salisbury, Consultant from VHB, MassDOT and FHWA
<b>MVTC MEETING</b>	Safety, TIP, UPWP and MVRTA Updates	April 14, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees from Massachusetts Commission for the Blind, American Cancer Society, Ride Free Haverhill Program.
<b>MVMPO MEETING</b>	Draft MVMPO FFYs 2023 to 2027 TIP, Update on Draft MVMPO FFY 2023 UPWP	April 27, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees include 9 of 10 MVMPO voting members (including members representing 3 of 3 Title VI/EJ communities), additional attendees from Lawrence (Title VI/ EJ community), Newburyport, North Andover, Salisbury, Consultant from VHB, MassDOT and FHWA
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS*</b>	Draft MVMPO FFYs 2023 to 2027 TIP and Draft Amendment #2 to the MVMPO FFYs 2022 to 2026 TIP	May 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*Notices, amendments and document summaries are posted on the MVPC website in English, Spanish and Chinese, and as html files with Google Translate. Newspaper Notice includes being published in Spanish in a Spanish language newspaper. Posting at Transportation Centers in English and Spanish, Notice to community clerks include Spanish and Chinese notices.

<b>ACTIVITY</b>	<b>Purpose</b>	<b>Date</b>	<b>Location</b>	<b>Attendees/ Title VI/EJ Notes</b>
<b>MVTC MEETING</b>	Public Outreach Plan, TIP, and UPWP	May 12, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees from Haverhill (Title VI/EJ community), MassDOT and additional individuals with no affiliation.
<b>PUBLIC HEARINGS</b>	Draft MVMPO FFYs 2023 to 2027 TIP and Draft Amendment #2 to the MVMPO FFYs 2022 to 2026 TIP	May 18, 2022 at 1 PM and May 18, 2022 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
<b>MVMPO MEETING</b>	Draft Amendment #2 to the MVMPO FFYs 2022 to 2026 TIP, Draft Amendment #3 to the MVMPO FFYs 2022 to 2026 TIP, Draft MVMPO FFYs 2023 to 2027 TIP, Draft MVMPO FFY 2023 UPWP, Safe Roads for All Grant Opportunity	May 25, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	Attendees include 10 of 10 MVMPO voting members, (including members representing 3 of 3 Title VI/EJ communities), additional attendees from Georgetown, Haverhill (Title VI/ EJ community), Lawrence (Title VI/ EJ community), Methuen (Title VI/ EJ community), Newburyport, North Andover, Salisbury, Consultant from VHB, MassDOT and FHWA
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS*</b>	Draft FFY 2023 UPWP and Draft Amendment #3 to MVMPO FFYs 2022 to 2026 TIP	June 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*
<b>NOTICE OF DEVELOPMENT OF DOCUMENT*</b>	Development of Metropolitan Transportation Plan MVision 2050	June 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*
<b>MVTC MEETING</b>	Metropolitan Transportation Plan MVision 2050 Kickoff	June 9, 2022	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	13 attendees including six people representing Title VI communities.

<b>ACTIVITY</b>	<b>PURPOSE</b>	<b>DATE</b>	<b>LOCATION</b>	<b>ATTENDEES/ TITLE VI/EJ NOTES</b>
<b>PUBLIC HEARINGS</b>	Draft FFY 2023 UPWP and Draft Amendment #3 to MVMPO FFYs 2022 to 2026 TIP	June 15, 2022 at 1 PM and June 15, 2022 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic	Attendee is a Graduate Student (Title VI/EJ Community)
<b>MVMPO MEETING</b>	Draft Amendment #3 to MVMPO FFYs 2022 to 2026 TIP, Draft FFY 2023 UPWP, Draft Amendment #2 and Adjustments to MVMPO FFY 2022 UPWP, Draft Amendments #4 and #5 to FFYs 2022 to 2026 TIP	June 22, 2022	Meeting held Virtually Only due to COVID-19 Pandemic	Attendees include 7 of 10 MVMPO voting members (including members from Haverhill (Title VI/EJ community) and Lawrence (Title VI/EJ Community), additional attendees from Lawrence (Title VI/EJ community), Newburyport, Consultant from VHB, and MassDOT
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS*</b>	Draft Amendment #2 to MVMPO FFY 2022 UPWP, Draft Amendments #4 and #5 to FFYs 2022 to 2026 TIP	July 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*
<b>PUBLIC HEARINGS</b>	Draft Amendment #2 to MVMPO FFY 2022 UPWP, Draft Amendments #4 and #5 to FFYs 2022 to 2026 TIP	July 13, 2022 at 1 PM and July 13, 2022 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic	Attendees include representatives from Northern Essex Elder Transport (NEET) and from Opportunity Works
<b>MVMPO MEETING</b>	Draft Amendments #4 and #5 to FFYs 2022 to 2026 TIP, Draft Amendment #2 to MVMPO FFY 2022 UPWP	July 27, 2022	Meeting held Virtually Only due to COVID-19 Pandemic	Attendees include 9 of 10 MVMPO voting members (including members from Haverhill (Title VI/EJ community) and Lawrence (Title VI/EJ Community), additional attendees from Haverhill (Title VI/EJ community), Methuen (Title VI/EJ community), Consultant from VHB, MassDOT, and FHWA

ACTIVITY	PURPOSE	DATE	LOCATION	ATTENDEES/ TITLE VI/EJ NOTES
<b>MVMPO MEETING</b>	Draft Amendments #6 and #7 to FFYs 2022 to 2026 TIP	Aug. 17, 2022	Meeting held Virtually Only due to COVID-19 Pandemic	Attendees include 8 of 10 MVMPO voting members (including members from Haverhill (Title VI/EJ community) and Lawrence (Title VI/EJ Community), additional attendees from MassDOT, Georgetown, North Andover, Salisbury, Northern Middlesex Council of Governments, Consultants from VHB and TEC.
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS*</b>	Draft Amendments #6 and #7 to FFYs 2022 to 2026 TIP	August 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*
<b>PUBLIC HEARINGS</b>	Draft Amendments #6 and #7 to FFYs 2022 to 2026 TIP	August 30, 2022 at 1 PM and August 30, 2022 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic	No one attended the meeting.
<b>MVMPO MEETING</b>	Draft Amendments #6 and #7 to FFYs 2022 to 2026 TIP	Aug. 31, 2022	Meeting held Virtually Only due to COVID-19 Pandemic	Attendees include 8 of 10 MVMPO voting members (including members from Haverhill (Title VI/EJ community) and Lawrence (Title VI/EJ Community), additional attendees from MassDOT, Georgetown, North Andover, Salisbury, Northern Middlesex Council of Governments, Consultants from VHB and TEC.

<b>ACTIVITY</b>	<b>PURPOSE</b>	<b>DATE</b>	<b>LOCATION</b>	<b>ATTENDEES/ TITLE VI/EJ NOTES</b>
<b>MVMPO MEETING</b>	Discussion of potential UPWP and TIP Amendments	October 26, 2022	Meeting held Virtually Only due to COVID-19 Pandemic	9 voting members participated (including one from Haverhill) and 16 additional people participated , including attendees from Newburyport, North Andover, Methuen, NMCOG and MassDOT.
<b>MVMPO MEETING</b>	Draft Amendment #1 to the FFY 2023 UPWP	November 30, 2022	Meeting held Virtually Only due to COVID-19 Pandemic	9 voting members participated (including Lawrence and Haverhill) and 16 additional people participated , including attendees from Boxford, Salisbury, Newburyport, North Andover, NMCOG and MassDOT.
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS*</b>	Draft Amendments #1 to the FFY 2023 UPWP	December 2022	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	*
<b>PUBLIC HEARINGS</b>	Draft Amendment #1 to the FY 2023 UPWP	December 21, 2022	Meetings held Virtually Only due to COVID-19 Pandemic	
<b>MVMPO MEETING</b>	Draft Amendments #8 to #15 to the FFYs 2021-2025 TIP, FFYs 2022-2026 TIP, FFY 2022 UPWP, and Adoption of MassDOT's 2021 Safety Performance Measure Targets	January 27, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS</b>	Draft Amendments # 8 to # 15 to the FFYs 2021-2025 TIP	February 2021	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	

ACTIVITY	PURPOSE	DATE	LOCATION	ATTENDEES/ TITLE VI/EJ NOTES
<b>NOTICE OF DEVELOPMENT OF DOCUMENT(S)</b>	FFYs 2022-2026 TIP and FFY 2022 UPWP	February 2021	Newspapers, Transit Stations, Community TV and Stakeholders (email)	
<b>PUBLIC HEARINGS</b>	Draft Amendments # 8 to # 15 to the FFYs 2021-2025 TIP	February 17, 2021 at 1PM and February 17, 2021 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
<b>MVMPO MEETING</b>	Draft Amendments to the FFYs 2021-2025 TIP, FFYs 2022-2026 TIP, and FFY 2022 UPWP	February 24, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	
<b>MVMPO MEETING</b>	Amendment #15 to the FFYs 2021-2025 TIP, FFYs 2022-2026 TIP, FFY 2022 UPWP and upcoming Federal Planning Certification Review	March 24, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	
<b>MVMPO MEETING</b>	Draft Amendment # 16 to the FFYs 2021-2025 TIP, FFYs 2022-2026 TIP, FFY 2022 UPWP, upcoming Federal Planning Certification Review, MVMPO Representation Update, FFY 2022 CIP	April 28, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND</b>	Draft Amendment # 16 to the FFYs 2021-2025 TIP and Draft FFYs 2022-2026 TIP	May 2021	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	



**PUBLIC HEARINGS**

ACTIVITY	Purpose	Date	Location	Attendees/ Title VI/EJ Notes
<b>PUBLIC HEARINGS</b>	Draft Amendment # 16 to the FFYs 2021-2025 TIP and Draft FFYs 2022-2026 TIP	May 19, 2021 at 1 PM and May 19, 2021 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
<b>MVMPO MEETING</b>	Draft Amendment # 16 to the FFYs 2021-2025 TIP, Draft FFYs 2022-2026 TIP, Draft FFY 2022 UPWP, Federal Planning Certification Review Public Comments should this have its own box?, and what is it officially called	May 26, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	
<b>NOTICE OF REVIEW AND COMMENT PERIOD AND PUBLIC HEARINGS</b>	Draft FFY 2022 UPWP	June 2021	Newspapers, Town/City Clerks, Transit Stations, Community TV and Stakeholders (email)	
<b>PUBLIC HEARINGS</b>	Draft FFY 2022 UPWP	June 16, 2021 at 1 PM and June 16, 2021 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	

<b>MVMPO MEETING</b>	Draft Amendment # 17 to the FFYs 2021-2025 TIP, Approve FFY 2022 UPWP, Adopt MassDOT Percent Non-SOV Travel Target	June 23, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency
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<b>ACTIVITY</b>	<b>Purpose</b>	<b>Date</b>	<b>Location</b>	<b>Attendees/ Title VI/EJ Notes</b>
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<b>PUBLIC HEARINGS</b>	Draft Amendment # 17 to the FFYs 2021-2025 TIP	July 21, 2021 at 1 PM and July 21, 2021 at 6 PM	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
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<b>MVMPO MEETING</b>	Approve Draft Amendment # 17 to the FFYs 2021-2025 TIP, FFY 2021 UPWP Adjustment, Adopt MVRTA Safety Plan and MVRTA Transit Asset Management Plan Targets	July 28, 2021	Meeting held Virtually Only due to COVID-19 Pandemic Emergency	
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<b>PUBLIC HEARINGS</b>	Draft Amendment #1 FFy 2022-2026 TIP; Notices distributed in multiple languages.	December 15, 2021 at 1 pm and 6 pm	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
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<b>MVMPO MEETING</b>	Approval of Amendment #1 to the FFY 2022-2026 TIP	December 22, 2021	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
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<b>MVMPO MEETING</b>	Release for public review Draft Amendment #1 to the FFY 2022-2026 TIP	November 24, 2021	Meetings held Virtually Only due to COVID-19 Pandemic Emergency	
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<b>MVMPO MEETING</b>	Review of Certification Review process and results.	October 27, 2021	Meetings held Virtually Only due to COVID-19 Pandemic Emergency
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# Merrimack Valley Metropolitan Planning Organization (MVMPO) Public Participation Plan as Amended through March 2017



**160 Main Street  
Haverhill, MA 01830**

## Table of Contents

1. Introduction.....	1
1.1 MVMPO Structure.....	2
1.2 MVMPO Public Participation Goals.....	6
2. MVMPO Approach to Public Participation .....	8
2.1 Public Participation Techniques .....	10
2.2 Meeting Facilities and Accessibility .....	13
2.3 Tailoring MVMPO Outreach to Underserved People.....	13
3. Title VI and ADA Protocols, Policies, and Resources .....	15
3.1 Civil Rights Protocols for Ensuring Diversity and Inclusivity in Public Engagement .....	15
3.1.1 Civil Rights Protocols by Type of Public Engagement.....	16
3.1.2 Public Meetings and Hearings .....	18
3.1.3 Open Houses .....	29
3.1.4 Targeted Outreach Gatherings .....	31
3.1.5 One-on-One Interactions .....	37
3.2 MVMPO Accessible Meeting Policy.....	42
3.2.1. Purpose .....	42
3.2.2 Definitions .....	43
3.2.3 General Considerations .....	47
3.2.4 Choosing a Meeting Location .....	47
3.2.5 Identifying the Accessible Entrance .....	48
3.2.6 Alternate Accessible Entrance .....	48
3.2.7 Accessible Restrooms .....	48
3.2.8 Accessible Telephones .....	48
3.2.9 Meeting Room .....	48
3.3 American Sign Language and Foreign Language Interpreters, Assistive Listening Devices, CART, and Video Remote Interpreting .....	50
3.4 Alternative Formats & Translation of Handouts/Presentation Material...	50

3.4.1	Creating Alternative Formats.....	51
3.4.2	Large Print Documents .....	51
3.4.3	Electronic Versions of MVMPO Materials .....	51
3.4.4	Braille Versions of MVMPO Materials .....	52
3.4.5	Audible Version .....	52
3.4.6	Foreign Language Version .....	52
3.4.7	Other requests for alternate formats .....	52
3.5	Publicizing a Meeting .....	52
3.6	Additional Considerations .....	53
3.7	Emergency Preparedness .....	53
4.	Public Participation Procedures for Long-Term Planning .....	55
	<i>Corridor and Area Plans</i> .....	56
4.1	Solicitation of Public Input Prior to Study or Plan Development .....	57
4.2	Solicitation of Public Input on a Draft Plan or Study .....	60
4.3	Posting of Plan or Study Information on Web Pages.....	63
5.	Public Involvement Procedures for the MVMPO Transportation Improvement Program .....	64
5.1	Public Notice and Comment Period .....	64
	Appendix A: Public Participation During the Project Development Process.....	66
A.1	Project Development .....	66
A.2	Construction.....	71
	Appendix B: MVMPO Transportation Planning Process Summary.....	74
	Appendix C: MVMPO Public Participation Stakeholder List .....	86
	Appendix D: Federal Public Participation Mandates .....	91
	Appendix E: Public Meeting Accessibility Checklist .....	97
	Appendix F: Sample MVMPO Notice .....	106

Note: the Merrimack Valley Planning Commission Transportation Program Unit staff (a/k/a MVMPO staff) prepared this 2016 PPP under Contracts #75074, MA-80-X008, and MA-80-X009 with MassDOT. All versions of the MVMPO Public Participation Plan have been prepared in cooperation with the Federal Highway Administration, the Federal Transit Administration, and the Merrimack Valley Regional Transit Authority (MVRTA).

## **1. Introduction**

The Merrimack Valley Metropolitan Planning Organization (MVMPO) has developed this Public Participation Plan (PPP) to ensure that its transportation decision-making process is inclusive, and accessible, in accordance with state and federal law requirements. The MVMPO uses this Plan to offer the public early, continuous, and meaningful opportunities to help identify social, economic, and environmental impacts of proposed transportation policies, projects and initiatives. This PPP shapes all MVMPO public engagement, from information distribution to formalized public involvement. This Plan also governs public participation requirements that apply to all federally funded transit plans/projects implemented by the Merrimack Valley Regional Transit Authority (MVRTA) – an MVMPO member agency.

This PPP guides the MVMPO's inclusion of populations that may have been underserved by the transportation system and/or have lacked access to the decision-making process. It states the methods that the MVMPO uses to reach out to persons who are low-income, minority, Limited English Proficient (LEP), or have a disability, and other traditionally under-represented populations. It provides a toolbox of public engagement techniques that the MVMPO staff can match to different community contexts and transportation decisions.

This PPP will continue to evolve based on ideas and feedback from community members and the MVMPO staff's evaluation of the effectiveness of its public participation activities in its region. The MVMPO staff will make every effort to comply with the policies and protocols stated, even on occasions where the facts or circumstances may not allow for absolute compliance. Also, it is important to note that some areas have pre-existing and approved policies for public engagement that are unique to the functions they carry out or the targeted audiences served, and in such instances (for example, Disadvantaged Business Enterprise goal setting), there may be departures from this Plan that are legitimate and reasonable.

In order for this PPP to take full effect, the MVMPO requires and will seek public comment, and make such changes and improvements that will improve our ability to provide an equal opportunity for public input in our transportation decision-making processes. Maintaining and

revising/updating this PPP is a continuous process that requires a formal amendment (and MVMPO endorsement) when:

- a complete revision is prepared (approximately every five years), and
- revisions to specific MVMPO policies and/or Federal/Commonwealth regulations governing public participation occur. Other revisions/updates such as adding or revising contact information for Public Participation Stakeholders do not require formal amendment of this Plan. Similarly, any of the individuals or organizations listed in the Stakeholders List (see Appendix B) may request removal from the mailing list and such action does not necessitate a formal PPP amendment.

### 1.1 MVMPO Structure

Under federal transportation legislation, the MVMPO is responsible for completing the planning and programming of all federally funded transportation projects and programs in its respective planning area.

The MVMPO covers the same fifteen-community region that defines the Merrimack Valley Planning Commission (MVPC) and the Merrimack Valley Regional Transit Authority (MVRTA). These communities are shown in Table 1.1 below:

Amesbury	Georgetown	Lawrence	Newbury	Rowley
Andover	Groveland	Merrimac	Newburyport	Salisbury
Boxford	Haverhill	Methuen	North Andover	West Newbury

The MVMPO has 10 voting members. Six members serve permanently while a representative of each sub-region chosen by the communities of a given sub-region fill the other four positions on a rotating basis. MVMPO membership is as follows:

- Massachusetts Department of Transportation, Highway Division; Permanent Member
- Merrimack Valley Planning Commission; Permanent Member
- Merrimack Valley Regional Transit Authority; Permanent Member
- Massachusetts Department of Transportation; Permanent Member
- Mayor of Lawrence (or his/her designee); Permanent Member
- Mayor of Haverhill (or his/her designee); Permanent Member



- One selectman, Mayor or his/her designee from each of the following subregions:
  - Sub-region 1: Amesbury, Newburyport and Salisbury
  - Sub-region 2: Newbury, Rowley and West Newbury
  - Sub-region 3: Boxford, Georgetown, Groveland and Merrimac
  - Sub-region 4: Andover, Methuen and North Andover

The MVMPO is responsible for performing a number of federally mandated transportation planning activities including the development and adoption of its Unified Planning Work Program (UPWP); Regional Transportation Plan (RTP), Transportation Improvement Program (TIP), and Public Participation Plan (PPP). Drafts of the UPWP, TIP and RTP, as well as Amendments to these documents, have a 21-day public review and comment period. The PPP Draft has a 45-day public review and comment period.

In addition, the MVMPO is responsible for making air quality conformity determinations for the RTP and the TIP and must certify that it is adhering to the federal transportation planning requirements outlined in the "3C" planning process. Finally, the MVMPO (per a Memorandum of Understanding with the MVRTA) is responsible for administering the MVRTA's public participation process as it pertains to the MVRTA's Program of Projects (PoP) and annual list of obligated transit projects. The MVRTA is in charge of administering its own public participation efforts respective to ongoing operations and service planning, although it engages the MVMPO staff in specific outreach activities (i.e. Coordinated Plan, Active Transportation Plan).

### **MVMPO Advisory Board and Committees**

The MVMPO's advisory board is the Merrimack Valley Transportation Committee (MVTC). The MVMPO staff is responsible for organizing and administering the MVTC. MVTC membership includes agencies and individuals who may already participate in the MVMPO as an official or designee, and representation from non-MVMPO agencies and individuals with interests in transportation. MVTC members include municipal planning directors; transit operators, neighborhood residents, environmental advocates, railroad, and truck freight industry representatives. The MVMPO staff convenes meetings of the MVTC at least once each year, typically at the start of the TIP development process. As the MVMPO region's size works to

its advantage in terms of encouraging direct public involvement, the MVTC members report directly to the MVMPO Chair. Accordingly, there is not a separate MVTC Chair, nor Officers. The MVTC may also make requests to the MVMPO Chair to discuss topics relevant to the MVMPO's charge, including sponsoring speakers, to facilitate exchange of information.

The MVTC has established a new Nondiscrimination Working Group that is comprised of up to ten (10) MVTC members. The Working Group's purpose is to focus upon the MVMPO's Title VI and Environmental Justice programs, particularly to:

- advise on issues relevant to the MVMPO's Title VI and EJ responsibilities;
- assist the MVMPO in conducting outreach to Title VI and EJ populations, and
- participate in the MVMPO's work with other protected populations, including elders and persons with disabilities.

The MVMPO staff will encourage MVTC members with affiliations in the following types of organizations to participate in the Committee:

- Civic and Social (Neighborhoods)
- Disabilities
- Education
- Elders
- Employment and Workforce Training
- Faith-Based
- Human Services
- Philanthropic
- Race and Ethnic-Based

MVMPO staff is responsible for administering the MVTC Nondiscrimination Working Group's activities. The MVTC members will self-select Nondiscrimination Working Group members at two-year intervals parallel to the existing timeline used for securing MVMPO sub-region representatives.

Figure 1 on the following page shows the MVMPO's membership and decision-making process.

