

## **Public Comments Submitted to the Boston Region MPO**

**March 2, 2023**

**The following written comments were submitted during the 30-day public comment period for the draft Title VI Triennial Report:**

- **Letter from Scott Peterson, Resident (pages 2-4)**
- **Letter from Johannes Epke, Conservation Law Foundation (pages 5-6)**
- **Letter from Lenard Diggins, Regional Transportation Advisory Council (page 7)**

February 20, 2023

Boston Region MPO  
10 Park Plaza, Suite 2150  
Boston, MA 02116

Dear Ms. Harvey

Thank you for this opportunity to comment on this important document, the Boston Region MPO 2022 Title VI Triennial Report. I reviewed the document and had some comments / questions that I wanted to share with the MPO.

- 1) Nationally, many MPO's produce demographic profiles of their boards, committees, and task force's composition/makeup to help understand if the decision makers composition is consistent with the MPOs' demographics. The Boston MPO should consider reporting on this in their Title VI reports.
- 2) Air quality has been an important metric for the Boston Region MPO in its assessment of health impacts to minority and low-income populations in the long-range transportation planning process for over a decade. As the Boston Region MPO's Long-Range Transportation Plan (LRTP) and TIPS are updated, there are two important things to consider.
  - a. PM2.5 and PM10 have health impacts on population in addition to CO and they may track differently and have different impacts. Please consider including these additional pollutants. These are easily extracted from the EPA's MOVES software.
  - b. The previous air quality analysis in the Long-Range Transportation Plan focused on examining changes to VMT and its resulting impact on air quality impacts at the regional level. For air quality analysis it is important to understand travel model congested speeds and post process the speeds accordingly before linking them to the air quality analysis. Since local speeds and VMT play a significant role in local health impacts of populations living adjacent to roadways, the past analysis could be improved. A discussion with MPO members pre-pandemic highlighted the need to do a buffer analysis of the corridors and the immediate populations that were impacted by the projects and not dilute the analysis with a regional VMT analysis and unprocessed congested speeds.
- 3) Many MPO's want to make sure the consultants that they hire to support staff are selected using an equal opportunity process that supports disadvantaged business as provided by applicable law. The respondent(s) should be selected based on their ability to carry out applicable requirements of 49 CFR Part 26 in the work and administration of their contracts. The Boston Region MPO has hired consultants that weren't selected in a competitive bid process or ones that are considered disadvantaged businesses. The MPO should consider correcting this this approach to hiring consultants.
- 4) Many government agencies and MPO's have adopted a Zero Tolerance Policy when it comes to discrimination. This would force any entity that had a person representing them who knowingly and willfully committed discrimination and/or retaliated against someone who raises a concern about discrimination to remove that individual from continuing in their role working with the MPO. Given the importance of this topic to the MPO, they should consider adopting this policy since discrimination and retaliation have

no place at the Boston MPO. I hope this policy is discussed and adopted. If it isn't discussed or adopted, I would like a rationale on why it wasn't.

- 5) People with disabilities are an important population group to consider in the planning process, but my personal experiences have shown the data from the ACS to have a high margin of error, low response rates which lead to data suppression. How was this accounted for and what thresholds were used to determine/populate areas where there were gaps? There are several disability categories in the reporting, which ones are being shown and what is the error associated with these.
- 6) The complaint log in section 2.5 was ambiguous. This log should report complaints over the last three years and identify their status in an easy-to-read table, which identify number of complaints, status, and responses going back to the last Title VI Report. Some more progressive MPO's that want to promote transparency use a table like the one shown in Figure 1 below.

Figure 1. Sample Complaint Log

Title VI Plan

**5.0 Title VI Investigations, Complaints, and Lawsuits**

*FTA Circular 4702.1B, Chapter III, Paragraph 7: In order to comply with the reporting requirements of 49 CFR 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations...; lawsuits, and complaints naming the recipient.*

In accordance with 49 CFR 21.9(b), CORE MPO must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by CORE MPO in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to GDOT. The format to summarize these incidents is shown in Table 1.

CORE MPO has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years.

**Table 1: Summary of Investigations, Lawsuits, and Complaints**

|                       | Date<br>(Month, Day,<br>Year) | Summary<br>(include basis of<br>complaint: race,<br>color, or national<br>origin) | Status | Action(s) Taken |
|-----------------------|-------------------------------|---|--------|-----------------|
| <b>Investigations</b> | None                          | NA  | NA     | NA              |
| 1.                    |                               |   |        |                 |
| 2.                    |                               |   |        |                 |
| <b>Lawsuits</b>       | None                          | NA  | NA     | NA              |
| 1.                    |                               |   |        |                 |
| 2.                    |                               |   |        |                 |
| <b>Complaints</b>     | None                          | NA  | NA     | NA              |
| 1.                    |                               |   |        |                 |
| 2.                    |                               |   |        |                 |

Source: Coastal Region MPO, GA

- 7) Appendix G doesn't identify any projects undertaken in the Inner Core Region, there must have been more information that was mistakenly excluded.

- 8) The data shown in Appendix G is just information without any quantitative analysis of how the funds have been distributed. There are also several UPWP studies that aren't easy to attach to a single community and I am curious how these were handled.
- 9) I am confused about the differences in the Title VI reporting requirements between CTPS (the MPO Staff) and MAPC. MassDOT states in their Title VI Implementation Plan adopted in Sept of 2022 that MassDOT will request compliance assessments of all the MPO and RPAs statewide and issue any necessary recommendations or corrective actions to ensure compliance with Title VI obligations. MAPC as the RPA uses a significant amount of MPO funds (almost 2 million dollars a year), conducts outreach, and conducts their own studies and research which may not always have CTPS/MPO staff present. It isn't clear in the Title VI report if CTPS/MPO staff include MAPC work that is funded using MPO funds and how that is being accounted for in any of the tables / analysis shown. Reviews of the MAPC website showed that they appear to have never done any of their own Title VI reporting in spite of being a subrecipient. MAPC should file their own Title VI reports and both the MPO and MAPC itemize what they each work on and report on independently of one another.

