



Appendix C

MBTA Public

Participation Plan



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4/4/2014 Draft

Massachusetts Bay Transportation Authority

PUBLIC PARTICIPATION PLAN



Massachusetts Bay Transportation Authority

Driven by Customer Service

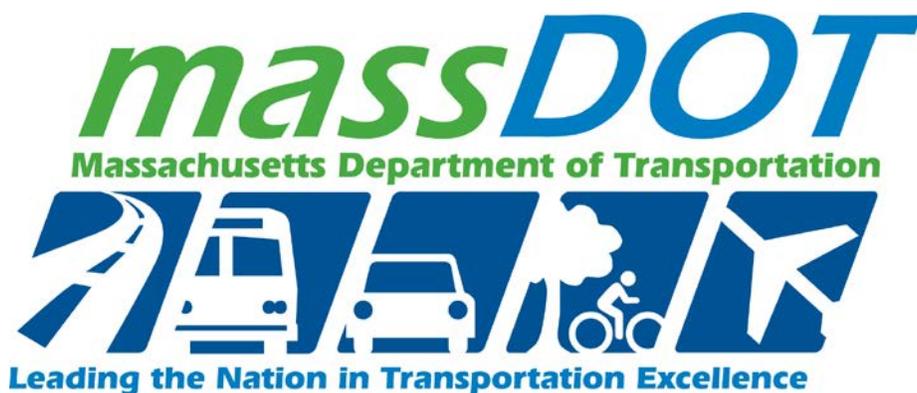


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1 INTRODUCTION

In accordance with state and federal law requirements¹, and to ensure inclusive and accessible public engagement processes for transportation decision making, the Massachusetts Bay Transportation Authority (MBTA) as a component of the Massachusetts Department of Transportation (MassDOT/MBTA) has developed this Public Participation Plan (PPP). This Plan serves to guide agency public participation efforts, including populations that have been underserved by the transportation system and/or have lacked access to the decision-making process. This Plan guides MassDOT/MBTA in its efforts to offer early, continuous, and meaningful opportunities for the public to help identify social, economic, and environmental impacts of proposed transportation policies, projects and initiatives across MassDOT/MBTA.

The Plan is based on federal and state requirements for encouraging and ensuring community participation. It describes MassDOT/MBTA's overall goals, guiding principles, and strategic approach to achieving stated objectives. The Plan also defines how MassDOT/MBTA incorporates public participation into its transportation decision-making processes, and how the agency ensures access for people with disabilities and the inclusion of low income and minority stakeholders. Specifically, the Plan states the methods that MassDOT/MBTA will use to reach out to persons who are low-income, minority, Limited English Proficient (LEP), or have a disability, and other traditionally underrepresented populations. Because different transportation decisions to be made require different techniques for reaching the public, this Plan provides a toolbox of techniques to be applied, as appropriate, to achieve effective participation.

This Plan is a living document which will change and grow to help MassDOT/MBTA deepen and sustain its work to engage diverse community members throughout the state. Therefore, MassDOT/MBTA will modify its public participation methods and activities over time, based on ideas and feedback from community members and MassDOT/MBTA's evaluation of our public participation effectiveness.

The Plan was developed through a collaborative effort between the MassDOT/MBTA Highway Division, the Rail and Transit Division (including the Massachusetts Bay Transportation Authority's Systemwide Accessibility Department), the Office of Transportation Planning and the Office of Diversity and Civil Rights. It is intended as a document that will govern MassDOT/MBTA's public

¹ The federal and state statutory and regulatory requirements are included at Attachment 1.

participation activities, but also serve as a useful guide for the metropolitan planning organizations and cities and towns MassDOT/MBTA works with, as well as for the consultants we contract with for public engagement support. The Plan also empower the public through its clear definition of how MassDOT/MBTA conducts its public participation activities, and sets a standard for our public facing departments, including managers and staff, to achieve. This Plan is not intended to be applied in a wooden manner, meaning that there may be occasions where the facts or circumstances may not allow for absolute compliance with the protocols and policies stated, but that we will make every effort to meet the standards we have set. Also, it is important to note that some areas within MassDOT/MBTA 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 Plan to take full effect, MassDOT/MBTA requires and will seek public comment, and make such changes and improvements on this Plan and related protocols and policies as will improve our ability to provide an equal opportunity for public input in our transportation decision making processes.

1.1 MassDOT/MBTA's Structure, Mission and Values

The MBTA is a separate legal entity but exists within the organizational structure of MassDOT. The MBTA operates within the Rail and Transit subdivision of the MassDOT structure.

- The Rail and Transit Division is responsible for overseeing, coordinating, and planning all transit and rail matters throughout the commonwealth. The division administers and manages the freight and rail programs of the department and the intercity bus capital assistance program, and oversees the Massachusetts Bay Transportation Authority (MBTA) and all regional transit authorities in the Commonwealth. The MassDOT/MBTA Board of Directors serves as the governing body of the MBTA.

MassDOT/MBTA's mission is to deliver excellent customer service to people who travel in the Commonwealth and to provide our nation's safest and most reliable transportation system in a way

that strengthens the Commonwealth's economy and quality of life. MassDOT/MBTA embraces the following values:

1. **Dedication:** We will provide service around the clock and under all circumstances.
2. **Respect:** We will treat the public as our valued customer, and treat one another as we would like to be treated.
3. **Innovation:** We will improve and integrate transportation services using creative thinking and the best available practices and technology, while minimizing disruption to the public.
4. **Diversity:** We will promote an inclusive workforce and a culture that serves employees and customers fairly.
5. **Honesty:** We will provide the public with accurate information that is understandable and accessible.

1.2 MassDOT/MBTA's Public Participation Goals

MassDOT/MBTA has the following public participation goals which agency representatives and those working in concert with MassDOT/MBTA on transportation projects and initiatives should strive to achieve:

1. *Obtain Quality Input and Participation*

Comments received by MassDOT/MBTA are to be encouraged and reviewed to the extent they can be useful, relevant, and constructive, and contribute to better plans, projects, programs, and decisions.

2. *Establish Consistent Commitment*

MassDOT/MBTA strives to communicate regularly and develop trust with communities, while helping build community capacity to provide public input, as needed.

3. *Increase Diversity*

Participants who are encouraged to participate in public engagement processes should represent, as appropriate to a project or those impacted, a range of socioeconomic, ethnic, and cultural perspectives and include people from low-income and minority neighborhoods, people with limited English proficiency, and other traditionally underserved people.

4. *Ensure Accessibility*

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

5. *Provide Relevance*

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

6. *Foster Participant Satisfaction*

MassDOT/MBTA 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.

7. *Clearly Define Potential for Influence*

The process clearly identifies and communicates where and how participants can have influence and direct impact on decision making.

8. *Establish and Maintain Partnerships*

MassDOT/MBTA develops and maintains partnerships with communities and community-based organizations through the activities described in the PPP.

9. *Provide Opportunities to Build Consensus*

MassDOT/MBTA should ensure that discussions, particularly where there are conflicting views, are structured to allow for levels of compromise and consensus that will satisfy the greatest number of community concerns and objectives. MassDOT/MBTA recognizes that processes which allow for consensus to be achieved is critical to enable public support for recommended actions.

1.3 Guiding Principles for Public Participation at MassDOT/MBTA

To help MassDOT/MBTA achieve its goals for public participation, the following principles have been adopted:

1. *Promote Respect*

All transportation constituents and the views they promote should be respected. All feedback received should be given careful and respectful consideration. Members of the public should have opportunities to debate issues, frame alternative solutions, and affect final decisions.

2. *Provide Proactive and Timely Opportunities for Involvement*

Avenues for involvement should be open, meaningful, and organized to let people participate comfortably, taking into consideration accessibility, language, scheduling, location and the format of informational materials. Meetings should be structured to allow informed, constructive dialogue, be promoted broadly and affirmatively; and be clearly defined in the early stages of plan or project development. Participation activities should allow for early involvement and be ongoing and proactive, so participants can have a fair opportunity to influence MassDOT/MBTA decisions.

3. *Offer Authentic and Meaningful Participation*

MassDOT/MBTA should support public participation as a dynamic and meaningful activity that requires teamwork and commitment at all levels. Public processes should provide participants with purposeful involvement, allowing useful feedback and guidance. Participants should be encouraged to understand and speak with awareness of the many competing interests, issues, and needs that lead to transportation ideas and projects.

4. *Provide a Clear, Focused, and Predictable Process*

The participation process should be understandable and known well in advance. This clarity should be structured to allow members of the public and officials to plan their time and use their resources to provide input effectively. Activities should have a clear purpose, the intended use of input received made clear, and all explanations described in language that is easy to understand.

5. *Foster Diversity and Inclusiveness*

MassDOT/MBTA should proactively reach out to and engage people with disabilities, as well as low-income, minority, limited English proficient disabled and other traditionally underserved populations.

6. *Be Responsive to Participants*

MassDOT/MBTA meetings should facilitate discussion addresses participants interests and concerns. Scheduling should be designed to meet the greatest number of participants possible and be considerate of their schedules and availability. Informational materials provided should be clear, concise and responsive to known community concerns, while avoiding misleading or biased suggestions or solutions.

7. Record, Share and Respond to Public Comments ***

Public comments, written and verbal, should be given consideration in MassDOT/MBTA decision making processes and reported in relevant documents. Specifically, public comments provide an opportunity for shared knowledge among MassDOT/MBTA departments and transportation partners, but also require clear responses that are documented to demonstrate that community input was in fact addressed. MassDOT/MBTA should communicate the impact of the public input on decisions at a broad summary level, describing the major themes, the decisions reached, and the rationales for the decisions.

8. *Self-evaluation and Plan Modification*

The effectiveness of this Plan will be reviewed periodically to ensure it meets the needs of the public, and will be revised to include new strategies and approaches.

2. MassDOT/MBTA'S APPROACH TO PUBLIC PARTICIPATION

Transportation decision making and project development processes are regulated and follow set procedures, including the need to give the public opportunities to participate. These public involvement objectives are further shaped by MassDOT/MBTA's commitment to civil rights related obligations, such as removal of barriers to participation, diversity, and inclusive outreach. This Public Participation Plan describes participation opportunities generally and includes specific protocols and resources that are designed to facilitate diverse and inclusive public outreach and involvement. The plan is a flexible and evolving document. As necessary, MassDOT/MBTA 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.

In this chapter, a general description of MassDOT/MBTA's public participation activities is presented. Chapter 3 contains the specific civil rights protocols utilized by MassDOT/MBTA for all public outreach activities, categorized by types of communication formats, including large group discussions targeted group engagement and one-on-one interactions. Chapter 3 also contains the MassDOT/MBTA Accessible Meeting Policy. Our view is that if these objectives and standards are consistently applied to the different types of public meetings MassDOT/MBTA convenes or participates in, the resulting discussions and resolution of issues will be inclusive and accessible to all.

In the subsequent chapters, specific opportunities to participate are described in the context of the development of:

- Fare Changes
- Service Planning and Operations
- Capital Project Development and Design

These outreach described for these specific activities should be read in concert with the civil rights protocols set forth in Chapter 3, as they are both congruent with and structured to facilitate inclusion in all MassDOT/MBTA public participation efforts.

In addition, relevant federal policy guidance, principles and techniques are referenced that enhance the potential for successful public participation processes. These ideas are derived from the U.S. DOT– sponsored guidance for systematically setting up and implementing a public

participation program for a specific plan, program, or project. See Appendix 2, U.S. DOT Guidance, *Public Involvement Techniques for Transportation Decision-Making*.