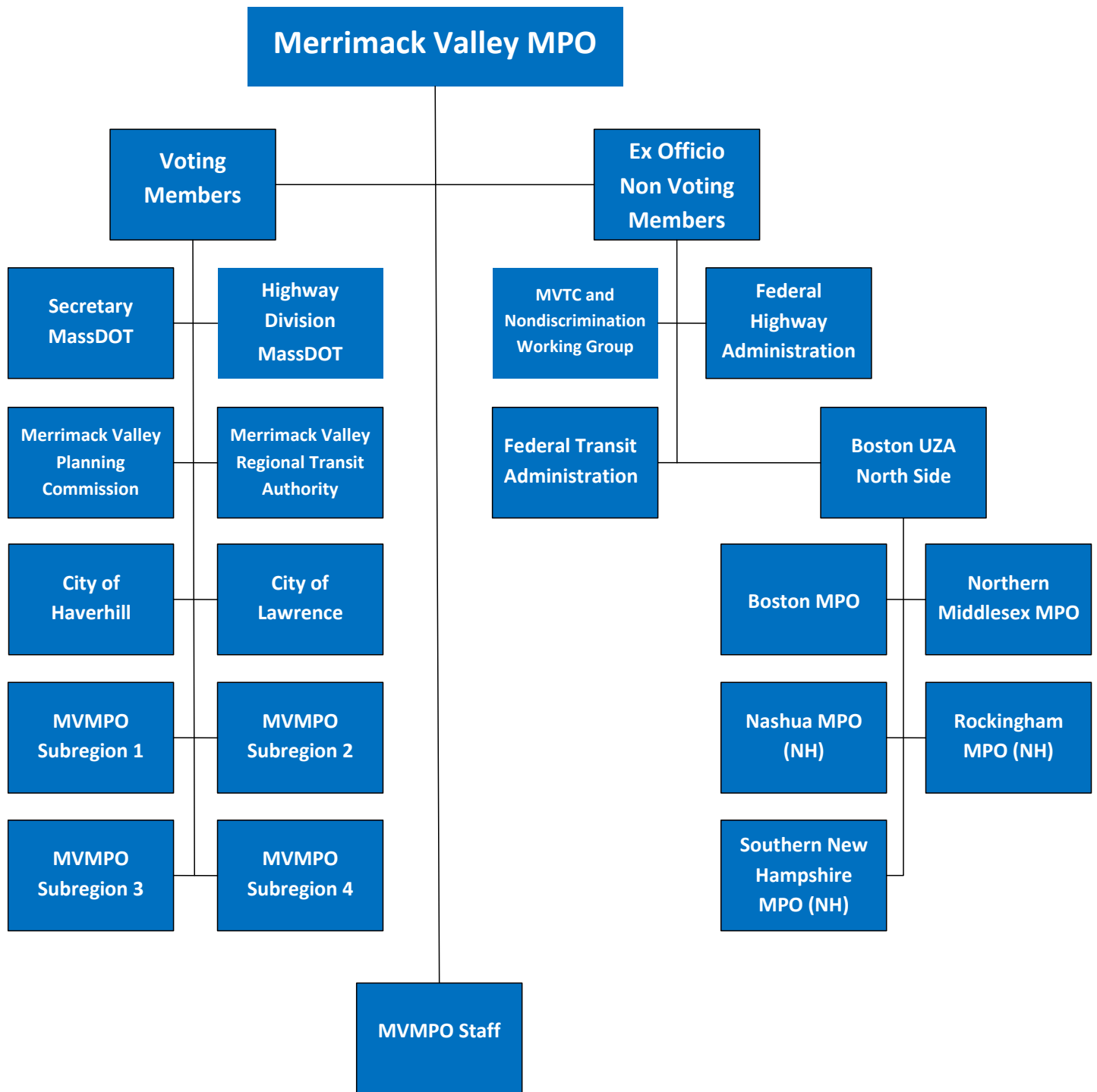


Figure 1: MVMPO Membership Decision-Making Process

## **1.2 MVMPO Public Participation Goals**

The MVMPO has adopted the following MassDOT public participation goals for MVMPO representatives and persons working with the MVMPO:

*a. Obtain Quality Input and Participation*

The MVMPO encourages comment and reviews all comments received to the extent they can be useful, relevant, and constructive, and contribute to better plans, projects, programs, and decisions.

*b. Establish Consistent Commitment*

The MVMPO strives to communicate regularly and develop trust with communities, while helping build community capacity to provide public input.

*c. Increase Diversity*

The MVMPO encourages the participation of persons affected by its policies and projects. The MVMPO's intent is to capture a variety of socioeconomic, ethnic, and cultural perspectives. The MVMPO's intent also is to encourage participation by people from low-income and minority neighborhoods, people with limited English proficiency (LEP), and other traditionally underserved people.

*d. Ensure Accessibility*

Every effort should be made to ensure that participation opportunities are physically, geographically, temporally, linguistically, and culturally accessible.

*e. Provide Relevance*

Issues should be framed clearly and simply such that the significance and potential effect may be understood by the greatest number of participants.

*f. Foster Participant Satisfaction*

The MVMPO should encourage the public to participate in project and initiative related discussions, recognizing that people who take the time to participate feel it is worth the effort to join the discussion and provide feedback.

*g. Clearly Define Potential for Influence*

The process should clearly identify and communicate where and how participants can have influence and direct impact on decision-making.

*h. Establish and Maintain Partnerships*

The MVMPO develops and maintains partnerships with communities and community-based organizations through the activities described in the PPP.

*i. Provide Opportunities to Build Trust and Compromise*

The MVMPO facilitates discussions in a manner that creates levels of compromise and consensus while addressing the greatest number of community concerns and objectives. The MVMPO recognizes that processes that foster consensus are critical to enable public support for recommended actions.

*j. Monitor and Evaluate Plan Effectiveness*

The MVMPO periodically reviews the effectiveness of this PPP to ensure it meets the public's needs. It revises the PPP to maintain compliance with new regulations and to incorporate new data, new outreach practices, and results.

## **2. MVMPO Approach to Public Participation**

The MVMPO administers a regulated transportation decision-making and project development process and follows procedures that include providing the public with meaningful opportunities to participate.

The MVMPO structures its public involvement according to its commitment to civil rights related obligations such as removal of barriers to participation, diversity, and inclusive outreach. This Plan describes participation opportunities generally and includes specific protocols and resources designed to facilitate diverse and inclusive public outreach and involvement. This Plan is a flexible and evolving document. As necessary, the MVMPO will revise the PPP based on recurring assessments of successes and/or challenges associated with outreach, as well as suggestions made and the results of public engagement processes.

The MVMPO describes its general public participation activities in this chapter. Chapter 3 contains the specific civil rights protocols utilized by the MVMPO for all public outreach activities, categorized by types of communication formats, including large group discussions, targeted groups, and one-on-one interactions. Chapter 3 also contains the MVMPO Accessible Meeting Policy. The MVMPO believes that consistent application of these protocols will yield inclusive, accessible discussions and issues resolution.

Subsequent chapters of the PPP highlight specific participation opportunities during development of the following MVMPO documents:

- Regional Transportation Plan (RTP);
- Transportation Improvement Program (TIP);
- Unified Planning Work Program (UPWP);
- modal and corridor studies, and
- certain transit grants administered by MassDOT's Rail and Transit Division.

Drafts of the UPWP, TIP and RTP, as well as Amendments to these documents, have a 21-day public review and comment period. The Public Participation Plan (PPP) Draft has a 45-day public review and comment period.

The PPP also references relevant federal policy guidance, principles, and techniques that enhance the potential for successful public participation processes. This guidance is derived from Appendix 2 of the U.S. DOT's *Public Involvement Techniques for Transportation Decision-Making*.

Table 2.1 below shows the MVMPO's document, grant, and study process:

<b>Table 2.1: MVMPO Development Process for Key Documents, Grants and Studies</b>					
Document	Who Develops	Who Approves	Time Horizon	Content	Update Requirement
RTP	MVMPO	MVMPO / MassDOT/ USDOT	Twenty-five (25) years	Future Goals, Strategies, and Projects	Every five (5) years (four (4) years for nonattainment and maintenance areas)
TIP	MVMPO	MVMPO / MassDOT	Four (4) years	Transportation Investments	Annually
PPP	MVMPO	MVMPO / MassDOT	Continuous	Guide for MVMPO Public Participation Process and Tasks	As needed
UPWP	MVMPO	MVMPO / MassDOT	One (1) year	Planning studies, tasks, and funding allocations	Annually
Modal and Corridor Studies	MVMPO	MVMPO / MassDOT	As needed	Problem identification, analysis and recommended improvements	If needed
MassDOT Rail and Transit Division Grants	MVMPO	MassDOT	Annual	Guidelines, applications, reviews and awards	Annually

Refer to Appendix A of this Plan for additional MVMPO process information.

## **2.1 Public Participation Techniques**

The MVMPO maintains a collaborative relationship with community and municipal stakeholders and has strategically developed this Plan to foster collaboration in an all-inclusive manner. It utilizes multiple communication channels to distribute information to, and solicit input from, affected constituencies. The MVMPO communicates with the public by using one or more of the following tools:

- MVPC website
- public media (including local minority and non-English newspapers, radio stations, and television stations)
- press releases
- posters, display boards, and flyers
- project fact sheets
- brochures
- newsletters
- mailing and email lists
- information stands at local events
- social media, i.e. Facebook, email distribution lists and media venues
- legislative briefings
- presentations, public meetings, public hearings, open houses and workshops
- civic advisory committees and working groups

### *MVMPO Information on MVPC Web Site*

The MVPC website ([www.mvpc.org](http://www.mvpc.org)) contains a Transportation webpage that serves as the MVMPO's landing page for its program, project, and activity information. Staff posts public notices of all MVMPO meetings, public hearings, and public comment periods on this site, along with information about MVMPO programs, projects, and activities. Some programs and projects that have dedicated locations on the MVPC website include:

- information about upcoming meetings;
- plans, studies and project fact sheets/presentations, and
- summary notes for meetings/workshops.

Project websites are important tools for persons who cannot attend



meetings. Accordingly, the MVMPO is now posting its meeting minutes on [www.mvpc.org/transportation](http://www.mvpc.org/transportation) with a look-back period of up to one (1) year. Members of the public can review presentations and meeting summaries – and may email questions or comments to the MVMPO staff at any time.

### *Meeting Notice Content and Distribution*

The MVMPO announces all meetings, public hearings, open houses, workshops, and public comment periods through either press releases, mailings, and/or the distribution of informational meeting flyers as well as placing meeting information on the MVMPO website. It publishes Notices in local English newspapers and in Rumbo, the Merrimack Valley region’s newspaper serving its Spanish-speaking population. If the project has an impact on low income or minority populations, staff may place notices in media covering the region’s local, minority, and non-English communities. Meeting notices include information about getting to a meeting location using public transportation, when transit is available. The MVMPO Notices let people know they can request foreign language assistance, sign-language interpreters, and other accommodations for persons with disabilities (with timely notification). The Notices also provide staff contact information for questions or concerns. Staff can also have meeting information and handouts translated into languages other than English upon request.

## **Public Meetings, Open Houses and Workshops**

### *Public Meetings*

The MVMPO holds public meetings to present information and obtain input from community residents, business people, and other interested parties. In addition, the MVMPO strives to create discussion and dialogue, which it believes are more productive for all participants. It tailors meetings to specific issues or community groups in an informal or formal style.

### *Open Houses*

MVMPO members and staff participate in Open Houses, most often organized by MassDOT or other larger MPOs. Open Houses are held to raise awareness and stimulate participation in development of a Certification Document (i.e. RTP) or a project of regional or statewide significance. Accordingly, MassDOT might hold an Open House on a policy, plan or document or project in the MVMPO region.

Open Houses do not have formal agendas, discussions, or presentations.

They are informal gatherings where people can obtain information about a plan, program, or project. Attendees receive information informally from exhibits and staff, and are encouraged to give opinions, make comments, and state preferences to staff, orally or in writing. Informal presentations, audio/visual shows, and one-on-one discussions can take place continuously throughout the event. The Open House meeting space usually consists of a reception area, a presentation area for slide shows or short talks, areas for one-on-one discussions between community people and agency staff members, and background information, activities to date, work flow, and anticipated next steps, as well as an array of primary subject panels. Meeting sponsors typically schedule Open Houses for substantial portions of a day or evening, so that people can drop in at their convenience and participate fully.

### *Workshops*

The MVMPO schedules workshops around a particular topic or activity and typically involve a relatively small group of people who want to participate intensively. These events are usually one to three hours in duration, and small groups work on a specific agenda. MVMPO staff members provide information, answer questions, and participate as individuals in workshops. Workshops are inherently participatory and encourage a “working together” atmosphere.

### *Public Hearings*

The public hearing is a formal opportunity for members of the public to make recorded statements of their views before decisions on a given plan or project. Public hearings are a specific, observable administrative benchmark for public involvement and are required by the federal government for many transportation projects. Such meetings often have specific legal requirements.

Transportation and other government agencies hold public hearings at one or more stages of a plan or project’s development. Most often, they are held near the end of a project development process or if required by state or federal law, prior to a decision point, to gather community comments and hear the positions of all interested parties for the public record and input into decisions. The MVMPO holds public hearings during development of its PPP, RTP, TIP, and UPWP – once drafts of these documents are developed.

## **2.2 Meeting Facilities and Accessibility**

The MVMPO is required to hold public meetings, open houses, workshops, and public hearings in accessible facilities that are at locations close to or directly served by fixed-route transit service. MVMPO staff makes every effort to match meeting locations with anticipated audience size, information it will present, and type of engagement required. The MVMPO holds most of its meetings in the MVPC Conference Room, which accommodates up to 25 persons. MVMPO staff also hosts meetings in the region's municipal buildings, particularly when additional seating capacity is needed. MassDOT, the MBTA, and the MVRTA sometimes consult with the MVMPO staff when scheduling and choosing locations for project meetings they host in the MVMPO region.

The MVMPO prepares for the meetings it sponsors by analyzing a project area's demographics to determine whether it should translate notices into languages other than English. The MVMPO then circulates a meeting notice advising that:

- its meeting location is accessible;
- its handout materials can be made available in alternative formats, i.e. Braille, large print, and/or other audio format (i.e. MP3);
- its handout materials can be made available in languages other than English, and
- language interpreters, sign language interpreters, CART translators, etc. can be requested, with specific information on how to request these accommodations.

## **2.3 Tailoring MVMPO Outreach to Underserved People**

The MVMPO staff schedules a room, posts notices, and ensures that accommodations are in place to generate well-attended meetings. It also conducts outreach to encourage attendance, particularly among groups protected by the anti-discrimination laws with which the MVMPO commits to comply.

Traditionally, conventional outreach methods have not engaged many people in minority and low-income communities, as well as those with low literacy and/or limited English proficiency. Outreach to traditionally underserved groups helps ensure that all constituents have opportunities to affect the decision-making process. It sets the tone for subsequent project activities and promotes a spirit of inclusion. The greater the consensus among all community members, the more likely the position agreed upon will aid in

decision making for the plan, program, or project. Inclusive outreach efforts are particularly useful because they:

- provide fresh perspectives to project planners and developers;
- give the MVMPO firsthand information about community-specific issues and concerns;
- allow the MVMPO to understand potential controversies;
- provide feedback to the MVMPO on how to get these communities involved, and
- ensure that decisions will best meet all of the communities' needs.

The MVMPO staff endeavors to understand the full range of a community's needs in order to create more responsive and innovative plans. By interacting with community members, MVMPO staff gains insight into the reasons why community members agree or disagree with proposed plans or projects. The perspective of traditionally underserved people can inform the goals and outcomes of planning and project development, and ignoring this input can jeopardize a project's approval. Such individuals can suggest fresh approaches to transportation issues that otherwise might not be raised.

The MVMPO staff continuously researches, reviews and incorporates public participation best practices into its work. Below is a reference for a MassDOT-recommended document used by the MVMPO:

1. Federal Highway Administration, Public Involvement Techniques for Transportation Decision-Making  
(<http://www.fhwa.dot.gov/reports/pittd/cover.htm>)

### **3. Title VI and ADA Protocols, Policies, and Resources**

The MVMPO follows the civil rights protocols set forth in this Chapter, which contains two primary sections. Section 3.1 contains protocols and resources for ensuring diversity and inclusivity in public engagement. Section 3.2 contains protocols and resources for ensuring the accessibility of the MVMPO's public activities.

#### **3.1 Civil Rights Protocols for Ensuring Diversity and Inclusivity in Public Engagement**

These protocols provide links, resources, and contacts to achieve public engagement that is compliant with civil rights law. These Protocols support but do not replace existing MVMPO protocols for public engagement, particularly in the conduct and participation in meetings, hearings and other interactions. The MVMPO staff incorporates these Protocols by reference into other MVMPO documents where relevant.

These protocols include steps and strategies to implement prior to holding a public meeting or other such activity and during the course of the public process. Due to the varied nature of the MVMPO's engagement with the public, it is not the intention within these Protocols to include all required actions specific to varying stages of the planning process, or varying departmental standard operation procedures. MVMPO Project Managers or other MVPC staff members should contact the MassDOT Title VI Team to identify strategies and alternatives when encountering a difficult public involvement situation.

The MVMPO intends flexible application of these Protocols to every meeting/hearing. Its staff strives to plan meetings according to a community's individual needs, the meeting's content, and/or the target audience. Effective public participation from a civil rights perspective includes awareness of the local population (demographics) or individuals to be engaged, i.e. languages spoken, represented cultural groups, community organizations, and leaders and key players. Equally critical to an effective meeting are well communicated (effectively circulated across types of media, and translated when needed) and timely notices, early response, and coordination on requests for language assistance for limited English proficient individuals or reasonable accommodation for persons with disabilities.

The obligation to comply with these Protocols begins with the person(s) responsible for organizing and/or conducting a meeting or hearing, and as the MVMPO staff is also MVPC staff, compliance is a shared responsibility.

Federal nondiscrimination obligations, through Title VI of the Civil Rights Act of 1964, Sections 504 and 508 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), reach the categories of race, color, national origin (including LEP), age, sex, and disability. These protocols are designed to ensure that the MVMPO's public engagement procedures address federal and Commonwealth-level nondiscrimination obligations.

While the following protocols highlight specific resources, the MVMPO staff uses its valuable experience with the public to identify individual and community needs, including civil rights related considerations such as language assistance needs, accessibility accommodations, and inclusive public participation.

### **3.1.1 Civil Rights Protocols by Type of Public Engagement**

MVMPO members and staff most commonly organize or participate in the following four types of direct public engagement:

- Public Meetings and Hearings;
- Open Houses;
- Targeted outreach gatherings, and
- One-on-one interactions.

Below is an introduction to each of these four types of public engagement.

#### **Public Meetings and Hearings**

Public meetings and hearings, both at the project level and more broadly, are opportunities for members of the public to engage in the transportation decision-making process. The civil rights considerations described in this Section are designed to inform and guide all MVMPO staff involved in planning and conducting such events. Incorporation of these processes and utilization of these resources when planning or participating in public meetings/hearings will help ensure that these events are Title VI compliant.

#### **Open Houses**

MassDOT and certain larger Massachusetts MPOs organize and hold Open Houses prior to a public meeting or hearing. An open house is one method of providing the public with an opportunity to view project concepts and designs discussed at a subsequent formal public outreach event. The MVMPO is chiefly a participant, not an organizer of, such Open Houses as its planning efforts are well served by holding focused plan or

project meetings in the region, or by bringing such plans or project discussions to stakeholder meetings outside the MVMPO office.

At Open Houses, MassDOT or MPO staff and/or consultants (Designers, Planners, Right of Way Agents, Environmental Agents, etc.) are present to discuss particular details of interest with members of the public. Staff / public interactions during these sessions are informal; however, critical issues are often raised. Staff and consultants strive to address these issues accurately and effectively during these sessions. *[Practice Tip: Some attendees choose to forego the meeting or hearing if they are satisfied with the information gained or with the opportunity to express concerns at the open house session.]* Due to the direct nature of interaction with members of the public at these open houses, there exist civil rights risk factors that can be mitigated by adhering to the principles outlined in this Section.

### **Targeted Outreach Gatherings**

At times, the complexity of a project, controversial issues, or the reality of having multiple large Title VI groups to address may require engaging targeted audiences of stakeholders. Similarly, the MVMPO may at times convene selected people within advisory committees, research efforts, focus groups, or other venues. The MVMPO staff still must prepare for such outreach by understanding the demographics of people in a locality or project area and determining what Title VI groups are impacted by an initiative. In addition, staff may identify strong and possibly visible community leaders within Title VI populations. This work can be more subtle, time intensive, and challenging.

### **One-on-One Interactions**

MVMPO staff members most frequently interact directly with individual members of the public. Interactions can include planned meetings, such as those with property and business owners directly impacted by transportation projects, and spontaneous interactions with members of the public. These interactions, whether in person, over the phone, or electronic, present particular civil rights related risk factors that can be mitigated through the strategies articulated in this Section.

### 3.1.2 Public Meetings and Hearings

#### Initial and Ongoing MVMPO staff tasks:

- 1) Identify the population and composition of the individuals/communities impacted by an MVMPO policy, program, plan, or project (“activity”) by considering the following:
  - a. activity parameters, i.e. location, construction impact areas, and project benefit /burden areas once a project is completed
  - b. activity purpose, content and responsibility (is it connected to the project development process? Is it statewide, regional or local?)
- 2) Determine the Title VI features of the community that the MVMPO will engage by referring to the MVMPO Title VI maps, which include the region’s limited English proficient (LEP) and minority populations.
- 2) Consult maps and additional resources such as:
  - MassDOT LEP Maps  
[http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/fta\\_lap/FTA\\_LAP\\_AppendixB.pdf](http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/fta_lap/FTA_LAP_AppendixB.pdf). These maps show the particular languages present in the region;
  - US Census Language Mapper  
[http://www.census.gov/hhes/socdemo/language/data/language\\_map.html?eml=gd](http://www.census.gov/hhes/socdemo/language/data/language_map.html?eml=gd)
  - MassDOT Public Engagement Online Tool  
<http://mass.gov/massdot/map/languagetracts> (in development)
- 3) Identify key Title VI-related and other community based organizations and community leaders. *[Practice Tip: You may already have well-established connections with individuals and groups throughout the region. You are encouraged to continue reaching out to those. These instructions provide you with steps to identify previously unknown points of contact to diversify outreach.]* There are several approaches meeting planners can take to accomplish this step:
  - a) Use Constant Contact, MailChimp, or “GovDelivery” database;
  - b) Consult other MVMPO staff for a list of organizations by county and key leaders;
  - c) Consult the MVMPO’s MassDOT Office of Transportation Planning (OTP) MPO Liaison, who can support the effort to identify groups and



- individuals, and
- d) Consult MassDOT's Office of Public Affairs. They have conducted a variety of meeting outreach efforts across the Commonwealth and can identify key groups and individuals in every municipality.

