



2022 TITLE VI REPORT

Annual Update
February 2023

Revised December 2023



Prepared by
Northern Middlesex Council of Governments for the
Northern Middlesex Metropolitan Planning Organization

NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION

FEDERAL FISCAL YEAR 2023 TITLE VI ANNUAL UPDATE

FEBRUARY 2023 REPORT

TRANSPORTATION PLANNER

JESSICA BOULANGER

NMCOG AND LOWELL REGIONAL TRANSIT AUTHORITY TRANSIT PLANNING PROGRAM MANAGER

CHRISTOPHER CURRY

PROJECT MANAGER

JUSTIN HOWARD

DECEMBER 2023 REVISION

TRANSIT PLANNER

BLAKE ACTON

PROJECT MANAGER

PAUL CHRISTNER

NORTHERN MIDDLESEX COUNCIL OF GOVERNMENTS STAFF IS DIRECTED BY THE NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION (MPO). THE MPO IS COMPOSED OF STATE AND REGIONAL AGENCIES, AUTHORITIES, AND LOCAL GOVERNMENTS.

FEBRUARY 2023

Revised December 2023

All images used in this report are from Canva.com, 2023

Northern Middlesex Metropolitan Planning Organization Title VI Program

Federal Title VI/Nondiscrimination Protections

The Northern Middlesex Metropolitan Planning Organization (NMMPO) operates its programs, services and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of **race, color or national origin** (including **limited English proficiency**) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of **age, sex, and disability**. These protected categories are contemplated with NMMPO's Title VI Programs consistent with federal interpretation and administration. Additionally, NMMPO provides meaningful access to its programs, services, and activities to individuals with limited English proficiency in compliance with UD Department of Transportation policy and guidance on federal Executive Order 13166.

State Nondiscrimination Protections

The NMMPO also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, Prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on **race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry**. Likewise, NMMPO complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted by the state shall be conducted without unlawful discrimination based on **race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status** (including Vietnam-era veterans), or **background**.

Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Paul Christner
NMCOG Title VI Coordinator
Northern Middlesex Council of Governments
672 Suffolk Street, Suite 100
Lowell, MA 01854
(978) 454-8021
civilrights@nmcog.org

Complaint Filing

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

To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminator conduct at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02109
617-994-6000
TTY: 617-994-6296

For additional copies of this document or to request a copy in an accessible format, please contact:

Name: Paul Christner
Mail: Northern Middlesex Council of Governments
672 Suffolk Street, Suite 100
Lowell, MA 01854
Phone: (978) 454-8021
Fax: (978) 454-8023
Email: civilrights@nmcog.org

The document is also available for download on our website at <https://www.nmcog.org/civil-rights-title-vi>

If this information is needed in another language, please contact the NMCOG Title VI Coordinator at 978-454-8021.

Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do NMCOG pelo telefone 978-454-8021.

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែព័ត៌មាននេះ សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី៦ របស់NMCOG តាមរយៈលេខទូរស័ព្ទ 978-454-8021

Si necesita esta información en otro idioma, por favor contacte al especialista de NMCOG del Título VI al 978-454-8021.

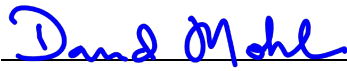
Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Espesyalis NMCOG Title VI la nan nimewo 978-454-8021.

如果需要使用其它语言了解信息，请联系马萨诸塞州交通部（NMCOG）《民权法案》第六章专员，电话978-454-8021。

The preparation of this document was funded by a contract (118971) with the Massachusetts Department of Transportation, supported in part with funds from the Federal Highway Administration

NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION
ENDORSEMENT OF THE 2023 NORTHERN MIDDLESEX MPO TITLE VI REPORT

This document will certify that the Northern Middlesex Metropolitan Planning Organization, at its meeting of March 22, 2023 hereby approves the endorsement of the 2023 Northern Middlesex Title VI Plan. The Title VI Plan is being endorsed in accordance with the 3C Transportation Planning Process and complies with the requirements set forth in the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL).



for

Gina Fiandaca, Secretary of Transportation and CEO of MassDOT

03/22/23

Date

TABLE OF CONTENTS

Executive Summary	6
Background	6
General Reporting Requirements	6
Reporting Requirements Related to NMMPO Planning Practices	7
I. Introduction	10
II. Transportation Planning Process	11
III. Public Involvement and Information Dissemination	13
IV. Demographic Profile of the Northern Middlesex Region	20
V. Lowell Regional Transit Authority and Regional Transit Services	35
VI. Title VI Monitoring	44
VII. Minority Participation in the Decision-Making Process	46
VIII. Transportation System Investment Analysis	47
IX. Complaints and Complaint Procedure	53
X. Assessment of Compliance	53
XI. Limited English Proficiency Plan	54
XII. Subrecipient Monitoring.....	55
XIII. Title VI Program Approval	55
XIV. Notification of Protection under Title VI	55
XV. Appendices	59
A. LRTA Service Area Map	
B. Demographic Maps	
C. NMMPO Notice to Public and Procedures	
D. NMMPO Public Participation Plan	
E. Title VI Certifications and Assurances	
F. Limited English Proficiency Plan	
G. Public Comments	
H. NMMPO Meeting Minutes	
I. Title VI Complaint Forms	

EXECUTIVE SUMMARY

Executive Summary

BACKGROUND

This document provides information and analysis of transportation policies and services necessary to measure the Northern Middlesex Metropolitan Planning Organization's (NMMPO) compliance with Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d) and US Department of Transportation (DOT)s implementing regulations.

Title VI 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 benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for people with Limited English Proficiency (LEP). Under DOT's Title VI regulations, recipients of Federal financial assistance are prohibited from using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin".

This Title VI Assessment has been prepared in conformance with "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," as described in FTA Circular 4702.1B dated October 1, 2012.

This Title VI update contains substantial revisions to previous annual submissions and includes an updated demographic analysis based on the 2010, 2016, and 2020 U.S. American Community Survey Census data.

GENERAL REPORTING REQUIREMENTS

The following are the reporting requirements covered in this document:

- **MassDOT/FHWA and FTA Title VI Assurances:**
Signed forms that ensure that NMMPO programs and activities are in compliance with Title VI Regulations
- **Title VI Notice of Nondiscrimination:**
A notice to the public of their protections against discrimination under the Title VI statute
- **Complaint Forms and Procedures:**
A process for filing a discrimination complaint against the NMMPO, allowing the NMMPO to track and investigate complaints

- **Title VI Complaint Log:** A list of any allegation of discrimination by the NMMPO
- **Public Participation Plan:** NMMPO document describing the engagement activities
- **Language Assistance Plan:** Limited English Proficiency plan identifying languages spoken within the region and provision of language assistance
- **Subrecipient Assistance Plan:** Not applicable. The NMMPO does not pass through federal assistance to additional subrecipients
- **Title VI Program Approval:** Signed NMMPO endorsement sheet
- **Organization Chart:** Organization and staffing report
- **Program Review Procedures:** Description of how the Title VI Coordinator confirms NMMPO compliance
- **Title VI Training:** Listing of staff trainings taken since July 2021
- **Dissemination of Title VI Information:** Description of how Title VI related information is shared with the public

REPORTING REQUIREMENTS RELATED TO NMMPO PLANNING PRACTICES

Demographic Profiles

The NMMPO prepares a collection of maps, tables and charts that highlight areas of historically underserved populations in the Northern Middlesex region. The demographic profiles include minority populations, limited English proficiency concentrations and people with disabilities. Age-related information is provided for each community with a focus on seniors and children 17 years of age and under.

Geographic Mapping Protected Populations

Maps identifying areas of minority populations greater than the regional average are presented in Appendix B. Individual maps for each of the following groups are included:

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Pacific islander
- Other or Two or More Races
- Total Minority Populations

Geographic Mapping Poverty

As part of the 2022 Title VI plan update NMMCOG produced a map-identifying residents living below 200% of the federal poverty level across the nine Northern Middlesex communities. As anticipated, the City of Lowell has the greatest concentration of households living below 200% below the federal poverty level. Understanding the poverty rates in our region and the particular vulnerability in Lowell will be considered when prioritizing agency efforts.

Geographic Mapping of TIP Projects

The Environmental Justice (EJ) Population Areas and FFY 2023-2027 Transportation Improvement Plan (TIP) Projects map identified the locations of the federally funded projects in relation to environmental justice populations in the Northern Middlesex region. Though TIP projects are distributed throughout the region, with projects in both EJ and non-EJ areas, there are multiple communities (Tyngsborough, Pepperell and Dunstable) that do not currently have projects programmed on the TIP.

Long-Range Transportation Plan (RTP) Title VI and Environmental Justice Analysis

The most recent Regional Transportation Plan, for the Northern Middlesex Region, Envision 2050 outlines the process utilized by the NMMPO to ensure compliance with federal requirements. Title VI and Environmental Justice areas have been considered during this plan development.

The following measures are undertaken in the Northern Middlesex region to ensure conformity to Title VI and Environmental Justice requirements:

- A demographic profile of the metropolitan area was developed that includes identification of E.J. populations, as covered by the Executive Order on Environmental Justice and Title VI provisions.
- An assessment relative to the distribution of transportation policy and project impacts on affected socio-economic groups is undertaken for the required federal certification documents, utilizing racial/ethnic information from the U.S. Census and income information from the most recent American Community Survey. The objective of the analysis is to ensure that the needs of Environmental Justice populations are considered and prioritized with federal transportation-related funding, specifically the Transportation Improvement Program.

The region's Public Participation Plan includes strategies for engaging EJ populations in the transportation decision-making process. If a proposed TIP project is found to have negative impacts, appropriate mitigation is developed to offset any adverse effects.

Transportation Improvement Program (TIP) Title VI and Environmental Justice Analysis

The NMMPO Title VI and Environmental Justice analysis was used to evaluate the potential impacts of the federally funded projects on Title VI and EJ populations. A geographic distribution analysis of TIP-funded projects was undertaken to determine regional equity in the transportation planning process. Environmental Justice areas have been identified, and TIP projects have been mapped based on minority populations, low-income, households throughout the nine communities that comprise the NMCOG region.

Public Engagement and Mobility Needs

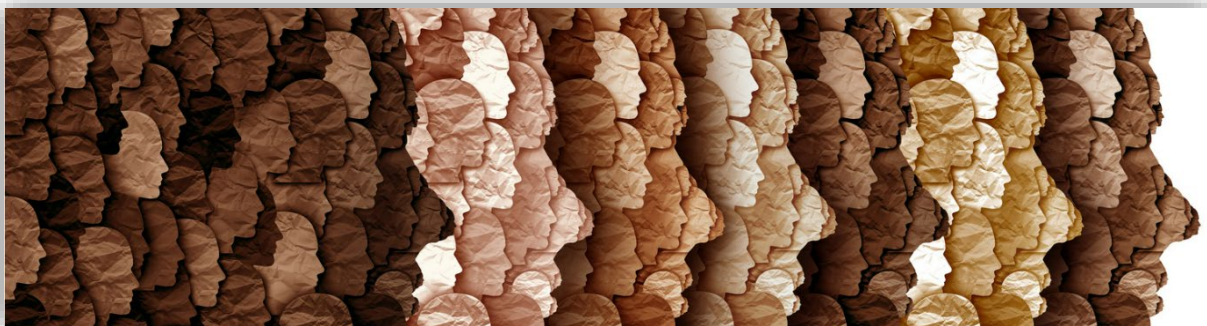
The NMMPO strives to engage groups and organizations representing Title VI and Environmental Justice populations. The vast majority of this engagement took place during the development of the Long-Range Transportation Plan and the Coordinated Public Transit – Human Services Transportation Plan (CPT-HST).

The Regional Transportation Plan (RTP) development includes extensive public outreach. NMMCOG staff participate in meetings, engaging all NMMPO communities, including organizations that serve Title VI and Environmental Justice populations. Topics discussed at these meetings range from pedestrian, bicycle, and traffic safety to intersection and bridge priorities. The received feedback is presented and addressed in the RTP and plays a significant role in the prioritization of the projects. The CHSTP examines the unmet transit needs of seniors and people with disabilities. The CHSTP engagement includes outreach to the councils on aging, commissions on disabilities, regional coordinating councils, and a number of other groups that serve senior and disabled communities.

Data Collection, Reporting, and Analysis

The NMMPO staff collects and analyzes data from the U.S. Census department. Both the Decennial Census data and the American Community Survey (ACS) data are used to monitor changes in the demographics of the Northern Middlesex region. Equity analyses for the Language Assistance Plan, the RTP, and the TIP are all derived from this data. All of the relevant Census and ASC data is presented on the [NMMCOG website](#) and is available for the public to download and use for a host of projects.

NMMCOG collects traffic volume data, crash data, pedestrian and bicycle data, park and ride usage, and transit ridership information. All data collected is utilized when assessing the benefits and burdens to regional Title VI and Environmental Justice populations.



I. Introduction

This document provides information and analysis of transportation policies and services necessary to measure the Northern Middlesex Metropolitan Planning Organization's (NMMPO) compliance with Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d) and US Department of Transportation (DOT)s implementing regulations.

Title VI 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 benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for people with Limited English Proficiency (LEP). Under DOT's Title VI regulations, recipients of Federal financial assistance are prohibited from using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin".

This Title VI Assessment has been prepared in conformance with "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," as described in FTA Circular 4702.1B dated October 1, 2012.

This Title VI update contains substantial revisions to previous annual submissions and includes an updated demographic analysis based on the 2010, 2016, and 2020 U.S. American Community Survey Census data.

The objectives of this Title VI analysis and report are to:

- Ensure that the level and quality of transportation service are provided in a nondiscriminatory manner;
- Promote full and fair participation in transportation decision-making without regard to race, color, or national origin; and
- Ensure meaningful access to transportation programs and activities by persons with limited English proficiency.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations and programs of covered entities without regard to whether specific portions of the covered program or activity are federally funded. Recipients are responsible for ensuring that all activities are in compliance with Title VI. Title 49 CFR

Section 21.9(b) requires recipients to document their compliance by submitting a Title VI Program once every three years.

Given that the NMMPO is a subrecipient of federal transportation funds, this Title VI report is being submitted to MassDOT by the Northern Middlesex Council of Governments (NMCOG) as the primary fund recipient on behalf of the NMMPO. **The draft of this plan was presented to the NMMPO on February 22, 2023. The public comment period for this plan began on February 24, 2023 and ended on March 17, 2023.**

II. Transportation Planning Process

The NMMPO ensures that transportation planning and programming actions and activities are non-discriminatory by providing oversight of and ensuring representation by its members; adhering to federal legislation and guidance in formulating its objectives, policies, and plans; implementing a non-discriminatory and proactive public involvement plan; and assessing the environmental justice impacts of all TIP and RTP projects.

Federal law establishes requirements and guidelines for transportation planning in urbanized areas. In order to be eligible for federal transportation funding, an area must maintain a continuing, cooperative and comprehensive (3C) transportation planning process. This process is executed and managed by the NMMPO.

The Principle Objectives of the 3C Transportation Planning Process include the following:

- The 3C process is comprehensive, including the effective integration of the various stages and levels of transportation planning and programming for the entire region, and examining all modes, so as to assure a balanced planning and programming effort;
- The 3C process is continuing, planning for the short-range and long-range needs of the regional transportation system, emphasizing the interactive progression from systems planning to project planning, programming, operations and implementation;
- The 3C process is cooperative, emphasizing effective coordination among public officials at all levels of government, and inviting wide participation from all parties, public and private, at all stages of the transportation planning process, and;
- The 3C process is multi-modal, and intended to help provide the Region with the ability to maintain, manage and operate a transportation system that provides a high level of mobility and safety for people and freight, consistent with fiscal and environmental resources.

The NMMPO is responsible for carrying out and completing all transportation plans, programs, and conformity determinations required by federal and state laws and regulations under the 3C process. This work includes preparation of the Transportation Improvement Program, Regional Transportation Plan, and Unified Planning Work Program and all required analyses. The NMMPO also initiates studies to identify transportation needs and solutions. The following is a brief description of each federally required certification document.

- The Transportation Improvement Program (TIP) is a programming and management document containing all federally funded transportation projects planned in the Northern Middlesex region over the next four years. All transportation projects that will be funded under Title 23, U.S.C., or with Federal Transit Act funds, must be included in the document. In addition, projects requiring FHWA or FTA approval, but not funded under Title 23, U.S.C., or with Federal Transit Act funds, must also be listed in the TIP. Similarly, transportation projects funded with Federal funds from other federal agencies. In addition, projects funded with local and private funds should be described in the document for informational purposes to reflect the integrated and connected systems of the metropolitan transportation planning process.
- The Unified Planning Work Program (UPWP) is prepared by NMCOG staff for the Metropolitan Planning Organization (MPO) and is reviewed and endorsed by the MPO. The UPWP provides a way to coordinate many planning activities, as well as to relate transportation planning concerns to overall comprehensive planning in the region and support the “3-C” (comprehensive, cooperative, continuing) transportation planning process.

The UPWP describes transportation planning activities that focus on a variety of highway and transit problems. Each planning task is identified, a budget is established, the work is assigned by specific agency, and funding sources are identified. Thus, all elements of area-wide significance related to the long and short-range transportation planning process for the Northern Middlesex area may be found in the UPWP.

The work tasks within the UPWP are reflective of issues and concerns to transportation agencies at the federal, state and local levels. The descriptions of the tasks for accomplishment and budgets for the tasks are based on the best estimate of available resources. Priorities in the UPWP are determined through input from the NMMPO, public outreach, the state transportation agencies, MPO staff and the local communities.

- The Regional Transportation Plan (RTP) covers a 25-year horizon and includes both long and short-term strategies that will result in the development of an integrated multi-

modal regional transportation system. All future transportation projects, which are funded in part or wholly with federal monies, must be included in the Plan. The Bipartisan Infrastructure Law requires that the transportation plan be updated every four to five years. Continuing effort is required to adjust, refine and update the Plan in order to work toward achieving the most desirable transportation and development goals for the region. The Plan, therefore, is not a static document, but a continually evolving guide to the existing and future transportation needs of the region.