2.2 Public Participation Techniques

MassDOT/MBTA takes pride in its work to maintain a collaborative relationship with community and municipal stakeholders and has strategically developed this Public Participation Plan to foster collaboration in an all-inclusive manner. The MassDOT/MBTA public outreach effort rests on utilizing multiple communication channels to distribute information to and solicit input from affected constituencies. MassDOT/MBTA typically communicates with the general public through one or more of the following methods:

- MassDOT/MBTA 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
- Public service announcements
- Mailing and email lists
- Information stands at local events
- Social media tools, including Twitter, the blog, Flickr, YouTube, email distribution lists, and other new media venues
- Legislative briefings
- Presentations, public meetings, public hearings, open houses, and workshops
- Civic advisory committees and working groups

MassDOT/MBTA Website Specifics:

Many people use the Internet as their main source of data and information. The MassDOT/MBTA website is a comprehensive resource for people wanting information about MassDOT/MBTA programs, projects, and activities. Public notices of all MassDOT/MBTA meetings, public hearings, and public comment periods are posted on this site, along with information about MassDOT/MBTA programs, projects, and activities. Some programs and projects have dedicated web pages on the MassDOT/MBTA website that include:

- Information about upcoming meetings
- Project presentations and fact sheets
- Summary notes for meetings/workshops on the project
- A way to be added to the project's electronic distribution list

Project websites are important tools for people who cannot attend meetings. Members of the public can review presentations and meeting summaries and provide comments through emails and letters to the project team. People with disabilities that limit their ability to attend meetings can also review project information and provide comments on the website, and thereby have an alternative to physically attending a meeting.

Meeting Notice Content and Distribution:

MassDOT/MBTA announces all meetings, public hearings, open houses, workshops, and public comment periods through press releases, mailings, and/or the distribution of informational meeting flyers as well as placing meeting information on the MassDOT/MBTA website. Notices are published in local English newspapers, and if the project has an impact on low income or minority populations, an effort is made to place notices in media that serves local, minority and non-English communities in regions across the Commonwealth. In the greater Boston area, such publications include *El Mundo*, *El Planeta*, *Vocero Hispano*, *Mattapan Reporter*, *Haitian Reporter*, *Sampan*, and *The Bay State Banner*. Meeting notices will include information about getting to a meeting location using public transportation, when transit is available. MassDOT/MBTA notices also let people know they can request foreign language assistance, and that sign-language interpreters and other accommodations are available on request for people with disabilities (with timely notification). There is also information that lets people know who they can contact with questions or concerns. The information for these meetings and the informational materials provided at the meetings are translated into languages other than English, as needed.

2.2.1 Public Meetings, Open Houses, and Workshops

1) Public Meetings

Public meetings are held to present information to the public and obtain input from community residents. Meetings provide a time and place for face-to-face contact and two-way communication. They are generally tailored to specific issues or community groups and can be either informal or formal. Public meetings are used to disseminate information, provide a setting for public discussion, and receive feedback from the community.

2) Open Houses

Open houses are informal settings where people can obtain information about a plan, program, or project. They do not have formal agendas, and no formal discussions or presentations take place. At open houses, people receive information informally from exhibits and staff, and they are encouraged to give opinions, make comments, and state preferences to staff, orally or in writing. Informal presentations, slide shows, and one-on-one discussions take place continuously throughout the event, which usually includes a series of stations: 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 displays of background information, activities to date, work flow, and anticipated next steps, accompanied by an array of primary subject panels. Since there is no fixed agenda, open houses are usually scheduled for substantial portions of a day or evening, so that people can drop in at their convenience and fully participate.

Note that Open Houses often involve one-on-one discussion of issues or concerns between meeting participants and project engineers or other MassDOT/MBTA representatives. The content and nature of these informal exchanges is not easily captured in documents such as meeting summaries or notes. Thus, those MassDOT/MBTA representatives that have such an exchange are instructed to relay the content to the Project Manager so that these issues are catalogued and tracked, as needed.

3) Workshops

Workshops are organized 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. MassDOT/MBTA staff members provide

information, answer questions, and participate as individuals in workshops. Workshops are inherently participatory and encourage a “working together” atmosphere.

2.2.2 Public Hearings

A public hearing is more formal than a public meeting. The public hearing is an opportunity for members of the public to make recorded statements of their views immediately before project decision making and, in the case of an environmental impact statement (EIS), preparation of the final environmental impact statement (FEIS). MassDOT/MBTA views the hearing as a specific, observable administrative benchmark for public involvement.

A public hearing is held near the end of a process or subprocess, 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. Public hearings are required by the federal government for many transportation projects and have specific legal requirements.

2.2.3 Meeting Facilities and Accessibility

MassDOT/MBTA is required to hold public hearings, meetings, open houses, and workshops in accessible facilities that are, wherever possible, at locations close to or served by fixed-route transit service, to let people know that the meeting location is accessible. Meeting planners must conduct an analysis of the demographics of the area where the meeting is to be held to determine whether notices should be translated into languages other than English. The availability of handout materials in alternative formats—Braille, large print, and/or audio cassette, and languages other than English—as well as other accommodations (language interpreters, sign language interpreters, CART translators, etc.) must be indicated in the meeting notices along with specific information on how to request these accommodations.

MassDOT/MBTA meeting planners should research and make every effort to select the location, size, and setup of meeting facilities based on the specific characteristics of the audience and the type of information to be presented. Whenever possible, hearings, meetings, and workshops should be held in places that are centrally located to the project and likely to attract a cross section of the people and businesses representative of the community stakeholders. Public libraries, public schools, and community centers are often used.

MassDOT/MBTA meeting planners should strive to create a welcoming environment. The staff members charged with the coordination of any meeting are responsible for providing resources, including free accessibility assistance and language assistance, to ensure that the event is

accessible to all people and to provide the greatest opportunity for participation by interested parties.

2.3 Tailoring Outreach to Underserved People

Meeting planners should not only schedule a room, post notices and ensure that accommodations are in place for a meeting to be well attended. There is also an obligation to conduct outreach to encourage attendance, particularly among groups protected by the anti-discrimination laws MassDOT/MBTA has promised to comply with.

Many people in minority and low-income communities, as well as those with low literacy and/or limited English proficiency, have traditionally been underserved by conventional outreach methods. 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 MassDOT/MBTA firsthand information about community-specific issues and concerns
- Allow MassDOT/MBTA to understand potential controversies
- Provide feedback to MassDOT/MBTA on how to get these communities involved
- Ensure that the solutions ultimately selected will be those that best meet all of the communities' needs

MassDOT/MBTA staff should strive to understand the full range of a community's needs in order to create more responsive and more innovative plans. By interacting with community members, MassDOT/MBTA staff will gain 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 seriously threaten a project from being approved. Such individuals can suggest fresh approaches to transportation issues that otherwise might not be raised. MassDOT/MBTA's public outreach efforts are designed to accommodate the needs of low-income, minority, Limited English Proficiency, and other traditionally underserved people throughout all phases of any public participation process. MassDOT/MBTA staff should recognize that traditional techniques are not

always the most effective with these populations. Staff and managers employ a variety of public involvement techniques when working with underserved populations and communicates with community leaders to find out the best techniques for working with a particular group (e.g., which approaches to use, where and when to hold events, how to recruit people, and what to avoid doing).

2.4 The MBTA Rider Oversight Committee (ROC)

The MBTA established the Rider Oversight Committee in 2004 to meet monthly and discuss customer-service improvements and service-quality issues. Through the ROC, the MBTA has institutionalized ongoing public participation in all aspects of the Authority's operations.

The MBTA Rider Oversight Committee's mission statement is:

The MBTA ROC, a diverse group of riders, advocates, and MBTA employees, provides recommendations to the MBTA that communicate the needs and concerns of all riders in order to assist the MBTA in providing affordable, safe and quality service.

The MBTA and members of the ROC come together to address the concerns of public-transit customers. The 24-member committee addresses various transit-related issues, including but not limited to the MBTA's Fare Policy, fare structure, fare equity issues, service improvements, service-quality standards, ridership data collection, and alternative funding sources for both the capital program and the operating budget. In addition to monthly meetings, the committee meets quarterly with the MBTA's General Manager and Deputy General Manager/Chief Financial Officer, and the Secretary of Transportation, who also serves as Chairman of the MBTA board of Directors.

3 Title VI and ADA PROTOCOLS, POLICIES, AND RESOURCES

The civil rights protocols set forth in this document are a baseline for holding inclusive, accessible and responsive public meetings, hearings and the like. There are two primary sections in this chapter. 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 MassDOT/MBTA's public activities. These efforts are related and appropriate references are made between these sections, as needed.

3.1 Civil Rights Protocols for Public Engagement

Many MassDOT/MBTA departments and units conduct and participate in unique types of meetings and hearings within the course of their day to day operations. These Protocols have been designed with the intention of supporting and not supplanting the basic form and structure of existing operations. Further, these Protocols will provide links, resources and contacts for the purpose of achieving public engagement that is compliant with civil rights law. It is anticipated that these Protocols should be considered part of existing Standard Operating Procedures, Guidelines and Manuals, and that as these document are revised, these Protocols will be incorporated into the relevant portions of these documents.

The obligation to comply with these Protocols begins with the person(s) responsible for organizing and/or conducting the meeting or hearing, and because of the shared nature of many public processes between units, should be viewed as a shared responsibility. For example, in the 25% Design Public Hearing, there are multiple units involved in presenting information to the public, and each unit has specific civil rights obligations to ensure that Title VI/Nondiscrimination populations, including people with limited English proficiency and/or disabilities are able to participate equally in these meetings.

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 MassDOT/MBTA'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. However, where a Project Manager or other staff member encounters a difficult public involvement situation, he/she is advised to contact the Title VI Specialist and/or the Manager of Federal Programs to identify strategies and alternatives to address such situations.

Similarly, these Protocols should not be woodenly applied to every meeting/hearing. Meetings should be tailored to the special needs of the community, and/or the target audience and subject matter to be addressed. Effective public participation from a civil rights perspective includes awareness of the local population (demographics) or individuals to be engaged, including 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 notice, early response and coordination on requests for language assistance for limited English proficient individuals or reasonable accommodation for people with disabilities.

Federal nondiscrimination obligations, through Title VI of the Civil Rights Act of 1964, Section 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 sufficient consideration of outreach to and inclusion of these groups is incorporated into MassDOT/MBTA's public engagement procedures. Adherence to these protocols will also sufficiently address State-level nondiscrimination obligations².

While the following protocols endeavor to highlight specific resources where available, past experience with the public can and should be considered a resource to identify individual and community needs, including civil rights related considerations such as language assistance needs, accessibility accommodations and inclusive public participation. Please use these Protocols as a guide and use good professional judgment in the decisions you make as you implement them.

3.1.1 Civil Rights Protocols by Type of Public Engagement

The following represent the four types of public engagement most commonly encountered by MassDOT/MBTA employees:

- Meetings for the general public
- Targeted outreach gatherings
- Open houses
- One-on-one interactions

² State level protections include the federal protections plus ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, veteran's status (including Vietnam-era veterans), and background.

An introduction to each of these four types of public engagement is provided below. Familiarity with the following descriptions will help inform the user on how they should navigate the protocols set forth in this document.