## **Meeting Location and Time**

### 1) Title VI Considerations

- a. Consult with community leaders and community-based organizations to identify any critical factors that affect setting the time and location of the public engagement activity [*Practice Tip: these individuals can help you understand the cultural, ethnic, religious, gender, and political histories/experiences of the demographic groups in the locale to better inform meeting planning*].
- b. Consider factors such as cultural sensitivities and/or professional and academic commitments in setting the number of meetings. Hold multiple meetings at various locations and times if doing so promotes meaningful access to the public engagement opportunity.
- c. Where possible, select a meeting location near public transportation options (up to a ½ mile walking distance is reasonable)

### 2) ADA Considerations

- a. Identify a public meeting venue that is ADA compliant and accessible to persons with disabilities.
  - i. MassDOT maintains an Accessible Facilities Database that contains updated information for venues that have been previously assessed for ADA compliance. Note: the database is currently being incorporated into MassDOT's Public Engagement Online Tool (<http://mass.gov/massdot/map/languagetracts>)
  - ii. If MVMPO staff cannot identify an appropriate venue in the database, check the following additional resources to identify public meeting venues that may be accessible:
    - a) The Massachusetts Office on Disability <http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
    - b. Municipal Disability Commissions
    - c. The Northeast Independent Living Program [www.nilp.org](http://www.nilp.org)
- b. Take the opportunity afforded by early communication with venue staff to identify pre-existing accessibility accommodations, such as assistive

listening devices and Communication Access Real-Time Translation (CART) equipment. The need for these accommodations will be addressed in Section 2.1.4, below.

- c. For a full treatment regarding ADA obligations in the public outreach context, consult the MassDOT Accessible Meeting Policy in Section 3.2 below or online at:  
[http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment\\_13.pdf](http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment_13.pdf). The policy enumerates ADA obligations in the public meeting context and provides a checklist for holding an ADA accessible public meeting.

### **Public Notice Production and Circulation**

- 1) Draft the public meeting notice document with a template that ensures that the following civil rights related components are included: (Note: the MVMPO is using a standard public meeting/hearing notice template).
  - a. Notice of Nondiscrimination;
  - b. Availability of language services and reasonable accommodations;
  - c. Contact information and procedures for requesting the above services, additional information, or to express a concern, and
  - d. International Symbol of Accessibility  
[http://en.wikipedia.org/wiki/International\\_Symbol\\_of\\_Access](http://en.wikipedia.org/wiki/International_Symbol_of_Access)
- 2) Public meeting notices must be accessible. *[Practice Tip: Since public meeting notices are disseminated in a variety of ways, including physical postings, website postings, and email blasts, it is important that the appropriate font and font size be used and that the electronic document be compatible for use with screen readers. See Appendix.]*
- 3) Address language needs and utilize non-English language outreach resources in the dissemination area if individuals who have limited proficiency in English are present, by:
  - a. Identifying non-English language media (print, TV, radio, online, etc.) and sites with a strong presence of individuals who have limited proficiency in English (transportation facilities, community centers, libraries, commercial/employment/educational establishments, places of worship, cultural centers, etc.) that may be effective in communicating notice to individuals who have limited proficiency in English. Consider consulting the following resources:

- MassDOT Office of Diversity and Civil Rights  
<http://www.massdot.state.ma.us/OfficeofCivilRights.aspx> ;
  - MassDOT Public Affairs Office;
  - community leaders;
  - Merrimack Valley Regional Transit Authority (MVRTA),  
[www.mvrta.com](http://www.mvrta.com);
  - public libraries;
  - schools/universities;  
[http://en.wikipedia.org/wiki/List\\_of\\_colleges\\_and\\_universities\\_in\\_Massachusetts](http://en.wikipedia.org/wiki/List_of_colleges_and_universities_in_Massachusetts)
  - Merrimack Valley region Chambers of Commerce  
<http://masshome.com/cofc.html> , and
  - local legislators.
- b. Developing translated version(s) of the notice document or other related announcements, as needed, based on the extent of limited English proficiency needed and available media sources. *[Practice Tip: If you've identified a large population of individuals who are LEP in the meeting or project locale, consider translating the meeting notice in full. If you are less likely to encounter individuals who are LEP, you can consider including the single line of text into the languages other than English you may encounter.]*  
This could include:
- i. Full translation of the notice into the languages indicated;
  - ii. The inclusion of the following statement translated into the appropriate languages into the English language version of the notice:  
  
*"This notice describes the date, time, and location of a public meeting or hearing on a transportation project in this area. If you need this notice translated, contact the MVMPO Title VI Specialist at (978) 374-0519, extension 29."*
  - iii. Translated versions of print, TV, radio and online announcements related to the meeting, as applicable.
- c. Consult the following resources for translation needs:
- i. UMass Translation Center. The request procedure link is: <http://www.umasstranslation.com/services/request-an-estimate/>. Rates are available at:  
<http://www.umasstranslation.com/services/rates/>

- ii. Statewide Language Services Contract. Search COMMBUYS website <https://www.commbuys.com/bsol/> for contract "PRF48" and determine if the contract authorizes the MVMPO to make use of it under "Cities, towns, districts, counties and other political subdivisions.
- 4) The final dissemination of public notice should incorporate the following:
- a. The dissemination of public notice has occurred sufficiently in advance of meeting to ensure adequate processing time for language and accessibility accommodation requests. The MVMPO will distribute notices two weeks in advance of a public engagement opportunity.
  - b. The public notice/announcement materials have been delivered to non-English language outreach resources and sites identified in Section 2.1.3 §§ 3; a.
  - c. The public notice has been delivered directly to individuals, organizations, and other stakeholders that represent Title VI populations in the region. The MVMPO will consider sending notice to the entities below with the instruction that they forward the notice to persons and organizations in their own distribution lists and/or post it.
    - i. MassDOT Office of Diversity and Civil Rights  
<http://www.massdot.state.ma.us/OfficeofCivilRights.aspx>
    - ii. MassDOT Public Affairs
    - iii. Community Leaders
    - iv. Boston Urbanized Zone Area (UZA) North Side Metropolitan Planning Organizations (MPOs) and Regional Transit Agencies (RTAs)
    - vi. Public Libraries  
<http://www.publiclibraries.com/massachusetts.htm>
    - vii. Schools/Universities\_  
[http://en.wikipedia.org/wiki/List\\_of\\_colleges\\_and\\_universities\\_in\\_Massachusetts](http://en.wikipedia.org/wiki/List_of_colleges_and_universities_in_Massachusetts)
    - viii. Chambers of Commerce  
<http://masshome.com/cofc.html>
    - ix. Local Legislators

## Preparing for the Meeting

While preparing for the meeting, consider the following questions:

- are there civil rights implications in the background/history of the project?
- what public involvement has already been accomplished and did it illuminate civil rights concerns, and
- what are the known benefits and burdens of the MVMPO program, service or activity on Title VI populations? Consult the following resources:
  - Public meeting/hearing transcripts
  - Written public comments
  - MVMPO staff involved in planning and/or conducting prior related meetings
  - Public meeting demographics surveys

Meeting planners should maintain an ongoing dialogue with the individuals and organizations identified in Sections 2.1.3 §§ 3; a; i and 2.1.3 §§ 3; c; i in order to remain well informed on the level of community interest and likely involvement in the public outreach event.

The subject matter of transportation-related public engagement often consists of highly technical studies, project designs that address difficult engineering requirements, multi-faceted long-range plans, and other complex documents. In such instances, project managers and meeting planners should create summary documents to present complex information in as simple and clear a manner as possible to members of the public who have widely varying backgrounds, including varied education levels. The following guidance document gives pointers on writing effective executive summaries of highly technical documents [http://www.med.navy.mil/sites/nmcphc/Documents/environmental-programs/risk-communication/Appendix\\_E\\_AGuideToWritingAnEffectiveExecutiveSummary.pdf](http://www.med.navy.mil/sites/nmcphc/Documents/environmental-programs/risk-communication/Appendix_E_AGuideToWritingAnEffectiveExecutiveSummary.pdf) . The key points and tips, such as avoiding industry jargon, replacing complex words with simple words, and using acronyms carefully apply to the development of executive summaries and documents that effectively convey information to the public.

Any spoken presentation of complex topics should be as simple as possible to effectively communicate the subject matter across the varying

background of meeting attendees. The guidance document below describes good strategies for presenting technical information to nontechnical audiences: [http://www.cedma-europe.org/newsletter%20articles/WorkplaceXpert/Presenting%20Technical%20Information%20to%20Nontechnical%20Audiences%20\(Aug%2008\).pdf](http://www.cedma-europe.org/newsletter%20articles/WorkplaceXpert/Presenting%20Technical%20Information%20to%20Nontechnical%20Audiences%20(Aug%2008).pdf).

Ensure that electronic documents related to the subject of the public meeting and intended for public dissemination and review are accessible, in compliance with the Americans with Disabilities Act and Section 508 of The Rehabilitation Act of 1973. [*Practice Tip: Adobe Acrobat Professional and Microsoft Word have built-in "accessibility checkers"*]. This applies to documents produced by the MVMPO staff and its consultants. Consult the following for instructions on developing accessible documents:

- best practices for text and color contrast considerations when preparing hardcopy and electronic visual aids (such as maps, posters, plans, PowerPoint templates/graphics, charts, graphs, etc.)  
<http://www.lighthouse.org/accessibility/design/accessible-print-design/>
- creating accessible Word documents: <http://office.microsoft.com/en-us/word-help/creating-accessible-word-documents-HA101999993.aspx>
- creating accessible Excel workbooks:  
<http://office.microsoft.com/en-us/excel-help/creating-accessible-excel-workbooks-HA102013545.aspx?CTT=3>
- creating accessible PowerPoint presentations:  
<http://office.microsoft.com/en-us/powerpoint-help/creating-accessible-powerpoint-presentations-HA102013555.aspx?CTT=3>
- creating accessible PDFs with Microsoft Office products through "Tagging": <http://office.microsoft.com/en-us/excel-help/create-accessible-pdfs-HA102478227.aspx?CTT=3>
- general information on accessibility from Adobe:  
<http://www.adobe.com/accessibility/>
- Adobe Acrobat X Accessibility Guide:  
[http://www.adobe.com/content/dam/Adobe/en/accessibility/products/a\\_crobat/pdfs/acrobat-x-accessible-pdf-from-word.pdf](http://www.adobe.com/content/dam/Adobe/en/accessibility/products/a_crobat/pdfs/acrobat-x-accessible-pdf-from-word.pdf)
- Adobe Acrobat 9 Pro Accessibility Guide:  
[http://www.adobe.com/content/dam/Adobe/en/accessibility/products/a\\_crobat/pdfs/A9-accessible-pdf-from-word.pdf](http://www.adobe.com/content/dam/Adobe/en/accessibility/products/a_crobat/pdfs/A9-accessible-pdf-from-word.pdf)

- video on preparing accessible InDesign files:  
<http://tv.adobe.com/watch/accessibility-adobe/preparing-indesign-files-for-accessibility/>

The period between notice dissemination and the meeting date should be used to identify and arrange accommodations and produce meeting materials in alternate languages and formats (such as Braille and large-print), if requested. Alternate formats can be obtained by contacting MassDOT ODCR, or the Massachusetts Office on Disability <http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>. The nature and extent of accommodations that may be needed can be identified through the following:

- direct requests;
- past experiences within the community and at specific meeting locations that can include previously encountered reasonable accommodation and language service requests;
- an understanding of community demographics;
- feedback from community leaders, CBOs, stakeholders, advocacy groups, etc., and
- completion of the MVMPO Accessible Meeting Checklist.

MVMPO meeting coordinators are expected to track demographic and accommodation requests and provide summaries of such requests to ODCR in annual and triennial reports.

To obtain accessibility accommodations not provided by the venue, contact the MVMPO Title VI Coordinator at (978) 374-0519, extension 29 or the Massachusetts Office on Disability at <http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>. If unsure how to provide a particular accommodation or for guidance on recommended accommodations, consult:

- MassDOT Office of Diversity and Civil Rights  
<http://www.massdot.state.ma.us/OfficeofCivilRights.aspx>
- The Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
- The Disability Commissions
- The Northeast Independent Living Program ([www.nilp.org](http://www.nilp.org))

## **Funding Considerations**

The MVMPO provides all accommodations to the public free of charge.

For public outreach events necessitated by the project development process, each project contains an administration budget that should be utilized, if available. For all other requests, contact the MVPC Transportation Program Manager at (978) 374-0519, extension 15.

## **Meeting Set-Up**

ADA considerations in public outreach are fully articulated in the MassDOT Accessible Meeting Policy in Section 3.2 below and online at: [http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment\\_13.pdf](http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment_13.pdf).

Meeting setup is addressed in the "Accessibility Checklist for Meeting Planners", which should be used in order to verify the following:

- if the main entrance to the building is not accessible, is the accessible entrance unlocked?
- are there integrated seating areas for individuals who use a wheeled mobility device in the meeting room? *[Practice Tip: Seating areas for individuals with disabilities should not be segregated from the rest of the audience or limited to just one area.]*
- is there seating available for attendees who are deaf or hard of hearing, and have requested an accommodation, near the front of the meeting room so that attendees may see the interpreter/captioner, or lip read?
- is the space allotted to sign language interpreters and/or the CART screen or monitor clearly visible?
- are the aisles at least three feet wide and clear of obstacles or tripping hazards?
- if microphones are used during the public meeting, are adjustable microphone stands available for attendees? Can staff function as floaters with microphones as an alternative?
- if the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
- is the accessible entrance unlocked and able to be used independently? If the meeting is taking place at night, is the path leading to the alternate entrance well lit?
- if a stage or platform will be used during the public meeting, is it



accessible?

- if a podium will be used during the public meeting, is the podium height adjustable? If not, is there a small table (between 28 and 34 inches in height) provided to the side of the podium?
- have assistive devices been tested for full functionality immediately prior to the start of the event?
- is there directional signage for accessible restrooms and/or emergency exits, if applicable?

The meeting planner can address Title VI considerations by:

- posting signage in other languages on identified or likely-to-be-encountered language needs;
- allotting space to foreign language interpreters to sit with individuals needing language assistance that is clearly visible to the entire audience, and
- making Title VI related materials available at the welcome desk and/or in the meeting packet [*Practice Tip: assistance is provided at the welcome desk, paying special attention to indications that meeting attendees may have literacy or non-English speaking issues.*] This should include:
  - providing “I speak” language cards  
<http://www.lep.gov/ISpeakCards2004.pdf> Translated versions of the written comment form, as applicable, and
  - circulating an MVMPO demographics survey.

## **During the Meeting**

1. In the event that an Open House precedes this public meeting/hearing, please refer to Section 2.2 regarding civil rights considerations in that setting.
2. At the official start of the meeting, the Chair should make the following statements (if a foreign language translator(s) is present, instruct them to repeat):
  - a general statement regarding nondiscrimination and availability of language and accessibility accommodations, including assistance in providing written comments and/or filing in forms such as the demographics survey;
  - instructions on site-specific accessibility considerations, such as accessible emergency exits, and

- encourage attendees to complete the Demographics Survey, which can be either turned in during the event or mailed to the MVMPO after the fact.
3. The MVMPO is required to “demonstrate explicit consideration and response to public input” (<https://www.law.cornell.edu/cft/text/23/450.316>). During a public outreach event, this requires affording attendees with opportunities to voice comments, questions and concerns and provide an adequate response at the event or by following up in writing (see Section 2.1.7) or at subsequent public outreach opportunities. *[Practice Tip: All MVMPO staff in attendance at open houses and similar informal meetings should take written note of any oral comments made by the public during the meeting and during one-on-one interactions and give this information to the Transportation Program Manager as part of post-meeting follow up.]*

### **Post-Meeting Tasks**

1. MVMPO staff at the public outreach event gather/document all public comments (written and oral), testimonials and sentiments expressed and gives them to the MVMPO Transportation Program Manager (or designee) *[Practice Tip: staff can accomplish this task by holding in-person debriefing sessions following the meeting or reviewing the meeting transcript, if available].*
2. Once received, the Transportation Program Manager (or designee) catalogues all public comments.
3. The Transportation Program Manager is responsible for coordinating responses to public comments *[Practice Tip: Remember: direct impacts require direct communication* (<https://www.law.cornell.edu/cft/text/23/450.316>).
  - a. Response Methods can include:
    - i. individualized written responses
    - ii. general distribution written statements (web, email, newsletter, newspaper, etc.)
    - iii. postings to project specific website, if available
    - iv. in-person or telephonic follow-ups with individuals/organizations regarding the topics of discussion at the public outreach event. *[Practice Tip: The protocols and tips found in Section 2.4 regarding one-on-one interactions can help you eliminate communication barriers you may encounter.]*

- b. the Transportation Program Manager (or his/her designee) reviews the public comments to determine which MVMPO staff or other stakeholder should be consulted with or assigned the responsibility of drafting a response that “demonstrate[s] explicit consideration... to public input” ([23 CFR 450.210](#)).
4. In instances where the MVMPO will draft a written response to a public comment, the content of the response itself can “demonstrate explicit consideration” by:
    - a. describing changes to the recommended design prompted/requested by the comment and how they will be considered;
    - b. describing alternate designs prompted/requested by the comment and how they will be considered;
    - c. describing mitigation measures prompted/requested by the comment and how they will be considered;
    - d. describing what agencies were consulted during formulating the response;
    - e. noting whether the comment is novel or previously encountered, and
    - f. noting whether the comment has been received from a multitude of sources.
  5. Responses should also contain:
    - a. contact information for additional information and follow up, and
    - b. notice of upcoming related public engagement opportunities.
  6. The MVMPO Title VI Coordinator will track all civil rights considerations encountered through the planning and conducting of the outreach event, such as translation requests or foreign languages encountered.
  7. Thank the community leaders for their assistance/efforts with a call or written correspondence.

### **3.1.3 Open Houses**

#### **Title VI Considerations**

1. Provide “I Speak” language cards at the welcome desk.  
<http://www.lep.gov/ISpeakCards2004.pdf>
2. If the MVMPO is providing interpretive services at the public meeting/hearing session, these services should also be available during the Open House session prior to the public meeting and their availability

should be made clear through signage and/or announcements [*Practice Tip: Those running the meeting should ask interpreters to announce their presence and the availability of their services several times during the Open House*].

3. After the session, MVMPO staff and consultants in attendance should relay the nature of questions and concerns identified through interaction with the public to the Project Manager (or designee) [*Practice Tip: It is important for MVMPO staff working on all stages of project development to know community concerns. Sometimes these are made evident during informal Open House interactions and the MVMPO staff is obligated to be aware of them and respond accordingly*].
4. The MVMPO staff may need to translate written descriptions of items on display depending on requests received and/or the anticipated level of LEP participation.

### **ADA Considerations**

1. The open house should be set up in an ADA compliant manner. Please see the MassDOT Accessible Meeting Policy in Section 3.2 below or online at:  
[http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment\\_13.pdf](http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment_13.pdf)
2. Consider the following when setting up the open house venue:
  - a. Consult the following guide on best practices for text and color contrast considerations when preparing hardcopy and electronic visual aids (such as maps, posters, plans, PowerPoint templates/graphics, charts, graphs, etc.)  
<http://www.lighthouse.org/accessibility/design/accessible-print-design/> [*practice tip: choose color schemes that are least likely to be problematic for individuals with common types of color blindness and visual impairments*].
  - b. Pathways that guide attendees to display materials or MVMPO staff and consultants should be clear of obstructions [*practice tip: remove tripping hazards (such as electrical cords) and keep the pathway at least 3' wide*].
  - c. Proper heights and viewing angles of display materials to make them accessible [*practice tip: display materials mounted on the wall should be no higher than 48" from the floor and provide clear floor space 30"*

*wide and 48" wide. For tabletop displays, the table should be between 28 and 34" inches in height and there should be at least 27" of knee space from the floor to the underside of the table].*

- d. Horizontal surfaces used for display should be at a height accessible to individuals that are short of stature and/or rely on assistive mobility devices.
  - e. Similarly, materials displayed vertically should not be at an excessive height nor at an angle that makes them difficult to view.
3. MVMPO staff and consultants should be prepared to describe displays to blind or visually impaired attendees.
  4. Alternate versions (Braille, large print, etc.) of public documents (such as informational packets) should be available if requested.

### **3.1.4 Targeted Outreach Gatherings**

#### **Conducting Strategic Planning for Title VI Group and Individual Inclusion**

Strategic planning for Title VI constituent involvement in special purpose meeting groups or committees is essential to an inclusive and successful effort.

Preliminary Steps:

1. Identify and analyze the location affected by the project or initiative at issue to quantify the Title VI populations in the area.
2. Establish a clear objective and role for the envisioned targeted group, including the nature of community involvement and particular skills that they may need to participate effectively.
3. Create an outline or public participation matrix to identify the different types of community representation and interests that reflect the community affected by a project or initiative with careful attention to Title VI populations. Types of organizations or interests that may include representatives of Title VI populations:
  - a. transit dependent community
  - b. affected businesses
  - c. civic organizations (women, seniors, youth, people with disabilities)
  - d. freight interests

- e. the disability community
  - f. neighborhood associations
  - g. schools
  - h. faith-based communities
4. Consider answers to the following questions in addition to use of demographic data and quantification of Title VI related groups or individuals in the community:
- a. Who can represent diverse groups and constituencies in a credible and responsible way?
  - b. Who needs to be at the table to accomplish the work required?
  - c. What is the history of relationships between stakeholder representatives and groups? Is there any past tension that may be a deterrent to participation? If so, are there other community leaders who could help mediate to encourage participation despite differences?
  - d. Are there critical stakeholders whom the staff believes (based on past interaction) may be reluctant to participate? How can staff reduce or eliminate their reluctance? How would their refusal to participate impact the process? Are there alternatives to their participation?
  - e. What commitments from participants are desired?
  - f. Are there other individuals or groups not in the immediate project area, and/or not otherwise represented in the outreach strategy, who may have an interest in the issue, plan or project?
5. Are there natural allies and/or adversaries on a particular issue?

### **Consult MassDOT/MBTA Resources**

Certain MassDOT and MBTA department staffs (cited below) have significant knowledge of local groups, key individuals and community issues or concerns relevant to nondiscrimination:

- Office of Diversity and Civil Rights (conducts a wide range of outreach efforts across the Commonwealth, responds to complaints and works with key Title VI leadership on transportation matters in contracting and employment)
- Office of Transportation Planning (conducts significant long-range studies that engage the public and builds knowledge of communities)
- Government and Public Affairs (can reach out to state legislators and their aides for suggestions)
- Design (works directly with project proponents, especially in instances

of municipally proposed projects, although there can be a risk of bias in favor of suggestions that support the project)

- Environmental, Right of Way, Registry or Aeronautics may have had experience with a particular location and its community representatives.

In addition, the MassDOT Title VI interactive mapping tool (currently under development) will be available to identify community organizations that are associated with Title VI community members and interests.

### **Consult Commonwealth of Massachusetts Resources**

Reach out at the state level for help in identifying and possibly supporting our outreach to potential Title VI related groups and individuals to contact. These resources may also have particular information that is important to know about the locality, its history and community challenges or controversies that may be critical to support your outreach:

- a. Executive Office of Administration and Finance

Office of Access and Opportunity

State House, Room 373, Boston, MA 02133

Phone: (617) 727-2040

<http://www.mass.gov/anf/employment-equal-access-disability/>

- b. Massachusetts Office on Disability

One Ashburton Place #1305

Boston, MA 02108

(617) 727-7440 or (800) 322-2020 toll free (both V/TTY) E-mail:

<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>

### **Conduct Targeted Research on the Leads you Gather**

The MVMPO staff person can conduct a Google-type search on the communities involved and groups/individuals it has identified. This effort is potentially time consuming, but will both educate the meeting convener and potentially identify “landmines” that could complicate the effort to organize a group.