The plan is prepared for the NMMPO by NMCOG staff. This plan is funded by the U.S. DOT, Federal Highway Administration (FHWA) and the FTA, through contracts with the MassDOT. NMCOG staff consults and collaborates with the state transportation agencies and the Lowell Regional Transit Authority (LRTA) during the development of the plan document.

An emphasis is placed on producing a document that:

- Complies with all applicable environmental and planning regulations;
- Advances the statewide Smart Growth and Sustainable Development Principles;
- Offers multimodal strategies to address the region's transportation needs;
- Fosters economic development in the Northern Middlesex region;
- Is financially constrained to available and projected funding sources; and
- Reflects the NMMPO's goals and policies.

The LRTA and MassDOT reviews the draft document and endorses the Regional Transportation Plan as members of the MPO. Public input is accomplished through a regional and community survey, outreach meetings to neighborhood organizations, special interest groups, local municipalities and elected officials, and other interested stakeholders. A public meeting is held to present the draft plan for public comment.

III. Public Involvement and Information Dissemination

Public participation is an integral and vital part of transportation planning. The information, viewpoints and perspectives provided through the public involvement process help guide decision makers, leading to a more meaningful and comprehensive planning process. The goals of the regional public involvement plan are as follows:

- Solicit and respect the viewpoints of all transportation constituents;
- Provide multiple opportunities for public involvement that are open, meaningful and inclusive, and that consider needs for accessibility, scheduling, informational materials format and the language needs of those with limited English proficiency;

- Provide a predictable process that is understandable, with public comment period notification provided well in advance (21 days for the TIP, UPWP, and RTP; 45 days for the Public Participation Plan);
- Periodically evaluate new tools for improving, updating and refining the NMMPO's existing public involvement process; and
- Strive to increase public participation and improve outreach to minority, low-income, elderly, youth, and accessibility-challenged individuals.

The NMMPO conducts an ongoing consultation process with minority and low-income residents, and with groups representing their interests, such as the Coalition for a Better Acre (CBA), Cambodian Mutual Assistance Association (CMMA) and Community Teamwork, Inc. NMMPO staff also meets regularly with economic development and social service interests and other groups charged with providing community support, job training, housing and other services in neighborhoods with significant concentrations of low-income and minority residents. The information gathered during these sessions is incorporated into the transportation planning process, and considered during the development of the certification and other transportation documents.

Northern Middlesex Council of Governments

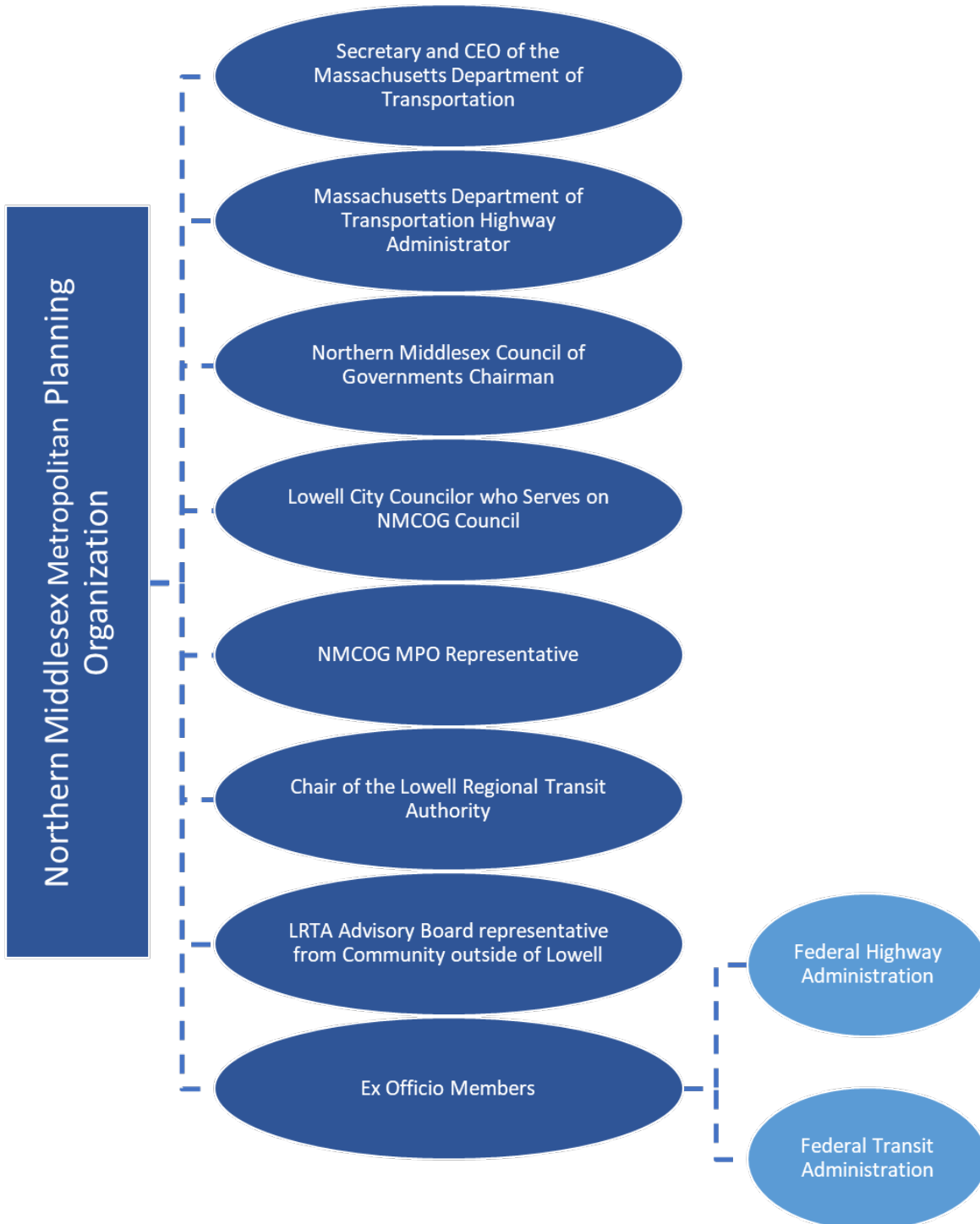
The Northern Middlesex Council of Governments meet on a monthly basis. The meetings are open to the public and notices are widely distributed to a broad mailing list and are also posted at every city and town clerk office, in accordance with the State open meeting law. Meeting notices are also posted on the [NMCOG website](#), social media, and newsletters. Notices are published in the Lowell Sun and in the Khmer Post in both the English language and Khmer language. NMCOG staff serve as the staff to the Northern Middlesex Metropolitan Planning Organization.

Northern Middlesex Metropolitan Planning Organization

As of July 2022, the NMMPO Board is comprised of 7 members, which includes 5 men, 2 women, and 0 minorities at the time of this report there are no vacancies on the MPO. The seven-member NMMPO board is comprised of the Chair of the Northern Middlesex Council of Governments (NMCOG), the Chair of the Lowell Regional Transit Authority (LRTA), the Secretary of MassDOT, and the MassDOT Highway Administrator. In addition, the following representatives are voting members of the NMMPO. The chief elected official from the City of Lowell is elected to serve as the City's representative to NMCOG. A Select Board member is elected to serve on NMCOG and further elected by the Council to serve as that town's representative to the NMMPO. The NMMPO board includes a LRTA Advisory Board member

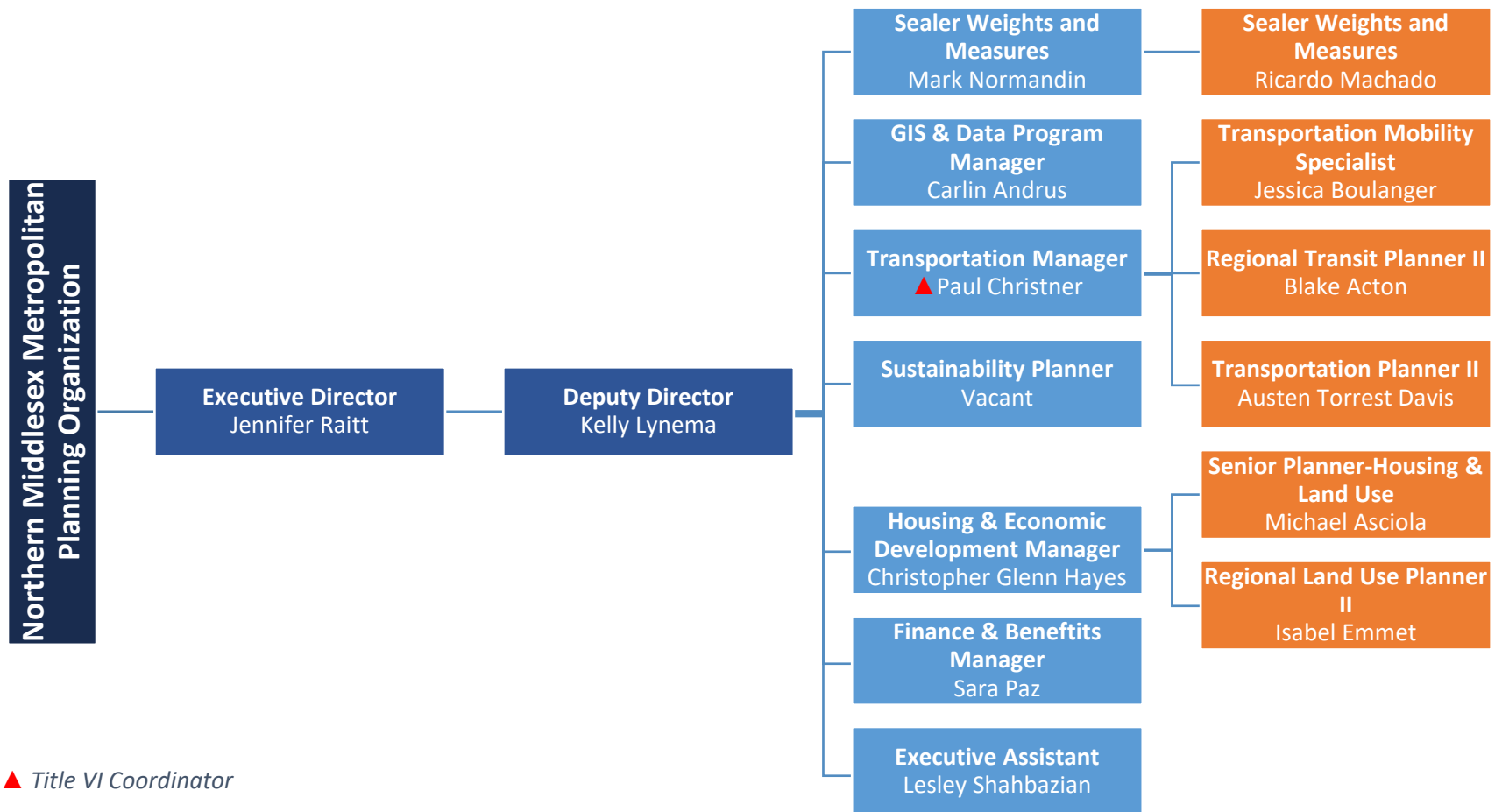
representing a community within the NMMPO boundaries (except Lowell). The city of Lowell is not included because they may also be an elected official. One representative from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are ex-officio, non-voting members of the NMMPO, as shown on **Chart 1**.

NMMPO Organization Chart 1



The diagram presented in Chart 2 outlines the organizational structure for the Staff to the Northern Middlesex Metropolitan Planning Organization (NMMPO), specifically detailing the positioning of the Title VI Coordinator in relation to the Executive Director.

NMMPO Organization Chart 2



The Northern Middlesex Metropolitan Planning Organization (NMMPO) information dissemination is conducted using the public participation process outlined in the adopted [Public Participation Plan](#). Northern Middlesex Council of Governments meetings, which are open to the public, and through news articles that reach the NMCOG constituents within the Greater Lowell area and beyond. Information is also available on the [NMCOG website](#) and opportunities for input directly via the two social media outlets including Facebook and Twitter.

The Public Participation Plan was endorsed in June 2016 and amended in March 2017 to address the requirements of FAST Act and the new planning regulations. A copy of the current NMMPO Public Participation Plan is included in **Appendix D**.

Timely information about transportation issues and processes is provided to citizens, public agencies, transportation agency employees, private sector transportation providers, and others affected by transportation plans, programs, and projects. NMMPO has identified an extensive list of stakeholders and other interested parties throughout the region. These stakeholders are notified of all opportunities for public involvement, including public meetings, forums, and opportunities to comment on draft documents, etc., in order to ensure that input is received from a broad and diverse constituency. In some cases, specific audiences are targeted to solicit input on a unique issue or problem. Local chief elected officials provide input on all transportation matters through NMCOG, as the NMCOG board is comprised of a City Councilor/Select Board member and a planning board member from each community. A minimum 21-day comment period is provided for all draft certification documents. In the case of the public participation plan, a 45-day comment period is required by federal regulation.

Technical and policy information used to develop plans and TIPs and to the public meetings where Federal-aid highway and transit programs decisions are available to the public. Technical and policy information is provided to the local communities, general public and interested stakeholders in written and electronic format. In addition, reports, meeting notices and other relevant materials are accessible on the [NMCOG website](#). There is a lengthy public involvement process and multiple opportunities for public review and comment during the development of both the RTP and the TIP. The NMCOG monthly board meetings are open to the public and properly posted through the City/Town Clerk's offices according to Massachusetts Open Meeting Law. The TIP and the RTP appear as regular items on the Council's agenda. The LRTA Advisory Board meetings are also open to the public, where these issues are often discussed.

The NMMPO meets monthly and is open to the public and properly posted according to Massachusetts Open Meeting Law. NMMPO meetings are advertised via direct emailing to distribution lists, postings on the [NMCOG website](#), advertising in the [Lowell Sun](#), the region's primary newspaper, and in the [Khmer Post](#) in an effort to reach the Cambodian community. Notices of public meetings relative to the development and review of certification documents

are also printed in the Lowell Sun and the Khmer Post. All public meeting notices specify that language assistance is available on request.

The public involvement process and the strategy for engaging those traditionally underserved by transportation, such as low-income and environmental justice communities is reviewed closely. The NMMPO staff has an ongoing relationship with agencies and organizations representing EJ populations within the region. The NMMPO staff meet with the Coalition for a Better Acre, a community-based development organization that advocates for social change to build and preserve affordable housing, improve workplaces and work environments, address transportation issues, and improve the quality of life of EJ communities residing in the Acre neighborhood of Lowell. Additionally, NMMPO staff has a long-standing relationship with Community Teamwork, Inc., the anti-poverty agency for the Greater Lowell region, and with the Cambodian Mutual Assistance Association (CMMA).

NMCOG staff was involved in the City of Lowell's Ten Year Campaign to End Homelessness. The NMCOG executive director served on a committee that was formed by the Lowell City Manager to address housing and transportation issues among the City's homeless and very low-income population. NMCOG's Executive Director also serves on the Greater Lowell Workforce Investment Board and the Merrimack Valley Economic Development Council.

As previously mentioned, NMCOG works diligently to coordinate its transportation and economic development planning activities. NMCOG has reached out to the minority community and encouraged participation in other regional committees, such as the Greater Lowell CEDS Committee. Additional outreach efforts were then utilized to expand the representation of minorities on the Greater Lowell CEDS Committee. The CEDS Committee addresses transportation and infrastructure issues as part of its ongoing work on the Comprehensive Economic Development Strategy (CEDS) for the Greater Lowell area, and includes several representatives of the region's low income and minority communities. The *Comprehensive Economic Development Strategy for Greater Lowell* identified several key transportation projects as being a high priority for the region. An update to that document was recently prepared and includes transportation projects drawn from the TIP and the RTP.

The needs of those traditionally underserved are considered when developing the RTP and the TIP. For example, the RTP contains an environmental justice analysis of the LRTA's transit initiatives, and identifies the areas of low income and minority concentrations. In addition, both the LRTA and NMCOG have approved Title VI plans that are updated annually.

A Public Participation Plan used for the Regional Transportation Plan (RTP) was developed by the NMMPO and is attached herewith (**Appendix D**). The Outreach Plan identified five goals aimed at seeking broad and active participation from the public and key stakeholders and

identified the various outreach tools to be utilized (public meetings, press releases, email, website postings, surveys, brochures, etc.). As part of the 2024 – 2050 RTP public outreach process, MPO staff are hosting regional events and additionally have met with the following entities:

- Belvidere Neighborhood Association
- Billerica town staff
- Chelmsford Select Board
- Chelmsford town staff
- Chelmsford Senior Center Staff and Customers
- Dracut town staff
- Dunstable town staff
- Lowell city staff
- Tewksbury town staff
- Tyngsborough town staff
- Westford Town staff
- Greater Lowell Comprehensive Economic Development Strategy Committee
- Mass Hire
- Middlesex 3 Coalition
- Lowell Regional Transit Authority
- UMass Lowell

In addition, comments were submitted by the public and the local communities through the NMCOG website, public meetings, community needs surveys, and as a result direct mailing of materials distributed to local officials and community organizations. Each of these comments receive serious consideration and, if appropriate, will be incorporated into the RTP.