There was a lot of good work embedded in this report but there are opportunities to improve upon how the MPO includes equity in its planning process and how it reports on it. Thanks again.

Sincerely,

A handwritten signature in black ink that reads "Scott Peterson". The signature is written in a cursive, slightly slanted style.

Scott Peterson, PTP

Professional Transportation Planner

Member of the National Academy of Sciences Committee on Transportation Equity

Private Citizen who is concerned about equity - locally and nationally.



For a thriving New England

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February 22, 2023

Boston Region Metropolitan Planning Organization  
Central Transportation Planning Staff  
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**Subject: 2022 MPO Title VI Triennial Report**

Dear Ms. Harvey, Ms. Teich, and Members of the Boston Region Metropolitan Planning Organization:

I am writing on behalf of the Conservation Law Foundation (CLF) to provide comment on the Boston Region Metropolitan Planning Organization's 2022 Title VI Triennial Report. CLF is a non-profit, member-supported organization dedicated to conserving natural resources, protecting public health, and promoting thriving communities for all in New England. CLF's mission includes safeguarding the health and quality of life of New England communities facing the adverse effects of air pollution and climate change. We work to ensure that Massachusetts residents have access to the vibrant, welcoming, and healthy neighborhoods we all need to thrive. CLF has a long history of advocating for a transportation system that is accessible, reliable, efficient, affordable, and free of air pollution and greenhouse gas emissions.

CLF acknowledges and appreciates the MPO's commitment to compliance with Title VI regulations, as well as the MPO's commitment to improving transportation options for the Boston region's environmental justice populations. It is our hope that by sharing our feedback we can further improve the Boston MPO's Title VI policies. CLF is supportive of ongoing efforts by the MPO and CTPS to better understand and model transportation inequity in pursuit of more equitable distribution of benefits and burdens.

As CLF has previously commented, the MPO should consider a negative value for impact thresholds which would require reparative measures to, over time, bridge the gap created by decades of policies of unequal transportation funding for poor people and people of color. Repair is necessary to bridge funding inequalities that have been ongoing for decades and continue today: the current TIP represents a considerable funding disparity, with transit projects serving communities of color at approximately 84% of those serving majority white communities, and projects serving low-income communities at 83% of those serving non-low-income communities. That these figures were 68% and 73%, respectively, in the 2019 TIP mean that these investments are trending in the right direction, but 100% parity must be the floor, not the

goal. Decades of underfunding transportation infrastructure in poorer communities and communities of color require that we invest proportionally more in those communities to bridge the gap; mandating equal funding only means that the gap does not continue to widen.

The MPO's outreach and public engagement plans would benefit from improvements to language accessibility and to information accessibility. While the translator tool Localize will improve translation quality for the MPO's six Safe Harbor languages (Spanish, Portuguese, Haitian Creole, Vietnamese, and traditional/simplified Chinese), the removal of the MPO website's Google Translate widget will limit accessibility for limited English proficient residents that do not speak one of these languages. As these six languages cover "75 percent of non-English speakers" in state, this means that 25 percent will experience a loss of access over MA (quality notwithstanding) even if that proportion is only 1.2% in the Boston region. While documents may be requested in any language, the MPO's site has no easily accessible means of doing so, and thus the simplest measure for ensuring retainment of accessibility is to leave the Google Translate widget in place even after the transition to Localize. Moreover, CLF recommends identifying a person and making that name with an email address and phone number publicly available for people to contact and request translation and interpretation services.

The MPO should also clarify metrics used to calculate forecasting error for models, determine acceptable range of values, and conclude the likelihood of a disparate impact or disproportionate burden. While the MPO has likely accounted for and minimized forecasting errors, making this aspect of the process publicly visible will allow transparency and promote better understanding and feedback on upcoming projects. Accessibility of models and assessment processes is important for the public to understand how that final decision is made; if the details of the process are obscured, it would be difficult for the audience to provide meaningful feedback, identify possible issues, or gain a better understanding of the mechanisms affecting their lives. Finally, CLF recommends that the MPO complete equity analyses before any vote or final decision is made to advance a project. It is inappropriate for the MPO to make a decision prior to reviewing a complete equity analysis.

Thank you for your consideration of these comments, and the continued consideration you bring to Title VI issues to ensure equitable access to transportation planning.

Sincerely,



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Subject: Title VI Report Comments

February 22, 2023

Dear CTPS,

As the Chair of the Advisory Council and thereby with a seat on the MPO Board, there have been opportunities for me to weigh in on the report. I take this additional opportunity outside of a formal meeting to convey my appreciation for the aesthetics of the report and to make one suggestion. First, the artistic coherence of the report (excluding the appendices which are mostly (excerpts of) other documents) increases its appeal. One reads the document with an anticipation for the next digitally-enhanced photo that will appear. The digital modification of the photos complements other artistic elements that make it a more vibrant document and, in the process, demonstrates that government work can be beautiful and accessible as well as highly informative. It makes me proud to be associated with an organization that would produce such a document.

Now, for the suggestion: on page 48, I found it hard to distinguish between some of the colors of the lines, and it was particularly challenging when I tried to match the color of a line to its identity in the legend. I don't know if the colors of the lines were chosen to fit in with the overall color theme. If so, then perhaps next time additional measures can be taken to make the different lines distinct when there is a desire to use a relatively small number/range of colors.

Thanks for your attention and your diligence!

Sincerely,  
Lenard Diggins