If a meeting planner is unaware of the racial, ethnic or national origin background of the individual or group being engaged, he/she can research Title VI groups individually using query strings to the group or individuals

and Massachusetts, the regional area, or the locality where the group or individual is based. This information is useful in gaining a basic understanding of traditions and holidays that may impact participation.

### **Reaching out to Potential Title VI Group Members–Anticipating Potential Participation Obstacles**

Outreach approaches:

- look for formal and informal opportunities to engage, collaborate and build relationships, including calls of introduction made by volunteers you identify who are trusted in the community;
- use multiple outreach methods and do not rely on e-mail or websites alone;
- tailor materials to the audience, including translations;
- identify existing channels of communication through communities, and
- experiment and reflect on the effectiveness of new approaches.

Individuals and groups in all MVMPO communities, whether or not Title VI populations are present, may be reluctant to participate in a transportation planning or development process. For example, many times natural leaders are either the heads or well placed leaders of agencies or community groups. Their ability to participate may be limited as there are many demands on their time and resources.

Think through and identify factors that may encourage participation and involvement before reaching out, in order to be in the best position to explain how it is important for this individual or group to participate. If there is a possibility of grant funding to support participating groups, this can certainly provide an incentive for participation, but such ideas should only be shared if the possibility is real.

The following are some common barriers to participation and reasonable responses that a meeting planner should anticipate, understand, and be able to articulate to encourage potential participants to get involved:

- Limited English language skills and/or limited literacy** – it is first important to inform the contact that the MVMPO has the ability and obligation to fund translation and interpretation support. It would be ideal to have a colleague or staff person who speaks the language or is of the culture in question to support the outreach effort, or to use a translator as an intermediary.
- Lack of trust from past experiences.** Be able to provide information to show that participation and project are honestly and openly addressed.



- c. **Lack of experience with transportation decision-making processes.**  
An MVMPO staff member can explain the process if it is not well understood.
- d. **Economic barriers (such as transportation costs and work schedules).** Meetings should be sited in the community to avoid cost factors and should be timed to meet the schedule of the majority of participants, after due consideration of all schedules, alternatives and needs.
- e. **Cultural barriers.** There may be intergroup dynamics that make bringing groups together problematic due to class, racial ethnic or political differences. Early research will help build understanding of this possibility, and suggest whether a mediated way of bringing the groups together is an option, or there is a need to have separate meetings.
- f. **Common barriers** – time, other demands. Ensure that the importance of an effort is clear and well stated to the candidate, including the benefit to an individual or group representative being recruited.

### **Responding to a Refusal to Participate from a Potential Title VI Participant**

If a person or group declines to participate in a particular effort, it is important not to get frustrated but instead to handle the refusal diplomatically because that same group might be the subject of an outreach effort in the future, and may wish to participate on another occasion.

The MVMPO members and staff would, in responding to a decision not to participate, thank the person or group for considering the invitation and suggest that they might accept an invitation for a different opportunity in the future. In this way, no feelings are hurt, doors are left open and the person or group remains feeling that they are valued in the future.

Consider sending the individual or organization updates on the effort that are sent to others. This effort could be informative and demonstrate a good faith effort to be inclusive.

## **Documenting the Effort to Achieve Diversity and Next Steps**

It may be impossible to achieve a perfectly diverse committee for purposes of transportation planning, given the difficulty of recruitment and obstacles to participation. Diversity in transportation planning is elastic. It will change based on the geographic location, the issue under study or discussion or the nature of the need for input. Nonetheless, for Title VI purposes the MVMPO must document its outreach work for:

- Internal performance monitoring;
- USDOT and MassDOT reporting, and
- Complaints, if they occur.

The MVMPO staff person (acting as convener or planner) should:

- 1) Keep a file on available resources and methods used to identify individuals and groups, the nature of the outreach effort, the people invited, and the results of a recruitment effort. Possible resources include:
  - a. lists of potential invitees who were considered and/or accepted;
  - b. samples of research conducted and/or consultations made for recruitment;
  - c. copies of invitation e-mails or other correspondence;
  - d. group membership lists, with indications of the Title VI communities represented;
  - e. meeting sign-in-sheets, and
  - f. correspondence from invited individuals.
- 2) Make the list of actual participants easily available and strive to secure a means for the public to reach out to these individuals should they have questions, comments or concerns.
- 3) Discuss with the members of the group that is ultimately recruited the efforts made to reach out and recruit individuals, including the potential need that may remain after the fact for additional participation by certain Title VI group members or related organizations.
- 4) Document MVMPO relationships with the Title VI community and MVMPO efforts to maintain the productivity and longevity of those relationships.
- 5) Demonstrate that the MVMPO has considered Title VI community input and/or that such input has added value to MVMPO policies, plans, studies and projects.

### 3.1.5 One-on-One Interactions

#### 3.1.5.1 Communicating with Individuals with Limited English Proficiency (LEP)

If a member of the public is attempting to interact with you but there is a language barrier, the following procedures are recommended based on the types of interactions.

##### 1) In-person (such as MVPC offices)

- a. The first step is to identify the preferred language of the individual. The following resources are available:
  - i. "I Speak" cards, <http://www.lep.gov/ISpeakCards2004.pdf>.
  - ii. Google Translate (<http://translate.google.com/>) or a similar real-time free online language translator can be used to identify the language. *[Practice Tip: If the member of the public is directed to type (or speak into the computer's microphone, if available) on the webpage in a language other than English, the software can "Auto-Detect" which language is being used, and provide real-time translations. In 2015, Google Translate also introduced a smart phone-based instant translation feature that lets you point your camera at something written in another language and it'll translate into your language very close to real-time. This feature now translates into 27 languages: English, French, German, Italian, Portuguese, Russian, Spanish, Bulgarian, Catalan, Croatian, Czech, Danish, Dutch, Filipino, Finnish, Hungarian, Indonesian, Lithuanian, Norwegian, Polish, Romanian, Slovak, Swedish, Turkish, and Ukrainian. The update is rolling out over both iOS and Android. Please note that the accuracy and effectiveness of these translation systems is not complete and should not be relied on as an exclusive means of providing language access to LEP individuals.*
  - iii. Assistance from co-workers in your unit that may be able to identify the language.
  - iv. Interpretive services (Note: MassDOT is currently procuring the services of a firm that will be providing telephonic real-time interpretation. When finalized, that information will be included here for use in this context.)
- b. Once the language has been identified, the methods you use to address the needs of the individual will change depending on the

circumstances.

- i. You may be able to address simple inquires informally on-the-spot with the aid of multi-lingual staff or Google Translate (<http://translate.google.com/>) or a similar product. *[Example: providing directions around the building/office to an LEP individual.]*
  1. An employee and an LEP individual can type or speak into Google Translate software and carry out a rudimentary conversation. This should remain limited to incidental interactions.
- ii. If the conversation turns to complex issues or you have reached the limitations of the technology or your knowledge of the subject at issue, the MVMPO staffer providing informal translations or Google Translate should inform them that professional language services are available that may be better suited to meeting their need. Complex issues may require professional translators/ interpreters. Complex issues are those that affect the legal rights of the individual and therefore depend on the accuracy of translations/interpretations. The following services are available in those instances:
  1. MassDOT is currently procuring telephonic real-time interpretation services. When finalized, that information will be included here for use in this context.)
  2. Statewide Language Services Contract
    - a. Search COMMBUYS website <https://www.commbuys.com/bs/> for contract "PRF48"
- iii. Should you require time to secure professional language services (such as scheduling a meeting with an interpreter or sending out documents to be translated) then you should try to make this clear to the individual on-the- spot with the aid of multi-lingual staff, or Google Translate. *[Practice Tip: Using Google Translate to convey this information allows you to include details such as expected turnaround times, meeting dates and locations, and contact information.]*

## 2) Over the Phone

- a. The MVMPO staff is proficient in English only. In the event that the MVMPO staff receives a call in a language other than English, staff will transfer a caller to MVPC's voice mail system so that the caller's request can be recorded and replayed by persons with language skills other than English.
- b. The staff has the ability to request language identification and translation services through several agencies and/or professional translation services. The MVRTA staff can assist with modest requests. The MVMPO staff is also considering how it may work with local organizations, i.e. CAI, the Immigration and Education Association, Groundwork Lawrence or others to access these services).

## 3) Electronically (includes email, website comment form, etc.)

- a. If you receive such correspondence in a language other than English, use Google Translate (<http://translate.google.com/>) or similar product to determine the language and nature of the interaction.
- b. Once the language and the nature of the interaction has been identified, the methods you use to address the needs of the individual will change depending on the circumstances.
  - i. You may be able to address simple inquires informally with the aid of Google Translate (<http://translate.google.com/>) or a similar product (*example: emailing a link to requested web content*).
  - ii. If the conversation turns to more complex issues or you have reached the limitations of the technology or your knowledge of the subject at issue, the MVMPO staffer providing informal translations or Google Translate should inform them that professional language services are available that may be better suited to meeting their need. More complex issues may require professional translators/interpreters. *[Practice tip: complex issues are those that affect the legal rights of the individual and therefore depend on the accuracy of translations/interpretations.]* *[Example: An LEP individual who needs assistance to engage in the complaint resolution process.]* The following services are available in those instances:
    1. (Note: MassDOT is currently procuring the services of a

firm that will be providing telephonic real-time interpretation. When finalized, that information will be included here for use in this context.)

2. Statewide Language Services Contract a. Search COMMBUYSwebsite <https://www.commbuys.com/bs/> for contract "PRF48"

### **3.1.5.2 Communicating with Persons with Disabilities**

- 1.) Outlined below are tips to help in communicating with persons with disabilities. *[Practice Tip: For more information, visit: <http://www.labor.state.ny.us/workforcenypartners/forms/communication.pdf>.]*

#### **a. General Tips:**

- i. When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
- ii. If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- iii. Relax. Don't be embarrassed if you happen to use common expressions such as "See you later," or "Did you hear about that?" that seem to relate to a person's disability.
- iv. Don't be afraid to ask questions when you're unsure of what to do.

#### **b. Tips for Communicating with Individuals who are Blind or Visually Impaired:**

- i. Speak to the individual when you approach him or her.
- ii. State clearly who you are and speak in a normal tone of voice.
- iii. When conversing in a group, remember to identify yourself and the person to whom you are speaking.
- iv. Never touch or distract a service dog without first asking the owner.
- v. Tell the individual when you are leaving.
- vi. Do not attempt to lead the individual without first asking. Allow the person to hold your arm and control her or his own movements.
- vii. Be descriptive when giving directions. Verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps

there are.

- viii. If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat.

c. Tips for Communicating with Individuals who are Deaf or Hard of Hearing:

- i. Gain the person's attention before starting a conversation (i.e., tap the person gently on the shoulder or arm).
- ii. Look directly at the individual, face the light, speak clearly, in a normal tone of voice, and keep your hands away from your face. Use short, simple sentences.
- iii. If the individual uses a sign language interpreter, speak directly to the person, not the interpreter.
- iv. If you telephone an individual who is hard of hearing, let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call and who you are.

d. Tips for Communicating with Individuals with Mobility Impairments:

- i. If possible, put yourself at the wheelchair user's eye level.
- ii. Do not lean on a wheelchair or any other assistive device.
- iii. Never patronize people who use wheelchairs by patting them on the head or shoulder.
- iv. Do not assume the individual wants to be pushed. Ask first.
- v. Offer assistance if the individual appears to be having difficulty opening a door.
- vi. If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone.

e. Tips for Communicating with Individuals with Speech Impairments:

- i. If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back.
- ii. Be patient. Take as much time as is necessary.
- iii. Concentrate on what the individual is saying.
- iv. Do not speak for the individual or attempt to finish her or his sentences.
- v. If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable.

f. Tips for Communicating with Individuals with Cognitive Disabilities:

- i. If you are in a public area with many distractions, consider moving

- to a quiet or private location.
- ii. Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not "over-assist" or be patronizing.
  - iii. Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.
- 2) The following organizations can provide additional information:
- a. MassDOT Office of Diversity and Civil Rights  
<http://www.massdot.state.ma.us/OfficeofCivilRights.aspx>
  - b. MBTA System Wide Accessibility  
[http://www.mbta.com/riding\\_the\\_t/accessible\\_services/default.asp?id=16901](http://www.mbta.com/riding_the_t/accessible_services/default.asp?id=16901)
  - c. Massachusetts Office on Disability  
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
  - d. Commonwealth of Massachusetts - Office of Access and Opportunity  
<http://www.mass.gov/anf/employment-equal-access-disability/diversity-access-and-opportunity/access-and-opportunities/>

## **3.2 MVMPO Accessible Meeting Policy**

### **3.2.1. Purpose**

This policy outlines criteria that the MVMPO must fulfill to ensure that all of its public meetings are fully accessible to persons with disabilities. This document also addresses issues related to meeting attendees with limited English proficiency.

The ability to access and participate in state government, including participating in public meetings, is a fundamental right protected by both State and Federal law. The Massachusetts Public Accommodation Law and the Americans with Disabilities Act (ADA) mandate that persons with disabilities are not denied participation in public meetings, and that reasonable accommodation requests made by attendees shall be honored. For these reasons, when planning and executing public meetings, MVMPO staff must ensure that all aspects of the meeting are accessible to persons with disabilities.

The MVMPO, pursuant to Title VI of the Civil Rights Act of 1964 and



Commonwealth Executive Order 526, must also ensure that programs and activities do not discriminate based on race, color or national origin, age, disability and sex, among other protected categories. MassDOT has developed an Accessible Meeting Policy and a public participation plan for Title VI purposes, which the MVMPO staff should consult to ensure inclusion of Title VI constituencies in transportation programs and activities. The method for determining whether and/or which non-English languages require translation or interpretation is called a "four factor analysis" (see Section 2.1.6). The MVMPO staff analyzes the number of limited English proficiency persons (LEP) by language group where a meeting is to be held, the frequency of contacts with the program, the importance of the program and cost factors.

This MVMPO Policy contains guidelines for ensuring that its public meetings are accessible. It addresses meeting components such as the location, room setup, alternate formats, translations of handouts, and the requirement to provide Computer Assisted Real-Time Transcription (CART) and/or sign language and/or foreign language interpreters upon request. It is applicable to all public meetings hosted by, or on behalf of, the MVMPO. *Note that the MVMPO is not responsible for ensuring the accessibility of meetings it attends, but does not organize or sponsor. The MVMPO staff is responsible for completing the "Accessibility Checklist for Meeting Planners" (see Appendix B) for those meetings that it is organizing, to ensure the space is accessible prior to the meeting.*

### **3.2.2 Definitions Relevant to Accessibility**

*American Sign Language (ASL) Interpreter:* an individual trained to facilitate communication between a deaf American Sign Language user and hearing individuals via American Sign Language.

*Attendee:* An individual attending a public meeting

*Assistive Listening Device:* an electronic device used by individuals who are hard of hearing to amplify sound. The assistive listening device is typically a system component designed to receive a wireless audio broadcast over an FM frequency. The listener may use a small FM [Receiver](#) to tune into the signal and listen at their preferred volume. There are other forms of Assistive Listening Devices that can be used as alternatives.

*Clear Floor Space:* The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

*Closed Captioning:* A term describing several systems developed to display [text](#) on a [television](#), computer, or [video screen](#) to provide additional or interpretive information to viewers/listeners who wish to access it. Closed captions typically display a [transcription](#) of the [audio](#) portion of a [program](#) (either [verbatim](#) or in edited form), sometimes including non-speech elements.

*CART (Computer Assisted Real-Time Transcription):* A trained operator uses a keyboard or stenography methods to transcribe spoken speech into written text. Transcription occurs on-site or remotely using a voice connection such as a telephone, cell phone, or computer microphone to send the voice to the operator. Real-time text is transmitted back to the meeting participant over an Internet connection. For meeting rooms without an internet connection, it is possible to establish connectivity via a WiFi router connection or by using a wireless "hot spot."

*Descriptive Video/Described Narration:* a feature that makes television programs, videos, films, and other visual media accessible to blind or visually impaired persons by providing a descriptive voice narration of key visual elements. Actions and gestures are a few of the elements that, when described, engage the blind or visually impaired viewer with the story.

*Four Factor Analysis:* Federal DOT guidance outlines four factors that the MVMPO staff should use to assess language needs and decide what steps they should take to ensure meaningful access for LEP persons:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a recipient or grantee's program, activity or service.
- 2) The frequency with which LEP individuals come in contact with the program.
- 3) The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
- 4) The MVMPO staff's technical and fiscal resources, and overall cost.

In each instance, this analysis will enable the MVMPO staff to determine the extent of language assistance that it must provide to enable LEP individuals to participate in a program or activity. For further information, MVMPO staff should consult the MVMPO Title VI/Nondiscrimination Coordinator, the MVMPO Language Access Plan, or MassDOT's Title VI Team.

*Language Access Plan (LAP):* Federal Executive Order Executive Order 13166 requires each Federal agency to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each LAP must be consistent with standards set forth in related guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Accordingly, MassDOT and the MVMPO, as recipients and sub-recipients of Federal funds, prepare LAPs to comply with Title VI and LEP requirements, including the provision of language assistance, as needed.

*Limited English Proficient (LEP):* individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient (LEP). These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. The MVMPO, consistent with federal and MassDOT oversight, considers individuals who report that they speak English 'less than very well' as LEP persons.

*Path of Travel:* a continuous, unobstructed way of pedestrian passage by means of which a pedestrian can approach, enter, and exit an area.

*Public Meeting:* any meeting open to the general public, hosted by or on behalf of the MVMPO, during which information is shared.

*Reasonable Accommodation:* any reasonable service, aid, modification, or adjustment to the public meeting that gives a person with a disability the opportunity to be an active participant in the meeting process.

*Telecommunications Relay Service (TRS):* a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by a person who does, or does not, have with a hearing or speech disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party. The Federal Communications Commission has

oversight duties for VRS and TRS. The private contractors who perform the intermediary communication service are reimbursed for this service.

*TTY (Text Telephone):* an electronic device for text communication via a [telephone](#) line, used when one or more of the parties has a hearing or speech-related disability. Public payphones equipped with TTY have a small keyboard that pulls out underneath the phone. Note: TTYs are gradually phasing out for many people due to the increased use of voice and video relay, but they will remain in use for some period into the future.

*Video Remote Interpreting:* a contracted video service that allows deaf individuals to communicate over webcams/video phones with hearing people in real-time by a sign language interpreter.

*Video and Telecommunication (Voice) Relay Services:* Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables persons with hearing disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text. Video equipment links the VRS user with a TRS operator – called a “communications assistant” (CA) – so that the VRS user and the CA can see and communicate with each other in signed conversation. The VRS caller, using a television or a computer with a video camera device and a broadband (high-speed) Internet connection, contacts a VRS CA, who is a qualified sign language interpreter. They communicate with each other in sign language through a video link. The VRS CA then places a telephone call to the party the VRS user wishes to call. The VRS CA relays the conversation back and forth between the parties – in sign language with the VRS user, and by voice with the called party. No typing or text is involved.

*Vital Document:* a vital document is determined by the context of a program, service or activity, and can include but not be limited to an application, notice, complaint form, legal contract, and outreach material published by a covered entity in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation.

*Wheeled mobility device:* means by which some individuals with physical disabilities travel throughout their environment. This term commonly refers to such devices as wheelchairs (manual and motorized) and scooters.

### **3.2.3 General Considerations**

- **MVMPO Staff Person Responsible for Meeting Accessibility:** the MVMPO public meeting planner shall identify at least one person who is responsible for ensuring that the public meeting is accessible for all attendees. This individual shall serve as the contact for attendees requesting reasonable accommodations. See Attachment B to review a sample Checklist for Meeting Planners.
- **Planning/Notifying Public of Meeting:** the MVMPO will plan and publicize public meetings as early as possible. An ideal planning/publicizing period is at least twenty-one (21) calendar days, but no less than fourteen (14) days in advance. Meeting notices include a date by which attendees should request reasonable accommodations. The MVMPO requests that attendees make such requests at least fourteen (14) days before the meeting. Note: After the cutoff date, staff must still try to provide an accommodation but cannot guarantee provision of the requested accommodation. Since it is so difficult to schedule CART and/or sign language interpreters with less than 2-3 weeks' notice, the MVMPO will endeavor to publicize meetings with 21 days' notice.
- **Costs for Provision of Reasonable Accommodations:** attendees are not charged for any reasonable accommodation provided.

### **3.2.4 Choosing a Meeting Location**

- **Access to nearby transportation:** All public meetings shall be within ¼ mile of an accessible bus stop or rail station, where feasible. The path of travel from the transit stop to the meeting location shall be accessible. Specifically, it should be at least three (3) feet wide, unobstructed (not blocked by trash cans, light poles, etc.), and free of steps, drop-offs or curbs
- **Parking:** if parking is available to meeting attendees, meeting planners shall ensure that the number of accessible parking spaces available complies with state and Federal regulations.
- **Path of travel:** the path of travel from accessible parking to the meeting location shall be accessible. Specifically, it shall be at least three (3) feet wide, unobstructed (no trash cans, light poles, etc.), and free of steps, drop-offs or curbs.

### **3.2.5 Identifying the Accessible Entrance**

If a building's main entrance is not the accessible entrance, a sign shall be posted at that entrance containing the universal accessibility symbol with an arrow pointing to the accessible entrance.

### **3.2.6 Alternate Accessible Entrance**

Ensure that the alternate accessible entrance is unlocked, can be used independently, and that the path of travel to the alternate entrance is well lit. If the door is locked and intercom service or another device is used to gain access, an attendant must be at the door to accommodate deaf or hard of hearing individuals, as well as others with disabilities.

### **3.2.7 Accessible Restrooms**

If restrooms are available for use by the public then all public meetings shall have at least one accessible restroom for men and one accessible restroom for women, or one accessible gender-neutral restroom. The accessible restrooms shall be within reasonable proximity to the meeting room.

### **3.2.8 Accessible Telephones**

If two or more public payphones are available at the meeting facility, at least one should be equipped with TTY and mounted no higher than 48" from the floor and provide clear floor space 30" wide and 48" wide (so that attendees using wheeled mobility can properly access the phone). *Note: the MVMPO provides a telephone for use in the MVPC Conference Room that is accessible to persons with disabilities when seated at the conference table. Neither pay phones nor TTY are provided.*

### **3.2.9 Meeting Room**

The meeting room in which the public meeting will take place shall be made accessible for persons with disabilities. The room shall have an integrated seating area for wheeled mobility device users. Meeting planners should remove several chairs to accommodate potential attendees who use wheeled mobility devices. Note: remove a chair to the side and to the rear of the designated space to ensure enough room for the wheeled mobility device. Such spaces for wheeled mobility device users should be dispersed throughout the room, and not clustered (i.e. all in the front or all in the back) to allow attendees using wheeled mobility a variety of seating/viewing options.