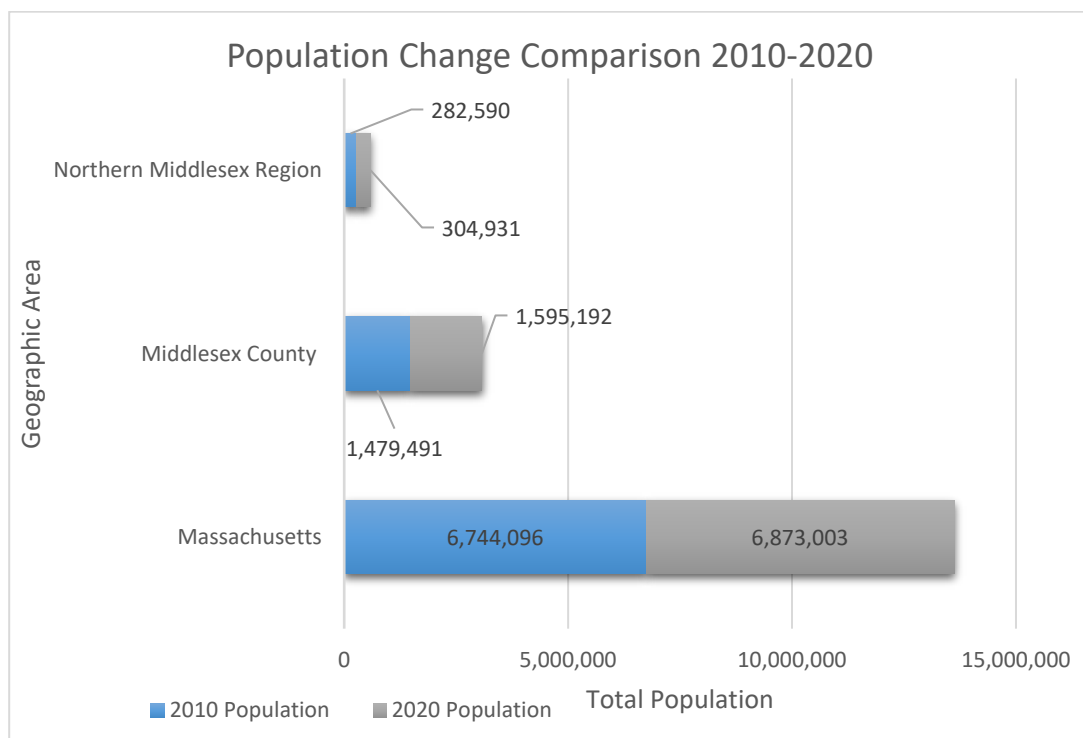
IV. Demographic Profile of the Northern Middlesex Region

The Greater Lowell region consists of the City of Lowell and its eight suburbs - Billerica, Chelmsford, Dracut, Dunstable, Pepperell, Tewksbury, Tyngsborough, and Westford. The City serves as the economic center of the region, which has a land area of approximately 196 square miles and an inland water area of 5.76 square miles.

Population Changes

Between the years 2010 (6,744,096) and 2020 (6,873,003), the state of Massachusetts experienced a 2% population increase, as shown in **Figure 1**. Middlesex County experienced a 7% growth between 2010 (1,479,491) and 2020 (1,595,192), while the population in the Northern Middlesex region increased by 8% between 2010 (282,590) and 2020 (304,931).

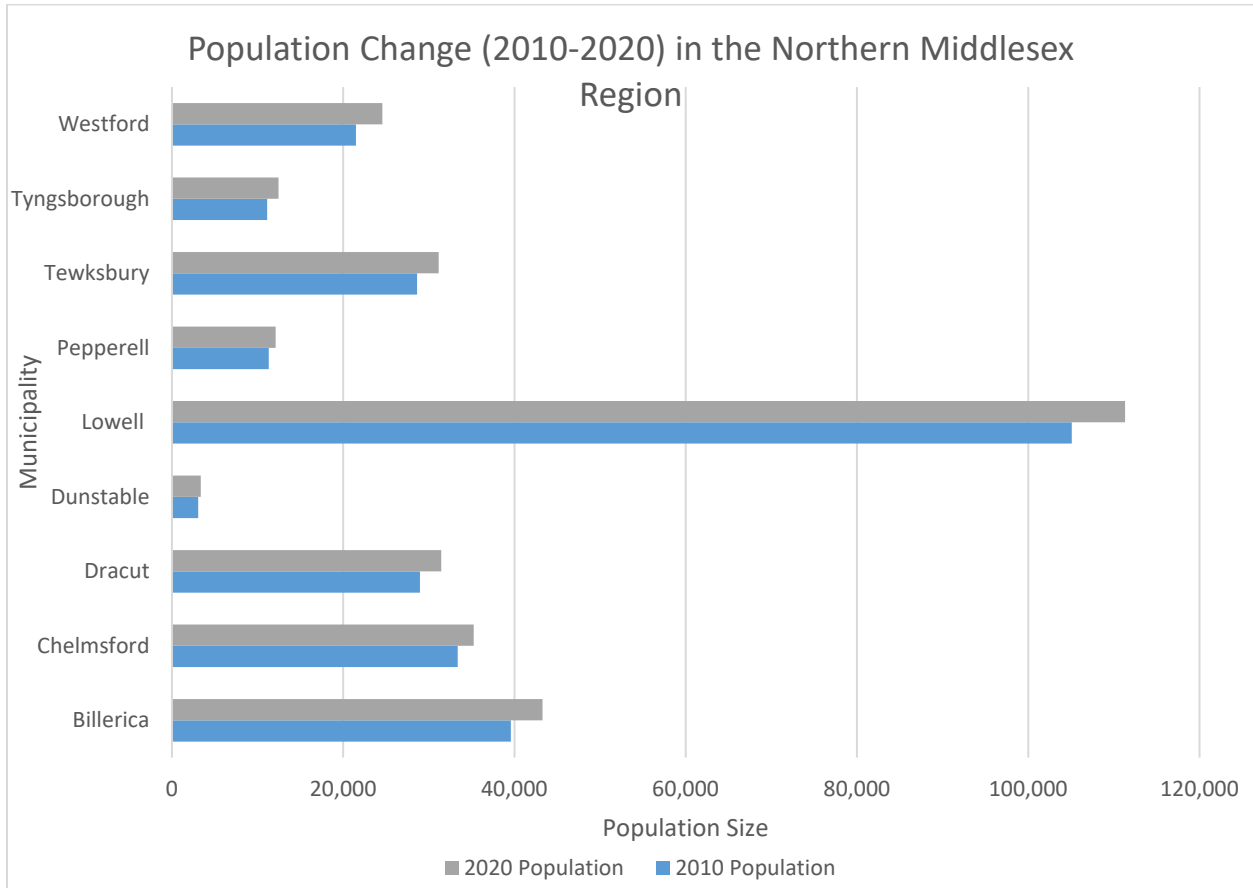
Figure 1 Population Change Comparison 2010-2020



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates
Source: U.S. Census Bureau, 2006-2010 American Community Survey

As outlined in **Figure 2**, the population in every community increased between 2010 and 2020. The greatest percent change growth occurred in Westford (14%), Tyngsborough (12%), and Dunstable (10%). The towns of Tewksbury, Billerica, and Dracut all experienced the same growth rate (9%). The town of Pepperell had a (7%) increase. At the same time, both Chelmsford and Lowell experienced a (6%) increase between the years of 2010-2020.

Figure 2 Population Change in the Northern Middlesex Region



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

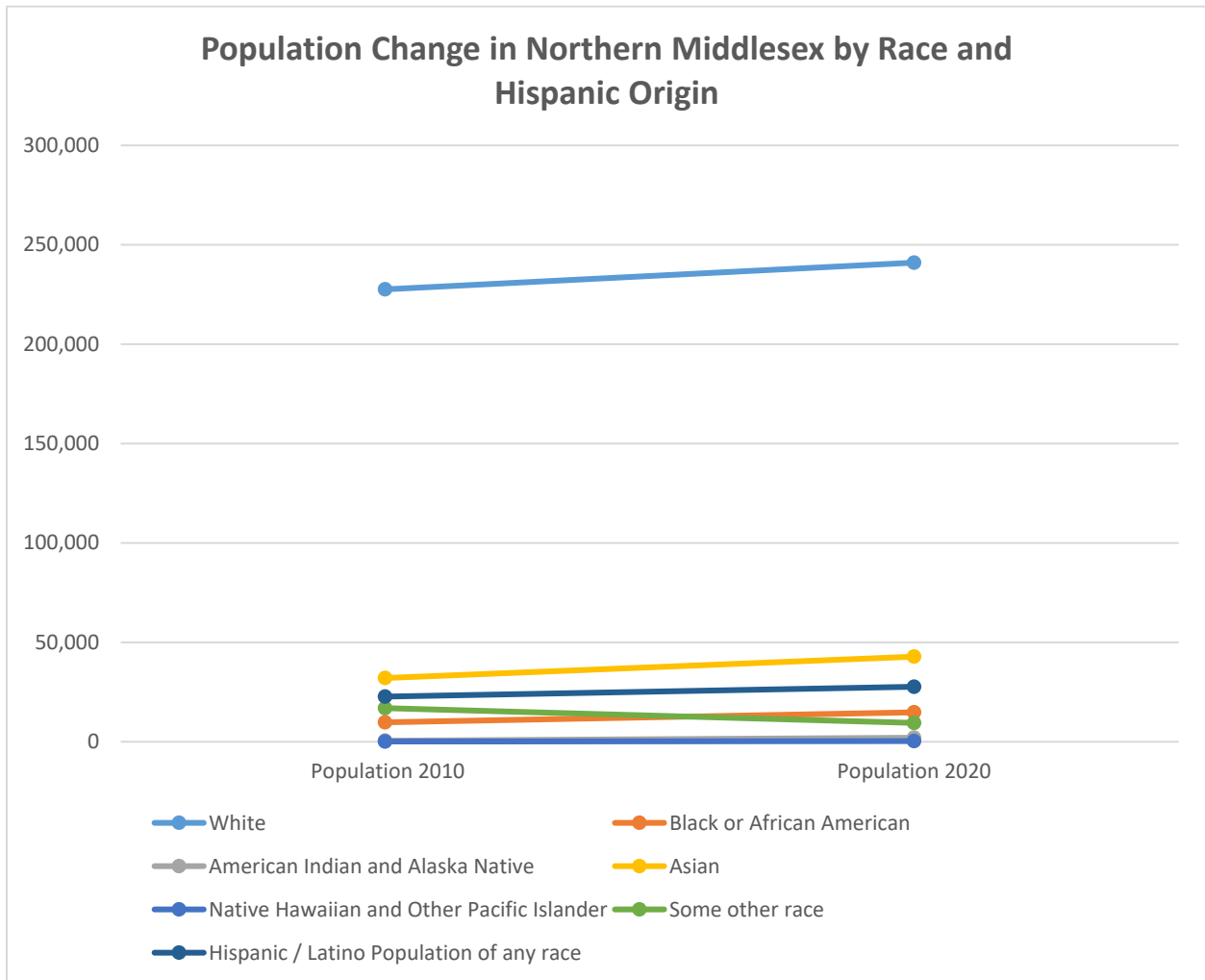
Source: U.S. Census Bureau, 2006-2010 American Community Survey

Population Change by Race and Hispanic/ Latin Origin

Almost all racial groups in the Northern Middlesex Region grew between the years of 2010 and 2020 as demonstrated in the line graph in **Figure 3**. The white (6%), Black or African American (51%), American Indian and Alaskan Naïve (291%), Asian (34%), Native Hawaiian and other Pacific Islander (372%), and the Hispanic (22%) populations saw increases. For the purpose of the census, the Hispanic or Latino population includes people of any race.

The population of “Some other race” experienced a 44% decline this decrease has been attributed to question changes in the US census. The US Census bureau attributes these changes to the design of questions to include race and ethnicity data to reflect a more accurate representation.

Figure 3 Population Change in the Northern Middlesex by Race and Hispanic Origin



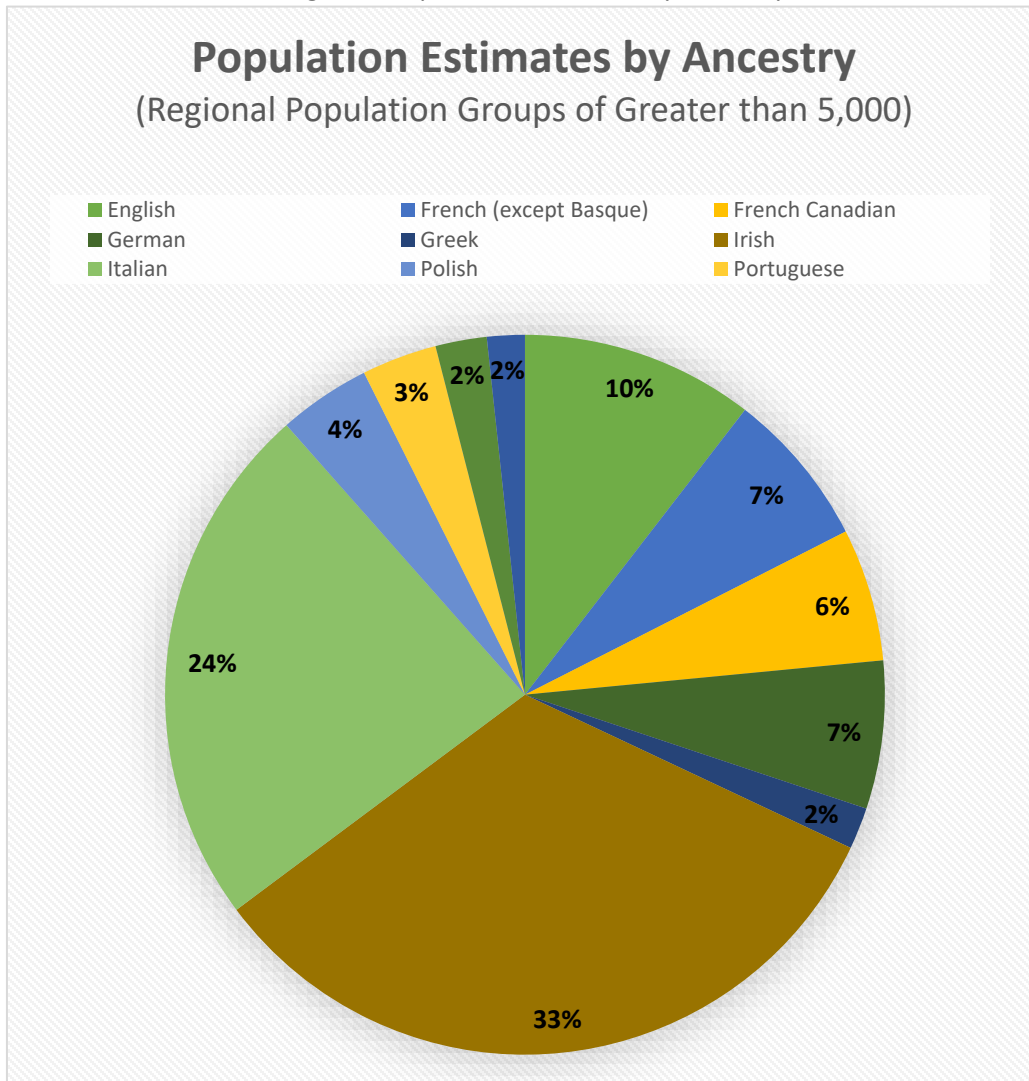
Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

Population by Ancestry

A review of the reported ancestry of the regional population reveals that the majority of the residents consider themselves to be of European descent. **Figure 4** displays the regional population estimates for the Northern Middlesex region based on ancestry. The population rates by ancestral origin are displayed in **Table 1** by Northern Middlesex Municipality. The countries of origin are depicted on the pie chart and represented with a percentage. The percentage listed demonstrates the population estimates by country of origin in the Northern Middlesex region. The highest percentages of ancestry in the region are Irish (33%), Italian (24%), and English (10%). The second highest percentage of ancestral origins are French (7%),

French Canadian (6%), German (7%), and Polish (4%). The remaining highest percentages of ancestral origin are Portuguese (3%), sub-Saharan African (2%), Greek (2%), and Scottish (2%).

Figure 4 Population Estimates by Ancestry



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

Table 1 Population by Ancestry by Municipality in the Northern Middlesex Region

Ancestry	Municipality									
	Billerica	Chelmsford	Dracut	Dunstable	Lowell	Pepperell	Tewksbury	Tyngsborough	Westford	Total

English	3,753	4,689	2,625	570	4,700	2,014	2,998	1,319	2,640	25,308
French (except Basque)	2,524	1,640	3,499	232	5,940	891	1,254	1,711	1,439	19,130
French Canadian	2,139	2,062	2,624	223	4,034	914	1,168	974	1,026	15,164
German	2,384	2,481	839	167	2,827	830	1,371	727	1,907	13,533
Greek	671	765	1,407	63	1,847	200	804	233	439	6,429
Irish	11,760	8,477	8,726	1,052	17,524	2,564	9,643	3,217	5,366	68,329
Italian	8,485	5,080	3,599	332	5,992	1,430	7,180	1,966	2,645	36,709
Polish	1,488	1,588	1,150	140	2,844	425	991	723	1,040	10,389
Portuguese	1,211	683	1,709	54	5,555	296	1,534	493	140	11,675
Scottish	826	923	574	78	827	487	859	597	587	5,758
Sub saharan African	608	169	682	0	4,804	38	357	0	133	6,791

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

Population by Age and Sex

Population estimates by age and sex provided by the American Community Survey reflect a region with a maturing population, as shown in **Table 2** and **Table 3**. The median ages in the suburban communities range from 41.4 years in Dracut to 46.3 years in Tewksbury.

The population of the City of Lowell is significantly younger than the population in the rest of the region. The median age of the total Lowell population is 33.8 years. Since the City of Lowell represents 37.2 percent of the region's total population, it greatly affects the region, resulting in a Northern Middlesex regional median age of 36.6 years. The age and sex statistics by community reflect the regional and State statistics, as a whole. The median ages for Massachusetts are slightly higher than the regional averages, with an overall median age of 39.4 years.