Meetings for the General Public (Sec 2.1)

Public meetings and hearings, both at the project level and more broadly, are an opportunity 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 MassDOT/MBTA 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 (Sec 2.2)

In the case that you are planning an open house session as a standalone event (such as a public information session) that will not precede a public meeting or hearing, see Sections 2.1.1 to 2.1.4.

MassDOT/MBTA staff and consultants regularly interact with members of the public through “open house” sessions prior to meetings/hearings. These sessions afford members of the public an opportunity to view design plans for projects that will be discussed at the formal public outreach event. MassDOT/MBTA staff and consultants (Designers, Planners, Right of Way Agents, Environmental Agents, etc.) are on hand to discuss particular details of interest with members of the public. While the interactions during these sessions are informal, critical issues are often raised. MassDOT/MBTA staff and consultants strive to address these issues accurately and effectively during these sessions. *[Practice Tip: Some attendees choose to forego the meeting/hearing 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. These risks can be mitigated by adhering to the principles outlined in this section.

Targeted Outreach Gatherings (Sec 2.3)

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, MassDOT/MBTA may at times convene selected people within advisory committees, research efforts, focus groups and the like. The general work of understanding the demographics of people in a locality or project area still apply to determine what Title VI groups are impacted by an

initiative, as described above. However, there may be a need to include strong and possibly visible community leaders within Title VI populations; this can require more subtle and challenging efforts to secure their participation and needed contribution to discussions or deliberations.

One-on-One Interactions (Sec 2.4)

MassDOT/MBTA staff members interact directly with the public by virtue of the public facing programs, services, and activities the organization provides. These 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 Section 2.4.

3.1.2 Meetings for the General Public

3.1.2.1 Preliminary/Ongoing Considerations

- 1) Identify the population and composition of the individuals/communities impacted by the MassDOT/MBTA program, service, or activity by considering the following:
 - a. Project parameters, such as location, areas that will be impacted by construction phases, areas that may benefit from the completed project, and the areas that may be burdened by the completed project
 - b. The nature of the program, service, or activity (is it connected to the project development process? is it statewide, regional or local?)
- 2) Determine the Title VI features of the community to be engaged by reference to MassDOT/MBTA's Title VI maps, which include the limited English proficient (LEP) and minority populations across the Commonwealth. Consult the following maps and additional resources. *[Practice Tip: The first map (Figure 3) shows concentrations of LEP populations. You can identify the particular languages present in those areas by referencing the language specific maps. Foreign language services may be required for public outreach in these areas (see below).]*
 - a. MassDOT/MBTA LEP Maps
 - i. Percentage of LEP Speakers
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig3.pdf>
 - ii. Spanish Language Overlay
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig4.pdf>

- iii. Portuguese Language Overlay
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig5.pdf>
 - iv. Chinese Language Overlay
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig6.pdf>
 - v. French Creole Overlay
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig7.pdf>
 - vi. Vietnamese Language Overlay
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig8.pdf>
 - vii. Additional Languages Overlay
<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig9.pdf>
- b. MassDOT/MBTA Minority Populations Map *[Practice Tip: This map shows the concentration of minority populations. This information can help you develop a strategy to publicizing public engagement opportunities and disseminating materials that effectively reaches representative and diverse stakeholders.]*<https://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item5/Fig3-2.pdf>
 - c. US Census Bureau Language Mapper
http://www.census.gov/hhes/socdemo/language/data/language_map.html?e=ml=gd
- 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 Commonwealth. 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 the Civil Rights Constant Contact database that has been developed through IT, and codes organizations by e-mail, county. (pending completion)
 - b. Contact the MPO for the local area for a list of organizations by county and key leaders.
 - c. Consult tOffice of Transportation Planning MPO Liaisons who work with the individual MPOs and can support the effort to identify groups and individuals.

- d. Consult the Office of Public Affairs which has conducted a variety of meeting outreach efforts across the state and can identify key groups and individuals in every city in the state.
- e. For outreach in the Boston region, contact the Mayor's Office of Neighborhood Services. http://www.cityofboston.gov/ons/coor_list.asp
[Practice Tip: This office maintains liaisons in all of the Boston neighborhoods as well as liaisons to these demographic groups.]

3.1.2.2 Meeting Location and Time

1) Title VI Considerations

- a. Consult with community leaders and community based organizations to identify any aspects of the community which may be central in determining 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. Multiple meetings can be held 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. *[Practice Tip: A general rule of thumb is within ½ mile walking distance.]*

2) ADA Considerations

- a. Identify a venue for the public meeting that is ADA compliant and accessible to people with disabilities.
 - i. MassDOT/MBTA maintains an Accessible Facilities Database that contains updated information regarding venues that have been previously assessed for ADA compliance.
- b. If an appropriate venue cannot be identified in the database, the following resources can identify public meeting venues that may be accessible:
 - i. The Massachusetts Office on Disability
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
 - ii. The Disability Commissions (S:\Civil Rights\ADA\Disability Commissions)

- iii. The Independent Living Centers
<http://www.masilc.org/membership/cils>
- c. 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. *[Practice Tip: Even though you don't know if such devices will be needed yet, this is a good opportunity to take stock of what is available should the need arise.]* The need for these accommodations will be addressed in Section 2.1.4, below.
- d. For a full treatment regarding ADA obligations in the public outreach context, consult the MassDOT/MBTA Accessible Meeting Policy in Section 3.2 below or online at:
http://www.MassDOT/MBTA.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. *[Practice Tip: If you are planning on using a venue for the first time, this checklist can help you verify its accessibility. The completed checklist should be shared with ODCR's Manager of Federal Programs for incorporation into the database.]*

3.1.2.3 Coordinating Public Notice

- 1) Draft the public meeting notice document, either utilizing existing approved templates or creating a new one, ensuring that the following civil rights related components are included:
 - a. Notice of Nondiscrimination
 - i. (Insert Updated Notice Language Here)
 - b. Availability of language services and reasonable accommodations
 - i. (Insert Updated Notice Language Here)
 - c. Contact information and procedures for requesting the above services, additional information, or to express a concern
 - i. (Insert Updated Notice Language Here)
 - d. International Symbol of Accessibility
http://en.wikipedia.org/wiki/International_Symbol_of_Access
- 2) Public meeting notices must be accessible. For guidance, please refer to Section 2.1.4 §§ 3. *[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.]

- 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.
 - a. Identify 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. *[Practice Tip: The reason you are identifying these resources first is to know what services actually exist to provide translated materials to.]* Consider consulting the following resources:
 - i. MassDOT/MBTA Office of Diversity and Civil Rights
<http://www.MassDOT/MBTA.state.ma.us/OfficeofCivilRights.aspx>
 - ii. MassDOT/MBTA Public Affairs
 - iii. Community Leaders
 - iv. Metropolitan Planning Organizations (MPOs)
<http://www.MassDOT/MBTA.state.ma.us/Portals/17/Images/DataMaps/boundry/MPOs-RPAs-Statewide.pdf>
 - v. Regional Transit Agencies (RTAs)
<http://www.MassDOT/MBTA.state.ma.us/Portals/17/docs/MapCatalog/Maps/RTAs-Statewide.pdf>
 - vi. Public Libraries <http://www.publiclibraries.com/massachusetts.htm>
 - vii. Schools/Universities
http://en.wikipedia.org/wiki/List_of_colleges_and_universities_in_Massachusetts
 - viii. Chambers of Commerce <http://masshome.com/cofc.html>
 - ix. Local Legislators
 - b. Develop translated version(s) of the notice document or other related announcements, as needed, based on the extent of LEP need 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.
 1. “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 MassDOT/MBTA’s Title VI Specialist at 857-368-8580.”
 - 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
 1. Request Procedure:
<http://www.umasstranslation.com/services/request-an-estimate/>
 2. Rates: <http://www.umasstranslation.com/services/rates/>
 - ii. Statewide Language Services Contract
 1. Contract Info:
<https://www.ebidsourcing.com/displayPublicContSummView.do?doValidateToken=false&docViewType=ACTIVE&docId=124184&docStatus=ACTIVE&docUserId=3155&userType=PUBLIC>
 2. Vendor Info:
https://www.ebidsourcing.com/displayPublicContActiveSwcVendorList.do?doValidateToken=false&menu_id=2.4.4.1&docUserId=3155&docViewType=ACTIVE&docId=124184&userType=PUBLIC&docNumberText=PRF48
- 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. *[Practice Tip: Distributing notice three weeks in advance of a public engagement opportunity is generally regarded as appropriate, with two weeks or 10 business days considered the minimum limit for reasonable notice.]*

- 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. You should consider sending notice to the entities below with the instruction that they forward the notice among their own distribution lists and/or post it.
 - i. MassDOT/MBTA Office of Diversity and Civil Rights
<http://www.MassDOT/MBTA.state.ma.us/OfficeofCivilRights.aspx>
 - ii. MassDOT/MBTA Public Affairs
 - iii. Community Leaders
 - iv. Metropolitan Planning Organizations (MPOs)
<http://www.MassDOT/MBTA.state.ma.us/Portals/17/Images/DataMaps/boundry/MPOs-RPAs-Statewide.pdf>
 - v. Regional Transit Agencies (RTAs)
<http://www.MassDOT/MBTA.state.ma.us/Portals/17/docs/MapCatalog/Maps/RTAs-Statewide.pdf>
 - vi. Public Libraries <http://www.publiclibraries.com/massachusetts.htm>
 - vii. Schools/Universities
http://en.wikipedia.org/wiki/List_of_colleges_and_universities_in_Massachusetts
 - viii. Chambers of Commerce <http://masshome.com/cofc.html>
 - ix. Local Legislators
 - x. Boston Mayor's Office of Neighborhood Services
http://www.cityofboston.gov/ons/coor_list.asp

3.1.2.4 Preparation for the Meeting

- 1) While preparing for the meeting, consider the following questions: (1) are there civil rights implications in the background/history of the project, (2) what public involvement has already been accomplished and did it illuminate civil rights concerns, and (3) what are the known benefits and burdens of the MassDOT/MBTA program, service, or activity on Title VI populations? Consult the following resources:
 - a. Public meeting/hearing transcripts

- b. Written public comments
 - c. MassDOT/MBTA staff involved in planning and/or conducting prior related meetings
 - d. ProjectINFO comments
 - e. Public meeting demographics surveys
- 2) 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.
- 3) 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 MassDOT/MBTA staff as well as consultants. Consult the following for instructions on developing accessible documents:
- a. 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/>
 - b. Creating accessible Word documents: <http://office.microsoft.com/en-us/word-help/creating-accessible-word-documents-HA101999993.aspx>
 - c. Creating accessible Excel workbooks: <http://office.microsoft.com/en-us/excel-help/creating-accessible-excel-workbooks-HA102013545.aspx?CTT=3>
 - d. Creating accessible PowerPoint presentations:
<http://office.microsoft.com/en-us/powerpoint-help/creating-accessible-powerpoint-presentations-HA102013555.aspx?CTT=3>
 - e. Creating accessible PDFs with Microsoft Office products through “Tagging”:
<http://office.microsoft.com/en-us/excel-help/create-accessible-pdfs-HA102478227.aspx?CTT=3>
 - f. General information on accessibility from Adobe:
<http://www.adobe.com/accessibility/>