## **Space for Sign Language, CART, and Foreign Language Interpreters**

Meeting planners shall provide a well-lit area and chairs facing the audience for sign language interpreters at the front of the room (likely just off to one side of the main presentation area). If the planners are using a CART provider, they should also provide a small table for the laptop and space for a screen and projector near an electrical outlet. Planners should also provide priority seating at the front of the audience and in direct line of sight of the interpreters/CART provider for attendees who are deaf/hard of hearing. For foreign language interpreters, provide space where they can sit with individuals requiring language assistance. Aisles within the meeting room shall be clear of tripping hazards (e.g. electric cords) and at least three (3) feet wide.

**Microphones:** microphones used at public meetings shall be available on a stand that is height-adjustable. Note: While wireless microphones have become popular, some attendees with disabilities will not be able to hold a microphone independently. In this situation, allowing an attendee use of a microphone stand adjusted to their height is almost always preferable to holding the microphone for them.

Alternatively, and particularly for larger meetings, staff with a floating microphone would be preferable to facilitate communication.

**Podiums:** If any attendee may have an opportunity to speak at a podium, meeting planners shall ensure that either:

- the podium is height adjustable, or
- a small table is provided to the side of the podium. The table shall be between 28 and 34" inches in height. There shall be at least 27" of knee space from the floor to the underside of the table. If a microphone is provided at the podium, one shall also be provided at the small table.

**Raised Platforms.** If any attendee may have an opportunity to move onto a raised platform or stage during the meeting, the raised platform or stage shall be accessible by a ramp that is at least 3' wide and does not have a slope that exceeds 1/12. In place of a ramp, the platform or stage shall be accessible by a platform lift.

**High Speed internet Connection.** Public meeting rooms shall provide for a high-speed internet connection to allow attendees who rely on video remote interpreting or CART.

There should also be a conference capable telephone with a speakerphone function available.

### **3.3 American Sign Language and Foreign Language Interpreters, Assistive Listening Devices, CART, and Video Remote Interpreting**

#### **3.3.1 American Sign Language and/or foreign language**

**interpreters.** These shall be provided at all public meetings upon request. To ensure their availability, interpreters should be requested at least two weeks in advance of the public meeting. The MVMPO is responsible for covering costs associated with providing sign language or foreign language interpreters.

**3.3.2 Assistive Listening Devices.** Assistive Listening Devices for attendees who are hard of hearing shall be provided at all public meetings upon request.

**3.3.3 CART services.** These shall be provided at all public meetings upon request. Staff should schedule or make CART services requests at least two weeks in advance of the meeting, and preferably as soon as an attendee makes this need known. When remote CART services are to be used (the CART reporter is not in the room), the MVMPO staff should try to provide the reporter any technical terms or acronyms to be used, as well as the names of key meeting attendees before the meeting date.

**3.3.4 Video Remote Interpreting.** These shall be provided at all public meetings upon request via a computer/laptop with a webcam and high speed internet connection (*note: Video Remote Interpreting is a relatively new form of technology and may be an adequate alternative to providing ASL interpreters in certain situations. However, if an attendee requests Video Remote Interpreting, ASL interpreters will be an adequate substitute, if the meeting planner cannot secure the requested technology.*)

### **3.4 Alternative Formats and Translation of Handouts/Presentation Material**

Large print versions of all printed material shall be available upon request at all public meetings. If requests for additional alternative formats are made in advance of the meeting (within the timeframes below), these formats must be available for the start of the meeting. If requests for alternative formats are made at or following the meeting, the alternative format must be provided within seven days of the request.



These requirements are identical for translation into foreign languages, where the language requested is identified through application of the MVMPO Title VI Language Assistance Plan (LAP) four-factor analysis. When a language group is small, defined as 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, foreign language translations of "vital documents" should be provided, and non-vital documents may be orally translated. This requirement does not affect the requirement to provide meaningful translation to one or more in a small group of LEP individuals through competent oral interpreters or translation where language services are needed and are reasonable. Meeting attendees will not be charged for any cost affiliated with the creation of alternate formats of meeting material.

#### **3.4.1 Creating Alternative Formats**

See Attachment 6.7 for instructions on creating alternative formats.

#### **3.4.2 Large Print Documents**

At least one copy of any text-based printed material to be handed out during the meeting shall be in large print. Large print meeting materials shall:

- Be created using "Verdana" or equivalent font at 14 point font size or greater
- Have the same information as the original handout
- Have the highest contrast possible (e.g. black on white)
- If graphics (such as images, tables, or graphs) are used in the original document, the same graphics shall be included in the large print version of the document
- If graphics are used in the large print document, a brief description of the image shall be provided.
- Image descriptions shall be brief and provide the viewer of the document with a general idea of what is in the image.
- If tables or graphs are used in the large print document, a summary of the table or graph shall be provided.

#### **3.4.3 Electronic Versions of MVMPO Materials**

If an electronic version of materials is requested within forty-eight (48) hours in advance of the meeting, this version shall be available for the meeting. If no advance request is made but rather is requested at or after the meeting, then meeting materials shall be made available electronically, within seven (7) calendar days of the request (*Note: Whenever possible,*

*MVMPO staff should bring several copies of an electronic accessible version of the meeting material to a public meeting. Some individuals with visual impairments or other disabilities may attend with portable screen reading software that would allow them to access electronic material during the meeting.)*

#### **3.4.4 Braille Versions of MVMPO Materials**

If a Braille version of materials is requested one week or more in advance of the meeting, this version shall be available for the meeting. If no advance request is made, but rather is requested at or after the meeting, then meeting materials shall be made available in Braille within seven (7) calendar days of the request.

#### **3.4.5 Audible Version**

If an audible version of materials is requested one week or more in advance of the meeting, this version shall be available for the meeting, if no advance request is made but rather is requested at or after the meeting, then meeting materials shall be made audible, within seven (7) calendar days of the request.

#### **3.4.6 Foreign Language Version**

If a common foreign language version of materials is requested one week or more in advance of the meeting, this version shall be available for the meeting, if no advance request is made but rather is requested at or after the meeting, then Meeting materials shall be made available in the language requested within seven (7) calendar days of the request.

#### **3.4.7 Other requests for alternate formats**

Individual attendees may have unique specifications for alternate formats. All reasonable requests for alternate formats shall be honored upon request, within seven (7) calendar days of the request.

### **3.5 Publicizing a Meeting**

Public meetings shall be publicized as early as possible, preferably at least twenty-one (21) calendar days in advance, but not less than fourteen (14) days in advance. This allows attendees time to submit requests for reasonable accommodations and for meeting planners to set deadlines for making accommodation requests in a timely manner. The meeting publicity must also be translated into the languages that are identified through application of the four-factor analysis set forth in the MassDOT Title VI Language Assistance Plan. In addition to any other means, all public

meetings shall be posted on [www.mvpc.org](http://www.mvpc.org). Meeting notices shall include:

- the statement "This location is accessible to persons with disabilities";
- a brief listing of accessibility features that either are available or may be made available upon request during the public meeting (e.g. sign language, CART, assistive listening devices and/or foreign language interpreters);  
information on how to request reasonable accommodations by phone, e-mail or fax and the deadline for requests, and
- information on how to request foreign language interpreter assistance.

### **3.6 Additional Considerations**

Within forty-eight (48) hours, meeting planners shall follow-up with attendees who have requested reasonable accommodations to let them know their request has been received and will be honored to the extent possible.

Note: Especially in the case of ASL interpreters, the meeting planner may not know of their availability until twenty-four (24) hours prior to the meeting. It is reasonable to let people know their request has been received and that it is in the process of being put in place, however if no interpreter is available people need to be notified and alternate plans must be made, such as CART or Video Relay.

### **3.7 Emergency Preparedness**

In the event of an emergency, some attendees with disabilities may not be able to evacuate independently. Meeting planners shall familiarize themselves with the evacuation plan for the meeting space. At the beginning of each meeting, the person opening or chairing the meeting should announce the safety briefing-including information regarding where those attendees who would require assistance should wait during an emergency.

When opening a public meeting, presenters should announce:

- the presence and function of sign language interpreters (if interpreters are in the room), and/or CART providers;
- that assistive listening equipment is available;
- the location of accessible restrooms, and
- the safety briefing.

When presenting, presenters at public meetings should:

- speak slowly and clearly so that the sign language interpreters have

time to interpret;

- verbally describe information presented visually (e.g. PowerPoint) so that attendees with visual impairments can access the information;
- ensure that any videos/DVDs shown during the meeting are encoded with closed captioning and are shown on a closed caption compatible device. Subtitles are an acceptable alternative, and
- provide an alternate version of the video/DVD with descriptive video/described narration.

Note: It may not always be a good choice to use a described video in an open meeting as this can be a problem for other viewers.

## **4 Public Participation Procedures for Long-Term Planning**

The MVMPO is responsible for long-term transportation planning activities in its region, including production of:

- the Regional Transportation Plan (RTP), and
- modal or corridor studies and plans.

Its planning process consists of a series of related efforts that involve multiple agencies, studies, project coordination efforts, funding mechanisms and extensive public participation. The process often involves an extended period of planning (sometimes from several years to decades) from when an idea is first proposed to when an actual transportation project becomes reality. The duration of this process is directly tied to complex regulations, funding availability, and competing needs.

The MVMPO implements its long-range planning procedures in conformity with the MVMPO Title VI and Americans with Disabilities Act protocols, policies, and procedures for inclusive and accessible public participation provided in this document.

### *The Regional Transportation Plan (RTP)*

The MVMPO prepares and updates its RTP as specified in Title 23 USC, Section 134(c) as amended by TEA-21 and SAFETEA-LU. Information contained in the MVMPO RTP is also required for inclusion in the Commonwealth's long-range transportation plan. The MVMPO RTP is a policy document intended to present a twenty-five year multimodal vision of the MVMPO region's transportation system and serve as a framework for preparing specific 'action' documents such as the MVMPO's Transportation Improvement Program (TIP).

### *Modal Plans*

Such plans are a mechanism for the MVMPO to articulate and strategize long-term transportation goals. The MVMPO produces certain modal plans at intervals that include both outreach to the public and internal analysis. The MVMPO prepares these plans to:

- communicate Federal, Commonwealth, and MVMPO region transportation policies;
- connect policy to programs and projects;
- address the region's transportation infrastructure conditions and needs, and

- document transportation funding sources and uses.

Modal plans often identify major transportation project proposals as well as important corridors for future growth and development. Corridors are defined as geographic area between two points, linking multiple centers, and moving people and freight.

Modal and corridor transportation plans generally gather public input at the outset, mid-point and end of the planning process. Development of these plans can include collaboration with MassDOT, neighboring metropolitan planning organizations (MPOs) and regional planning agencies (RPAs), transportation interest groups, and other relevant stakeholders.

Ongoing and recently completed modal plans include:

- the MVMPO Active Transportation Plan (2015), and
- the MVMPO Coordinated Human Services Transportation/Public Transit Plan (2014).

#### *Corridor and Area Plans*

The MVMPO staff prepares corridor and area planning studies to identify transportation issues and develop potential solutions along a specific corridor or within a general area of the MVMPO region. Staff identifies the transportation issues by closely examining the existing and expected future conditions within each study area. Staff evaluates the design, operation, and performance of existing transportation facilities, noting accommodations of non-motorized modes of transportation, traffic volumes, levels of congestion and potentially unsafe conditions.

Once the MVMPO staff identifies the issues, it works with the public to develop and evaluate potential alternative improvements using evaluation criteria developed with the public's input. The staff then screens the alternatives and prepares a set of recommendations.

These recommendations are generally assigned to one of two groups based on a number of factors including overall cost and expected impacts. The projects with relatively low costs and few impacts are generally more short-term, with an expected implementation window of five (5) to ten (10) years. Projects with a relatively high construction cost and greater impacts are generally more long-term, with an expected implementation window of more than ten (10) years.

The process for soliciting public input and engaging public involvement

differs for these different types of planning efforts; for example, the study area and the pool of geographically-based stakeholders will differ greatly for a statewide modal plan (e.g. the State Bicycle Transportation Plan) and for a study of a defined, local transportation corridor (e.g. MA-114 Corridor).

However, the basic engagement of the public in transportation planning is consistent across a range of planning efforts. This process consists of the phases described in the following three sections. At every step in this process, the MVMPO reaches out not only to the public in general, but also specifically to populations that have often been underserved by the transportation system and/or have lacked access to the decision-making process through the protocols articulated in Chapter 3. These include minority and low-income individuals, persons with disabilities, and those who speak English less than very well.

#### **4.1 Solicitation of Public Input Prior to Study or Plan Development**

The MVMPO takes a proactive approach to developing the vision for a plan or study and sets the following goals for the transportation planning process:

- engage the public through a website, workshops, email, telephone and U.S. mail in conversations about the region's current and future transportation needs;
- use the products of those conversations to form the foundation of a plan or study;
- coordinate transportation policy with Federal and Commonwealth education, employment, and civic engagement agendas, and
- create a plan or study that describes the challenges facing our transportation network and begins to prioritize and advocate for new projects, programs, and approaches.

The MVMPO starts with an open mind and asks the public to participate from the outset. Outreach begins with workshops in geographically appropriate locations to solicit input from members of the public. The dates, times and locations of the workshops are posted on the MVMPO website calendar, which includes an option to request accessibility accommodations and language assistance.

The dates, times, and locations of public meetings are published at least once in newspapers with appropriate geographic coverage, including those with distribution to minority and non-English-speaking populations.

These notices also include contact information for submitting comments as well as a telephone number and email address for requesting accessibility

accommodations or language assistance at a workshop. The same information contained in the notices is included in press releases issued to newspapers, radio stations, and television stations. The MVMPO staff also produces fact sheets and flyers that it distributes at meetings and hands out to persons and groups who may be interested in the particular plan or study. If applicable, the staff shares this information with MassDOT, other MPOs and RPAs, and other appropriate organizations in Massachusetts to assist in notifying people of the opportunities to provide input into the MVMPO's long- range planning process using their existing outreach methods including email and U.S. Mail distribution lists, posting information on their websites, and providing links to the MVMPO page on the MVPC website. Recipients of this information can include:

- federal transportation agencies;
- transit agencies;
- freight shippers;
- other groups and individuals that are identified in federal laws, regulations, and executive orders pertaining to MPO transportation planning;
- heads of appropriate Commonwealth agencies, boards, and commissions;
- the chief elected officials of all Massachusetts municipalities;
- state legislators;
- members of Massachusetts's congressional delegation;
- public libraries;
- centers for seniors and persons with disabilities;
- representatives of transportation advocacy groups;
- environmental organizations;
- individuals who have asked to be added to the MVMPO mailing list, and
- other appropriate individuals and groups that staff members are aware of.

The MVMPO staff facilitates the public's participation in its public meetings. They invite attendees to contribute to the discussion by:

- discussing their day-to-day experiences with the transportation network;



- talking about their observations of the workings of the system, and
- identifying the issues they believe are the most important for transportation agencies to address.

In addition to conducting public meetings, the MVMPO solicits input via letters, its website, emails, and telephone calls.

The MVMPO uses the input gathered via these various outreach methods to form “problem statements” that define the identified mobility gaps and challenges in geographic and topical terms. Problem statements are then used to develop core “themes,” which are statements of fundamental importance that encapsulate the public’s concerns, needs and aspirations related to Massachusetts’s transportation network. The themes are action- oriented ideas that help build a vision of what the transportation system of the future can and should be. The MVMPO uses these themes as a framework for reporting back to the public via both the website and a written report for the plan or study.

Both the report and the website provide readers with an overview of the process, present some detail on each of the themes (the problems identified, the context and implications of the issues involved, and potential solutions), and summarize work completed to date. The MVMPO notifies (via email and regular mail) an extensive list of interested individuals and organizations when the report is available). It makes the report available for download from the MVPC website and distributes a limited number of hard copies.

After the MVMPO has provided this feedback, it continues to communicate with and solicit input from the public. For those members of the public without computer or internet access, the MVMPO continues to communicate through mailings and public information meetings. It focuses on learning how people are using the existing transportation system and what the system means to them in terms of mobility and opportunity. Together with the identified mobility challenges, this input is used to identify, evaluate, and prioritize policy, program and project solutions to the problems identified by the public and the MVMPO for that plan or study.

The MVMPO establishes smaller stakeholder advisory groups from time to time, usually to inform a modal or other plan’s development process. These groups meet as scheduled by the MVMPO staff during the planning process and discuss what subjects will guide transportation decisions, in consideration of the priorities and themes identified in the outreach, specific

policy objectives, and other considerations. Such stakeholder advisory groups generally follow the plan or study more closely than the general public, provide more frequent feedback and serve as active public representation to the planning process on a detailed level. The MVMPO makes affirmative efforts to ensure that its stakeholder advisory groups include a wide range of interests and perspectives, including minority and low-income individuals, persons with disabilities, and those who do not speak English well. As the MVMPO begins to prioritize and advocate for new programs and projects, it makes use of the MVPC website and other public outreach processes as tools for communicating with the public.

#### **4.2 Solicitation of Public Input on a Draft Plan or Study**

The MVMPO staff conducts a new round of public outreach once it completes a draft plan or study. Comprehensive information about both the draft report and the public participation process is posted on the MVMPO webpage. The draft document is produced in hard copy format and posted on the MVPC website (in multiple formats, including those readable by software compliant with the Americans with Disabilities Act). Draft documents can be provided in large-print format and on a CD-ROM if requested.

The MVMPO staff notifies interested parties of the availability of a draft plan or study document. They convey this information by electronic mail, statements at various organizations' scheduled meetings, and direct mailings. The staff includes the following information on Notices it produces:

- the purpose of the plan or study;
- opportunities to access, review and comment on the draft document;
- the comment period, and
- MVMPO staff contacts for additional information or assistance.

The MVMPO staff prints these Notices in a format suitable for posting at selected bus and rail stations and for distribution to stakeholders as detailed in Section 4.1 above. Staff also distributes Notices to the region's libraries.

The MVMPO staff places legal notices announcing the availability of the draft plan or study for public review and comment, opportunities to review and provide input on the draft document, and contact information for submitting comments in media publications with regional distributions, including those

regionally based publications that are targeted to minority and LEP populations.

The MVMPO staff may elect to issue press releases to one or more of the region's newspapers, community, television and radio organizations, including organizations serving minority, low-income and LEP populations, before, during, and just before the end of the public review and comment period on the draft document. The press releases announce the availability of the draft plan or study for public review and comment; provide information on opportunities to learn about, review, and comment on the draft document; give contact information for requesting reasonable accommodations, including language assistance, at public information meetings; promote attendance; and provide reminders of the deadline for submitting comments on the draft document.

In addition, the MVMPO solicits input on the draft RTP in the following ways:

- *Meetings/Contacts with elected and appointed officials*

The MVMPO staff participates in the Merrimack Valley Mayors' and Managers' Coalition (MVMMC) and the MVRTA Advisory Board, in which elected officials are represented and meet on a monthly basis. In addition, staff participates in an annual MVPC Legislators' briefing session held in January of each year. Also, the MVMPO staff notifies elected and appointed officials of the development of the draft RTP and of opportunities to participate in MVMPO meetings held during the RTP's development period. Finally, the MVPC Executive Director maintains contact with the region's elected and appointed officials – independently and through the MVPC Commissioners – to convey information and invite participation.

- *Participation in stakeholder organization meetings*

The MVMPO staff attends meetings of local and regional organizations to offer individual, tailored briefings and discussions on the draft RTP. Staff communicates their availability to any organization wanting to speak directly with MVMPO representatives about the draft RTP or about the region's transportation network in general. Staff is increasing its use of this approach, as it is proving to be more effective, particularly as it is often difficult to get broad-based attendance at public meetings.

## *Public meetings*

The MVMPO holds public meetings on the draft RTP in one or more locations in the region, usually one in each MVMPO sub-region, at times and locations that are convenient to members of the public. It advertises these meetings in the MVPC website calendar, by distribution of a flyer, through local media outlets, and at MVMPO-sponsored meetings or other regional events. Meeting notices include information about how to get to the meeting using public transportation when meetings are offered in a transit-accessible location; offer foreign-language assistance when appropriate; offer sign- language interpreters and other accommodations upon request; and provide accessibility information. The MVMPO provides publicity information for these meetings and fact sheets (distributed at the meetings) in English and other languages as determined by its four-factor analysis.

The dates, times and locations of the meetings are posted on the MVMPO's website, which provides directions for requesting accessibility accommodations and language assistance. The dates, times, and locations of the meetings are published at least once in newspapers with regional coverage, including those with distributions to minority and non-English- speaking populations. The notices also include contact information for submitting comments, and a telephone number and email address for requesting accessibility accommodations or language assistance at a meeting. This information is also included in press releases that are issued to newspapers, radio stations, and/or television stations and on flyers that are posted, distributed in hand, mailed, and/or emailed to various interested parties. MVMPO staff members also notify interested parties by making flyers available at various meetings and events they attend and making announcements about the meetings at such events.

MVMPO staff members are present at each public meeting. These meetings typically begin in an open house format, followed by a formal visual presentation detailing the draft RTP's content and its development process. Staff may facilitate a dialogue using easels to document issues and may ask attendees to group and/or prioritize the issues. A question-and-answer session follows. Attendees are offered the opportunity to speak with an MVMPO staff person who can record specific comments or collect written comment at the close of the public meeting.

## *Merrimack Valley Transportation Committee (MVTC)*

The MVTC is the MVMPO's advisory body and is comprised of a range of organizations with members interested in and knowledgeable about relevant

RTP subjects. The MVMPO staff schedules several MVTC meetings to facilitate discussion of the RTP during its development. The MVMPO staff then revises the plan or study to incorporate public review and comments. It then publishes the final document and posts it on the MVMPO website. Staff provides hard copies, electronic copies, and copies in alternative formats upon request.

#### **4.3 Posting of Plan or Study Information on Web Pages**

The MVMPO posts information on the development of its plans and studies on the MVPC website:

- information flyers;
- legal notices;
- press releases;
- materials distributed during workshops and public meetings, and
- contact information.

Information is also posted on the MVPC Facebook page.

## **5. Public Involvement Procedures for the MVMPO Transportation Improvement Program**

The MVMPO Transportation Improvement Program (TIP) is a MPO financial document required by Title 23 USC, Section 134 (c) as amended by the Fixing America's Surface Transportation (FAST) Act of 2015 and previous federal surface transportation authorizations. The MVMPO lists all transportation projects it expects to fund in a given four-year period in the TIP, including funding for FTA-funded transit activities carried out by the MVRTA. The MVMPO generates a new TIP annually and submits it to MassDOT for inclusion in the Statewide Transportation Improvement Program (STIP).