Table 2 Population Comparison by Age and Sex in the Northern Middlesex Region and the State of Massachusetts

Age	Northern Middlesex Region					Massachusetts				
	Total	Male		Female		Total	Male		Female	
	Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent
Under 5 years	15,989	7,951	49.7%	8,038	50.3%	366,551	187,331	51.1%	179,220	48.9%
5 to 17 years	48,299	24,268	50.2%	24,031	49.8%	1,044,585	533,837	51.1%	510,748	48.9%
18 to 64 years	197,345	98,564	49.9%	98,781	50.1%	4,264,404	2,085,506	48.9%	2,178,898	51.1%
65 years and over	44,188	19,706	44.6%	24,482	55.4%	929,928	390,896	42.0%	539,032	58.0%
Total Population	308,531	153,189	49.7%	155,342	50.3%	6,605,468	3,197,570	48.4%	3,407,898	51.6%
Median Age	36.6					39.4				

Source: U.S. Census Bureau, 2016-2022 American Communities Survey 5-Year Estimates

Table 3 Population by Age and Sex in the Northern Middlesex Region by Municipality

Age	Municipality														
	Billerica					Chelmsford					Dracut				
	Total	Male		Female		Total	Male		Female		Total	Male		Female	
Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent	
Under 5 years	1,695	798	47.1%	897	52.9%	1,981	966	48.8%	1,015	51.2%	1,338	770	57.5%	568	42.5%
5 to 17 years	5,919	3,090	52.2%	2,829	47.8%	5,670	2,806	49.5%	2,864	50.5%	5,546	2,934	52.9%	2,612	47.1%
18 to 64 years	27,608	14,505	52.5%	13,103	47.5%	22,323	10,809	48.4%	11,514	51.6%	20,244	10,211	50.4%	10,033	49.6%
65 years +	3,887	2,973	76.5%	3,800	97.8%	6,297	2,927	46.5%	3,370	53.5%	5,228	2,098	40.1%	3,130	59.9%
Total Population	41,995	21,366	50.9%	20,629	49.1%	36,271	17,508	48.3%	18,763	51.7%	32,356	16,013	49.5%	16,343	50.5%
Median Age	43.0					42.7					41.4				

Age	Dunstable					Lowell					Pepperell				
	Total	Male		Female		Total	Male		Female		Total	Male		Female	
	Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent
Under 5 years	162	116	71.6%	46	28.4%	6,713	3,429	51.1%	3,284	48.9%	765	295	38.6%	470	61.4%
5 to 17 years	546	287	52.6%	259	47.4%	17,325	8,567	49.4%	8,758	50.6%	1,740	819	47.1%	921	52.9%
18 to 64 years	2,166	1,142	52.7%	1,024	47.3%	77,726	39,986	51.4%	37,740	48.6%	7,268	3,617	49.8%	3,651	50.2%
65 years +	495	293	59.2%	202	40.8%	13,040	5,752	44.1%	7,288	55.9%	1,898	1,002	52.8%	896	47.2%
Total Population	3,369	1,838	54.6%	1,531	45.4%	114,804	57,734	50.3%	57,070	49.7%	11,671	5,733	49.1%	5,938	50.9%
Median Age	42.5					33.8					42.6				

Age	Tewksbury					Tyngsborough					Westford				
	Total	Male		Female		Total	Male		Female		Total	Male		Female	
	Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent	Number	Number	Percent	Number	Percent
Under 5 years	1,670	650	38.9%	1,020	61.1%	514	337	65.6%	177	34.4%	1,151	590	51.3%	561	48.7%
5 to 17 years	3,881	2,156	55.6%	1,725	44.4%	2,233	1,059	47.4%	1,174	52.6%	5,439	2,550	46.9%	2,889	53.1%
18 to 64 years	17,235	6,948	40.3%	10,287	59.7%	8,035	4,057	50.5%	3,978	49.5%	14,740	7,289	49.5%	7,451	50.5%
65 years +	5,667	2,209	39.0%	3,458	61.0%	1,595	807	50.6%	788	49.4%	3,195	1,645	51.5%	1,550	48.5%
Total Population	31,153	14,663	47.1%	16,490	52.9%	12,377	6,260	50.6%	6,117	49.4%	24,535	12,074	49.2%	12,461	50.8%
Median Age	46.3					41.4					42.2				

Source: U.S. Census Bureau, 2016-2022 American Communities Survey 5-Year Estimates

Disability in the Northern Middlesex Region

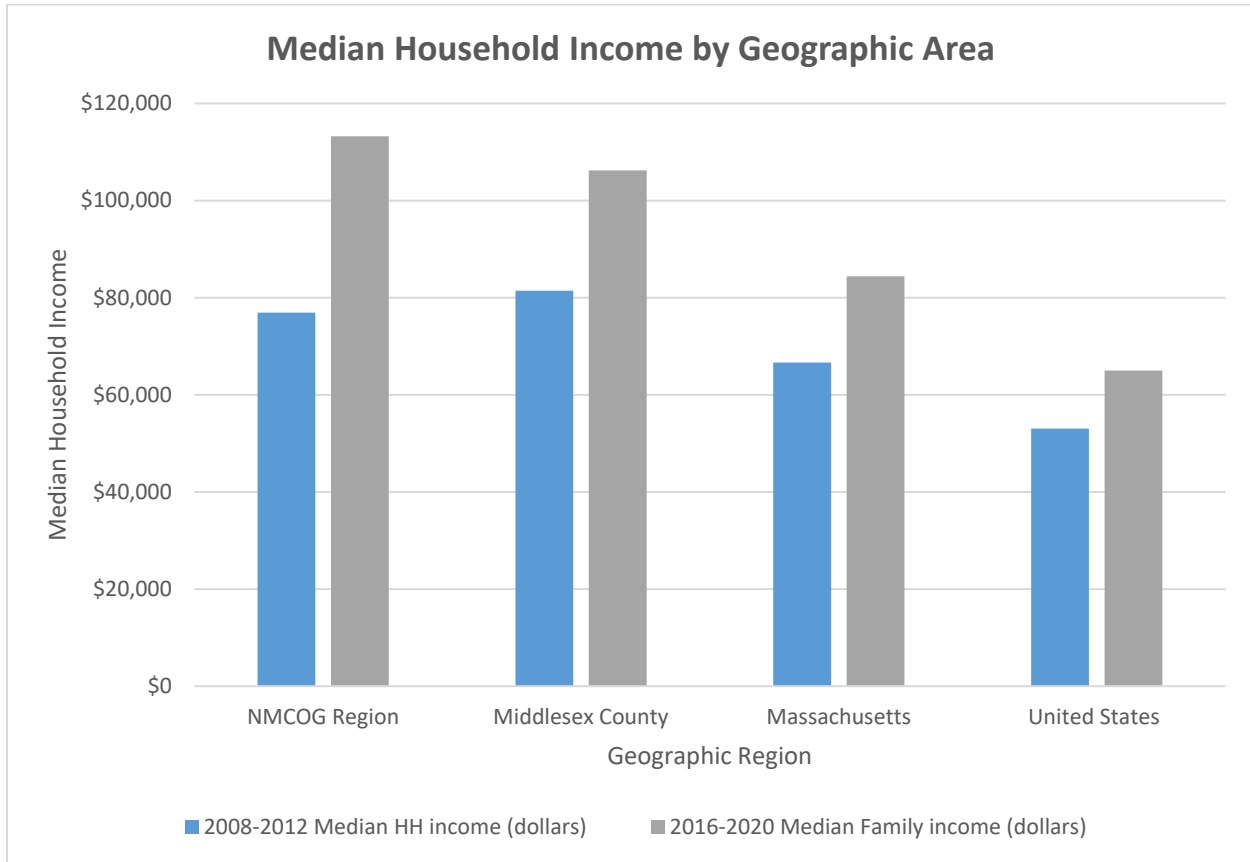
Disabilities have an enormous impact on an individual's ability to utilize transportation. Many disabilities come with aging. A review of the *American Community Survey* estimates for 2017 – 2021 confirmed that the highest rate of disabilities was in the 65 and older age group. In this group, *ambulatory difficulty*, *hearing difficulty* and *independent living difficulty* were the disabilities most often reported. The 18 to 64-year cohorts reported *cognitive difficulty*, *ambulatory difficulty* and the *independent living difficulty* most often. Notably, *cognitive difficulty* was the largest disability reported for the 5-17 year-old old age groups.

At the community level, the 65 and over age group with disability as a percentage of the population within that age cohort ranged from 3.8% in Dunstable to 15.2% in Lowell. The percentage of those in the 18 to 64 age group with a disability ranged from 0.9% in Westford to 3.5% in Lowell, and the percentage of population under the age of 18 ranged from 0.4% in Dunstable to 1.8% in Tewksbury. The under 5 age grouping with a disability was less than 1% in most communities, with the exception of Dracut (1.2%) and Lowell (1.3%) of the children within that age group reported to have hearing difficulties. **Table 4** details the estimated population within each community by disability type.

It is difficult to determine with precision the number of area residents who find it difficult to use regular transit service due to disabilities. However, 11.5% of residents in the region experience some level of vision, ambulatory and/or cognitive difficulties. These disabilities along with an aging population reinforces the importance of a reliable public transportation system.

Median Household Income by Geographic Area

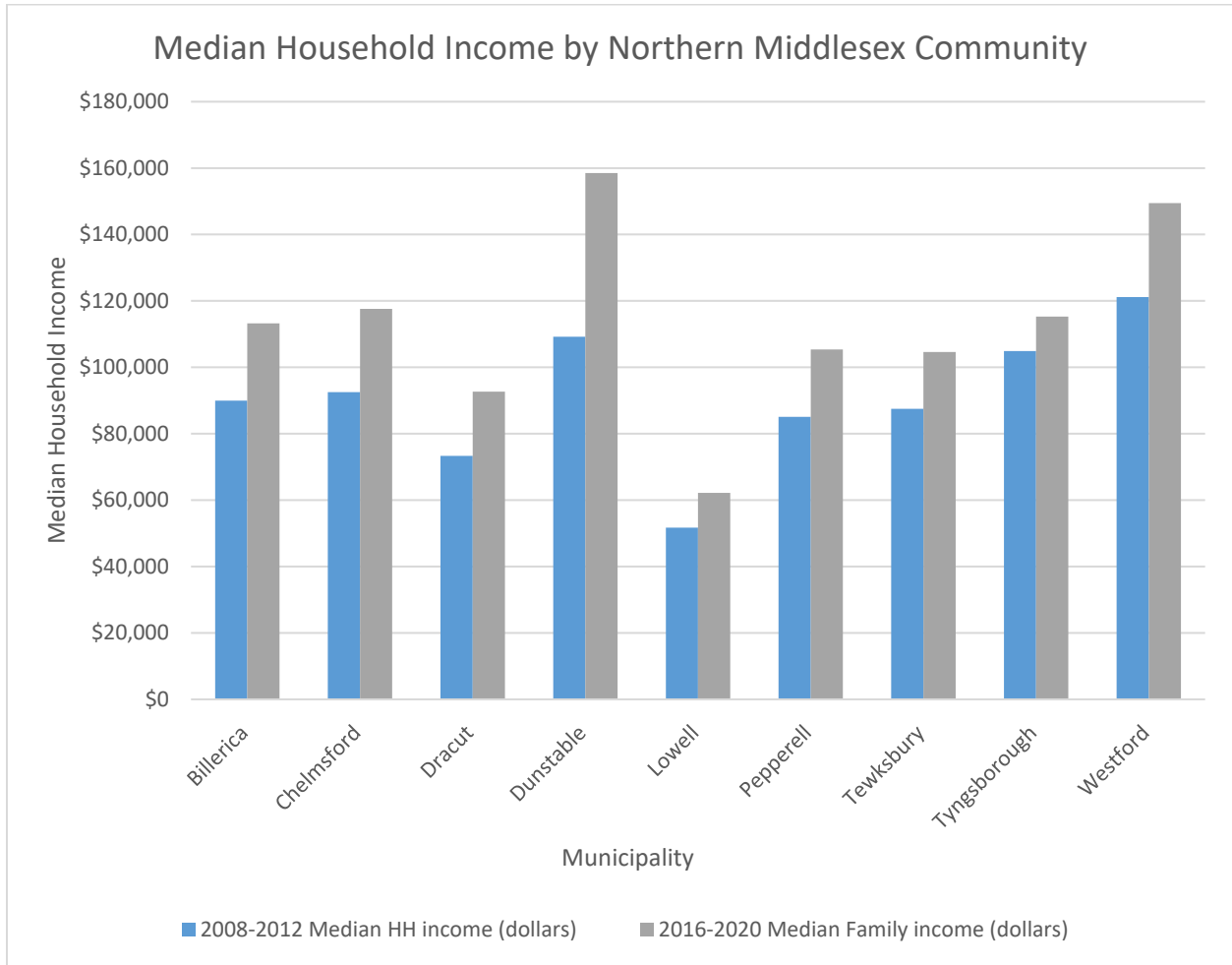
Figure 5 Median Household Income by Geographic Area



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

Figure 5 represents the median household income by geographic area. The x-axis displays the geographic area and the y-axis represents the household income in increments of \$20,000. As shown household income in the Northern Middlesex Region has changed by 32% between the years 2008 to 2020. The entire Middlesex County, including the Northern Middlesex region, experienced a 23% increase. The state of Massachusetts has a slightly lower increase in the average income at a rate of 21%. Lastly, the United States experiences an 18% increase in median household income lower than that of Massachusetts, Middlesex County, and the Northern Middlesex Region.

Figure 6 Median Household Income by Northern Middlesex Community



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

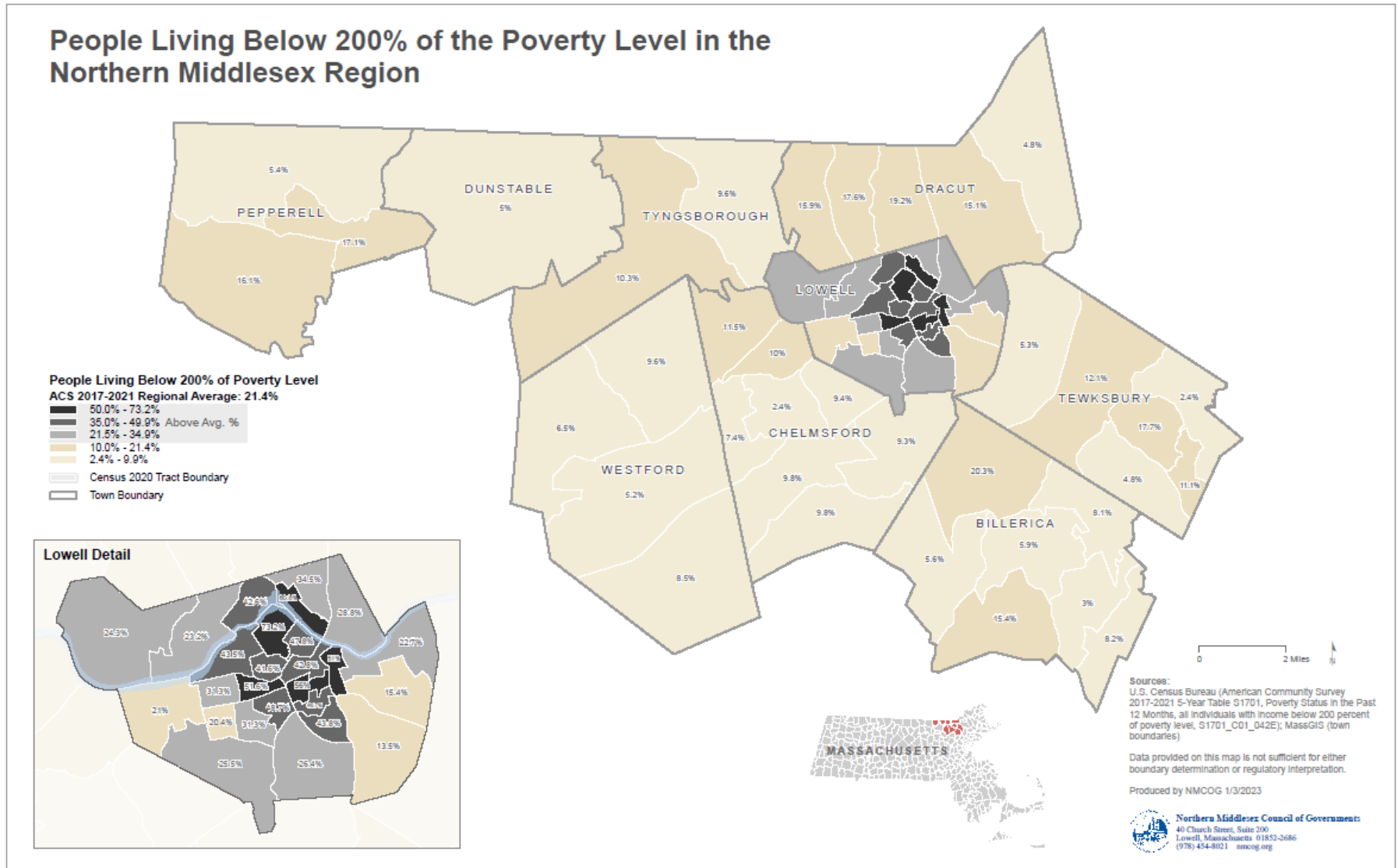
As shown in **Figure 6**, the median Household income in the Northern Middlesex Region has grown across all municipalities between the years 2008 to 2020. The y-axis represents the median household income in increments of 20,000 and the x-axis represents the median household income by the municipality. The greatest increase took place in Dunstable (31%), Chelmsford (21%), Dracut (21%), Billerica (21%), and Pepperell (19%). The median household income in the town of Westford (19%) increased along with the city of Lowell (17%). The lowest increases occurred in the towns of Tewksbury (16%) and Tyngsborough (9%).

People Living Below 200% of the Poverty Level in the Northern Middlesex Region

The city of Lowell has the highest population of people living below the federal Poverty Level in the Northern Middlesex Region. Map 1 displays the highest concentration of Poverty in the city of Lowell, in comparison to the beige-shaded regions; Lowell has significant percentages of

poverty. The eight towns of the Northern Middlesex region are indicated using the light beige color; in contrast, the city of Lowell is almost entirely shades of gray and even black. For the purposes of this study, household(s) with persons living 200 % below the federal poverty rates were used to create this map.