- g. Adobe Acrobat X Accessibility Guide:
<http://www.adobe.com/content/dam/Adobe/en/accessibility/products/acrobat/pdfs/acrobat-x-accessible-pdf-from-word.pdf>
 - h. Adobe Acrobat 9 Pro Accessibility Guide:
<http://www.adobe.com/content/dam/Adobe/en/accessibility/products/acrobat/pdfs/A9-accessible-pdf-from-word.pdf>
 - i. Video on preparing accessible InDesign files:
<http://tv.adobe.com/watch/accessibility-adobe/preparing-indesign-files-for-accessibility/>
- 4) 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.
- a. Alternate formats can be obtained by contacting:
 - i. MassDOT/MBTA Copy and Print Center
 - ii. MBTA System Wide Accessibility
http://www.mbta.com/riding_the_t/accessible_services/default.asp?id=16901
 - iii. The Central Transportation Planning Staff
 - 1. Janie Guion, 617-973-7507 or jguion@ctps.org
 - b. The nature and extent of accommodations that may be needed can be identified through the following.
 - i. Direct requests
 - ii. Past experiences, both within the community and at specific meeting locations which can include previously encountered reasonable accommodation and language service requests
 - 1. Meeting coordinators are required to submit demographic and accommodation summaries to ODCR. You can request this information from ODCR to better understand the past experiences of other meeting planners in the locale of your meeting.
 - iii. An understanding of community demographics

- iv. Feedback from community leaders, CBOs, stakeholders, advocacy groups, etc.
- v. MassDOT/MBTA Accessible Meeting Checklist
- c. Foreign language document translation can be provided by:
 - i. UMass Translation Center
 - 1. Request Procedure:
<http://www.umasstranslation.com/services/request-an-estimate/>
 - 2. Rates: <http://www.umasstranslation.com/services/rates/>
 - ii. Statewide Language Services Contract
 - 1. Comm-PASS Info:
<https://www.ebidsourcing.com/displayPublicContSummView.do?doValidateToken=false&docViewType=ACTIVE&docId=124184&docStatus=ACTIVE&docUserId=3155&userType=PUBLIC>
 - 2. Vendor Info:
https://www.ebidsourcing.com/displayPublicContActiveSwcVendorList.do?doValidateToken=false&menu_id=2.4.4.1&docUserId=3155&docViewType=ACTIVE&docId=124184&userType=PUBLIC&docNumberText=PRF48
- d. To obtain accessibility accommodations not provided by the venue (Section 2.1.2 §§ 2; c), contact:
 - i. MassDOT/MBTA Facilities
 - 1. Phone: (857) 368-9560
 - 2. Email: dotgeneralservices@dot.state.ma.us
 - ii. MBTA System Wide Accessibility
http://www.mbta.com/riding_the_t/accessible_services/default.asp?id=16901
 - iii. Metropolitan Planning Organizations
<http://www.MassDOT/MBTA.state.ma.us/Portals/17/Images/DataMaps/boundry/MPOs-RPAs-Statewide.pdf>

- iv. Massachusetts Office on Disability
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
- e. If unsure how to provide a particular accommodation or for guidance on recommended accommodations, consult:
 - i. MassDOT/MBTA Office of Diversity and Civil Rights
<http://www.MassDOT/MBTA.state.ma.us/OfficeofCivilRights.aspx>
 - ii. MassDOT/MBTA Public Affairs
 - iii. MBTA System Wide Accessibility
http://www.mbta.com/riding_the_t/accessible_services/default.asp?id=16901
 - iv. The Massachusetts Office on Disability
<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
 - v. The Disability Commissions (S:\Civil Rights\ADA\Disability Commissions)
 - vi. The Independent Living Centers
<http://www.masilc.org/membership/cils>
- f. Funding Considerations
 - i. All accommodations must be provided to the public free of charge.
 - ii. For public outreach events which are necessitated by the project development process, each project contains an administration budget that should be utilized, if available.
 - iii. For all other requests, contact the MassDOT/MBTA Budget Office at (857) 368-9150.

3.1.2.5 Meeting Set-Up

- 1) ADA considerations in public outreach are fully articulated in the MassDOT/MBTA Accessible Meeting Policy in Section 3.2 below and online at: http://www.MassDOT/MBTA.state.ma.us/Portals/0/docs/CivilRights/ADA/Attachment_1_3.pdf. Meeting setup is addressed in the “Accessibility Checklist for Meeting Planners” which should be used in order to verify the following:

- a. If the main entrance to the building is not accessible, is the accessible entrance unlocked?
 - b. 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.*]
 - c. 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?
 - d. Is the space allotted to sign language interpreters and/or the CART screen or monitor clearly visible?
 - e. Are the aisles at least three feet wide and clear of obstacles or tripping hazards?
 - f. 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?
 - g. If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
 - h. 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?
 - i. If a stage or platform will be used during the public meeting, is it accessible?
 - j. 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?
 - k. Have assistive devices been tested for full functionality immediately prior to the start of the event?
 - l. Is there directional signage for accessible restrooms and/or emergency exits, if applicable?
- 2) Title VI considerations can be addressed through the following:
- a. Based on identified or likely-to-be-encountered language needs, has signage in other languages been posted?
 - b. Is the space allotted to foreign language interpreters clearly visible to the entire audience?

- c. Has space been given to foreign language interpreters to sit with individuals who need language assistance?
- d. Have Title VI related materials been made 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:
 - i. “I speak” language cards <http://www.lep.gov/ISpeakCards2004.pdf>
 - ii. Translated versions of the written comment form, as applicable
 - iii. Demographics survey (insert link)

3.1.2.6 During the Meeting

- 1) In the event that this public meeting/hearing is preceded by an open house, please refer to Section 2.2 regarding civil rights considerations in that setting.
- 2) At the official start of the meeting, make the following statements. If a foreign language translator(s) is present, instruct them to repeat.
 - a. (Insert language here, address: 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)
 - b. Include instructions on site-specific accessibility considerations, such as accessible emergency exits.
 - c. Encourage attendees to complete the Demographics Survey, which can be either turned in during the event or mailed to MassDOT/MBTA after the fact.
- 3) MassDOT/MBTA is required to “demonstrate explicit consideration and response to public input” ([23 CFR 450.210](#)). 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 MassDOT/MBTA staff in attendance should give their attention to oral comments made by the public during the meeting and during one-on-one interactions in order to relay general sentiments and/or particular issues to the Project Manager as part of post-meeting follow up.]*

3.1.2.7 Post Meeting

- 1) All public comments (written and oral), testimonials, and sentiments expressed during the public outreach event have been gathered/documentated by

MassDOT/MBTA staff that attended the meeting and passed on to the Project Manager (or designee). *[Practice Tip: This can be accomplished through in-person debriefing sessions following the meeting or reviewing the meeting transcript, if available.]*

- 2) Once received, the Project Manager (or designee) catalogues all public comments.
- 3) The Project Manager is responsible for coordinating responses to public comments. *[Practice Tip: Remember: direct impacts require direct communication. [23 CFR 450.210](#)]*
 - a. Methods of responses 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 Project Manager (or designee) reviews the public comments to determine which MassDOT/MBTA program areas (such as Civil Rights, Right of Way, Design, Environmental, Planning, etc.) 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 MassDOT/MBTA 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 the MassDOT/MBTA program areas that were consulted in formulating the response

- e. Noting whether the comment is novel or previously encountered
 - 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
 - b. Notice of upcoming related public engagement opportunities
- 6) The Project Manager should note, through ProjectINFO “comments,” civil rights considerations encountered through the planning and conducting of the outreach event, such as translation requests or foreign languages encountered. *[Practice Tip: For projects that have received a ProjectINFO number, the “comments” section can be used to highlight civil rights related comments or concerns from the public. The document database for these projects can also be used to store scans of comment forms.]*
- 7) The community leaders identified in Section 2.1.1 §§ 3 should be thanked for their assistance/efforts with a call or written correspondence.

3.1.3 Open Houses

3.1.3.1 Title VI Considerations

- 1) “I Speak” language cards have been provided at the welcome desk.
<http://www.lep.gov/ISpeakCards2004.pdf>
- 2) If MassDOT/MBTA is providing interpretive services at the public meeting/hearing session, then they should also be available during the open house session 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, MassDOT/MBTA 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 MassDOT/MBTA staff working on all stages of project development to know community concerns. Sometimes these are made evident during informal open house interactions. Just because they don't make it onto a public hearing transcript doesn't mean we don't have an obligation to be aware of them and respond accordingly.]*
- 4) Written descriptions of items on display may need to be translated depending on requests received and/or the anticipated level of LEP participation.

3.1.3.2 ADA Considerations

- 1) The open house should be set up in an ADA compliant manner. Please see the MassDOT/MBTA Accessible Meeting Policy in Section 3.2 below or online at: http://www.MassDOT/MBTA.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 MassDOT/MBTA staff and consultants should be clear of obstructions. *[Practice Tip: Rule of Thumb: 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: Rules of Thumb: For display materials mounted on the wall, they 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) MassDOT/MBTA 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 (Small Group Meetings/Committees/Task Forces/Studies)

3.1.4.1 Strategic Planning for Title VI Group and Individual Inclusion

Strategic planning for the involvement of Title VI community members on special purpose meeting groups or committees is essential to an inclusive and successful effort. Engaging the public in a targeted context is complex, political and always challenging, and ensuring diverse participation adds even more difficulty to meeting this objective.

Preliminary Steps:

- 1) Identify and analyze the location affected by the project or initiative at issue to determine 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 which may be needed for fruitful discussion or deliberations.
- 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 association
 - g. schools
 - h. churches

Beyond demographic data and identification of the types of Title VI related groups or individuals in the community, there are certain key questions to help define the individuals or groups to invite. Consider meeting with a small group of internal staff and/or managers from among key MassDOT/MBTA departments who know the community and who can help answer these key questions:

- 1) Who can represent these diverse groups and constituencies in a credible and responsible way?
- 2) Who needs to be at the table for the work to be accomplished?
- 3) 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?

- 4) If known from past experience, are there stakeholders critical to the process who may be reluctant to participate? How can this reluctance be alleviated? What would be the impact of their refusal to participate in the process? Is there an alternative to their participation?
- 5) What commitments do you want from participants?
- 6) Other than known stakeholders, what other individuals or groups could have an interest in the project that are not in the immediate project area, and/or are not otherwise represented in the outreach strategy?
- 7) Do any necessary parties have possible concerns about participating? How can those concerns be alleviated?
- 8) Do you have natural allies on an issue? Natural adversaries?

3.1.4.2 Consult MassDOT/MBTA and MBTA and State Resources

Based on MassDOT/MBTA and the MBTA's vast prior experience in communities across the Commonwealth, we have significant corporate knowledge of local groups, key individuals and community issues or concerns that can help answer these questions.

- 1) the Office of Diversity and Civil Rights (which does a range of outreach across the Commonwealth, responds to complaints and works with key Title VI leadership on transportation matters in contracting and employment)
- 2) Office of Transportation Planning (which conducts significant long-range studies that engage the public and builds knowledge of communities and has access to the Metropolitan Planning Organizations in all regions of Massachusetts)
- 3) Government and Public Affairs (which can reach out to state legislators and their aides for suggestions)
- 4) Design (which 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.)
- 5) Use the MassDOT/MBTA Title VI interactive mapping tool (currently under development) to identify community organizations that are associated with Title VI community members and interests

There may be other sources of contact in additional MassDOT/MBTA and MBTA departments or Divisions (Design, Environmental, Right of Way, Registry or Aeronautics)

that may have had experience with a location and or community representatives, which could also be helpful to explore.