The MVMPO releases the draft TIP for public review and comment for a period of twenty-one (21) days. It places a Notice of the availability of the draft TIP for public review and comment on the MVPC website. Additionally, the MVMPO staff places a legal notice in a newspaper of general circulation within the MVMPO region stating the period that the TIP will be available for public review and that the MVMPO will receive comments. Please refer to Appendix F to review a sample MVMPO Notice.

The MVMPO is now using public participation software tools (i.e. ConstantContact, MailChimp, etc.) to notify the public of TIP development, TIP draft releases, and pending endorsements. These tools feature analytical capabilities that aid the staff in tracking contact additions, deletions, modifications and can generate status reports for individual mailings, including whether addressees viewed a specific notification.

The MVMPO TIP development procedure is intended to be implemented in conformity with Title VI, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and all other protocols, policies and procedures for inclusive and accessible public participation.

### **5.1 Public Notice and Comment Period**

The MVMPO posts notice of the draft TIP's availability on the MVPC website, in newsletters, and in other public communications. MassDOT and MVMPO staff members attend all MVMPO meetings and are available to receive comments and answer questions. The public is encouraged to learn about the TIP process, individual projects, and offer comment. In addition, the MVMPO staff continues to solicit information on the transportation needs of

persons and groups who are “traditionally underserved by existing transportation systems” per Executive Order 12898 on “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. The MVMPO staff, by function of its size, is effective in carrying out these responsibilities directly to persons and groups in its communities, and through its MVTC and the MVTC Nondiscrimination Working Group, both of which have direct access to the MVMPO Chair.

The Commonwealth’s STIP public participation process is an adjunct to the regions’ specific outreach processes but also follows the Commonwealth’s commitment to transparency and civic engagement in government. The STIP is essentially the composite of all MPO TIPs. Accordingly, projects programmed in each TIP must be included in the STIP. The MVMPO, MassDOT and other affected parties work together to reconcile any discrepancies between a TIP and the STIP should they occur. There are instances in which the draft TIP’s twenty-one (21)-day comment period will coincide with or overlap MassDOT’s twenty-one (21)-day public comment period for the Statewide Transportation Improvement Program (STIP).

MassDOT encourages its constituents to stay informed on all of its activities, including but not limited to the STIP, using various social media tools such as Twitter ([www.twitter.com/massdot](http://www.twitter.com/massdot)), YouTube ([www.youtube.com/movemass](http://www.youtube.com/movemass)), the Commonwealth’s transportation blog ([www.transportation.blog.state.ma.us](http://www.transportation.blog.state.ma.us)), Flickr [www.flickr.com/photos/massdot/](http://www.flickr.com/photos/massdot/), and RSS feeds.

After review and consideration of all public comments, a final TIP and STIP are prepared and submitted to the Federal Highway Administration, the Federal Transit Administration, the Environmental Protection Agency and the Massachusetts Department of Environmental Protection for review and approval. Explicit consideration and response is given to public input, and all who submit written comments are notified of the availability of the final approved document. The MVMPO posts its approved TIP on the MVPC webpage at [www.mvpc.org/transportation](http://www.mvpc.org/transportation) and MassDOT posts its STIP on MassDOT’s webpage at <http://www.massdot.state.ma.us/planning/Main/StatewidePlans/StateTransportationImprovementProgram.aspx>

## **Appendix A: Public Participation During the Project Development Process**

### **A.1 Project Development**

The project development process covers a wide range of activities starting with identifying need through design, permitting, construction, and completion. The project development decision-making sequence narrows the project focus and, ultimately, leads to a project that resolves a transportation issue. The MVMPO member agencies and MVMPO staff are committed to the provision of ample public participation opportunities throughout the entire project development process. They assess a project's potential benefits, impacts using federal, Commonwealth and MVMPO research, and measure the public's level of support for a project through the public participation process.

This process is intended to be implemented in conformity with MassDOT Title VI and Americans with Disabilities Act (ADA) protocols, policies, and procedures for inclusive and accessible public participation.

#### **Need Identification**

A proponent begins developing a transportation project in response to an identified need. Needs are created by complaints, suggestions or concerns about an existing physical asset or service, and/or with advocacy for an asset or service not currently offered. In the MVMPO region, project proponents have been:

- MassDOT;
- the MVRTA;
- the MBTA;
- MVMPO communities, and
- elected officials.

The staffs of these agencies identify regional transportation needs using a wide range of data on pavements, structures, traffic controls, and intersections.

They analyze common issues such as state of repair, passenger or vehicle volume/capacity ratios, or crash rates. In the MVMPO region, MassDOT administers certain statewide programs for the Commonwealth's bridges and Interstates. It also tracks the Commonwealth's inventory of intersections



requiring safety improvements and collects condition and use data obtained through its own corridor or area planning processes. Problem, need, or opportunity identification can also occur through the regional planning initiatives of a planning organization or arise from community, legislative, or other public input.

The development of solutions to address identified needs often involves input from transportation planners, community leaders, environmental specialists, landscape architects, natural resource agencies, local public works officials, permitting agencies, design engineers, financial managers, and agency executives. Solutions might target a single mode of transportation, or address the range of road users including pedestrians, bicyclists, transit operators, motorists, and truckers moving freight and goods. It is important to engage from the beginning of project development.

Most MVMPO region transportation improvements involve roadways or transit. Transit projects are: 1) generated by the MVRTA as part of its Five- Year Capital Plan or Program of Projects, and or 2) generated by other parties that provide (or wish to provide) public transportation in the region according to a need identified in the MVMPO Coordinated Human Services Transportation/Public Transportation Plan. In all cases, the MVRTA conducts its MVMPO-funded projects in consultation with the MVMPO staff according to the parties' Memorandum of Understanding. Most roadway projects begin at the local level with the identification of a particular need or deficiency by a municipality. Upon the identification of such a need, the municipality engages with MassDOT to advance project development. The MVMPO staff strongly recommends that project proponents review the *MassDOT Project Development and Design Guide (Guide)* and follow its interactions between municipalities and MassDOT during the project development process.

The *Guide's* purpose is to provide designers and decision makers with a framework for incorporating context-sensitive design and multimodal elements into transportation improvement projects. Chapter 2 of the *Guide* details the project development process and the specific opportunities for public outreach and involvement in the process, consistent with this Plan.

- A copy of the full *Guide* can be found at <http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/ManualsPublicationsForms/ProjectDevelopmentDesignGuide.aspx>

- Chapter 2 of the *Guide* is available as a stand-alone document here: <http://www.massdot.state.ma.us/Portals/8/docs/designGuide/CH2a.pdf>

Transportation decision making is complex and can be influenced by legislative mandates, environmental regulations, financial limitations, agency programmatic commitments, and partnering opportunities. Decision makers and reviewing agencies, when consulted early and often during the project development process, can ensure that all participants understand the potential impact these factors can have on project implementation.

## **Project Planning**

The project proponent begins work on the following tasks in the first stage of the transportation project planning process:

- determining need for a certain transportation improvement;
- identifying issue, impact, and permit/approval requirements;
- determining the required design and permitting processes;
- assigning project responsibilities and calculating benefits, and
- developing a project public participation outreach and involvement program to inform the public and obtain their participation and comments.

The proponent can consult with public involvement specialists in this work. The initial public outreach process starts with an early informational meeting and continues at strategic milestones during the planning process. Substantial effort should be made to reach a broad spectrum of interested parties at this early project stage and throughout the project.

Public meetings are conducted during the planning phase in order to relay information to the general public and to solicit input to the project. The public meetings serve as forums at which MassDOT, the MVRTA, and the MVMPO staff/communities can learn about and respond to concerns. A public meeting typically begins in an open house format to allow individuals to speak one-on-one with MassDOT staff regarding their concerns and questions with respect to the project, and then formal presentations are made to share information and elicit public comments and suggestions.

Just as with the need identification stage of project development, the planning stage is detailed in Chapter 2 of the MassDOT *Project Development and Design Guide*.

During the scoping of projects, MassDOT coordinates with the affected

metropolitan planning organizations (MPOs), regional planning agencies (RPAs), regional transit authorities (RTAs), and municipalities to determine the amount and type of public outreach that will be required for the project. These entities each maintain Public Participation Plans (PPPs), and can be contacted for copies or viewed on their respective websites.

After constituents and environmental agencies have reviewed and commented on a specific project's alternatives and the proposed action, the proponent completes a Project Planning Report for final review. The report documents the need for the project, existing and future conditions, alternatives considered, public participation outcome, and recommended actions.

Projects to be constructed using state or federal funds must be approved by the MassDOT Project Review Committee (PRC), which is comprised of MassDOT staff and chaired by the Chief Engineer, and later programmed by the relevant MPO in its TIP. After PRC approval, the relevant MPO receives the PRC's approval and begins tracking the project's development for inclusion in the MPO RTP and TIP. The MPO will assess the project in comparison to other projects under consideration in its region and determine the potential year for funding in the TIP.

### **Environmental, Design, and Right-of-Way (ROW) Processes**

Continued public outreach in the environmental, design, and ROW processes is essential to maintain public support for the project and to seek meaningful input on the design elements. This public outreach often takes the form of required public hearings, but it can also include less formal dialogues with those interested in and affected by a proposed project. The public participation processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. There are many opportunities for public meetings or hearings on the project throughout these stages of the project development process. Chapter 2 of the aforementioned *Project Development and Design Guide* details the opportunities for public outreach and involvement during these stages.

At a minimum, at least one public meeting is held for any federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways, or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a

significant social, economic, environmental or other effect, or for which the MassDOT determines that a public meeting is in the public interest. Some of the major requirements for public involvement/public hearing procedures (23 CFR 771.111) that are relevant to the environmental, design, and Right of Way processes are:

- Coordination of public involvement activities and public hearings with the entire environmental review process under the National Environmental Policy Act (NEPA). There is a similar requirement for projects under the Massachusetts Environmental Policy Act (MEPA).
- Early and continuing opportunities during project development for the public to be involved in the evaluation of alternatives and the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings, or the opportunity for hearing(s) to be held, by MassDOT at a convenient time and place for any federal-aid project that requires significant amounts of ROW, substantially changes the layout or functions of connecting roadways, or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing if one or the other is required. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.
- Explanation at the public hearing of the following information, as appropriate:
  - the project's purpose, the need for the project, and the project's consistency with the goals and objectives of any local community planning;
  - the project's alternatives and major design features;
  - the social, economic, environmental, and other impacts of the project;
  - the relocation assistance program and ROW acquisition process, and

- MassDOT's procedures for receiving both oral and written comments from the public.
- Submission to the FHWA of a transcript of each public hearing, and a certification that a required hearing, or hearing opportunity, was offered. The transcript is accompanied by copies of all written statements from the public submitted at the public hearing or during an announced period after the public hearing.
- An opportunity for public involvement in defining the purpose and need, and the range of alternatives, for any action subject to the project development procedures in 23 USC 139. Public notice of, and an opportunity for public review and comment on a Section 4(f) *de minimis* impact finding, in accordance with 49 USC 303(d).

## **A.2 Construction**

MassDOT administers construction procurements for FHWA-funded MVMPO projects. Likewise, the MBTA and MVRTA administer their respective construction procurements for FTA-funded projects. On occasion, other federal agencies including, but not limited to, the National Park Service (Department of the Interior) administer transportation project construction in the MVMPO region. Collectively, these and other agencies constructing transportation projects are referred to here as the 'responsible agencies'. The MVMPO staff monitors progress of the responsible agencies' projects, may assist in the resolution of project issues, and may advocate for regional constituents who may have construction-related questions and/or concerns. The responsible agency has the lead role in working with their contractor(s) to develop a construction management plan following award of a construction contract. Permitting agencies, local authorities, businesses, and affected members of the general public must be informed of the plan. These entities should also be notified as changes in detours, traffic operations, and construction areas and activities occur throughout the project.

Before construction begins, the responsible agency works with its contractor(s) to determine the appropriate type of public notification and participation needed. Different projects result in different types of disruption to transportation and other nearby activities. Simpler projects like roadway resurfacing would likely require fewer notification/participation tasks than an interchange reconstruction, for example. For simpler projects, the proponent should, at a minimum, notify abutters (in languages other than

English, if appropriate) of the impending construction activity.

For complex projects, the MVMPO works with MassDOT, the MVRTA, and other project lead agencies (if applicable). The lead agencies may schedule a construction management plan meeting with abutters and other project participants (local boards, interest groups, business associations, etc.). At such a meeting, the proponent can describe the types of construction activity needed, construction phasing, and durations. Parties can identify issues and concerns associated with the construction period, and make adjustments to the construction management program to minimize community impacts.

For almost all MVMPO region projects, MassDOT takes the lead in maintaining contact with stakeholders, neighbors, abutters, legislators, and municipal officials throughout the duration of a project, including the construction phase. On occasion, the MVRTA is the lead agency implementing specific transit capital projects in the MVMPO region. The MVMPO staff is a key participant in this process. Regardless of the project sponsor, the lead agency determines whether to hold monthly or quarterly stakeholder and abutter meetings. In addition, the project lead agency uses combinations of the following communication tools to share project information and receive feedback:

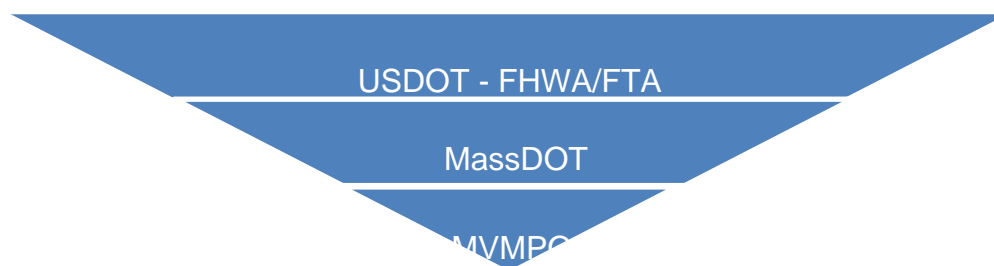
- Direct mail, to individuals and organizations for whom only a mailing address is available;
- Media: MassDOT posts notices in the region's newspapers of general record.
- MassDOT website: Many MassDOT projects in the construction phase have their own project page within the MassDOT website. The project page should be a clearinghouse for accurate, up-to-date information. It is important that the Project Manager or a Public Affairs staff person assigned to the project page update the content regularly throughout the duration of the project. In addition, MassDOT posts public meetings scheduled for a project on its main website calendar. The MVRTA and the MBTA also post information about their capital projects on their respective websites.
- Social media tools: MassDOT, the MBTA, and other agencies maintain Facebook pages. In addition, MassDOT and other organizations often employ Twitter to get out time-sensitive messages.
- The opportunities for public outreach and involvement during the project

construction stage are fully detailed in Chapter 2 of the MassDOT Project Development and Design Guide.

## Appendix B: MVMPO Transportation Planning Process Summary

### Agencies

**The Federal Highway and Transit Administrations (FHWA and FTA)** are the principal U.S. Department of Transportation agencies that regulate, set policy, and fund Merrimack Valley region transportation projects. Federal transportation legislation requires that the Commonwealth of Massachusetts, through its statewide **Department of Transportation (MassDOT)** and the **Merrimack Valley Metropolitan Planning Organization (MVMPO)** conduct a continuing, cooperative and comprehensive ("**3c**") transportation planning process. MassDOT oversees the MVMPOs' activities for compliance with federal requirements. It administers a statewide transportation program, and provides the MVMPO with a share of the federal funds it receives. The MVMPO is responsible for programming its funding share on local and regional projects. Figure 1 below illustrates the Federal / Commonwealth / MVMPO relationship.

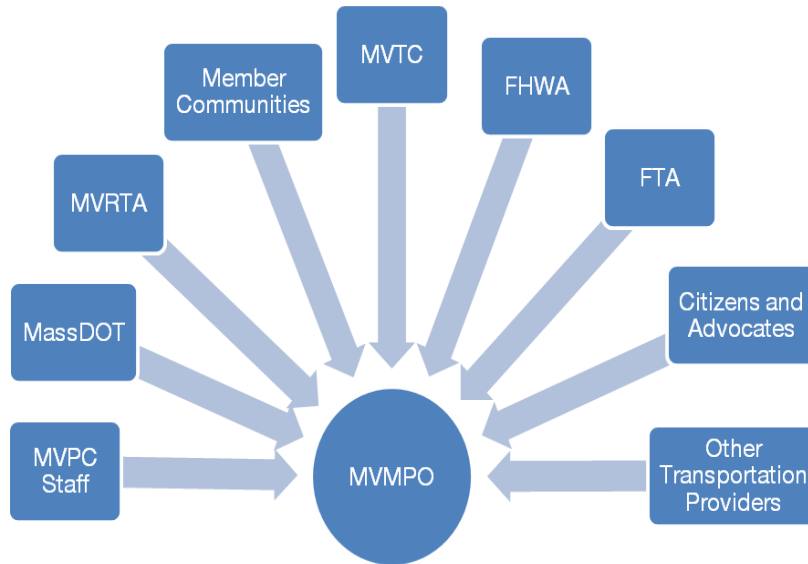


**Figure 1: Federal / Commonwealth / MVMPO Relationship**

The staff of the **Merrimack Valley Planning Commission (MVPC)** functions as the MVMPO staff, assisting its communities with project planning, design/engineering, permitting, funding, and implementation. Figure 2 below shows the relationship of MVMPO participants including:

- FHWA, FTA, and MassDOT;
- representatives from each MVPC region member community;
- the Merrimack Valley Regional Transportation Authority (MVRTA);
- the Merrimack Valley Transportation Committee (MVTC);
- employer-sponsored transportation organizations, and
- local residents, business, community development, environmental and transportation advocates.





**Figure 2: MVMPO Membership**

Some of the above participants have formal roles, while others, i.e. residents and/or advocates, tend to participate according to their general interest in transportation or in a specific plan, project, or issue. The MVMPO staff incorporates these participants’ comments and recommendations into its plans and programs, which include:

- the Public Participation Plan (PPP) - updated as required;
- the Regional Transportation Plan (RTP) - planning priorities and project development over a 25-year horizon - revised every 4-5 years;
- the Transportation Improvement Program (TIP) – consists of federally funded transportation projects in the MVMPO region for current FFY and three successive FFYs - demonstrates sufficient funding and fiscal constraint. Updated annually, and
- the Unified Planning Work Program (UPWP) – its annual work program.

What transportation modes operate independently of this process?

The MVMPO’s 3c process typically excludes air transportation, water transportation, most utilities, and surface transportation owned/operated by the U.S. Department of Defense.

If a project requires FHWA or FTA funds:

The MVMPO is required to program projects funded in whole or part with FHWA and FTA funds. This is a continuous process and involves consultation among MVMPO members and the public. Please refer to Part A of the MVMPO [Transportation Improvement Program](#) at [www.mvpc.org](http://www.mvpc.org) for a detailed overview of this process.

If a project does not require federal transportation funds:

The MVMPO is not required to program such projects. Examples are transportation projects wholly funded by organizations such as the:

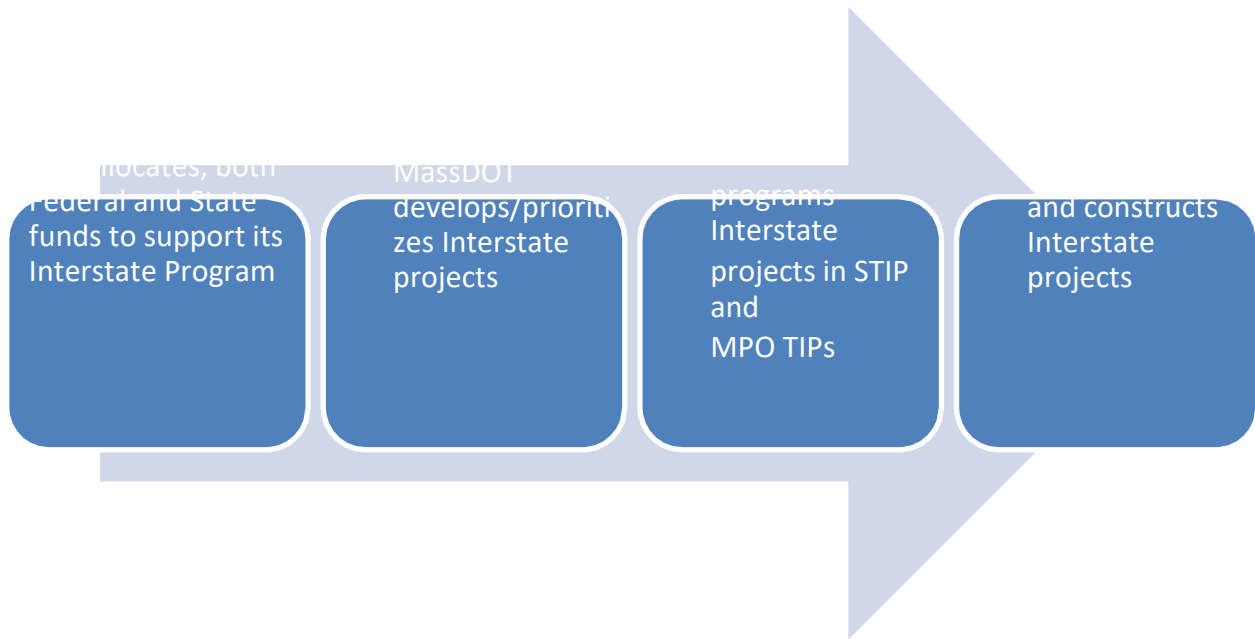
- U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG);
- U.S. Economic Development Administration (EDA);
- Federal Aviation and Railroad Administrations (FAA/FRA), and
- M.G.L. Chapter 90 funds; and/or funds from Commonwealth and local bond issues.

However, the MVMPO staff often assists with the development and implementation of such projects as part of its general transportation planning activities. In addition, the MVMPO does track certain transportation projects that are converted from federal to state funds at some point during the project development process as part of its coordination responsibilities. The MVMPO communities undertake many local transportation projects using combinations of federal, Commonwealth, or local funds.