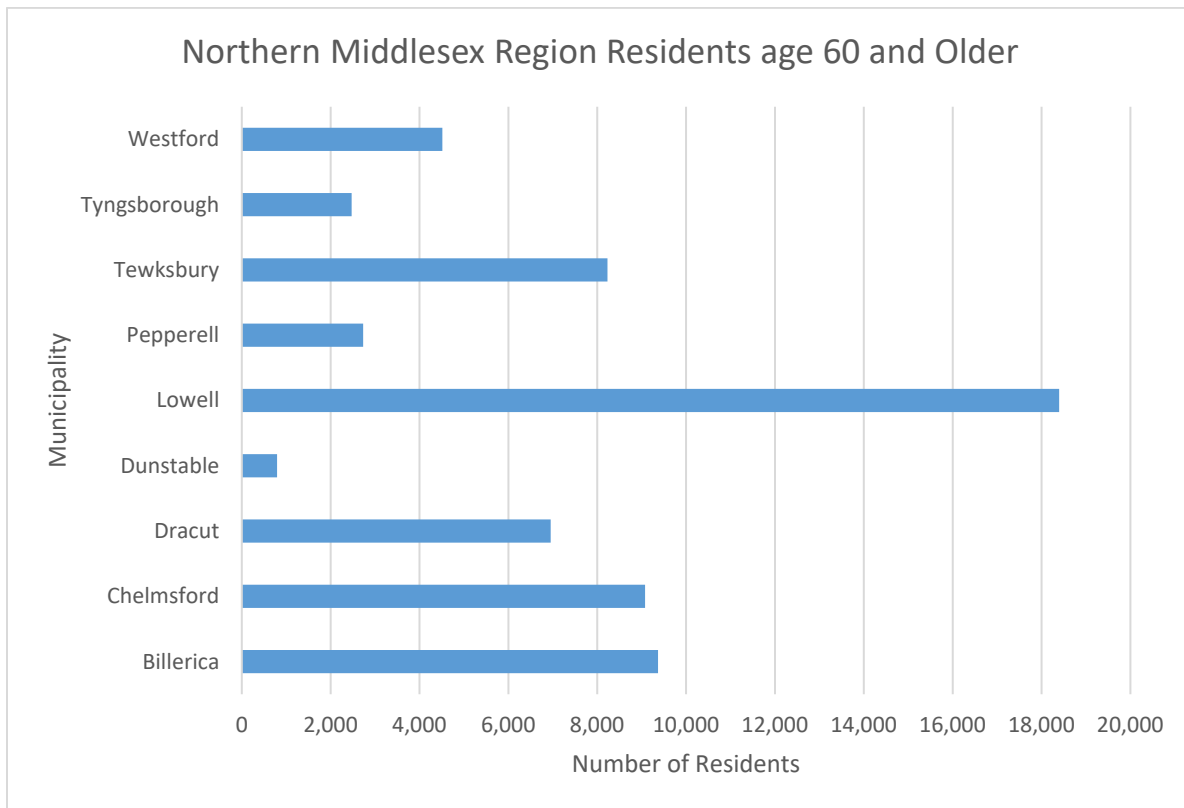
MAP 1 Households living 200% below the Federal Poverty Level



Regional Transit Needs by Age

The transit dependent population in the Northern Middlesex region may be defined as elderly, disabled, and lower-income households with no automobile available, as well as the population in the ten to fifteen-year-old age group. It is difficult to quantify the transit needs of the region. Existing data sources and statistical analyses do not accurately indicate the level of dependence certain socioeconomic groups have on public transportation. As such, many of NMMPO's policies and programs deal with larger groups, such as low-income families, families without automobile access, and the elderly and disabled.

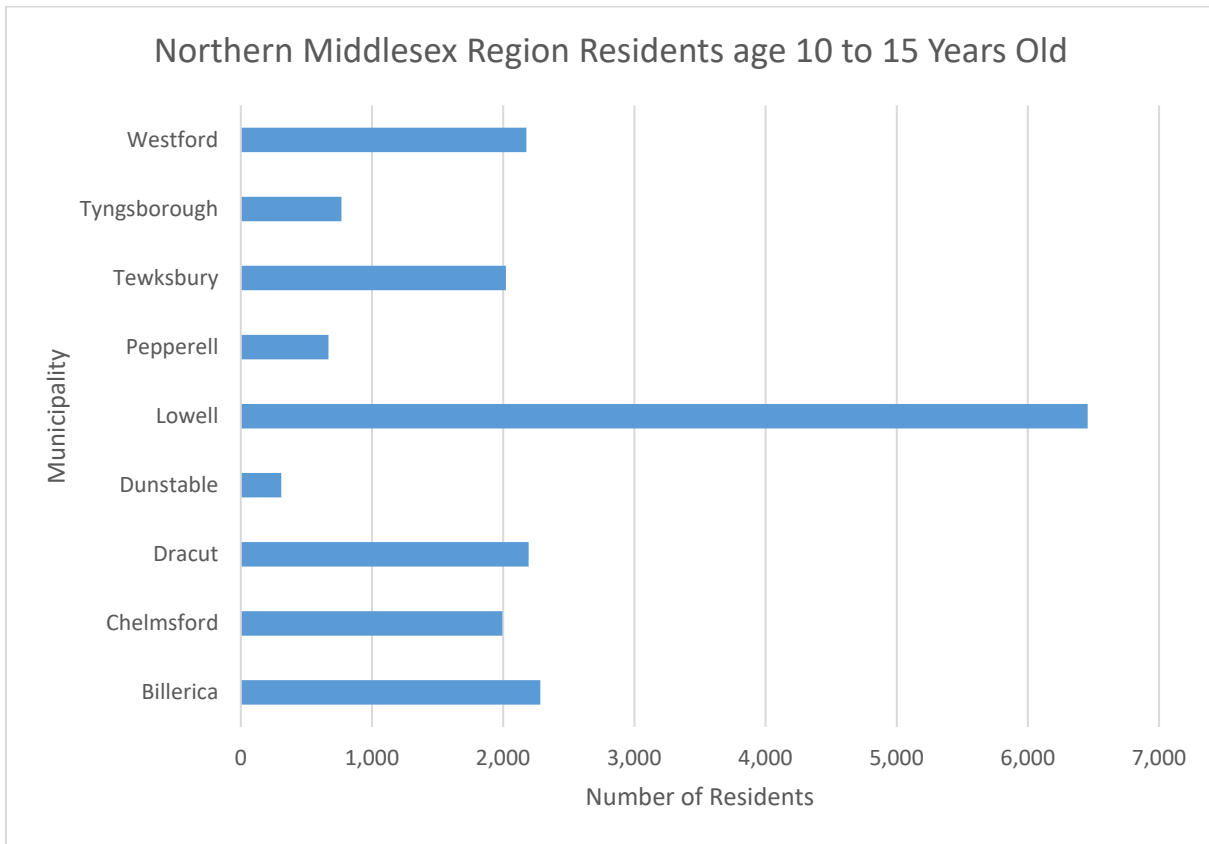
Figure 5 Residents Age 60 years and Older



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

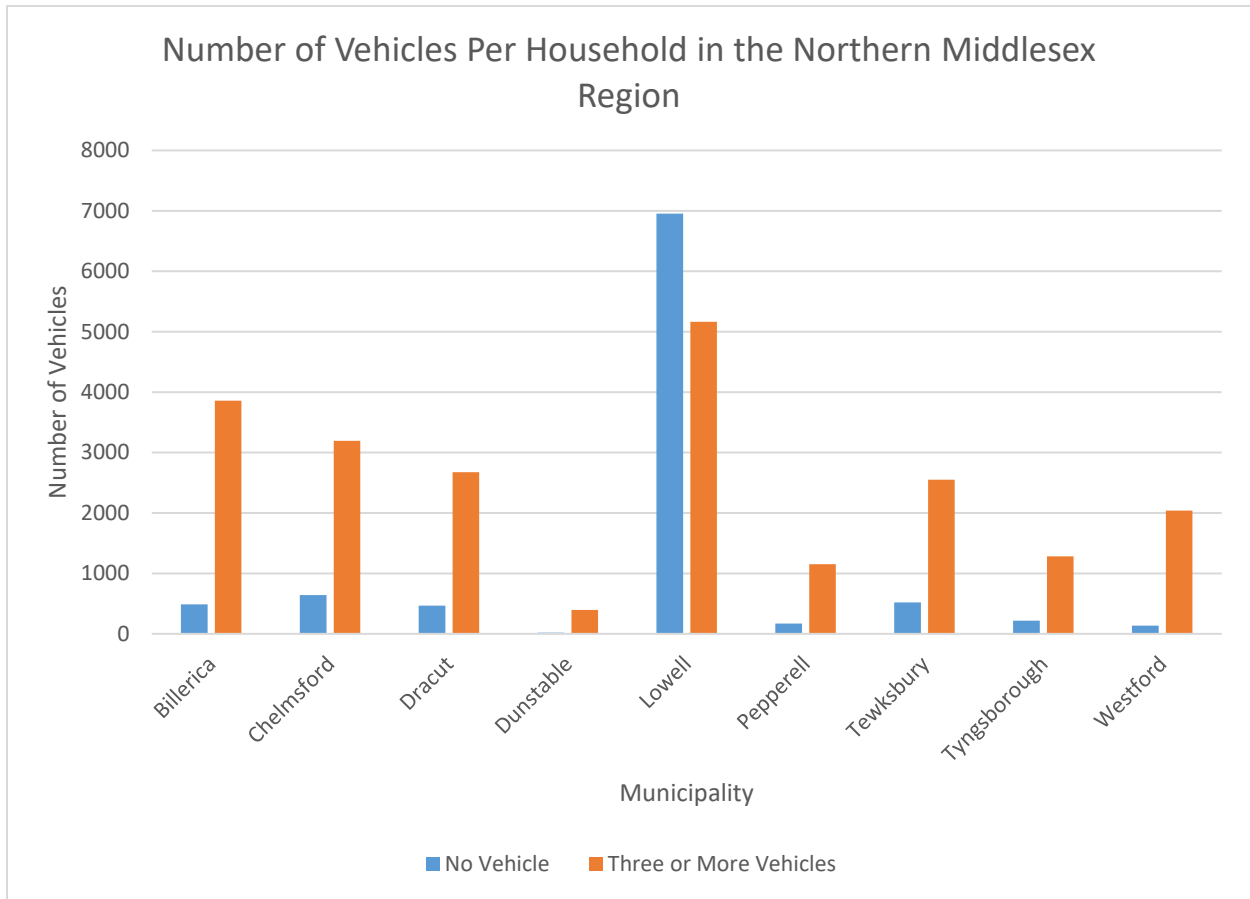
Figure 8 illustrates the population over 60 years of age in each Northern Middlesex municipality. **Figure 9** displays the population of Northern Middlesex residents between the ages of 10 and 15 years of age. **Figure 10** displays the statistics on the number of vehicles available to households within the Northern Middlesex Region.

Figure 6 Residents Age 10 to 15 years old



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

Figure 7 Number of Vehicles per Household



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

V. Lowell Regional Transit Authority and Regional Transit Services

The Lowell Regional Transit Authority (LRTA) operates fixed route bus service in the seven Northern Middlesex communities of Billerica, Chelmsford, Dracut, Lowell, Tewksbury, Tyngsborough and Westford, as well as in five communities beyond the regional area. NMMPO member communities include the towns of Billerica, Chelmsford, Dracut, Dunstable, Pepperell, Tewksbury, Tyngsborough, Westford, and the city of Lowell. All NMMPO communities are recipients of the Lowell Regional Transit Authority (LRTA) services. In addition to the nine NMMPO communities, the LRTA operates in the towns of Acton, Carlisle, Groton, Maynard, and Townsend Massachusetts. The LRTA also has some routes that serve Andover, Bedford, Burlington, and Wilmington. **Appendix A** is a map of the LRTA Service Area, which depicts the NMMPO regional boundaries and the LRTA service area.

All LRTA bus routes originate at the Gallagher Intermodal Transportation Center in Lowell, with the exception of the bus route 20, which originates at the UMass Lowell Inn and Conference Center. The buses provide a direct link to the Massachusetts Bay Transit Authority (MBTA) commuter rail service. Bus service is available Monday through Friday, from approximately 6:00 am to 7:30 pm, and on Saturdays from 7:15 am to 7:00 pm. There is Saturday-level bus service on the following five holidays: Martin Luther King Jr. Day, Presidents Day, Patriots Day, Columbus Day and Veterans Day. No bus service is available on all other holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas) and Sundays.

The full price fare for a ride on an LRTA fixed route bus is \$1.25 in-town and \$1.85 between two or more communities. For those over the age of 60 and for individuals with a disability, the fare is 60 cents and 90 cents respectively. There is a transfer fare, to connect between buses at the Gallagher Intermodal Transportation Center. The fee is .25 cents within Lowell and the fee is .50 cents between two or more communities. The LRTA offers a reduced transfer rate of .10 and .25 cents for those over the age of sixty or persons with a disability. Transfers to and from the LRTA Bus route 18 are free of charge within the city of Lowell.



The LRTA also operates paratransit and senior demand response service in all Northern Middlesex communities except Dunstable. The LRTA paratransit service is comprised of two distinct operations; (1) Lowell Road Runner service providing complementary ADA service and senior service in the fixed route service area and (2) Council of Aging (COA) senior demand

response service in communities, both within the fixed route bus service area and outside of the fixed route service area.

Table 4 LRTA Ridership Statistics 2014-2022

State Fiscal Year	Fixed Route	Demand Response	Total Trips
2014	1,496,175	103,411	1,599,586
2015	1,536,250	106,306	1,642,556
2016	1,514,841	110,118	1,624,959
2017	1,425,640	113,916	1,539,556
2018	1,411,149	111,166	1,522,315
2019	1,370,690	109,889	1,480,579
2020	1,002,114	82,063	1,084,177
2021	524,241	50,765	575,006
2022	705,813	81,304	787,117

Source: Lowell Regional Transit Authority

Table 4 represents the LRTA total ridership based on the state fiscal year, which begins on July 1 and ends on June 30. Lowell Regional Transit Authority had relatively steady ridership from fiscal years 2014 to 2019. The COVID-19 pandemic began in March 2020 resulting in a significant decline in ridership, which has continued through two fiscal years. Ridership has begun to increase steadily since 2021 but still below pre-pandemic ridership levels.

Service Standards and Policies

LRTA service standards and policies have not changed from previous submissions. Vehicle loads presently do not exceed seating capacity. In Fiscal Year 2022, the average vehicle load represented 18% of seating capacity on weekdays and 12% on Saturdays. **Table 5** displays the fixed route bus service schedule by route. For the current route schedules please visit: <https://lrta.com/>.

The LRTA vehicle on-time performance was relatively stable over the past 3 years. Individual routes have small increases in some and decreases in others, while the overall system average increased slightly from 86% in fiscal year 2019 to 87% in fiscal year 2021. Age is not a factor in assigning buses to routes. Buses are assign to meet peak capacity and to assure that any weight and height restrictions are met. The exceptions are the mini-buses that operate on routes with weight or height-restricted bridges and on suburban routes with relatively low ridership.

The LRTA fleet replacement program is used to replace two to four transit revenue vehicles annually. The new vehicles include a mix of diesel and diesel-hybrid buses, and mini-buses. At the time of this report, the LRTA is reviewing zero emission vehicles with alternative energy sources. The charging and infrastructure improvements are programmed in the FFY 2025 TIP, with electric bus procurements beginning in FFY 2026.

Vehicle headways have been temporarily increased due to the nationwide driver shortage affecting transit authorities. Driver shortage coupled with reduced ridership has continued because of the pandemic. As of January 2022, weekday headways are temporarily operating on a 60-minute schedule with exception of the Westford Route 15 which has remained at the 120-minute headway, the Route 18 which operates on 30 minute headways and the UMass North/Downtown Lowell Route 20, with headways of 20 minute while the university is in session. It is anticipated that full service will return when the employment conditions improve. Saturdays have remained unchanged at the pre-pandemic level with headways of 60-minutes.

There have been several additions to the transit amenities since the previous Title VI report. Several bus shelters have been added within the LRTA service area at the request of municipalities. The shelters were installed in Chelmsford on Billerica Road at Apollo Drive; Dracut on Lakeview Ave at Hypine Road;, and Tewksbury on East Street at Chandler Street. Each community is responsible for the maintenance of the shelters. Furthermore, bus shelters have been procured by private businesses such as Home Depot and Market Basket.

Secondly, the City of Lowell undertook the removal of the Lord Overpass and the realignment of Thorndike Street from the Gallagher Intermodal Transportation Center, to Dutton Street (approximately 0.4 miles). The realignment includes exclusive bus lanes and two bus shelters. It is anticipated that the bus lanes will help buses avoid the traffic along the congested section of roadway while offering a protected area for pedestrians to safely access public transportation. The project construction is scheduled to be substantially complete by summer 2023.

Lastly, the operation of the North Billerica commuter rail station was handed back to the MBTA by the LRTA. Prior to July 1, 2021, the LRTA maintained the building and 545 surface parking facility for the MBTA, since that date, the MBTA has taken over the management and maintenance of that facility. The LRTA continues to operate two bus routes (#3 and #13) to the facility. Transit access from all neighborhoods and census tracts in Lowell has remained the same as previous submissions.