3.1.4.3 Consult Statewide Resources

- 1) 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 controversy which may be critical to support your outreach:

- a. Administration and Finance – Office of Access and Opportunity

Office of Access & Opportunities
State House, Room 373, Boston, MA 02133
Phone: (617) 727-2040
E-mail: Ronald.Marlow@state.ma.us

- 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: Myra.Berloff@state.ma.us

3.1.4.4 Conduct Targeted Research on the Leads you Gather

Conduct a Google-type search on the communities involved and the groups and individuals who have been 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.

Tip: In carrying out this task, it is useful to limit searches which can be done through linking key words to a query such as a year, a past issue or individual words like “bio,” “biography,” “background,” “transportation,” “complaint” and the like.

If a meeting planner is not aware of the racial, ethnic or national origin background of the individual or group being engaged, it is similarly possible to 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 which may impact participation, through to a more thorough understanding of complex considerations like values, beliefs and relationship to government and/or transportation.

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

- 1) Outreach approaches:
 - i. 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.
 - ii. Use multiple outreach methods and do not rely on e-mail or websites alone
 - iii. Tailor materials to the audience, including translations
 - iv. Identify existing channels of communication through communities
 - v. Experiment and reflect on the effectiveness of new approaches

In Title VI communities, there are a range of factors leading to reluctance to participate for individuals and groups that could be helpful 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; this causes limits their ability to participate because there are many demands on their time, resources and commitment.

- 2) Think through and identify the factors which would encourage participation and involvement before reaching out, 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.
- 3) 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:
 - a. **Limited English language skills and/or limited literacy** – it is first important to know that MassDOT/MBTA has the ability and obligation to fund translation and interpretation support and to convey this message. 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.
 - b. **Lack of trust due to past experiences** - it is important to be in a position to respond with as much information as will demonstrate that both participation and the project are being honestly and openly addressed.
 - c. **Lack of experience with transportation decision making processes** – if this process is not well understood or the meeting convener has a difficult

time explaining the process, it is important to have a representative from Planning involved to explain the process.

- d. **Economic barriers** – transportation costs, work schedules – meetings should be sited in the community to avoid cost factors, and they should be timed to meet the schedule of the majority of participants, after due consideration of all schedules, suggested 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. The key to this element is making sure 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.

3.1.4.6 Responding to a Refusal to Participate from a Potential Title VI Participant

- 1) If a person or group declines to participate in a particular effort, it is important not to get frustrated and 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.
- 2) 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 into the future.
- 3) Consider sending the individual or organizations updates on the effort that are sent to others. This effort could be informative and demonstrate a good faith effort to be inclusive.

3.1.4.7 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. Simply put, the concept of 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, our federal partners, and even community members will

expect to know about our efforts and may wish to question whether MassDOT/MBTA truly conducted outreach for Title VI inclusion purposes. For Title VI purposes, this documentation is good evidence of the opportunity that was given to the public, such that complaints after the fact about the lack of inclusion can be responded to. Our Title VI obligation requires us to provide an equal opportunity to participate in transportation planning exercises; ultimately, it is the exercise of trying and proving that MassDOT/MBTA has been thoughtful and reached out effectively to increase diversity in our community engagement.

For purposes of proving that an outreach effort was genuine and reached out to diverse communities, there are steps that the meeting convener or planner should take:

- 1) The meeting planner should 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:
 - 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
 - f. Correspondence from invited individuals
- 2) The meeting planner should 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 question, comments or concerns that they may not be willing to air publicly.
- 3) Meeting planners should plan to 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) Effective management of the group that is ultimately formed is key to the productivity and longevity of relationships with Title VI community members. Following-through with stakeholders to demonstrate that input was considered and/or had an impact on project parameters, study outcomes, and planned activities can demonstrate to participants the value added to their interests and communities through continued involvement in these activities.

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 MassDOT/MBTA reception areas, district offices, construction sites, RMVs, E-ZPass service centers, etc.)
 - 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. 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.]*
 - i. Assistance from co-workers in your unit that may be able to identify the language.
 - ii. Language Line (<https://www.language.com/>)
 - 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 inquiries 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. If you work in one of the MassDOT/MBTA Highway units that has been surveyed for multi-lingual staff (ROW, OTP, Environmental, Design, and OREAD), refer to the corresponding database to identify a co-worker in your unit that can assist. *[Practice Tip: Assisting in this way is purely voluntary and the nature of the communication should be incidental.]*

- a. S:\Civil Rights\Title VI\Staff Language Directory
 2. 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 more complex issues or you have reached the limitations of the technology or your knowledge of the subject at issue, the MassDOT/MBTA 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. *[Example: An LEP individual who needs assistance to engage in the complaint resolution process or to participate in a MassDOT/MBTA program, service, or activity that requires an application process. (such as a driver's licenses, E-ZPass, etc.)]* 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. Language Line (<https://www.language.com/>)
 2. Statewide Language Services Contract
 - a. Comm-PASS Info:
<https://www.ebidsourcing.com/displayPublicContSummView.do?doValidateToken=false&docViewType=ACTIVE&docId=124184&docStatus=ACTIVE&docUserId=3155&userType=PUBLIC>
 - b. Vendor Info:
https://www.ebidsourcing.com/displayPublicContActiveSwcVendorList.do?doValidateToken=false&menu_id=2.4.4.1&docUserId=3155&docViewType=ACTIVE&docId=124184&userType=PUBLIC&docNumberText=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. If you are able to identify the language of the caller and you work in one of the MassDOT/MBTA Highway units that has been surveyed for multi-lingual staff (ROW, OTP, Environmental, Design, and OREAD), refer to the corresponding database to identify a co-worker in your unit that can assist.
 - i. S:\Civil Rights\Title VI\Staff Language Directory
 - b. If you are unable to identify the language of the caller and/or you do not work in ROW, OTP, Environmental, Design, and OREAD, contact Language Line for real-time over the phone interpretation services (<https://www.languageline.com/>)
- 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 multi-lingual staff or Google Translate (<http://translate.google.com/>) or a similar product. *[Example: emailing a link to requested web content.]*
 1. If you work in one of the MassDOT/MBTA Highway units that has been surveyed for multi-lingual staff (ROW, OTP, Environmental, Design, and OREAD), refer to the corresponding database to identify a co-worker in your unit that can assist.
 - a. S:\Civil Rights\Title VI\Staff Language Directory
 - 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 MassDOT/MBTA 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 or to participate in a MassDOT/MBTA program, service, or activity that requires an application process. (such as a driver's licenses, E-ZPass, etc.)]* The following services are available in those instances:
 1. Language Line (<https://www.languageline.com/>)

2. Statewide Language Services Contract

a. Comm-PASS Info:

<https://www.ebidsourcing.com/displayPublicContSummView.do?doValidateToken=false&docViewType=ACTIVE&docId=124184&docStatus=ACTIVE&docUserId=3155&userType=PUBLIC>

b. Vendor Info:

https://www.ebidsourcing.com/displayPublicContActiveSwcVendorList.do?doValidateToken=false&menu_id=2.4.4.1&docUserId=3155&docViewType=ACTIVE&docId=124184&userType=PUBLIC&docNumberText=PRF48

3.1.5.2 Communicating with People with Disabilities

1) Outlined below are tips to help you in communicating with persons with disabilities.

[Practice Tip: For more information visit:

[http://www.labor.state.ny.us/workforcenypartners/forms/communication.pdf.\]](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; 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.
 - 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 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) Additional information can be provided by:
- a. MassDOT/MBTA Office of Diversity and Civil Rights
<http://www.MassDOT/MBTA.state.ma.us/OfficeofCivilRights.aspx>
 - b. MBTA System Wide Accessibility
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 MassDOT/MBTA Accessible Meeting Policy

1.0 Purpose

This policy outlines criteria that must be fulfilled in order to ensure that all MassDOT/MBTA public meetings are fully accessible to persons with disabilities. This document will also address issues related to 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 mandate that persons with disabilities must not be 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, MassDOT/MBTA personnel must ensure that all aspects of the meeting are accessible to persons with disabilities.

Under Title VI of the Civil Rights Act of 1964 and Commonwealth Executive Order 526, MassDOT/MBTA 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. A public participation plan is being developed for Title VI purposes, which should be consulted by meeting planners in coordination with this Accessible Meeting Policy to ensure that MassDOT/MBTA includes Title VI constituencies in transportation programs and activities. The method for determining whether and/or what non-English languages need to be translated or interpreted is called a “four factor analysis.” Essentially, to determine whether translation is needed, meeting planners must analyze the number of limited English proficiency persons (LEP) by language group where a meeting will be held, the frequency of contacts with the program, the importance of the program and cost factors.

This document will provide guidelines for ensuring the accessibility of public meetings hosted by MassDOT/MBTA. Components such as the meeting location, room setup, alternate formats and translations of handouts, and the requirement to provide CART and/or sign language and/or foreign language interpreters upon request will be discussed.

2.0 Definitions

2.1 *Public Meeting*

Any meeting open to the general public, hosted by or on behalf of the MassDOT/MBTA, during which information is shared.

2.2 *Attendee*

An individual attending a public meeting.

2.3 *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.

2.4 *Path of Travel*

A continuous, unobstructed way of pedestrian passage by means of which an area may be approached, entered, and exited.

2.5 *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.

2.6 *Clear floor space*

The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

2.7 *Wheeled mobility device*

Means by which some individuals with physical disabilities travel throughout their environment. Commonly refers to such devices as wheelchairs (manual and motorized) and scooters. Non-traditional wheeled mobility devices may include Segways and bicycles.

2.8 *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.

2.9 *Assistive Listening Device*

An electronic device used by individuals who are hard of hearing to amplify sound. The assistive listening device is usually used as a system where the audio source is broadcast [wirelessly](#) over an FM frequency. The person who is listening 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 exist and could be used as alternatives.

2.10 *CART (Computer Assisted Real-time Transcription)*

A trained operator uses keyboard or stenography methods to transcribe spoken speech into written text. This may be done either on site or remotely by using a voice connection such as a telephone, cell phone, or computer microphone to send the voice to the operator and the real-time text is transmitted back 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.”

2.11 *Video Remote Interpreting*

A contracted video service that allows individuals who are Deaf to communicate over webcams/video phones with hearing people in real-time, via a sign language interpreter.

2.12 *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.

Telecommunications Relay Service (TRS) is 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 either a person with a hearing or speech disability, or a person without such 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. VRS and TRS are overseen by the Federal Communications Commission and private contractors who perform the intermediary communication service are reimbursed for this service.

2.13 *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.

2.14 *Descriptive Video/Described Narration*

A feature that makes television programs, videos, films, and other visual media accessible to people who are blind or visually impaired by providing descriptive narration of key visual elements in programs. Key visual elements in a program that a viewer who is visually impaired would ordinarily miss are described by voice. Actions, costumes, gestures and scene changes are just a few of the elements that, when described, engage the blind or visually impaired viewer with the story.

2.15 *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, or “LEP.” These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

2.16 *Four Factor Analysis*

Federal DOT guidance outlines **four factors** recipients should consider 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 program, activity, or service of the recipient or grantee.
- 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 resources available to the MassDOT/MBTA and overall cost.

In each instance, this analysis will enable MassDOT/MBTA staff to determine the extent of language assistance that must be provided to enable LEP individuals to participate in a program or activity. For further information, including answers to specific situations that meeting planners may encounter, planners should consult the ADA Coordinator, the Title VI Specialist and/or the Language Access Plan.