**Who develops the Merrimack Valley region's transportation projects?**

Interstate Highway Projects

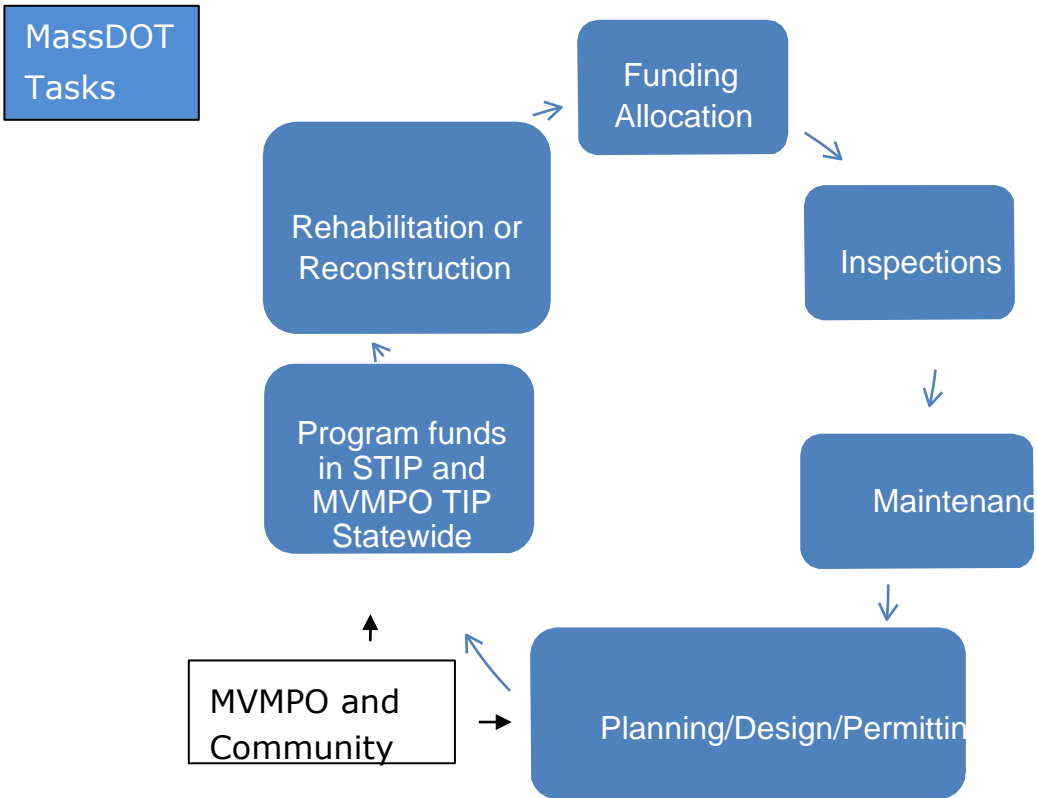
*MassDOT* develops and administers projects for all of the region's interstate highways as shown in Figure 3 below:



**Figure 3: Interstate Project Development in the MVMPO region**

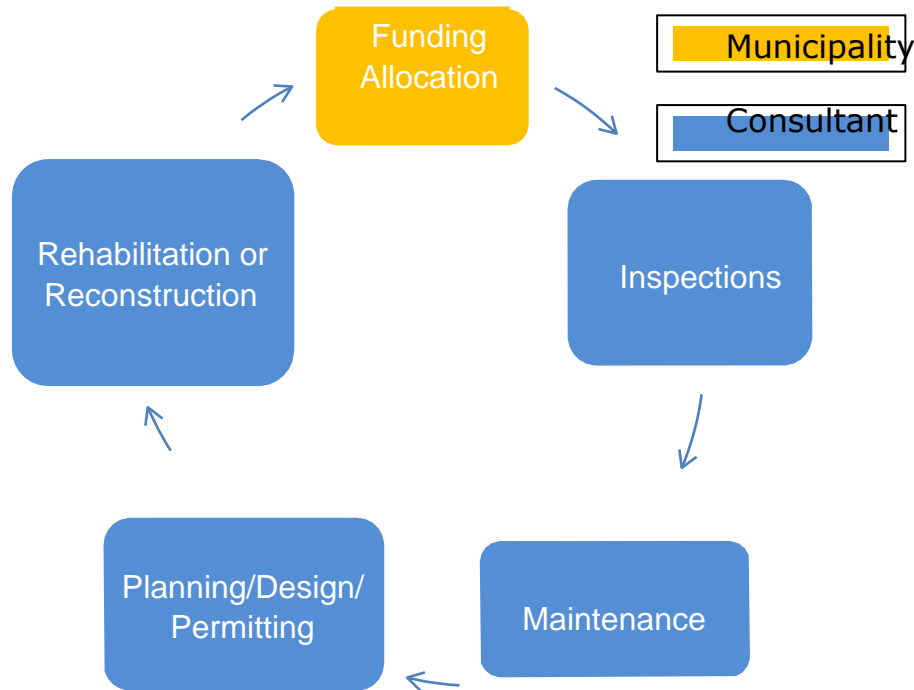
Bridges

*MassDOT* is responsible for most of the Commonwealth’s bridges, as they are part of the National Highway System or NHS. Accordingly, *MassDOT* programs both Federal and State funds for NHS bridge inspections, maintenance, and reconstruction. *MassDOT* informs the MVMPO and its member municipalities of its NHS bridge activities including detours, closures, weight restrictions, or other service disruptions. *MassDOT* includes MVMPO staff and communities in its project design and construction bidding/scheduling process in an advisory capacity. *MassDOT* personnel perform the funding allocation, project prioritization and programming, construction bidding and construction oversight tasks in-house, and utilize consultants for feasibility studies, some inspections, design, engineering, and construction tasks as shown in Figure 3 on the following page:



**Figure 4 (above): Construction/Maintenance of National Highway System (NHS) Bridges**

*MVMPO communities* are responsible for some bridges. In such cases, their departments of public works, highway superintendents or engineers obtain funds and hire consultants to conduct bridge inspections, maintenance and construction work as shown in Figure 4 on the following page:



**Figure 5 (above): Construction and Maintenance of Locally-Owned Bridges**

The [MVMPO Transportation Program staff](#) can assist you in determining which agencies are responsible for a specific bridge.

### Transit

The *Merrimack Valley Regional Transit Authority (MVRTA)* initiates its own transit projects. The MVMPO staff assists the MVRTA with public involvement in the MVRTA’s transit planning process and its project preparation work. The MVMPO programs FTA- funded MVRTA projects in its TIP, and FTA funding is then released to the MVRTA through MassDOT.

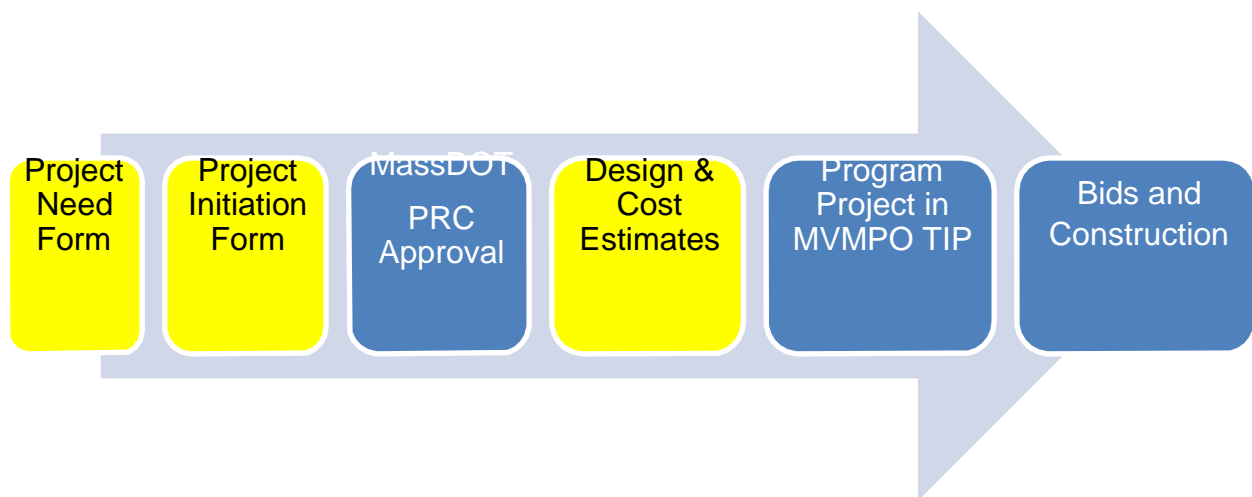
### Non-Motorized Transportation Projects

*City and town administrators, Public Works/Highways and Planning/Community Development staff* initiate most non-motorized transportation projects (i.e. shared-use paths). Local committees and residents often provide technical information to municipal administrators who initiate these projects. Committees and citizens also build community project support. Municipalities prepare projects in-house or consult with organizations such as the Merrimack Valley Metropolitan Planning Organization (MVMPO) staff of the [Merrimack Valley Planning Commission \(MVPC\)](#) and MassDOT, through its [District 4](#) office in Arlington, MA. MVMPO and MassDOT staffs help shape a Project and identify funding sources.

## How are the region’s roadway, trail, and path projects developed?

### 1. Project Initiation

As shown in Figure 6 below, the city or town (“municipal”) official contacts the MassDOT District 4 Office (“District 4”) and prepares a [Project Need Form \(PNF\)](#). Municipal officials, department directors, and committees contribute to the content of the PNF according to their responsibilities and interests. The municipality then submits the PNF to District 4. If the municipality and District 4 agree on a project’s merits, the municipality then prepares and submits a [Project Initiation Form \(PIF\)](#) to District 4 for review. MassDOT staff may recommend certain changes to the project and/or request additional information from the municipality at this stage, in preparation for placing the PIF on an upcoming MassDOT [Project Review Committee \(PRC\)](#) agenda. The PRC meets quarterly, and will evaluate the proposed project’s feasibility and eligibility for funding. If the PRC approves a project, MassDOT enters the project’s information into its internal information system (Project Info) and assigns it to a MassDOT Project Manager. The municipality (and its consultant, if applicable) then works directly with the MassDOT Project Manager to advance the project through the design and construction phases.



**Figure 6 above: Roadway, Trail, and Shared Use Path Project Development Process**

## 2. Study

Tasks involved in this project phase include:

- a) defining the problem by evaluating existing and expected transportation issues;
- b) developing/screening alternatives for problem resolution using project evaluation criteria. Criteria development often involves extensive public outreach, and
- c) preparing recommendations addressing the defined transportation issues.
  - Product: Feasibility Study

## 3. Permitting

Assess the project's permit requirements at the federal, state, and local levels before it proceeds. In Massachusetts, the Massachusetts Environmental Protection Act (MEPA) and the National Environmental Protection Act (NEPA) are the most common and comprehensive permitting processes. Each of these processes requires a project to avoid, minimize, and/or mitigate its impacts on environmental, cultural, and historical resources.

- Product: 25% Plans, Specifications, and Cost Estimates ("25% Design")

For most roadway projects, the city or town is responsible for funding and overseeing all facets of the design process, including acquisition of any necessary right-of-way. The project manager works with the community and the design consultant to shepherd the project through the process. Typical milestones in the design process include submission and approval of the 25% design plans, a public hearing on the 25% design, submission and approval of the 75% design plans, submission and approval of the 100% design plans, and preparation of the plans, specifications and estimates (PS&E). Concurrent with this process, rights-of-way must be acquired and environmental requirements must be satisfied. Other roadway projects and most bridge projects are initiated by the MassDOT Highway Division. The Division identifies the need for such projects using one or more of its continuous management systems to estimate needs for present or future construction projects:

- bridges;
- congestion;

- pavement, and
- safety.

Projects may also be identified through planning or corridor studies. Regardless of their genesis, these projects go through the design process discussed above. However, typically, for these projects, the MassDOT Highway Division oversees all facets of the design process, including the acquisition of any necessary rights-of-way.

#### 4. Identify Project Funding

The project proponents (the City or Town, MassDOT, the MVMPO staff, the MVRTA, or other agency if applicable)-work together to program transportation funds in the MVMPO Transportation Improvement Program (TIP) for a given project. Proponents may also apply funding from other federal or state grant programs outside the MVMPO process. Examples of such programs include the MassWorks Infrastructure Program administered by the Massachusetts Executive Office of Housing and Economic Development and the former Transportation Investments Generating Economic Recovery (TIGER) grant program administered by the U.S. DOT.

#### 5. Final Design

With funding in place, the next phase of project development is the final design. During this phase of the project the final layout of the project and the design details are determined. In addition to the necessary plans, project proponents must also prepare final specifications and estimates. The final plans, specifications, and estimates must be submitted for review by the appropriate MassDOT Division and approved. The product of this step is the Final Design (commonly called the 100% design for both roadway and transit projects).

#### 6. Project Implementation

A project or service is advertised for bidding, a contract awarded, and improvements are constructed with MassDOT, MVRTA, or other lead agency supervision.

### **Where do I obtain more information?**

For more details on the transportation project development process, consult [Chapter 2](#) of the MassDOT Project Development and Design Guide for a complete process overview. This Chapter includes flowcharts of the



project development process as well as links to MassDOT forms such as the Project Need Form (PNF).

**I have a transportation issue and want to get it addressed. How do I do this?**

So how do you fit into the transportation-planning process? Your role in the process is very important. Without your input - your ideas-state and local governments cannot develop a full understanding of your community's needs.



Although some people may think that transportation officials can gather all necessary information on their own, that is not actually the case. You may know information that is more current or detailed than is available to transportation professionals. You may also see things in a different way than transportation officials. *This is why it is so important for you to be involved.*

The transportation-planning process is ongoing, so there are several ways to make transportation planners aware of your needs and concerns, and to help develop transportation solutions. To make sure that you are following the latest developments, you can:

- **Put your name on a mailing list** to receive newsletters, updates, and other information from the MVMPO and MassDOT
- **Attend MVMPO and MassDOT meetings**
- **Provide your input** on transportation plans and programs
- **Volunteer to serve** on a focus group or advisory committee
- **Ask a transportation official** to attend a meeting of your neighborhood group, church, club, school board, or other community or civic organization and ask that official to explain the transportation-planning process to you and your neighbors.
- **Find out** what specific public-participation opportunities are available in your area by contacting the MVMPO, MassDOT, MVRTA or your city/town officials.

## **MVMPO Region Transportation Resources**

### Federal transportation planning and programming process

- See Federal Highway Administration, [A Citizen's Guide to Transportation Decisionmaking](#)

### Current transportation policies and projects

- Public agencies, including:
  - [www.fhwa.dot.gov](http://www.fhwa.dot.gov) and [www.fta.dot.gov](http://www.fta.dot.gov)
  - [www.massdot.gov](http://www.massdot.gov) – the Commonwealth’s Department of Transportation site. Consult Chapter 2 of the MassDOT Project Development and Design Guide for a complete [overview](#) of the roadway transportation project development process
  - [www.mbta.com](http://www.mbta.com) – Massachusetts Bay Transportation Authority
  - [www.mvpc.org](http://www.mvpc.org) and Facebook.[www.mvpc.org](http://www.mvpc.org) – Merrimack Valley Planning Commission
  - [www.mvrta.org](http://www.mvrta.org) – Merrimack Valley Regional Transit Authority
- Private and Non-Profit transportation providers, including:
  - [www.mvtma.org](http://www.mvtma.org) – Merrimack Valley Transportation Management Association
  - [www.jtmo.org](http://www.jtmo.org) – The Junction Transportation Management Association
- Regional Advocacy Groups, including:
  - [www.essexheritage.org](http://www.essexheritage.org) - Essex National Heritage Area
  - [www.haverhillchamber.com](http://www.haverhillchamber.com) - Greater Haverhill Chamber of Commerce
  - [www.newburyportchamber.org](http://www.newburyportchamber.org) - Greater Newburyport Chamber of Commerce and Industry
  - [www.merrimackvalleychamber.com](http://www.merrimackvalleychamber.com) - Merrimack Valley Chamber of Commerce
  - [www.amesburychamber.com](http://www.amesburychamber.com) - Amesbury Chamber of Commerce and Industrial Foundation
- Transportation Advocates
  - [www.apa.org](http://www.apa.org) – The American Planning Association – see Massachusetts Chapter
  - [www.planetizen.com](http://www.planetizen.com) – Planetizen – a weekly transportation and community development newsletter
  - [www.railstotrails.org](http://www.railstotrails.org) -Rails-to-Trails Conservancy

- [www.ctaa.org](http://www.ctaa.org) - CTAA – Community Transportation Association of America
- MARPA – Massachusetts Association of Regional Planning Agencies (website in development, 2015)
- [www.completestreets.org](http://www.completestreets.org) – Complete Streets – advocacy for street design that balances the needs of all users
- [www.ma-smartgrowth.org](http://www.ma-smartgrowth.org) – Massachusetts Smart Growth Alliance
- [www.reconnectingamerica.org](http://www.reconnectingamerica.org) – a transit and community development nonprofit organization

## **Appendix C: MVMPO Public Participation Stakeholder List**

Listed below are categories of interested individuals, organizations and other stakeholders (Interested Parties) identified by the MVMPO for inclusion in the PPP. They are defined based on the individual groups identified in the FAST Act of 2015 and prior federal transportation authorizations, and the existing transportation planning regulations developed by the U.S. Department of Transportation.

The MVMPO continues to add individuals, organizations or other stakeholders to this list and their addition is not considered an act requiring the formal amendment of the PPP. Similarly, any of the individuals or organizations identified below may request to be removed from the mailing list and such action does not necessitate a formal PPP amendment.

The MVMPO conducts outreach to agencies and individuals including, but not limited to, those identified below:

### **Individuals, including:**

- Interested residents, business persons
- Merrimack Valley Transportation Committee (MVTC) members
- Libraries
- City/Town Clerks
- MVMPO Region Congressional Delegation
- MVMPO Region Legislative Delegation

### **Affected public agencies, including:**

- Boards of Selectmen / City Councils
- Chief Elected Officials
- City and Town Engineers
- Federal Emergency Management Agency
- Federal Highway Administration
- Federal Transit Administration
- Greater Derry-Salem Cooperative Alliance for Regional Transportation (CART)
- Local Departments of Public Works
- Local Police Departments
- Local Traffic and Safety Committees
- MassRIDES
- Massachusetts Department of Environmental Protection

- MBTA Commuter Rail Officials
- Massachusetts Executive Office of Housing and Economic Development
- Massachusetts Executive Office of Public Safety and Security
- MassDOT
- Merrimack Valley Regional Transit Authority
- Metropolitan Area Planning Council
- Nashua Regional Planning Commission
- Rockingham Planning Commission
- U.S. Environmental Protection Agency

**Representatives of public transportation employees, including:**

- Truck Driver’s Union Local #170

**Freight shippers, including:**

- P.J. Murphy Transportation
- JB Hunt
- Estes Express
- Shaheen Brothers
- ABF Freight
- PanAm Railways
- Bonney’s Express

**Providers of freight transportation services, including:**

- United Parcel Service
- Federal Express

**Private profit- and non-profit providers of transportation in the region, including:**

- Assist Incorporated
- C&J Transportation
- Cape Ann Transit Authority (CATA)
- Central Wheelchair and Van Transportation
- EMT Corporation
- Local Taxi Companies
- Northern Essex Elder Transportation (NEET)
- Other Transportation Providers Identified in the Regional Transportation Plan

- The Coach Company
- TransCare

**Representatives of users of public transportation, including:**

- American Training, Inc.
- Cambridge College
- Community Action Incorporated (CAI)
- Emmaus, Inc.
- Elder Services of the Merrimack Valley
- Local Senior Centers/Councils on Aging
- Northeast Independent Living Program
- Merrimack College
- Merrimack Valley Hospice
- Merrimack Valley Workforce Investment Board, Inc.
- Northern Essex Community College
- Office of Employment Services

**Representatives of bicyclist and pedestrian advocacy organizations, including:**

- Andover Trails Committee
- Bay Circuit Alliance
- Coastal Trails Coalition
- Essex National Heritage Commission
- Essex County Trail Association
- Groveland Open Space and Recreation Committee
- MassBike
- Merrimack Valley Off-Road Trails Committee

**Representatives for the community of individuals with disabilities, including:**

- Executive Office of Health and Human Services
- Northeast Independent Living Program
- Department of Mental Health
- Massachusetts Commission for the Blind
- Area Nursing Homes
- United Cerebral Palsy
- CLASS Inc.
- Fidelity House

- Association of Retarded Persons (ARC)

**Organizations and facilities that serve low-income and minority households who traditionally have been underserved by existing transportation systems and may face challenges accessing employment and other services, including:**

- MVRTA Transit Centers in Amesbury, Haverhill and Lawrence (post notices)
- Social Security Offices
- Employment Offices (post notices)
- Ethnic, Civic/Social, Faith-Based and Veterans Organizations
- Merrimack Valley Goodwill
- Area Hospitals
- Salvation Army
- Groundwork Lawrence
- Lawrence Community Works
- United Way of the Merrimack Valley
- Methuen Arlington Neighborhood, Inc.
- YMCA/YWCA

**Agencies and officials responsible for other planning activities within the MPA that are affected by transportation, including:**

**a. State and local planned growth:**

1. Area Planning Boards
2. Mass Development
3. Merrimack Valley Transportation Management Association
4. The Junction Transportation Management Organization

**b. Economic development:**

1. Chambers of Commerce
2. Economic Development Administration
3. Local Community Development Directors
4. Merrimack Valley Economic Development Council

**c. Environmental agencies and federal lands:**

1. Andover Village Improvement Society (AVIS)
2. Essex County Greenbelt Association
3. Local Conservation Commissions
4. MassRiverways



5. Merrimack River Watershed Council
6. National Park Service
7. Powwow River Watershed Association
8. Parker River Clean Water Association
9. Shawsheen River Watershed Association
10. Trustees of Reservations
11. U.S. Environmental Protection Agency (EPA)
12. U.S. Fish and Wildlife Service

**d. Airport operations:**

1. Lawrence Airport Commission

**e. Other Interested Parties**

1. Conservation Law Foundation

## Appendix D: Federal Public Participation Mandates

**23 CFR 450.214** specifies the public participation requirements for development of the Statewide Long-Range Transportation Plan (SLRTP)

**23 CFR 450.216** specifies the public participation requirements for development of the Statewide Transportation Improvement Program (STIP).

**23 CFR 450.218** requires that the transportation-planning process be carried out in accordance with all of the applicable requirements of:

- 23 USC 134 and 49 USC 5303 regarding metropolitan transportation planning, 23 USC 135 and 49 USC 5304 regarding statewide transportation planning, and 23 CFR 450 regarding planning assistance and standards;
- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1), and 49 CFR part 21 regarding nondiscrimination in federally-assisted programs of the Department of Transportation. Also 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- Section 1101(b) of SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26, regarding the involvement of disadvantaged business enterprises in U.S. DOT-funded projects 23 CFR part 230, regarding implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts;
- Americans with Disabilities Act of 1990 (42 USC 12101 *et seq.*) and 49 CFR parts 27, 37, and 38, in states containing air pollutant nonattainment and maintenance areas;
- Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 USC 7504, 7506 [c] and [d]) and 40 CFR part 93;
- Older Americans Act, as amended (42 USC 6101), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance;
- Section 324 of Title 23 USC, regarding the prohibition of discrimination based on gender, and

Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and 49 CFR part 27, regarding discrimination against individuals with disabilities.

**23 CFR 450.314** requires that the MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning

process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (see § 450.322) and the metropolitan TIP (see § 450.324) and development of the annual listing of obligated projects (see § 450.332).