Table 5 LRTA Fixed Route Bus Service Schedule and Headways

Route #	Route Name	Weekday Headways		Saturday Headways Minutes	One-way Trips	Start Time	End Time
		Peak	Off Peak				
01-08	Christian/Centerville	60	60		26	6:00 AM	6:40 PM
01-08	Christian/Centerville			60	20	8:00 AM	5:30 PM
02	Belvidere	60	60		26	6:00 AM	7:55 PM
02	Belvidere			60	22	7:45 AM	6:55 PM
03-04	S Lowell / Stevens	60	60		27	5:55 AM	7:30 PM
03-04	S Lowell / Stevens			60	20	8:00 AM	5:40 PM
05	Westford Street	60	60		27	6:00 AM	8:50 PM
05	Westford Street			60	22	7:45 AM	6:30 PM
06-09	Broadway / Circulator	60	60		24	7:00 AM	6:45 PM
06-09	Broadway / Circulator			60	20	8:00 AM	5:40 PM
07	Pawtucketville	60	60		28	6:00 AM	7:50 PM
07	Pawtucketville			60	22	7:45 AM	6:50 PM
10	Dracut/Tyngsboro	60	60		24	6:35 AM	6:55 PM
10	Dracut/Tyngsboro			60	20	8:30 AM	7:00 PM
11	IRS / Rt 133	60	60		8	6:00 AM	5:00 PM
11	No Saturday Service			----	----	----	----
12	Tewksbury / Rt 38	60	60		24	7:00 AM	7:25 PM
12	Tewksbury / Rt 38			60	20	7:00 AM	6:20 PM
13	Billerica	60	60		24	6:30 AM	6:50 PM
13	Billerica			60	20	7:30 AM	5:50 PM
14	Burlington / Lahey	60	60		26	6:00 AM	7:45 PM
14	Burlington / Lahey			60	20	8:00 AM	6:45 PM
15	Chelmsford/Westford	75	90		18	6:45 AM	8:00 PM
15	Chelmsford/Westford			90	14	8:00 AM	6:30 PM
16	Chelmsford Center	50	60		28	6:15 AM	7:00 PM
16	Chelmsford Center			60	20	8:00 AM	6:05 PM
17	North Chelmsford	50	60		28	6:15 AM	7:00 PM
17	North Chelmsford			60	22	8:00 AM	6:25 PM
18	Express Shuttle	30	30		57	5:45 AM	7:15 PM
18	Express Shuttle			30	48	7:15 AM	7:15 PM
20	UMass North/Downtown	20	20		18	7:15 AM	11:45 AM
20	No Saturday Service			----	----	----	----

Source: Lowell Regional Transit Authority

Service Changes

There have been two service changes since the 2014 Title VI full submission. The first change was the addition of the #20 UMass North / Downtown route in September 2017. The new route augments the University shuttle system in the mornings providing greater access to Downtown Lowell to the UMass student body as well as the public. The #20 route operates from 7:15 am to 11:45 am Monday through Friday, when UMass Lowell is in session.

The second service change has been the reduction of scheduled bus trips due to the driver shortage. As mentioned above, the Lowell Regional Transit Authority reduced the average revenue vehicle headway to 60 minutes on January 4, 2022. Prior to the headway reduction, the LRTA was having difficulty making pull-out due to the lack of drivers. The LRTA has prioritized getting back to full service as soon as possible.

The LRTA has defined major service changes and fare changes as any change of twenty-five percent or greater. When a “major” service change is proposed the LRTA will hold a public hearing in order to receive comments and complaints with regards to the proposal. In the case of the reduction of headways to 60 minutes service, due to a lack of drivers, the LRTA had anticipated on returning to full service in less than 12 months. However, as of January 2023, the LRTA is still operating on the system-wide 60-minute headways. The LRTA needs to do community outreach to be in compliance with their Public Participation Plan.

Fare Structure

The Lowell Regional Transit Authority increased the fixed route fares and demand response fares on July 1, 2018. This was the first fare increase that the LRTA had undertaken since July 1, 2002. The fare increase of approximately 25% on fixed route and 100% on demand response, required significant public outreach as defined in the 2016 LRTA Public Participation Process.

The LRTA Advisory Board voted to enter the public process for the fare increase on March 22, 2018. The fare increase presented as an agenda item at the Northern Middlesex Metropolitan Planning Organization meeting on March 28, 2018 and public outreach meetings were held in five of the LRTA communities on April 11th, 12th, 18th, 19th and the 23rd of that year. A public hearing was held in the heart of the City of Lowell, Environmental Justice and Title VI area, at the Pollard Public Library on May 1, 2018. After a lengthy public comment period, the LRTA Advisory Board voted unanimously to approve the fare increase on May 24, 2018, effective July 1, 2018.

Table 5 Lowell Regional Transit Authority Fare Categories

LRTA Fare Category	
Regular Fare	Persons 13-59 years of age
Reduced Fare	Senior Citizen - 60 years or older with I.D.
	Disabled - With Statewide Transportation Access Pass (TAP) or a Medicare card
	Children between 6-12 years of age
Bus Fares	
Regular – within one community	\$1.25
Reduced - within one community	\$0.60
Regular Suburban – two or more communities	\$1.85
Reduced Suburban - two or more communities	\$0.90
Transfers	
Transfers with within one community Regular Fare	\$0.25
Transfers with within one community Reduced Fare	\$0.10
Transfers between two or more communities Regular Fare	\$0.50
Transfers between two or more communities Reduced Fare	\$0.25
Pass Program	
LRTA regular category "Adult CharlieCard"	\$44.00 per month
LRTA reduced "Student CharlieCard"	\$25.00 per month
LRTA reduced "Senior CharlieCard"	\$25.00 per month
Persons with a Disability "TAP CharlieCard"	\$25.00 per month
<i>LRTA bus passes are valid for unlimited travel on all City and Suburban routes during the term specified on the pass.</i>	
Road Runner demand response service:	
In-town	\$2.00
Suburban (out of town)	\$3.00
ADA Eligible	Discount of 20% with the purchase of 10 Ride Card:
In-Town 10 rides	\$16.00
Suburban 10 rides	\$24.00
Boston Hospitals	\$25.00

Source: Lowell Regional Transit Authority

Parking Fees

The Gallagher Intermodal Transportation Center (GITC) is owned and operated by the Lowell Regional Transit Authority. Located at the MBTA commuter rail station in Lowell, the GITC has a parking capacity of 888 vehicles including 17 handicapped spaces. The current parking rates at

the Lowell MBTA Gallagher Intermodal Transportation Center are \$8.00 daily and \$70.00 monthly per vehicle.

MBTA Commuter Rail Service

In response to the pandemic and remote work, the MBTA has implemented a flex pass which began in July 2020. The pass allows for five days of unlimited round-trip commuter rail travel in a 30-day period for 10% less than the cost of 10 individual one-way tickets. The new fare has been popular allowing workers of various industries to utilize bus service at a more affordable rate. The MBTA has adjusted commuter rail service to include more frequent service throughout the day. Despite these changes the MBTA, similar to the LRTA and other transit authorities is experiencing decreased ridership. For more information on MBTA, fares and fare changes please visit: <https://www.mbta.com/fares/commuter-rail-fares>.

LRTA Dissemination of Information

The Lowell Regional Transit Authority Advisory Board typically meets monthly. The meetings are open to the public, and notices are distributed to a broad mailing list and are posted at every city and town clerk offices in accordance with State open meeting law requirements.

The Public Meeting Notices advertised by the Northern Middlesex Council of Governments relative to the MPO include the following language: “The MPO’s public participation process satisfies the LRTA’s public participation requirements for the program of projects”.

All advertisements for bid and requests for proposals were placed in the legal notice section of the Lowell Sun, the Boston Globe and/or the American Public Transportation Association publication, Public Transport. Notices are also directly distributed to an LRTA bidder list.

The LRTA strictly adheres to the Disadvantaged Business Enterprise Program and reaches out to companies that are listed on the State list of Certified DBEs. The Massachusetts Office of Supplier Diversity is the UCP for the State and is therefore the repository of the list of all business that has been DBE certified by business type. LRTA bid notices and requests for proposals are directly mailed to the DBE business.

Table 6 RFP's and Bids issued by LRTA

RFPs and Bids Issued by LRTA (July 2019 – December 2022)		
Date issued	Procurement Type¹	Service/Goods Procured
Jul-19	RFP	Eight-29' Fixed Route Buses (Joint RFP with SRTA)
Oct. 2019	RFP	Five-35' Fixed Route Buses (Joint RFP with SRTA)
Oct. 2019	RFQ	One - Transit Bus Shelter (5' x 10')
Dec. 2019	RFS	GITC - Assessment Report Train Platform Access Stairwell
Mar. 2020	IFB	Kennedy Hub- Install New Information Booth & Shelters
May 2020	RFQ	GITC - Concrete Deck Repair Work (Level 1 & 2)
May 2020	RFQ	GITC - Train Terminal Stair Repair Work
Sept. 2020	RFQ	Hale St. Garage – Four (4) New Wall Exhaust Fans
Oct. 2020	RFQ	Fixed Route – Scissor Lift & Elevated Work Platform
Mar. 2021	RFQ*	Professional Services: On-Call Architectural & Engineering
Apr. 2021	RFP	Two-28' Fixed Route Cutaway Buses (Joint RFP with MART)
Jun. 2021	RFP	Two-35' Fixed Route Hybrid Buses (Joint RFP with MART)
July 2021	RFP	Four-28' Fixed Route Cutaway Buses (Joint RFP with MART)
Aug. 2021	RFQ	GITC - One New Maintenance Truck
Oct. 2021	IFB	GITC – Roofing Replacement (Terminal & Maguire Ctr.)
Dec. 2021	RFI	Five – Fixed Route Bus Lifts (3 Drive-On & 2 In-Ground)
Apr. 2022	RFQ	GITC – One New HVAC Roof Unit
Nov. 2022	RFQ	Hale St. – One New Floor Sweeper

Source: Lowell Regional Transit Authority

Lowell Regional Transit Authority Board Composition

The LRTA Advisory Board framework includes a representative from each member community. Board members are appointed by the chair of each community select board, or in the case of Lowell by the City Manager, and serve a one-year term. As of July 2022 The LRTA Advisory Board is comprised of 9 males and 5 females. The LRTA board has 0 minorities and 1 disabled person, that is a non-voting member. There are no vacancies at this time. Two members of the LRTA Board serve on the NMMPO and NMCOG staff regularly attend LRTA Advisory Board meetings.

The LRTA supplies information on bus service to various human service agencies through its Human Services Coordination program. In cases where these agencies represent other language groups, the LRTA provides translated materials and direct instruction through translation services to clients in the use of the system. Bus schedules, paratransit flyers and

¹ RFP – Request for Proposals; RFQ – Request for Quotes; IFB – Invitation for Bids; RFQ* - Request for Qualifications; RFS – Request for Service; RFI – Request for Information

ADA information have been translated into multiple languages and is available at the Gallagher Intermodal Transportation Center.

Elderly and Disabled Transportation Services

Through agreements with private transportation carriers and social service agencies, the LRTA currently provides paratransit services for the elderly and disabled in eight of the nine communities in the Northern Middlesex area, with Dunstable served by a private service.

Under contract with Lowell Transit Management Inc., the LRTA furnishes prescheduled van service, known as the "LRTA Road Runner". The Road Runner service is required in compliance with the American with Disabilities Act (ADA), to eligible customers within the ADA service area. The ADA service area encompasses a $\frac{3}{4}$ -mile buffer around the fixed bus routes, including all of the City of Lowell and portions of NMMPO communities of Billerica, Chelmsford, Dracut, Tewksbury, Tyngsborough and Westford. Due to the broad coverage of the LRTA bus system, the ADA service area also includes portions of Andover, Bedford, Burlington, Littleton and Wilmington.

Within the NMMPO region, the LRTA has also entered into agreements with the Councils on Aging in Billerica, Chelmsford, Dracut, Pepperell, Tyngsborough and Westford to provide prescheduled van service for elderly and disabled residents in those towns. Additionally, the LRTA provides ADA paratransit vehicles to the NMMPO communities of Tewksbury and Lowell.

Coordinated Public Transit – Human Services Transportation Plan

The Northern Middlesex Council of Governments originally developed the Coordinated Public Transit – Human Services Transportation Plan (CPT-HST) for the Northern Middlesex Metropolitan Planning Organization (NMMPO) Region in 2007, with the most recent update occurring in 2019. The CPT-HST details current public transportation services that are available throughout the region, as well as, public transportation services that interconnect the region with other neighboring regions.

The most recent development of the CPT-HST included a public meeting, as well as input from interested parties, surveys and informal meetings held in 2019. The results of this public input was incorporated into a document that broadly listed priorities for transit and transportation projects within the Northern Middlesex Region. Such projects benefited low-income, minority and disabled individuals, as well as people transitioning off public assistance.

An update to the CPT-HST is included in the FFY 2023 Unified Planning Work Program (UPWP). This update will identify the changes that have been made to the public transit systems and identify gaps in service, as well as ideas for closing those gaps.

VI. Title VI Monitoring

Through the planning process, the Northern Middlesex Metropolitan Planning Organization (NMMPO) monitors the impacts that transportation projects, including capital projects, have on low-income and minority populations. Additionally, NMCOG assists the Lowell Regional Transit Authority in developing its Title VI reports, including the development of maps that visually display the relationship between the transit routes and low-income and minority populations.

The Northern Middlesex Council of Governments assists the Lowell Regional Transit Authority with ADA compliance. These activities include:

- Stop driver announcement monitoring
- Eligibility determinations
- On-time performance
- Trip times

Efforts to Engage Minority and Low-income Populations

Based upon the extensive experience of NMCOG and LRTA staffs, and the valuable input of Board members, the NMMPO is well informed regarding the needs, values and issues of the minority populations in the region. The NMMPO is quite sensitive to addressing the needs of the minority populations within the financial constraints faced by the MPO and to ensuring that transportation decisions and policies do not harmfully influence these community group policies.

In addition to receiving input from representative groups, such as Community Teamwork, Inc. (CTI), the Coalition for a Better Acre (CBA) and various neighborhood associations, NMCOG receives feedback from its minority and low-income representatives on the Greater Lowell Comprehensive Economic Development Strategy (CEDS) Committee, which reviews regional development on a comprehensive basis. NMCOG has also benefited from the comments received at its public meetings related to the development projects undertaken through the DLTA process and neighborhood master planning in the communities of Billerica, Chelmsford, Dracut and Tyngsborough. These activities are all in addition to the regular transportation planning processes.

In 2017, NMCOG staff developed a transportation study for the Middlesex 3 Coalition. The study identified service industry employment that could be unlocked with transit. The study focused on the Burlington and Bedford areas and on lower skilled labor markets in Lowell. The report identified several route changes to the #13 and #14 routes, including looping the routes together and longer service hours. Bus affordability and other barriers were identified and discussed during the study outreach. The LRTA reviewed the proposed changes and indicated

interest the route modifications while expressing the Authority's financial constraints. The issue of transportation to employment opportunities have long been a priority of the Lowell Regional Transit Authority. During the past forty years, the jobs in the region have shifted from downtown Lowell to the surrounding suburbs and the need for workers at these job sites requires an effective and efficient public transit system.

To the extent possible, the MPO attempts to address each issue in a fair and equitable manner. Comments received from the public, including the low-income and minority populations, are addressed as they are raised. The MPO continues to improve its responsiveness in terms of addressing language and disability barriers.

MPO determination of needs, values, and issues relative to a minority population

The NMMPO has developed an appreciation of the needs, values, and issues of minority populations through active involvement in its member communities. This information has been supplemented by consideration of newspaper reports and the feedback we receive from members of our CEDS Committee, the Council, and sister agencies. In particular, the work on master plans, economic development plans, and housing studies provides additional insight to the needs, values, and issues of minority and low-income populations. As mentioned elsewhere in this section, NMCOG reaches out to these communities by attending various community organizations and neighborhood association meetings to determine what concerns neighborhood residents have about the transportation system, housing, the environment and the economy.

Regional transportation system and regional benefit and burden distribution

As outlined previously in this document, NMCOG staff compares the location of proposed TIP and RTP projects with the minority neighborhoods in the region. Special consideration is given to those projects within or abutting these neighborhoods and a staff analysis is completed to determine the extent of benefits and burdens associated with each project. NMCOG staff identifies any problems and opportunities related to each project and report these findings to the MPO. After careful deliberation, the MPO reviews the staff analysis and determines what adjustments, if any, need to be made. The reason for the board's approval is to alleviate the burdens of the proposed transportation projects. The board reviews projects to determine if a project will cause potential harm or community benefit. Almost any project in Lowell, with the exception of those in the Belvidere neighborhood, receives special consideration as to its benefits and burdens.

Communication of information about the distribution of benefits and burdens

The MPO reviews all projects with an appreciation for the benefits and burdens they provide to individual communities, low-income residents and minority populations. Where there is a change to how services are provided, the MPO has made a diligent effort to reach out to the business community, political establishment, civic groups, social service agencies, economic development stakeholders and residents to generate feedback. MPO staff maps proposed projects in relation to minority populations and provides additional analysis on the benefits and burdens to these populations because of the proposed projects.

VII. Minority Participation in the Decision-Making Process

Minority, low-income and disabled people have always been invited to participate in the transportation planning process. The 2017 Public Participation Plan (PPP) expanded outreach efforts to ensure that these populations were being reached. Additionally, the Northern Middlesex Council of Governments has worked closely with community organizations within the Greater Lowell area that represent minority communities.

The Northern Middlesex Council of Governments (NMCOG), developed the Coordinated Public Transit – Human Services Transportation Plan (CPT-HST) for the NMMPO. The CPT-HST was created by connecting with low-income, minority and disabled communities. The CPT-HST has identified broad priorities for development of a public transit system that will benefit the minority population, as well as, the greater public as a whole.

The NMMPO’s Memorandum of Understanding stipulates the MPO membership structure. The membership of the MPO is inclusive and allows for representation among the nine municipalities in the NMCOG region. Four of the nine NMCOG communities are currently represented on the MPO. The City of Lowell has the highest number of low-income and minority residents and holds a permanent seat on the MPO. Membership of the MPO includes representatives from NMCOG, LRTA, Massachusetts Department of Transportation, the City of Lowell, and representatives of three communities outside of Lowell. There are currently no minority members serving on the MPO.