2.17 *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.

2.18 *Language Access Plan*

Under Federal Executive Order Executive Order 13166, each Federal agency is required to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan is required to be consistent with the 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. Just as federal agencies must have LEP Plans, as a condition of receiving federal financial assistance, they must establish guidelines for recipients such as MassDOT/MBTA to comply with Title VI and LEP requirements, including the provision of language assistance, as needed.

3.0 Scope

All public meetings hosted by, or on behalf of, MassDOT/MBTA.

4.0 Responsibilities

It is the responsibility of the MassDOT/MBTA staff or Department(s) charged with the coordination of the public meeting to ensure that the public meeting is accessible to all. The local contacts for the meeting facility, in conjunction with the responsible MassDOT/MBTA staff, are responsible for filling out the “Accessibility Checklist for Meeting Planners” in Attachment 6.1 to ensure the space is accessible prior to the meeting.

5.0 Policy

5.1 General Considerations

5.1.1 Public meeting planners shall identify at least one person who is responsible for making sure that the public meeting is accessible for all attendees. This individual shall serve as the contact for attendees requesting reasonable accommodations. See, Attachment 6.1 for a Checklist for Meeting Planners.

5.1.2 Public meetings should be planned and publicized as early as possible—ideally, at least 21 calendar days, but no less than 14 days in advance.

5.1.2.1 Meeting notices should include a date by which attendees should request reasonable accommodations—typically ten days before the meeting.

Note: After the cutoff date, staff must still try to provide an accommodation but should not guarantee the 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, most meetings should be publicized with 21 days’ notice. This allows attendees ample opportunity to request and receive appropriate reasonable accommodations.

5.1.3 Attendees shall not be charged for any reasonable accommodation provided.

5.2 Choosing a Location

5.2.1 Access to Nearby Transportation. All public meetings shall be within ¼ mile of an accessible bus stop or rail station, where feasible.

5.2.1.1 The path of travel from the transit stop to the meeting location shall be accessible. Specifically, it should be:

5.2.1.1.1 At least three feet wide

5.2.1.1.2 Unobstructed (not blocked by trash cans, light poles, etc.)

5.2.1.1.3 Free of steps, drop-offs or curbs

5.2.2 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. See, Attachment 6.2 for state and Federal regulations regarding accessible parking.

5.2.2.1 The path of travel from the accessible parking to the meeting location shall be accessible. Specifically, it shall be:

5.2.2.1.1 At least three feet wide

5.2.2.1.2 Unobstructed (no trash cans, light poles, etc.)

5.2.2.1.3 Free of steps, drop-offs or curbs

5.2.3 Identifying the Accessible Entrance. If the main entrance to the building (in which the public meeting is being held) is not the accessible entrance, a sign containing the universal symbol of accessibility with an arrow appropriately pointing to the accessible entrance shall be posted at the main entrance.

5.2.4 Ensure the alternate accessible entrance is unlocked and available to be used independently and that the path of travel to the alternate entrance is well lit (if the meeting is taking place at night). If the door is locked and intercom service or another format 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.

5.2.5 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. See, Attachment 6.3 for state and Federal regulations regarding accessible restrooms.

5.2.5.1 The accessible restrooms shall be within reasonable proximity to the meeting room.

5.2.6 Accessible Telephones. If two or more public payphones are available at the meeting facility, at least one should be:

5.2.6.1 Equipped with TTY

5.2.6.2 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).

5.2.6.3 MassDOT/MBTA should notify the facility owner if the facility does not comply with the accessible telephone requirement.

5.2.7 The Meeting Room: The meeting room in which the public meeting will take place shall be made accessible for persons with disabilities. The following shall be provided:

5.2.7.1 An integrated seating area for wheeled mobility device users shall be made available.

5.2.7.1.1 If possible, 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.

5.2.7.1.2 Such spaces for wheeled mobility device users shall be dispersed throughout the room, and not clustered all in one section (e.g. all in the front or all in the back). This allows attendees using wheeled mobility a variety of seating/viewing options.

5.2.7.2 Space for Sign Language, CART and Foreign Language Interpreters

5.2.7.2.1 A well-lit area and chairs facing the audience shall be made available for sign language interpreters at the front of the room (likely just off to one side of the main presentation area). If a CART provider is to be used, a small table for the laptop and space for a screen and projector should be provided near an electrical outlet.

5.2.7.2.2 Priority seating at the front of the audience and in direct line of sight of the interpreters/CART provider shall be provided for attendees who are deaf/hard of hearing.

5.2.7.2.3 For foreign language interpreters, there is a need for space where they can sit with the individuals who require language assistance.

5.2.7.3 Aisles within the meeting room shall be

5.2.7.3.1 Clear of tripping hazards (e.g. electric cords).

5.2.7.3.2 At least 3 feet wide.

- 5.2.7.4 Microphones. The microphones used at public meetings shall be available on a stand that is adjustable in height.

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.

- 5.2.7.5 Podiums. If any attendee may have an opportunity to speak at a podium, meeting planners shall ensure that either:

- 5.2.7.5.1 The podium is height adjustable, or

- 5.2.7.5.2 A small table is provided to the side of the podium.

- 5.2.7.5.2.1 The table shall be between 28 and 34" inches in height.

- 5.2.7.5.2.2 There shall be at least 27" of knee space from the floor to the underside of the table.

- 5.2.7.5.2.3 If a microphone is provided at the podium, one shall also be provided at the small table.

- 5.2.7.6 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:

- 5.2.7.6.1 A ramp that

- 5.2.7.6.1.1 Is at least 3 feet wide.

- 5.2.7.6.1.2 Does not have a slope that exceeds 1/12.

- 5.2.7.6.2 Platform lift

- 5.2.7.7 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.

5.3 American Sign Language and Foreign Language Interpreters, Assistive Listening Devices, CART and Video Remote Interpreting.

- 5.3.1 American Sign Language and/or foreign language interpreters shall be provided at all public meetings upon request. See, Attachment 6.4 for information on how to request an interpreter.

- 5.3.1.1 To ensure their availability, interpreters should be requested at least two weeks in advance of the public meeting.
- 5.3.1.2 The cost associated with providing sign language or foreign language interpreters shall be paid for by the Department hosting the event.
- 5.3.2 Assistive Listening Devices.** Assistive Listening Devices for attendees who are hard of hearing shall be provided at all public meetings upon request. See, Attachment 6.5 for information on how to provide assistive listening devices.
- 5.3.3** CART services shall be provided at all public meetings upon request (See Attachment 6.6 for information on how to provide CART services.). Staff should schedule or make requests for CART services 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), 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.
- 5.3.4** Video Remote Interpreting 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.

5.4 Alternative Formats and Translation of Handouts/Presentation Material

Large print versions of all printed material shall be available 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 the same with respect to translation into foreign languages, where the language requested is identified through application of the four factor analysis process, set forth in the MassDOT/MBTA Title VI Language Assistance Plan. 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.

5.4.1 Creating Alternative Formats

See attachment 6.7 for step by step instructions on creating alternative formats.

5.4.2 Large Print Version

5.4.2.1 At least five copies of any text-based printed material to be handed out during the meeting shall be in large print.

5.4.2.2 Large print meeting materials shall:

5.4.2.2.1 Be created using "Arial" font with a font size of 16 pt.

5.4.2.2.2 Have the same information as the original handout.

5.4.2.2.3 Have the highest contrast possible (e.g. black on white).

5.4.2.2.4 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.

5.4.2.2.4.1 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.

5.4.2.2.4.2 If tables or graphs are used in the large print document, a summary of the table or graph shall be provided.

5.4.3 Electronic Version

5.4.3.1 If an electronic version of materials is requested within 24 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 7 calendar days of the request.

Note: Whenever possible, meeting planners should bring several copies of an electronic accessible version of the meeting material to the 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.

5.4.4 Braille Version

5.4.4.1 If a Braille version of materials is requested within one week 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 7 calendar days of the request.

5.4.5 Audible Version

5.4.5.1 If an audible version of materials is requested within one week 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 7 calendar days of the request.

5.4.6 Foreign Language Version

5.4.6.1 If a common foreign language version of materials is requested within one week 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 7 calendar days of the request.

5.4.7 Other requests for alternate formats

5.4.7.1 Individual attendees may have unique specifications for alternate formats. All reasonable requests for alternate formats shall be honored upon request, within 7 calendar days of the request.

5.4.8 Meeting attendees will not be charged for any cost affiliated with the creation of alternate formats of meeting material.

5.5 Publicizing the Meeting

5.5.1 Public meetings shall be publicized as early as possible—ideally, at least 21 calendar days in advance, but never less than 14 days in advance. This allows attendees time to submit requests for reasonable accommodations and for meeting planners to set deadlines for accommodation requests to be made

in a timely manner. The meeting publicity also needs to be translated into the languages that are identified through application of the four factor analysis set forth in the MassDOT/MBTA Title VI Language Assistance Plan.

5.5.2 In addition to any other means, all public meetings shall be posted on www.mbta.com or <http://www.MassDOT/MBTA.state.ma.us>

5.5.3 All meeting notices shall include:

5.5.3.1 The statement “This location is accessible to persons with disabilities”

5.5.3.2 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).

5.5.3.3 Information on how to request reasonable accommodations by phone, e-mail or fax and the deadline for requests.

5.5.3.4 Information on how to request foreign language interpreter assistance.

5.5.3.5 See Attachment at section 6.7 for a sample meeting posting.

5.6 Additional Considerations

5.6.1 Within 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 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.

5.6.2 Emergency Preparedness

5.6.2.1 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.

5.6.2.2 At the beginning of each meeting, meeting presenters shall announce the safety briefing--including information regarding where those attendees who would require assistance should wait during an emergency.

5.6.3 When opening a public meeting, presenters shall announce:

- 5.6.3.1 The presence and function of sign language interpreters (if interpreters are in the room), and/or CART providers
- 5.6.3.2 That assistive listening equipment is available
- 5.6.3.3 The location of accessible restrooms
- 5.6.3.4 The safety briefing (see 5.6.2.2).

5.6.4 When presenting, presenters at public meetings shall:

- 5.6.4.1 Speak slowly and clearly so that the sign language interpreters have time to interpret.
- 5.6.4.2 Verbally describe information presented visually (e.g. PowerPoint) so that attendees with visual impairments can access the information.
- 5.6.4.3 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.
 - 5.6.4.3.1.1 Provide an alternate version of the video/DVD with descriptive video/described narration. (See Attachment 6.9 for captioning resources.)

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.

6.0 Attachments

6.1 Accessibility Checklist for Meeting Planners

Meeting Date:

Meeting Time:

Subject of Meeting:

Location:

MassDOT/MBTA

Attendees:

Is there at least one person or Department who is responsible for ensuring that the public meeting is accessible for all attendees?

Print Name/Department: _____

Publicizing Meeting:

Has the public meeting been publicized at least 3 weeks in advance?

Has the meeting been publicized on the MassDOT/MBTA or MBTA website?

Has the 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 on whom to contact to request a reasonable accommodation?

Does the public meeting notice include information on how to request foreign language interpreters?

Facility:

Date of Facility Assessment: _____

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 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:

- 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 24 to 48 hours before the meeting and

rechecked immediately before the meeting starts? (Note: For large meetings, to avoid the loss of equipment, it is reasonable to ask for a driver's license or other ID as collateral.)

- Are at least five large print copies of meeting handouts available?
- 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?