Accordingly, MassDOT, the MVMPO and the MVRTA jointly execute a Memorandum of Understanding that addresses these requirements. The current MOU was executed on March 28, 2012. A revised MOU is to be executed in January 2016.

**23 CFR 450.316** requires that public involvement processes be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement; they leave the choice of methods for facilitating participation to the discretion of each state. The regulations specify that participation processes must provide:

- early and continuing opportunities for public involvement;
- timely information on transportation issues and decision-making processes;
- reasonable access to technical and policy information;
- electronically accessible public information on the Web
- adequate notice of involvement opportunities and time for review and comment at key decision points;
- procedures for demonstrating explicit consideration of and responses to public input;
- a process for soliciting and considering the needs of traditionally underserved populations;
- periodic review and evaluation of the participation process;
- public meetings at convenient and accessible locations and convenient times;
- visualization techniques to describe the proposed plans and studies, and
- *forty-five (45) calendar days for public review of and written comment on public participation procedures in the development of the MPO*

## *Public Participation Plan.*

**23 CFR 450.318** specifies the public participation requirements for MPO systems-level, corridor, and subarea planning studies.

### **Americans with Disabilities Act of 1990 (ADA)**

The Americans with Disabilities Act of 1990 (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity”. Therefore, ADA requires that locations for public participation activities, as well as the information presented, must be accessible to persons with disabilities. ADA requires that the following tasks be performed when developing paratransit plans: 1) hold a public hearing; 2) provide an opportunity for public comment, and 3) consult with disabled individuals.

### **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, provides that “no person in the United States shall, on the ground 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.” The entire organization, whether educational, private, or governmental, must comply with Title VI and related Federal civil rights laws, not just the program or activity receiving federal funds.

### **FTA Circular 4702.1B, Title VI and Title VI Requirements for Federal Transit Administration Recipients**

This Circular provides guidance on promoting inclusive public participation. It recommends solicitation and consideration of the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities. It identifies the following effective practices for fulfilling the inclusive public participation requirement:

- coordinate with individuals, institutions, or organizations and implement community-based public involvement strategies to reach out to members of the affected minority and/or low-income communities;
- provide opportunities for public participation through means other than

written communication, such as personal interviews or use of audio or video recording devices to capture verbal comments;

- use locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities;
- utilize different meeting sizes or formats or vary the type and number of news media used to announce public participation opportunities, tailoring communications to the particular community or population, and
- implement DOT's policy guidance concerning recipient's responsibilities to LEP persons to overcome barriers to participation.

Title VI of the Civil Rights Act also regulates executive orders regarding Environmental Justice and outreach to persons with limited English proficiency.

**FTA Circular 9030.1:** this Circular contains guidance on the administration and preparation of grant applications for the Urbanized Area Formula Program under 49 U.S.C. 5307. Circular 9030.1E is most recent (January 2014) and will remain in effect until FTA issues Circular 9030.1F reflecting changes to be made effective under The Fixing America's Surface Transportation (FAST) Act (December 4, 2015).

### **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)**

This executive order states that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Traditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.

### **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000**

This executive order requires that recipients of federal financial aid ensure that their programs and activities that are normally provided in English are accessible to persons with limited English proficiency.

## **23 USC 109(h)**

The U.S. Secretary of Transportation is required by 23 USC 109(h) to promulgate guidelines to ensure that possible adverse economic, social, and environmental effects relating to any proposed project on any federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects as the following:

- air, noise, and water pollution;
- destruction or disruption of manmade and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services;
- adverse employment effects, and tax and property value losses;
- injurious displacement of people, businesses, and farms, and
- disruption of desirable community and regional growth.

## **23 CFR 771**

The joint FHWA/FTA regulations of 23 CFR 771 prescribe the policies and procedures for implementing the National Environmental Policy Act of 1969 as amended (NEPA) and the Council on Environmental Quality (CEQ), 40 CFR 1500-1508. It sets forth all FHWA, FTA, and U.S. DOT requirements under NEPA for the processing of highway and urban mass transportation projects and sets forth procedures to comply with 23 USC 109(h), 128 and 138, and 49 USC 303, 1602(d), 1604(h), 1604(i), 1607a, 1607a-1, and 1610. Section 771.111 discusses early coordination, public involvement, and project development. Section 771.111 (h) specifies (for the federal-aid highway program) that each state must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 USC 128 and 40 CFR parts 1500 through 1508.

State public involvement/public hearing procedures must provide for:

- coordination of public involvement activities and public hearings with the entire NEPA process;
- early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions;

- federal-aid highway projects: one or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any (such project) which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest;
- applicants for capital assistance in the UMTA (FTA) program achieve public participation on proposed projects by holding public hearings and seeking input from the public through the scoping process for environmental documents. For projects requiring EISs, a public hearing will be held during the circulation period of the draft EIS. For all other projects, an opportunity for public hearings will be afforded with adequate prior notice pursuant to 49 U.S.C. 1602(d), 1604(i), 1607a(f) and 1607a-1(d), and such hearings will be held when anyone with a significant social, economic, or environmental interest in the matter requests it. Any hearing on the action must be coordinated with the NEPA process to the fullest extent possible, and
- reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information.
- The notice shall also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.

#### **49 CFR 24.8(b)**

This Section requires that the implementation of uniform relocation assistance and real property acquisition for federal and federally-assisted programs is in compliance with Title VI of the Civil Rights Act of 1964.

## Appendix E: Public Meeting Accessibility Checklist

Meeting Date:\_\_\_\_\_ Meeting Time:\_\_\_\_\_

Subject of Meeting:\_\_\_\_\_ Location:\_\_\_\_\_

MVMPO Attendees:\_\_\_\_\_

Is there at least one MVMPO staff person who is responsible for ensuring that the public meeting is accessible for all attendees?\_\_\_\_\_

Print Name:\_\_\_\_\_

### Publicizing Meeting:

- Has the public meeting been publicized at least two weeks in advance? Has the MVMPO publicized the meeting on the MVPC website?
- Has the MVMPO meeting been publicized in the required foreign languages and ethnic newspapers for the relevant populations in the community where the meeting is to be held?
- Does the public meeting notice include accessibility information, how to request a reasonable accommodation, relevant dates for making requests and information including how to request foreign language interpreters? (use the following sample as a guide, and consult the MVMPO Title VI Coordinator for the exact language):

Notice: This location is accessible to people with disabilities. The MVMPO provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact the MVMPO Title VI Program Coordinator by phone at (978) 374-0519, extension 29, fax (978) 372-4890 or by email to [akomornick@mvmco.org](mailto:akomornick@mvmco.org). Requests should be made as soon as possible prior to the meeting, and for more difficult to arrange services including sign language, CART or language translation or interpretation, requests should be made at least ten business days before the meeting.

Note: this Notice should be translated into the languages other than English



that are identified to be necessary for the Limited English Proficient (LEP) populations represented in the area of the project or initiative to be invited to participate (as of the date of this Plan, the MVMPO translates the Notice into Spanish). Also, the following MassDOT boilerplate is currently used in Notices to ensure that speakers of other languages in the region can request language assistance:

### **English**

If this information is needed in another language, please contact the MVMPO Title VI/Nondiscrimination Coordinator at 978-374-0519 ext. 15.

### **Spanish**

Si necesita esta información en otro idioma, por favor contacte al coordinador de MVMPO del Título VI/Contra la Discriminación al 978-374-0519 ext. 15.

### **Portuguese**

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI e de Não Discriminação da MVMPO pelo telefone 978-374-0519, Ramal 15.

**Chinese Simplified** 如果需要使用其它语言了解信息，请联系Merrimack Valley大都会规划组织（MVMPO）《民权法案》第六章协调员，电话978-374-0519，转15。

**Chinese Traditional** 如果需要使用其他語言瞭解資訊，請聯繫Merrimack Valley大都會規劃組織（MVMPO）《民權法案》第六章協調員，電話978-374-0519，轉15。

### **Vietnamese**

Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Điều phối viên Luật VI/Chống phân biệt đối xử của MVMPO theo số điện thoại 978-374-0519, số máy nhánh 15.

## **French Creole**

Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Kowòdinatè kont Diskriminasyon/MVMPO Title VI la nan nimewo 978-374-0519, ekstansyon 15.

## **Russian**

Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь с Координатором Титула VI/Защита от дискриминации в MVMPO по тел: 978-374-0519, добавочный 15.

## **French**

Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le coordinateur du Titre VI/anti-discrimination de MVMPO en composant le 978-374-0519, poste 15.

## **Italian**

Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare il coordinatore del MVMPO del Titolo VI e dell'ufficio contro la discriminazione al 978-374-0519 interno 15.

## **Mon-Khmer, Cambodian**

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែពីភាសានេះ:  
សូមទាក់ទងអ្នកសម្របសម្រួលជំពូកទី**6**/គ្មានការរើសអើងរបស់ **MVMPO**  
តាមរយៈលេខទូរស័ព្ទ **978-374-0519** រួចភ្ជាប់ទៅលេខ **15**។

## **Arabic**

إذا كنت بحاجة إلى هذه المعلومات بلغتك، يرجى الاتصال بمندوبنا في فرعنا في العنوان 978-374-0519 ثم طغضا ماقرلاً 15.

Where applicable (in areas where public transportation is available), is the meeting location 1/4 mile or less from the nearest accessible bus stop or rail station?

Where applicable, is there an accessible path of travel provided from the public transportation stop to the meeting location and meeting room?

If parking will be available at the meeting location, are there accessible parking spaces available (review # of car and van accessible spaces)?

Is there an accessible path of travel provided from the accessible parking area to the meeting area?

If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?

Is the accessible entrance unlocked and able to be used independently? If the meeting is taking place at night, is the path leading to the alternate entrance well lit?

If there are restrooms that are open to the public, is there a pair of accessible restrooms available within close proximity of the meeting area? If not, is there at least one accessible gender-neutral restroom?

If there are public pay phones, is there at least one accessible (TTY and within appropriate height range) telephone available?

If a stage or platform will be used during the public meeting, is it accessible?

If a podium will be used during the public meeting, is the podium height-adjustable? If not, is there a small table (between 28 and 34 inches in height) provided to the side of the podium?

Is there a high-speed internet connection within the meeting space?

#### Ensuring Appropriate Accommodations:

Note: consult the Accommodations Guide available from the MVPC Office Manager/Executive Assistant or the MVMPO Title VI Coordinator for information and assistance with this task.

- Have sign language and foreign language interpreters, if requested, been reserved for the public meeting?
- Have CART services, if requested, been reserved for the public meeting? Are Assistive Listening Devices available for the public meeting? Does someone know how to use the device? Have you checked the devices at least twenty-four (24) to forty-eight (48) hours before the meeting and rechecked immediately before the meeting starts?

Are large-print copies of meeting handouts prepared? *Note: MassDOT*

- requires that at least five large print copies of meeting handouts are made available at its meetings. For MVMPO meetings held at MVPC, the staff will make large-print copies in minimum 14 pt. font (MassDOT standard) available upon request prior to the meeting. For meetings 'off-site' (outside the MVPC offices), the MVMPO will provide one copy and additional copies upon request prior to the meeting.*

Are printed materials available upon request, in alternative formats

- and/or relevant foreign languages?

Are film or video presentations closed captioned and audio described?

- 

Facility/Room Setup (prior to meeting):

If the main entrance to the building is not accessible, is the accessible

- ~~entrance unlocked?~~\_\_\_\_\_

Is there an integrated seating area for individuals who use a wheeled mobility device in the meeting room?

- 

Is there seating available for attendees who are deaf or hard of hearing, and have requested an accommodation, near the front of the meeting room so that attendees may see the interpreter/captioner, or lip read?

- 

Is there an appropriately lit area in the front of the room for sign/foreign language interpreters and/or CART providers?

- 

Are the aisles at least three feet wide and clear of obstacles or tripping hazards?

- 

If microphones are used during the public meeting, are adjustable microphone stands available for attendees? Can staff be used as floaters with microphones as an alternative?

- 

Submit a copy of this completed checklist to:

Title VI / Nondiscrimination Coordinator  
Merrimack Valley Metropolitan Planning Organization (MVMPO), c/o  
Merrimack Valley Planning Commission (MVPC)  
160 Main Street, Haverhill, MA 01830-5061

### **Ensuring adequate accessible parking**

See [http://www.mass.gov/Eeops/docs/dps/aab\\_regs/521023.pdf](http://www.mass.gov/Eeops/docs/dps/aab_regs/521023.pdf) for Massachusetts Architectural Access Board (MAAB) regulations

See <http://www.access-board.gov/ada-aba/final.cfm#a502> for Americans with Disabilities Act Architectural Guidelines (ADAAG)

### **Accessible Restrooms**

See [http://www.mass.gov/Eeops/docs/dps/aab\\_regs/521030.pdf](http://www.mass.gov/Eeops/docs/dps/aab_regs/521030.pdf) for Massachusetts Architectural Access Board (MAAB) regulations

See <http://www.access-board.gov/ada-aba/final.cfm#a603> for Americans with Disabilities Act Architectural Guidelines (ADAAG)

## **How to request sign language, CART Providers, or foreign language interpreters**

### **Sign Language Interpreters**

- Complete and submit an on-line request for interpreting services through the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) website by:
  1. Going to <http://mass.gov/mcdhh>;
  2. Clicking on "Interpreter/CART referral services", and
  3. Selecting "Request an Interpreter on-line."
- Requests should be submitted within twenty-one (21) days, but no later than fourteen (14) calendar days in advance of the meeting to ensure interpreter availability.
- If the meeting is cancelled or rescheduled, interpreter requests must be canceled at least forty-eight (48) hours advance in order to avoid being billed for the service. CART providers must be cancelled no later than seventy-two (72) hours in advance of the event.
- Interpreters' services are billed for a minimum of two hours.
- Two interpreters shall be provided for meetings anticipated to last more than 75 minutes. In most situations, one CART provider is sufficient if the meeting is no longer than three hours.

### **Sign Language Interpreters**

Complete and submit an on-line request for interpreting services through the Massachusetts Commission for the Deaf and Hard of Hearing's (MCDHH) website by:

1. Going to <http://mass.gov/mcdhh>
2. Clicking on "Interpreter/CART referral services"
3. Clicking on "[CART \(Communication Access Realtime Translation\) Providers](#)"

4. Clicking on "Request a CART Provider" and follow listed directions.

## **Foreign Language Interpreters/Translators**

The MVMPO's policy combines the use of bilingual staff, interpreter services and translated materials to communicate effectively with persons who are not fluent in English. When a request for oral interpretation is made, or a significant language speaking population is expected to attend a public meeting, the following steps should be reviewed and carried out to ensure compliance with Title VI requirements.

- Conduct a four-factor analysis as to the kind of meeting in question and the populations that are in the affected communities, using the language group maps that are contained in the Language Assistance Plan.
- Identify the languages that are likely to be needed and consult with the MVMPO Title VI Coordinator for assistance with any problems concerning the language groups that may require interpreter services.
- Identify the source for interpreter services, recognizing that most providers require one-two weeks advance notice of a meeting, based on the language(s) to be interpreted.

## **Interpreter Resources**

Please contact the MVMPO Transportation Program Manager to approve interpreter requests.

## **Request and Cancellation Timeframes**

Requests should be submitted at least fourteen (14) calendar days in advance of the meeting to ensure interpreter availability. If the meeting is cancelled or rescheduled, interpreter requests must be canceled at least forty-eight (48) hours advance in order to avoid being billed for the service. Interpreter invoices vary by provider but may have a minimum of two to three hours. Two interpreters shall be provided for meetings anticipated to last more than seventy-five (75) minutes.

## **How To Reserve Assistive Listening Devices**

Contact Nancy Lavalley, MVPC Office Administrator, or Anthony Komornick, MVMPO staff at (978) 374-0519 to obtain device information and to assist with reservations.

## **How to Create Alternate Formats**

Electronic Version Accessible electronic formats include email, and Microsoft Word Document (DOC or DOCX), a text file (TXT), or Rich Text Format (RTF). *Note: some attendees requesting material electronically may have a visual impairment and use screen-reading software. The formats referenced above are most compatible with such software.*

Electronically-created public meeting materials shall:

- be created using "Verdana" or equivalent font and a 12-pt. or larger font size.
- shall have the same information as the original document and shall have the highest contrast possible.
- if graphics (such as images, tables, or graphs) are used in the original document, the same graphics shall be included in the electronic version of the document.
- if images are used in the electronic document, a brief description (providing the viewer of the document with a general idea of what's in the image) shall be provided.
- if tables or graphs are used in the electronic document, a summary of the table or graph shall be provided.

A Braille Version of meeting materials shall:

- be created using contracted Braille (Grade 2) and single-spaced.
- Braille documents shall have the same information as the non-accessible handout. If tables or graphs are used in the regular document, a summary of the table or graph shall be provided in the Braille document.
- MVPC does not own a Braille printer. Consult the MVPC Accommodations Guide for Braille resources; it is available from the Office Administrator.

## **Audible Version**

Public meeting materials that are recorded audibly shall:

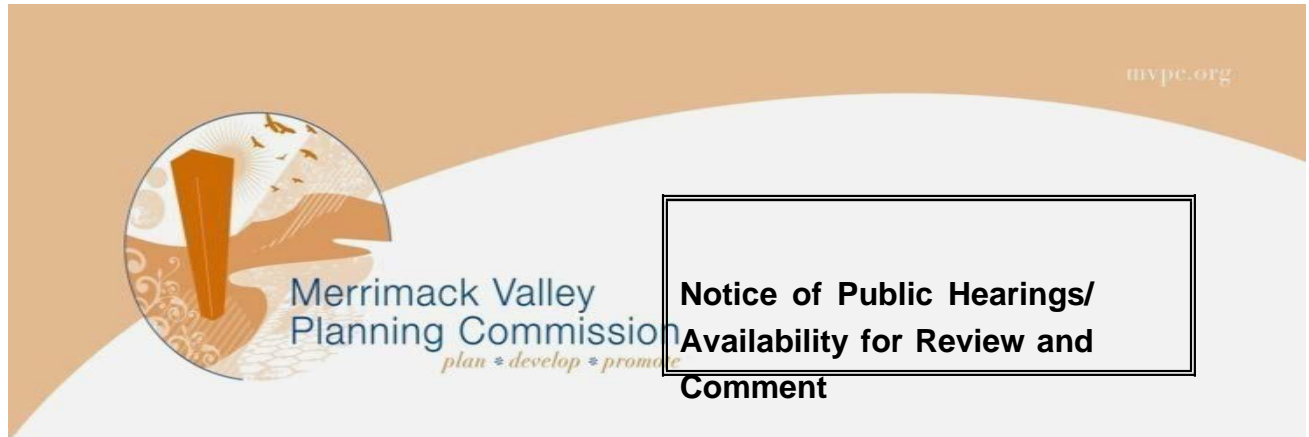
- Have the same information that is printed on the original handout.
- Be audible and clearly spoken.
- Shall describe images used in the original handout
- Shall provide an explanation of any table or graph that is used in a meeting document. The meeting planner shall ensure that the audible explanation of the table/graph is clearly explained and represents the table or graph on the printed document.

Resources for adding closed captioning and/or described narration to your video:

- WGBH - <http://main.wgbh.org/wgbh/pages/mag/services/captioning/>
- 3 Play Media - <http://www.3playmedia.com/>
- Line 21 - <http://www.line21.tv/>
- TelePrint Digital Media - <http://www.tele-print.com/>
- Broadcast Captioning & Consulting Services - <http://www.closedcaptioning.com/>



## Appendix F: Sample MVMPO Notice



**Notice is hereby given of the Availability of the following document/materials for public review and comment:**

### **Draft February 2015 Amendments to the 2015-2018 Merrimack Valley Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP)**

The MVMPO FFYs 2015-2018 TIP lists the highway and transit projects in the MVMPO region that are programmed to receive federal funds during these federal fiscal years. The Merrimack Valley MPO's Public Participation Plan satisfies the Merrimack Valley Regional Transit Authority's public participation process for the development of its Program of Projects.

Copies of the above referenced document are available for review at the Merrimack Valley Planning Commission (MVPC) office at 160 Main Street in Haverhill and at local libraries for the thirty (30)-day review period beginning on February 28, 2015 and ending on March 30, 2015. The document is also available on the MVPC website at [www.mvpc.org](http://www.mvpc.org). The MVPC will accept mailed or emailed written comments on the Draft document through March 30, 2015. If submitted by regular mail, public comments must be addressed to:

Anthony Komornick, Transportation Program Manager  
Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830

If submitted by email, public comments must be submitted to:  
[akomornick@mvpc.org](mailto:akomornick@mvpc.org).

Two (2) Public Hearings on these documents will be held, one in the early afternoon, and one in the evening:

### **PUBLIC HEARINGS**

DATE: Wednesday, March 18, 2015

TIME: 1:00 PM and 6:00 PM

LOCATION: MVPC Offices  
160 Main Street  
Haverhill, MA 01830

The MVMPO expects to take action on the above document at its next meeting (check [www.mvpc.org](http://www.mvpc.org) toward the end of the review period for recent news regarding the MPO meeting date). Members of the public are invited to attend. Comments on the draft document will also be accepted in writing or orally at this meeting. In the event that further amendments to the document are recommended, the draft document will be re-released for public comment in accordance with the MVMPO Public Participation Plan. Upon adoption by the MVMPO, the TIP will be considered to be the MVMPO's final program of projects.

Notice: The above location is accessible to people with disabilities. The MVPC provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact Anthony Komornick at 978-374-0519 extension 29 or by email, [akomornick@mvpc.org](mailto:akomornick@mvpc.org) (email). Requests for accommodation or language assistance should be made as soon as possible, preferably at least two (2) weeks prior to the meeting.

The Merrimack Valley Planning Commission (MVPC) 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 MVPC's Title VI Program consistent with federal interpretation and administration. Additionally, MVPC provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with U.S. Department of Transportation policy and guidance on federal Executive Order 13166.

MVPC also complies with the Massachusetts Public Accommodation Law, M.G.L. Chapter 272, Sections 92a, 98, and 98a prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based upon **race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry**. Likewise, MVPC complies with the Governor's Executive Order 526, Section 4 requiring that all of its programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for shall be conducted without unlawful discrimination based upon **race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status** (including Vietnam-era veterans), or **background**.

#### Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Title VI Program Coordinator  
Merrimack Valley Metropolitan Planning Organization  
c/o Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830-5061  
(978) 374-0519, extension 29  
tfontanella@mvpc.org

**Aviso: si necesita esta informacion en otro idioma, por favor contacte al  
Título VI Coordinador de Programa de MVPC al (978) 374-0519, extension 29.**

**Please note the above Notice is a sample Notice, the Title VI Coordinator is now  
Anthony Komornick at (978) 374-0519, extension 15 or [akomornick@mvpc.org](mailto:akomornick@mvpc.org).**