Table 7 Current NMMPO Members

Northern Middlesex Metropolitan Planning Organization (NMMPO) Members	
Gina Fiandaca	Secretary of the Massachusetts Department of Transportation
Jonathan Gulliver	MassDOT Highway Administrator
Andrew Deslaurier	NMCOG Chair
Thomas Bomil	LRTA Chair
Pat Wojtas	NMCOG MPO Representative, Town of Chelmsford
Karyn Puleo	LRTA MPO Representative, Town of Tyngsborough
Daniel Rourke	City Councilor, City of Lowell
Joi Singh	Federal Highway Administrator, Region 1 (ex-officio)
Peter Butler	Federal Transit Administrator, Region 1 (ex-officio)

VIII. Transportation System Investment Analysis

Environmental Justice Populations

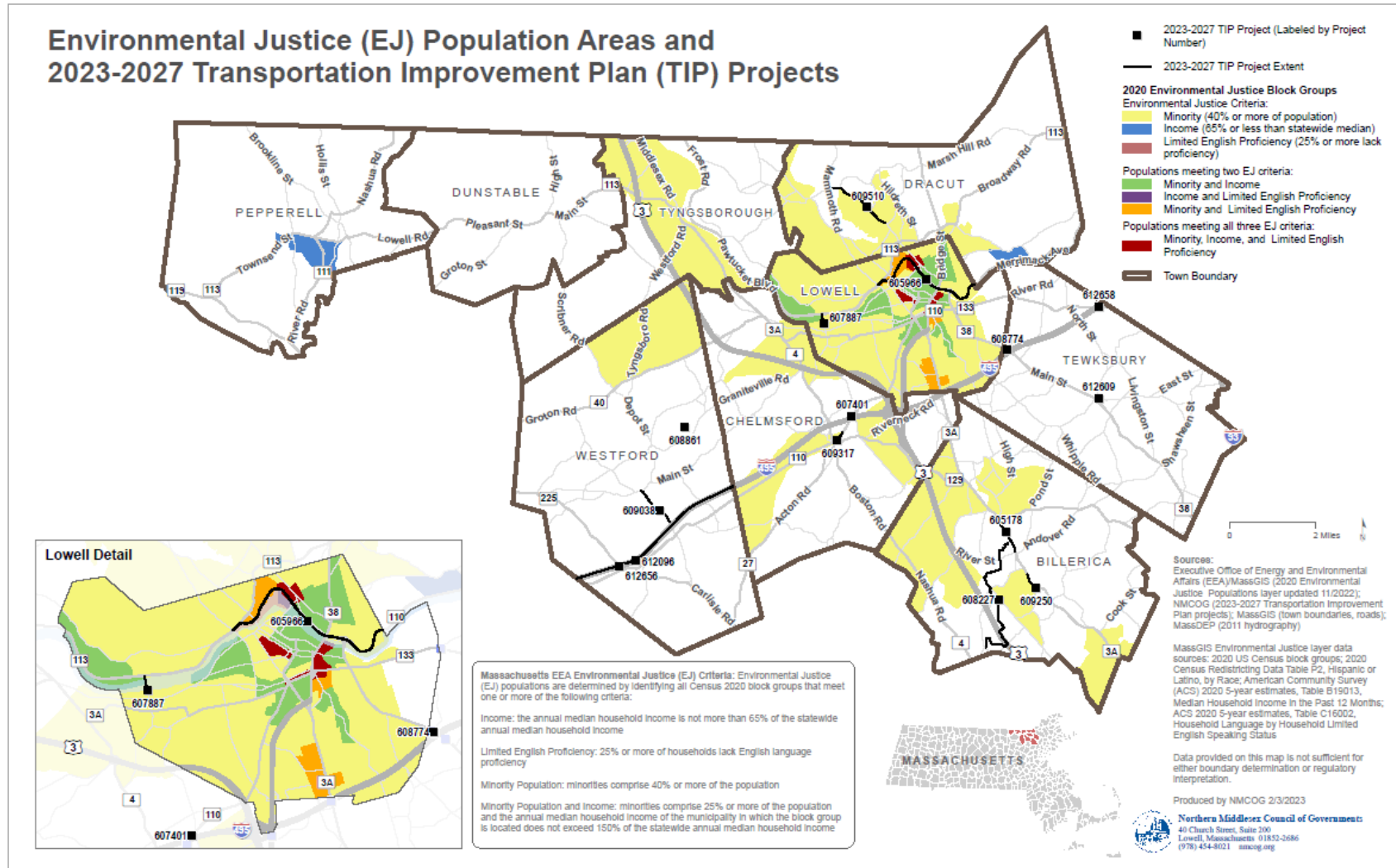
To determine the Title VI/EJ impacts of any Federal-aid transportation project, it is necessary to identify Title VI/EJ communities within the region. Using the 2020 Census Tract data, threshold populations were established for each minority based on the average level of each group within the overall region. These areas of concentration were mapped using GIS and designated as Environmental Justice areas for FHWA-funded projects.

Map 2 displays the Northern Middlesex Metropolitan Planning Organization (NMMPO) Transportation Improvement Program (TIP) projects for the years 2023-2027. The 2020 Census was used to create the map, with Massachusetts Environmental Justice Populations displayed by census block group. The state of Massachusetts defines an environmental justice population as a neighborhood where one or more of the following criteria are true:

1. The annual median household income is 65 % or less of the statewide annual median household income
2. Minorities make up 40 % or more of the population
3. Households where 25 % or more identify as speaking English less than "very well."
4. Minorities make up 25 % or more of the population, and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 % of the statewide annual median household income.

This section will examine the Northern Middlesex Region using **Map 2** across all EJ factors.

MAP 2 Environmental Justice Analysis Map



Income

The first EJ category is shown on the map in blue. This demonstrates areas where the annual median household income is 65 % or less of the statewide annual median household income; on the map, this is displayed on the map in the color blue on **Map 2**. The towns of Dracut and Pepperell have blue-shaded regions; these regions signify the area within the town where the income is 65 % or less than the statewide annual median household income.

Minority Population

The minority population environmental justice criterion is shown on the map in the color yellow. The towns of Billerica, Tyngsborough, Westford, Chelmsford, and Dracut have shaded yellow areas indicating that minorities make up 40% or more of the population. The city of Lowell indicates the highest levels of minorities in the region.

Limited English Proficiency

The third EJ criterion, demonstrating a 5% or more population with Limited English Proficiency, is shown on the map in the color pink and includes an area along Route 113 in Lowell between University Avenue and School Street bridges over the Merrimack River. There is one TIP project to improve the VFW Highway corridor is located in this area. No other municipalities in the region meet this criterion.

Minority, Income, and Limited English Proficiency

The fourth EJ factor is displayed on the map in the color red. Lowell is the only municipality within the region where residents meet all three EJ criteria mentioned above. The areas shown in bright red in the city of Lowell represent criteria one or households with an income of 65% or less than the state annual median income, two or minorities make up 40% of the population, and three or 25% or more with LEP. One TIP project is close to the shaded red regions on the map. The city of Lowell has the highest number of households where two or more EJ factors are present. For instance, in Lowell, the green shading represents a population of minority areas and areas of low income or EJ criteria blue and yellow, on **Map 2**.

Transportation Improvement Program Equity Analysis

Introduction

The NMMPO is committed to its regional goal of providing fair and equitable transportation access and service quality for all communities, as outlined in the strategic vision of Envision 2050, NMMPO's Regional Transportation Plan. This commitment is central to the NMMPO's operations, particularly in one of its core activities, the Transportation Improvement Program (TIP). This section describes an equity analysis that evaluates the equitable distribution of

transportation resources funded by the TIP in accordance with the MPO's Transportation Justice Program (TJP). Recognizing the need for continual improvement in advancing equity in transportation projects, this analysis is an integral step toward enhancing NMMPO's transparency and understanding of its progress in achieving this crucial goal.

Methods

Our methodology aligns with the Title VI equity analysis guidelines stipulated in the FTA Circular 4702.1B. For consistency with other NMMPO Environmental Justice (EJ) analyses, we adopted the Commonwealth's definition of low-income populations. Accordingly, low-income households are identified as those earning 65 percent or less than the statewide median household income, translating to an annual income threshold of \$55,247 or less.

The analysis encompassed a comprehensive review of NMMPO's internal TIP projects database. This database includes detailed information on 34 projects programmed from 2014 to 2023 and 14 ongoing projects scheduled for 2024 to 2028 in the most recent TIP for FY 2024-2028. In this context, "TIP funding" refers to the total cost of each project. We sourced demographic data, including race and household income figures from the 2020 US Decennial Census and analyzed at the block group level.

A critical step in our analysis involved mapping the demographics of each TIP project. This was achieved by creating a quarter-mile buffer around the center of each project and examining the demographic overlap with the surrounding block groups. The level of overlap determined the allocation of population figures to each TIP project. For example, if a block group with a composition of 100 minority and 200 non-minority individuals overlapped by 50% with a TIP project buffer, we allocated 50 minority and 100 non-minority individuals to that project. Subsequently, project dollars were proportionally allocated based on these demographic compositions. For example, a hypothetical \$1 million project that is 50% minority and 50% non-minority would result in \$500,000 allocated to each group.

The final stage of our analysis focused on assessing the equitable distribution of TIP funding. We calculated the ratio of TIP funding received by minority and low-income populations against their respective proportions in the NMMPO Region. We then categorized these ratios to reflect three possible scenarios in transportation equity:

- **Ratio less than 1:** Decline of transportation equity. The proportion of TIP funding is less than the proportion of the total population.
- **Ratio of 1:** No change of transportation equity. The proportion of TIP funding is the same as the proportion of the total population.

- **Ratio greater than 1:** Improvement of transportation equity. The proportion of TIP funding is greater than the proportion of the total population.

Results

Table 8 in our analysis presents a comprehensive breakdown of TIP funding distribution across minority and non-minority, as well as low-income and non-low-income populations for two distinct periods: 2014-2023 and 2024-2028. During 2014-2023, a total of \$154,993,659 in TIP funding was allocated, with 27.4% (\$42,536,926) directed towards minority populations and 33.1% (\$51,263,784) to low-income groups. In contrast, the period of 2024-2028 shows a marked shift in funding allocation, with a total of \$281,789,729 being allocated. Of this, a significantly higher proportion of 45.1% (\$127,003,549) is allocated for minority populations, and 35.9% (\$101,182,097) for low-income populations. This indicates a notable increase in the allocation of transportation funds to these groups, aligning more closely with NMMPO’s goal of equitable transportation access.

Table 8 *Distribution of TIP Funding by Demographic Group (2014-2023 and 2024-2028)*

Population	Proportion of NMMCOG Region Population	TIP Funding 2014-2023	Proportion of TIP Funding 2014-2023	TIP Funding 2024-2028	Proportion of TIP Funding 2024-2028
Minority	29.4%	\$42,536,926	27.4%	\$127,003,549	45.1%
Non-minority	70.6%	\$112,456,733	72.6%	\$154,786,180	54.9%
Low-income	31.1%	\$51,263,784	33.1%	\$101,182,097	35.9%
Non-low-income	68.9%	\$103,729,874	66.9%	\$180,607,633	64.1%

Table 9 further highlights this shift towards greater equity in TIP project funding. For the period 2014-2023, the ratio of TIP funding to population for minority groups was 0.93, suggesting a marginal decline in transportation equity. However, in the 2024-2028 period, this ratio dramatically improved to 1.53, indicating a significant advancement in transportation equity for minority populations. A similar positive trend is observed for low-income populations, with the ratio increasing from 1.06 to 1.15. A key factor in this positive outcome is the planned replacement of the Rourke Bridge, budgeted at \$169,000,000 in the 2024-2028 TIP. This project alone accounts for nearly 60% of the total project costs for this period. The Rourke Bridge is situated in a part of Lowell that has a higher concentration of minority and low-income populations compared to the average in the Greater Lowell area. The substantial investment in this project is a significant contributor to the improved ratio of TIP funding, reflecting NMMPO’s focused efforts to enhance transportation equity in regions where it is most needed.

Table 9 Ratios of TIP Funding to Population for Minority and Low-Income Populations

Population	TIP Funding to Population Ratio 2014-2023	TIP Funding to Population Ratio 2024-2028
Minority	0.93	1.53
Low-income	1.06	1.15

Discussion

The results of the TIP project analysis for the 2024-2028 period demonstrate a significant improvement in transportation equity and reflects NMMPO’s dedication to fair and equitable transportation in Greater Lowell. As a component of the MPO’s Transportation Justice Program (TJP), this analysis not only aligns with NMMPO’s goals but also highlights the organization’s commitment to continually innovate its equity analysis methods. Acknowledging this commitment, we recognize the limitations of this analysis and opportunities to improve equity analyses in the future.

Key Limitations and Potential Improvements:

- **Account for Population Density:** The current model does not account for population density. Projects with identical cost and demographic ratios are treated similarly, regardless of differences in population near projects.
- **Analyze Costs of Travel:** This analysis currently omits factors such as safety, reliability, and the overall monetary costs impacting residents. Future analyses should strive to include these elements to estimate the complete costs of travel.
- **Evaluate Burdens and Benefits:** There is a need to evaluate both the populations that experience the burdens and those that benefit from transportation projects. This includes considering aspects like noise and pollution impacting nearby residents versus the benefits accruing to those further away.
- **Utilize New Data Sources:** Incorporating travel pattern data from sources like [Replica](#) could enhance this analysis by understanding who directly benefits from transportation improvements, moving beyond the residential demographics of neighboring areas to include those who actually use the facilities. Replica is a data analytics service that synthesizes anonymized mobile location data to offer insights into travel patterns that show who, where, when, and how people travel throughout the state of Massachusetts. This data was made available to public agencies throughout the Commonwealth in October 2023, courtesy of MassDOT.
- **Consider Historical Context:** To address historical imbalances, understanding the legacy of practices like redlining is essential. Future analyses could incorporate historical redlining maps in Greater Lowell to help address long-term inequities.

By addressing these limitations and incorporating these improvements in the future, NMMPO will ensure a more nuanced, accurate, and impactful approach to advancing transportation equity in the region.

IX. Complaints and Complaint Procedure

The Northern Middlesex Metropolitan Planning Organization maintains a log of all complaints received by the agency. To date, the NMMPO has not received any complaints nor has it been named in any lawsuits that claim discrimination on the base of race, color, or national origin.

NMMPO has adopted the MassDOT model complaint procedure. The procedure meets both the Federal Transit Administration requirements (FTA) and the Federal Highway Administration (FHA) requirements. The two federal agencies have slightly different methods for handling Title VI complaints. Under the FTA, the complaint is to be reviewed by the MPO, while the FHWA guidelines require the complaint to be forwarded to the appropriate reviewing authority. The NMMPO Complaint procedures and Notice to the Public can be found in **Appendix C** of this report and on the NMMPO website at <https://www.nmcog.org/civil-rights-title-vi>. Complaint forms in English are located in **Appendix I**.

X. Assessment of Compliance

In alignment with our commitment to equitable transportation, the NMMPO is proud to introduce the Transportation Justice Program (TJP), spearheaded by our Title VI Coordinator. This initiative marks a significant advancement in our organization's approach to transportation equity, particularly in the context of our core activity, the Transportation Improvement Program (TIP). The primary objective of the TJP is to ensure that the NMMPO is advancing transportation equity in the region through conducting regular comprehensive equity analyses of projects and funding. These analyses aim to reveal whether certain neighborhoods, protected populations, or cities have been overlooked or underfunded in transportation planning and to evaluate how well the MPO's TIP projects address identified imbalances.

Historically, the NMMPO has conducted ad hoc equity analyses within its plans. While these efforts have been valuable, they have varied in methodology, scope, and depth, and have not consistently incorporated a historical perspective to track progress over time. Recognizing this, the TJP intends to bring consistency, depth, and historical context to our equity analyses, identifying not just current inequities but also long-term trends and areas for improvement.

NMMPO Staff currently perform the following key activities under the MPO's TJP as described below to ensure compliance with Title VI:

1. **Annual TIP Funding Analysis:** Each year, as part of our Transportation Improvement Program (TIP), we conduct a thorough funding analysis to ensure equitable allocation of resources across Greater Lowell.
2. **Historical TIP Investment Analysis:** In our annual Title VI Report, we include a comprehensive funding and geographic analysis of historical TIP investments. This historical perspective allows us to assess long-term trends and impacts of our transportation funding decisions.
3. **Limited English Proficiency (LEP) Plan:** Updated every four years, or as requested by MassDOT, our LEP Plan ensures that language barriers do not prevent community members from accessing and participating in our transportation planning processes.
4. **UPWP Federal Funds Distribution Analysis:** The Unified Planning Work Program (UPWP) geographic distribution of federal funds is assessed annually. This analysis ensures that federal transportation funds are used in a manner that benefits all communities within our region, especially those historically underserved.
5. **RTP Regional Equity Analysis:** Conducted every four years as part of our Regional Transportation Plan (RTP), this forward-looking analysis focuses on identifying transportation investments that would have the greatest long-term benefit to transportation equity in the Greater Lowell Region.
6. **Continuous Improvement of Metrics and Data:** Our staff regularly reviews and updates our analysis metrics and data sources as part of the annual Title VI report. This ongoing process is crucial in ensuring that our methodologies stay current and relevant.

Meeting notices contain information on the availability of translations and interpretations. All notices are published in the Khmer Post in both English and Khmer. Title VI Civil Rights Notice to Public and Complaint Procedures are posted in the Northern Middlesex Council of Governments reception area, the conference room, and the [NMMPO website](#).

NMCOG staff are encouraged to review the DOJ video [Understanding and biding by Title VI of the Civil Rights Act of 1964](#) and/or similar online trainings. Most recently, NMCOG staff at participated in a Lowell Regional Transit Authority's Title VI training seminar on July 10, 2021, led by the law offices of Kopelman and Paige. MPO staff are scheduled for additional Title IV training in March 2024.