For recordkeeping and reporting purposes, please submit a copy of this completed checklist to:

Massachusetts Department of Transportation
Office of Diversity and Civil Rights
10 Park Plaza, Suite 3170
Boston, MA 02116
(For MassDOT/MBTA hosted or sponsored meetings)

Or

Department of System-Wide Accessibility
MBTA
10 Park Plaza, Suite 4470
Boston, MA 02116
(For MBTA hosted or sponsored meetings)

6.2 Ensuring adequate accessible parking

6.2.1 See http://www.mass.gov/Eeops/docs/dps/aab_regs/521023.pdf for Massachusetts Architectural Access Board (MAAB) regulations

6.2.2 See <http://www.access-board.gov/ada-aba/final.cfm#a502> for Americans with Disabilities Act Architectural Guidelines (ADAAG)

6.3 Accessible Restrooms

6.3.1 See http://www.mass.gov/Eeops/docs/dps/aab_regs/521030.pdf for Massachusetts Architectural Access Board (MAAB) regulations

6.3.2 See <http://www.access-board.gov/ada-aba/final.cfm#a603> for Americans with Disabilities Act Architectural Guidelines (ADAAG)

6.4 How to request sign language, CART Providers or foreign language interpreters

6.4.1 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
 - Go to <http://mass.gov/mcdhh>
 - Click on "Interpreter/CART referral services"
 - Select "Request an Interpreter on-line"
 - Note: A copy of the Request Form is attached at 6.7, for reference.
- Requests should be submitted within 21 days, but no later than 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 48 hours advance in order to avoid being billed for the service. CART providers must be cancelled no later than 72 hours in advance of the event.
- Interpreters invoices are billed as a minimum of two hours.

- For meetings that are anticipated to last more than 75 minutes, two interpreters shall be provided. In most situations, one CART provider is sufficient if the meeting is no longer than three hours.

6.4.2 How to reserve CART Providers

Complete and submit an on-line request for interpreting services through the Massachusetts Commission for the Deaf and Hard of Hearing's (MCDHH) website

Go to <http://mass.gov/mcdhh>

Click on "Interpreter/CART referral services"

Click on "[CART \(Communication Access Realtime Translation\) Providers](#)"

Click on "Request a CART Provider" and follow listed directions

Note: A copy of the Request Form is attached at 6.7, for reference.

6.4.3 Foreign Language Interpreters/Translators

- MassDOT/MBTA'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 Office of Diversity and Civil Rights Title VI Coordinator and/or Specialist 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.

6.4.2.1 Interpreter Resources

Projects should have a line item in the budget allocating funds for translation/interpretive services for public meetings. When additional resources are needed for unexpected or unanticipated documents or meetings, there may be funds available. Please contact your department manager to make a request through Budget to secure state or federal funds, as needed. For shared services or internal operations where there may not be a project number, please contact the Chief Administrative Officer of MassDOT/MBTA to secure the funds.

6.4.2.2 Request and cancellation timeframes

- Requests should be submitted at least 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 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.
- For meetings that are anticipated to last more than 75 minutes, two interpreters shall be provided.

6.5 How to reserve assistive listening devices

6.5.1 Contact MassDOT/MBTA Facilities at 857-368-9560.

6.5.2 Departments that frequently host public meetings are encouraged to purchase Assistive Listening Devices so that they are readily available.

6.5.3 Currently OTA/THE RIDE owns Assistive Listening Devices that other departments can reserve and sign out for a public meeting.

Contact:

Carol Joyce-Harrington, OTA/THE RIDE

617-222-2256 or CJoyce-Harrington@MassDOT/MBTA.com

6.6 How to Create Alternate Formats

6.6.1 Electronic Version

- 6.6.1.1 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.

- 6.6.1.2 Public meeting materials that are created electronically shall:

- 6.6.1.2.1 Be created using "Arial" font and a font size of 16 pt.
- 6.6.1.2.2 Shall have the same information as the original document and shall have the highest contrast possible.
- 6.6.1.2.3 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.
- 6.6.1.2.4 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.
- 6.6.1.2.5 If tables or graphs are used in the electronic document, a summary of the table or graph shall be provided.

6.6.2 Braille Version

- 6.6.2.1 Meeting materials that are in Braille shall:

- 6.6.2.1.1 Be created using contracted Braille (Grade 2) and single-spaced.
- 6.6.2.1.2 Braille documents shall have the same information as the non-accessible handout.
- 6.6.2.1.3 If tables or graphs are used in the regular document, a summary of the table or graph shall be provided in the Braille document.

- 6.6.2.2 In order to create a Braille document:

MassDOT/MBTA's Central Planning Transportation Services (CTPS) currently owns and operates a Braille printer.

Contact:

Janie Guion, CTPS

617-973-7507 or jguion@ctps.org

6.6.3 Audible Version

6.6.3.1 Public meeting material that is recorded audibly shall:

6.6.3.1.1 Have the same information that's printed on the original handout.

6.6.3.1.2 Be spoken clearly.

6.6.3.1.3 Shall describe images used in the original handout.

6.6.3.1.4 Shall provide an explanation of any table or graph 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.

6.7 Sample meeting posting (in an MBTA context)

Meeting Date	September 21, 20__
Meeting Time	1:00 P.M.-3:00 P.M.
Subject of Meeting	Judge Patrick King's Update on MBTA/BCIL Settlement Agreement
Location	State Transportation Building, 2nd Floor, Conference Rooms 2-3
MBTA Attendees	Department of System-Wide Accessibility

Sample Text

Meeting Purpose - Judge Patrick King will be hosting a public meeting to discuss his assessment of the MBTA's progress towards compliance with the MBTA/BCIL settlement agreement. Please come to share your questions and comments regarding accessibility at the T.

Notice: This location is accessible to people with disabilities. MassDOT/MBTA 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 MassDOT/MBTA's Chief Diversity & Civil Rights Officer by phone at (857) 368-8580, TTD/TTY at (857) 266-0603, fax (857) 368-0602 or by email to MASSDOT/MBTA.CivilRights@dot.state.ma.us. 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 populations represented in the area of the project or initiative to be invited to participate.)

6.8 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/>

6.9 Document History (Reserved)

4. Public Participation during the Fare Change process

4.1 Public Process for Fare Increase

The MBTA followed its most recent Policy on Public Process for Fare Increases, updated in 2009.

“Proposed changes to a fare restructuring, and/or a fare increase will be developed with significant public input and will be adopted after consultation with the Rider Oversight Committee, public workshops, public comment and at least one designated public hearing, and MBTA Board of Directors approval³. In addition, this public process shall be followed, to the extent applicable, for proposed major service reductions, defined as a systemwide reduction of 10% or more, as measured by typical daily usage. Proposed changes in fares and service reductions may be consolidated for purposes of this public process⁴

The public process shall include (but is not limited to) the following steps:

1. The MBTA will provide public notification of proposals of any of the following types:

- Changes to the fare structure
- A fare increase
- Major service reductions.

At the time of notification, the MBTA will issue a schedule for a public outreach process, provide background information on the reasons for the proposed changes, and provide preliminary summary documents (including preliminary and summary impact analyses that address revenue and ridership).

2. The MBTA will hold public workshops to discuss the proposed changes and solicit direct input from the public. For major changes to the fare structure, or a system wide fare increase of 10% or more (or a system-wide fare increase of less than ten percent that results in a cumulative increase

³ The MBTA may, without action by the MBTA Board of Directors, determine and, from time to time, adjust or suspend fares for occasional, short-term service related to special events, to promote the use of a particular service, or where, in the judgment of the General Manager, such action is required by considerations of the public safety or convenience. The MBTA may also provide pilot programs to test the effectiveness of different types of fare discounts before seeking Board approval for permanent implementation.

⁴ The Public Process described herein is intended to apply primarily to service reductions that may be proposed and/or considered in conjunction with changes in fare levels or fare structure. Nothing herein is intended to alter the process applicable to general service planning as described in the MBTA's Service Delivery Policy, adopted January 14, 2009.

of ten percent or more within a three year period)⁵, at least ten workshops will be held in the following areas:

- Downtown Boston – 2 meetings
- Metropolitan Urban Neighborhoods – 3 meetings
- Metropolitan Suburban Communities – 4 meetings
- I-495 corridor – 1 to 3 meetings

For minor changes to the fare structure, or for a fare increase of less than 10%, the MBTA will hold up to five public workshops, to be located where feasible in areas most affected by the changes. The public workshops will be followed by a public comment period, during which the public can submit feedback in writing via mail, email or the MBTA website. The MBTA may designate one or more of the public workshops as a public hearing or hearings for purposes of 3.

3. As part of the public process, the MBTA will make available via the MBTA website its most recent § 11 reports to the Governor, Legislature, and Advisory Board, as well as any draft report or analysis addressing revenue, ridership, air quality, and environmental justice impacts. Following the availability or posting of such materials, the MBTA will hold at least one public hearing, which shall be held in a central location or locations within the MBTA service district. At any such hearing, the MBTA will make a formal presentation regarding the proposed changes, and the public will have the opportunity to provide testimony on the proposals for the public record.

4. Following the public workshops and hearing(s), the MBTA may make revisions to the draft documents, based on the comments received through the public workshops, comment period and hearing(s). The revised drafts and a summary of the public comments will be submitted to the MBTA Advisory Board and Board of Directors for review. The summary of comments, with MBTA responses, will be made available to the public on the MBTA website.

5. In connection with a proposed system-wide fare increase of ten percent or more, the MBTA Board of Directors will make environmental findings. Such findings will include: the purpose and need of a fare increase; actions taken to avoid a fare increase; the impacts of the fare increase, including economic, transportation, air quality, and environmental justice; alternatives to a fare increase, including impacts of no fare increase; and measures to reduce impacts. Environmental consideration of major service reductions shall be conducted in accordance with applicable law.

⁵ The percent of fare increase represents the percent of additional fare revenue realized by the MBTA as a result of increased fares. Thus, with a system-wide fare increase of ten percent, riders on some services may experience an increase of more than ten percent and others less.

6. The Board of Directors will make a final vote on the proposed changes after considering the overall financial condition of the MBTA, the ridership and revenue implications of the changes, the staff's summary of public comments, the air quality and environmental justice analyses, and comments from the MBTA Advisory Board. Except where the Board of Directors determines that the condition of the MBTA requires prompt action, the Board of Directors vote will not take place until at least 15 days after the summary of public comments has been made available.

Public notifications will be placed in citywide and community newspapers, on the MBTA website, on transit vehicles, and via station signage. Documents will be made available electronically on the MBTA website (formatted for easy download) and in hard copy at local libraries throughout the service area. Reasonable measures will be taken to assure that notifications are made to appropriate groups of persons with limited English proficiency (LEP).

Public workshops and hearing(s) will be scheduled Monday – Thursday, will be held at times that are convenient for commuters and transit dependent riders, and will take place at locations that are within walking distance of MBTA services.

5. Public Participation during the Capital Project Development and Design Process

5.1 Project Development

The project development process covers a range of activities extending from the identification of a project need to a finished set of contract plans, through construction and project completion. The sequence of decisions made through the project development process progressively narrows the project focus and, ultimately, leads to a project that addresses the identified needs. The MBTA coordinates all project planning with the Office of Transportation Planning (OTP).

The MBTA is committed to providing ample opportunities for public participation throughout the entire project development process. This work and coordination follow the planning phase to take advantage of research already conducted on the communities impacted by a project and the level of public support, measured through the public participation process.

The procedures MassDOT/MBTA has adopted for project development are intended to be implemented in conformity with the MassDOT/MBTA Title VI and Americans with Disabilities Act protocols, policies and procedures for inclusive and accessible public participation provided in this document.

5.1.1 Need Identification

The project development process is initiated in response to an identified need in the transportation system. This need can result from suggestions or concerns about a regularly maintained asset or by the operation of a performance-management system, such as MassDOT/MBTA's bridge management system, or a recent corridor or area planning process. Problem, need, or opportunity identification can also occur through the regional planning initiatives of a planning organization or arise from community, legislative, or citizen input.

The development of solutions to address identified needs often involves input from transportation planners, community leaders, citizens, 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, automobile drivers, and truckers moving freight and goods. It is important to engage from the beginning of project development.

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.

5.1.2 Project Planning

Upon identification of a transportation improvement need, the planning process commences. As part of the planning process, the project proponent must conduct a public participation outreach and involvement program, provide information regarding the project, and decide, based on the totality of information gathered during the planning process as well as public input, whether to continue the project development process.

In the planning phase, the proponent identifies issues, impacts, and potential required approvals in order to determine which design and permitting processes are called for. This phase also helps to define project responsibilities and benefits.

Public participation in a project should begin early in project planning and before there is a recommended course of action. Consultation with public involvement specialists on early and long-term efforts is recommended wherever a broad-based public involvement effort is planned and

implemented. 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/MBTA can learn about and respond to community concerns. A public meeting typically begins in an open house format to allow individuals to speak one-on-one with MassDOT/MBTA 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.

During the scoping of projects, MassDOT/MBTA 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 maintain Public Participation Plans of their own and should be contacted directly for a copy of said plans.

Following review by all constituents and by environmental agencies of the alternatives and proposed project, the Project Planning Report can be completed and made ready for review. The report documents the need for the project, existing and future conditions, alternatives considered, public participation outcome, and solution recommended.

5.1.4 Construction

After a construction contract is awarded, the proponent and the contractor will need to develop a construction management plan. The permitting agencies, local authorities, businesses, and affected members of the general public need to 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 activities begin, the proponent and construction manager must determine the appropriate type of public notification and participation needed. Different projects result in different types of disruption to transportation and other nearby activities. For simple projects, including resurfacing, a minimal degree of public participation may be needed. For these 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 proponent may need to schedule a construction management plan meeting with abutters and other project participants (local boards, interest groups, business associations, etc.). At this meeting, the proponent can describe the types of construction activity needed, construction phasing, and durations. Issues and concerns associated with the construction period can be identified and adjustments made to the construction management program to minimize community impacts.

It is critical to remain in contact with stakeholders, neighbors, abutters, legislators, and municipal officials throughout the duration of a project, including the construction phase. Monthly or quarterly stakeholder and abutter meetings should be held when the size or location of a project calls for them. In addition, MassDOT/MBTA will utilize the following communication tools to share project information and receive feedback.

- **MassDOT/MBTA website:** By the time construction is underway, many projects already have their own project page on the MassDOT/MBTA 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, any public meetings scheduled for a project should always be posted in the MassDOT/MBTA website calendar.
- **Media:** MassDOT/MBTA utilizes press releases, advisories, alerts, and other traditional forms of media outreach.
- **Social media tools:** MassDOT/MBTA currently uses Twitter, MassDOT blog, Flickr, email distribution lists, and other new media venues for project updates, traffic advisories, and notices of upcoming project meetings.
- **Public Affairs email account:** MassDOT/MBTA has an email account that is used to send meeting notices and traffic advisories to the project contact lists and to receive public input.

6. Public Participation Process for Service Planning & Operations

6.1 Service Planning/ Operations

The MBTA Board of Directors adopted the *Service Delivery Policy* in September 1996. This policy defined service standards and outlined a process to evaluate and modify service. Standards relate to:

- Span of Service
- Frequency of Service
- Vehicle Loading
- Schedule Adherence
- Net Cost per Passenger

6.2 Service Planning Outreach Process

After the MBTA releases its draft proposal for service changes, the MBTA holds a series of meetings to solicit feedback and comments on the proposed changes. In addition, the MBTA has established an e-mail (serviceplanning@mbta.com) to receive public comment on proposed service plans. The first Service Plan was implemented in 1998, and since then major service changes have been implemented in 2002, 2004, 2006 and 2009, using the same Service Plan process. The Service Delivery Policy itself has also been refined since 1996, as a part of the process.

Public participation in the service planning process varies somewhat by mode and occurs as both an on-going process and as a Service Plan specific process. The purpose of public involvement in the service planning process is to promote a regular dialogue with existing and potential riders, elected officials, and communities regarding their ever-changing service needs

On-Going Public Outreach

The MBTA provides avenues for on-going communication through the MBTA's website, as well as the customer complaints phone line and comments sent to individual MBTA officials. Service related comments/requests are directed to the appropriate department for consideration and response. Upon request, MBTA staff also attend public meetings held by municipalities and meetings with public officials to address specific service issues. In addition, from time to time, the MBTA may conduct specific market or route-based surveys to gather direct input on a major service change or potential new service.

Biennial Service Plan Public Outreach

Service Plan outreach efforts are intended to provide members of the public with the opportunity to submit service requests to the MBTA for consideration in development of the Biennial Service Plan. To this end, the MBTA solicits ideas for service changes through written comments (submitted on-line or via the mail), as well as through public meetings throughout the service area, before a draft plan is written.

Upon completion of the draft biennial Service Plan, the MBTA schedules a second round of public meetings in appropriate locations. At these open meetings the MBTA presents the analysis and issues behind the proposed service changes and solicits public comments on them. In addition, at least one Public Hearing is held to receive formal public comments on the draft Biennial Service Plan. MBTA staff then assess and analyze the suggestions made through the public comments and, as appropriate, incorporate them into the final recommendations that go to the MBTA Board of Directors for approval before implementation.

All Service Plan public notifications, meetings, and hearings will conform to the requirements of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and MBTA policies associated with these laws.

APPENDIX 1

Federal Public Participation Mandates

23 CFR 450

The federal regulations concerning public participation in statewide transportation decision making are specified in Title 23, Section 450.210, of the Code of Federal Regulations (CFR). These regulations require 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
- 45 calendar days for public review of and written comment on public participation procedures in the development of the Long-Range Statewide Transportation Plan (LRSTP) and the Statewide Transportation Improvement Program (STIP) before new procedures and any major revisions to existing procedures are adopted

Title 23, Section 450.212, specifies the public participation requirements for systems-level, corridor, and subarea planning studies.

Title 23, Section 450.214, specifies the public participation requirements for development of the Long-Range Statewide Transportation Plan.

Title 23, Section 450.216, specifies the public participation requirements for development of the Statewide Transportation Improvement Program.

Title 23, Section 450.218, specifies that the transportation-planning process is to 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.
- 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
- Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and 49 CFR part 27, regarding discrimination against individuals with disabilities

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 specific public participation efforts for the development of paratransit plans:

- Hold a public hearing
- Provide an opportunity for public comment
- 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 institution, 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 C 4702.1A, Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients, provides guidance on promoting inclusive public participation. This circular recommends the seeking out 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.
- Implement DOT’s policy guidance concerning recipient’s responsibilities to LEP persons to overcome barriers to participation.

Executive orders regarding environmental justice and outreach to persons with limited English proficiency are also regulated under Title VI of the Civil Rights Act:

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
- 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.
- One or more public hearings or the opportunity for hearing(s)⁶ to be held by the state highway agency at a convenient time and place 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

⁶ An “opportunity for hearing(s)” is when the public is given the opportunity to request that one or more hearings be held so that members of the public can give formal comments on the public record.

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. 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 2

The development of an effective public participation program for a transportation plan, program, or project is a strategic effort that requires techniques designed to meet the particular needs involved. MassDOT/MBTA has considered and based its public participation approaches on the following guidance from the United States Department of Transportation, to systematically set up and implement a public participation program for a specific plan, program, or project:

1. **Set goals and objectives for your public participation program.** *The goals and objectives derive from the specific circumstances of a given transportation plan, program, or project. What decisions, formal or informal, are to be made? When? By whom? What public input is needed? Public input can be in the form of a consensus on a plan or a buildable project. Consensus does not mean that everyone has to agree enthusiastically but that all influential groups and individuals can live with a proposal. Public input can be in the form of information used by staff or decision makers. Agencies use the objectives to form the public involvement program. The more specific the objectives, the better they will guide the involvement program.*
2. **Identify the people to be reached.** *The general public and those directly affected, such as abutting property owners, are some of those who should be reached. If the public is not included or there is no proof of our attempt to reach out, there may be grounds for concerned individuals to challenge the fairness of a project development process. Review who is affected directly and indirectly, as well as those who have shown past interest. Look for people who do not traditionally participate, such as minorities and low-income groups. What information do they need to participate? What issues or decisions affect which specific groups or individuals? How can their ideas be incorporated into decisions? New individuals and groups appear throughout a public involvement program; there should be a way to identify and involve them. Conceptualize the public as a collection of discrete groups, individuals, and the general public; each has different interests and different levels of energy for participation. Most importantly, we must be clear that every member of the public we serve has a right to be part of any transportation planning process, and we are obligated to create real opportunities in support of that right.*

Usually, setting the goals and objectives for a public participation program and identifying the people to be reached should interact and are conducted simultaneously. In addition to brainstorming and analysis by agency staff, MassDOT/MBTA staff should ask members of the public for their input on goals, objectives, and names of people who might be interested. This can be done through key person interviews or focus groups or public opinion surveys.

3. **Develop a general approach or set of general strategies that are connected to the goals and objectives of the participation program and the characteristics of the target audiences.** For example, if an objective is to find out what people think about a proposal, use several techniques for eliciting viewpoints. Strategies fit the target audience in terms of what input is desired and the level of interest or education. General approaches respect agency resources of time, money, and staff. A general approach can be visualized in terms of a principal technique; for example, a civic advisory committee. It could be visualized as a stream of different activities connected to specific planning or project decisions. Alternatively, a general approach could be viewed as a focus on one or more public groups or interests. Be sure to check with members of the public for ideas on your general approach and whether the public to be reached finds the approach acceptable.
4. **Flesh out the approach with specific techniques.** Consult past experience for what works and does not work. Look at manuals of techniques, such as Public Involvement Techniques for Transportation Decision-Making (<http://www.fhwa.dot.gov/reports/pittd/cover.htm>) and the International Association for Public Participation's Public Participation Toolbox (provided in Appendix A). Choose techniques that fit your specific purpose and your public. Target individual groups with appropriate techniques. Approaches that fit the general public often do not fit specific groups well and result in lack of attendance at meetings. Do not isolate groups; provide a way for them to come together and for the general public to review what groups have contributed. This linkage can be essential for building consensus, when needed.
5. **Assure that proposed strategies and techniques aid decision-making to close the loop.** Ask agency staff the following questions: Are many people

participating with good ideas? Are key groups participating? Is the public getting enough information as a basis for meaningful input? Are decision-makers getting adequate public information when it is needed? If a consensus is needed for decision-making, consensus-building techniques like negotiation and mediation or collaborative task forces may be useful. Ask participants who is missing from the participation process. How can missing participants be attracted? Do participants think discussion is full and complete? Do they think the agency is responsive? Is participation rewarding? If not, why not? Continually evaluate and make mid-course corrections.