XI. Limited English Proficiency Plan

A Limited English proficiency (LEP) was created to support LEP populations and enable meaningful access to the planning process, the Northern Middlesex Metropolitan Planning Organization has developed a Limited English Proficiency Plan for the Northern Middlesex region. The intent of the LEP plan is to ensure that residents of the region who do not speak or read English proficiently have access to the planning process and published information and

that public notification is provided to these individuals. The production of multilingual publications and documents and/or interpretation at meetings/events will be provided upon request to the degree that funding permits, based on current laws and regulations.

The NMMPO, as a recipient of federal funding, takes reasonable steps to ensure meaningful access to information and services. The federal guidance suggests that four factors must be considered in determining the level and extent of language-assistance measures needed to ensure meaningful access to programs, activities, and services:

1. The number and percent of LEP persons in the region who are served by the program;
2. The frequency with which LEP persons come in contact with the program;
3. The importance to the LEP person of accessing the particular program or service; and
4. The resources available to the NMMPO and the costs involved.

The USDOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above.

The Limited English Proficiency plan is an assessment of language assistance needs in the Northern Middlesex region in relation to the transportation planning process.

XII. Subrecipient Monitoring

The NMMPO does not pass through federal financial assistance to additional subrecipients.

XIII. Title VI Program Approval

The NMMPO successfully voted to endorse the 2022 Title VI Report during a meeting attended by a quorum of voting members on March 22, 2023. Documentation demonstrating approval of the report by the NMMPO is located under Action Item 7 of the provided meeting minutes in **Appendix H**.

XIV. Notification of Protection under Title VI

In order to comply with 49 CFR Section 21.9(d), the Northern Middlesex Council of Governments and Northern Middlesex Metropolitan Planning Organization post information for the public regarding the organizations' Title VI obligations and the protections against discrimination afforded to the public by Title VI. The notice states, "Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color or national origin (including limited English proficiency) be excluded from participating in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity receiving federal funds." Additionally, "Related federal nondiscrimination laws administered by the Federal Highway Administration,

the Federal Transit Administration, or both, prohibit discrimination on the basis of age, sex, and disability.”

APPENDICES

XV

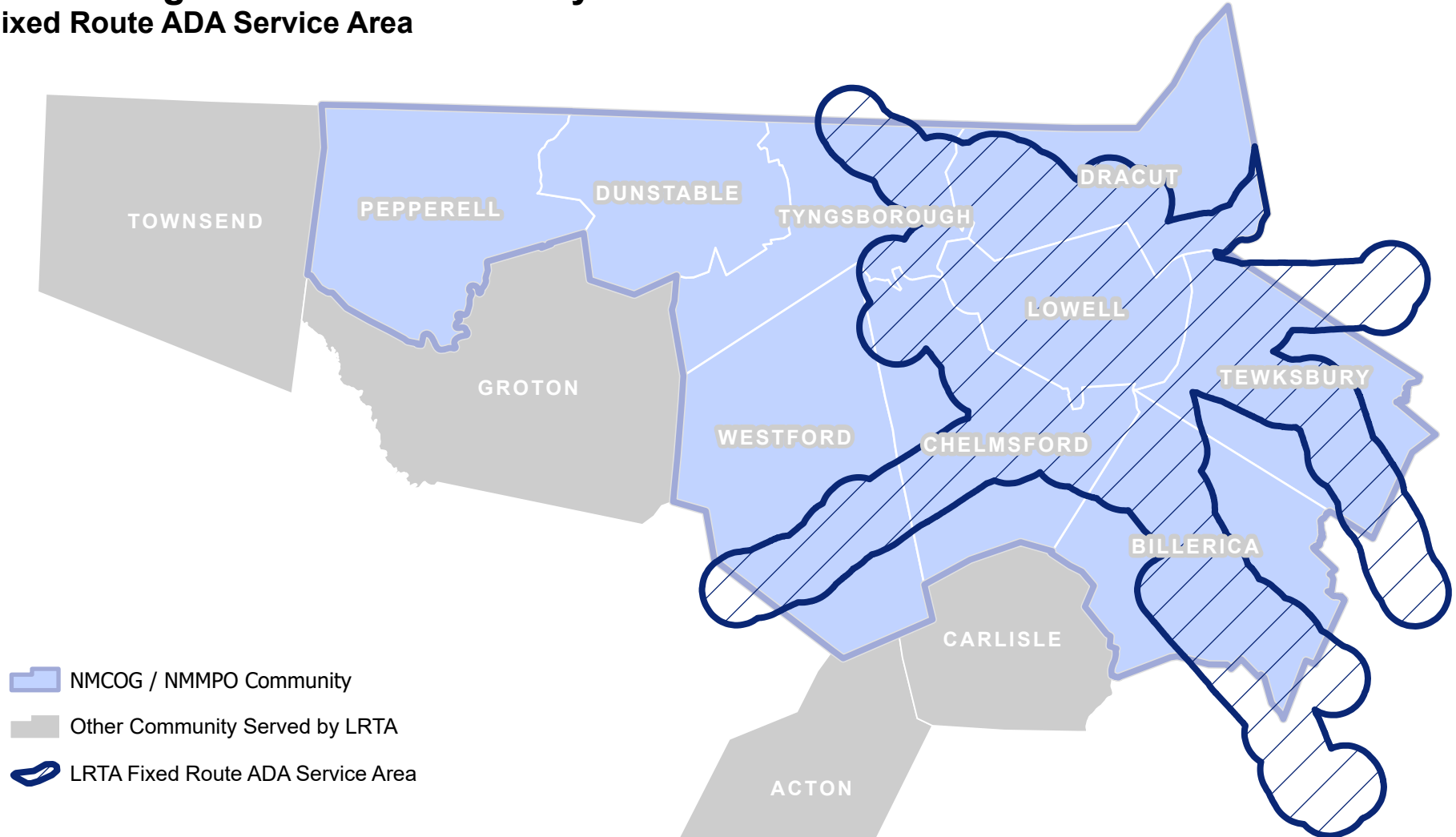
APPENDIX




A

LRTA Service Area MAP

Lowell Regional Transit Authority Service Area Communities

Fixed Route ADA Service Area



-  NMMCOG / NMMPO Community
-  Other Community Served by LRTA
-  LRTA Fixed Route ADA Service Area

Sources:
 LRTA; MassGIS (town boundaries)

Data provided on this map is not sufficient for either boundary determination or regulatory interpretation.

Produced by NMMCOG 2/7/2023



The Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmcog.org



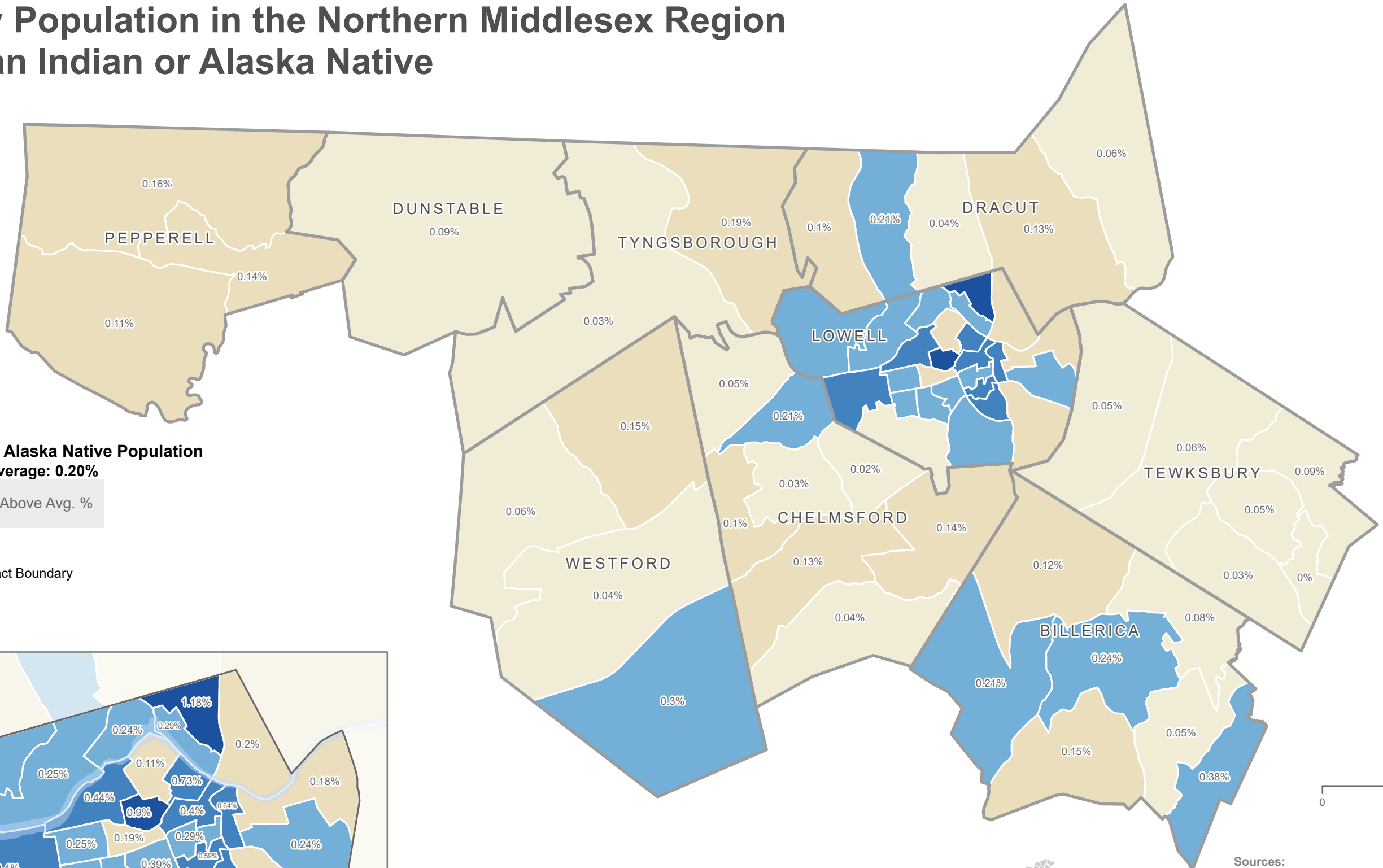
APPENDIX

B

Demographic Maps

Minority Population in the Northern Middlesex Region

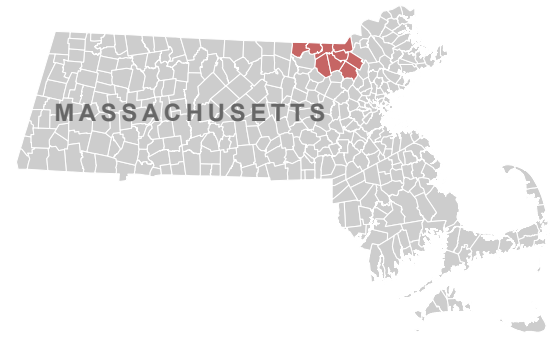
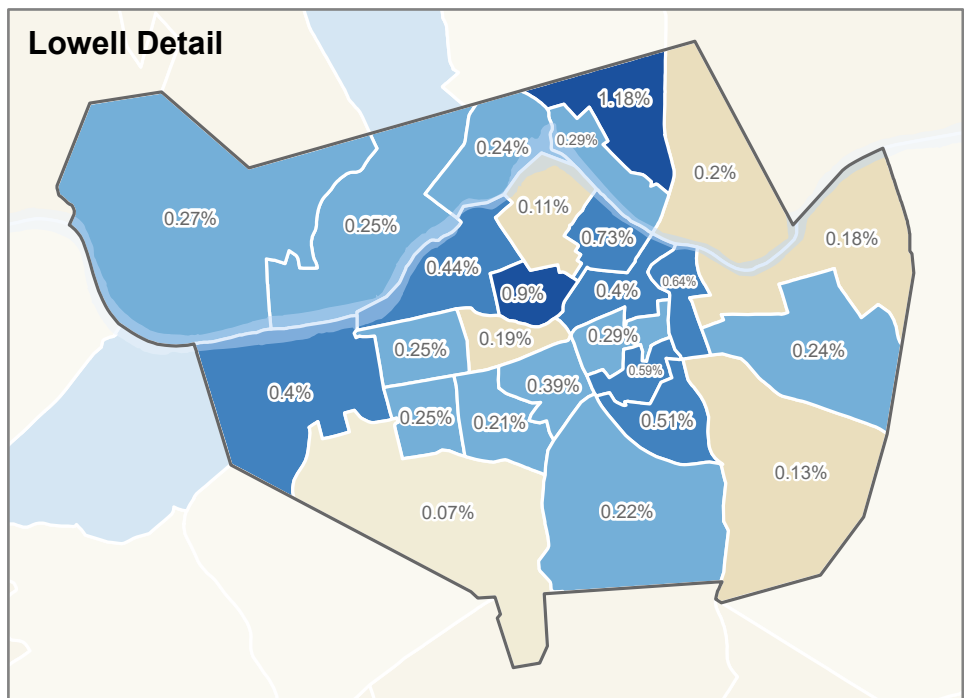
American Indian or Alaska Native



American Indian or Alaska Native Population
2020 Census Tract Average: 0.20%

0.8% - 1.18%	Above Avg. %
0.4% - 0.79%	
0.21% - 0.39%	
0.1% - 0.2%	
0% - 0.09%	

Census 2020 Tract Boundary
 Town Boundary



Sources:
 US Census 2020 (P.L. 94-171 redistricting table P1);
 MassGIS (town boundaries)

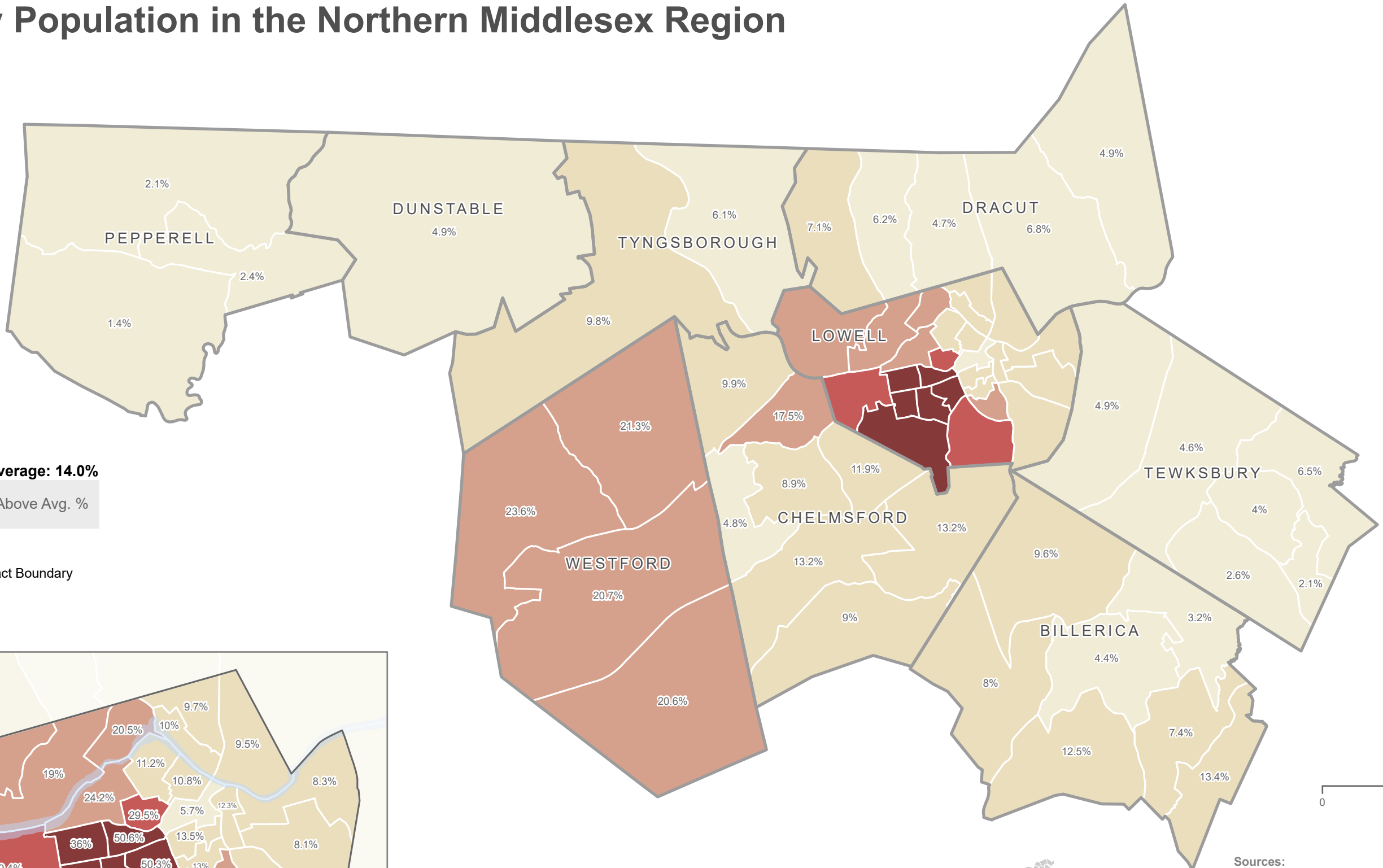
Data provided on this map is not sufficient for either
 boundary determination or regulatory interpretation.

Produced by NMCOG 11/28/2022

Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmkog.org

Minority Population in the Northern Middlesex Region

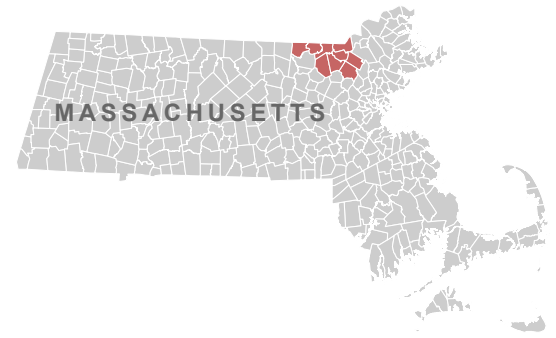
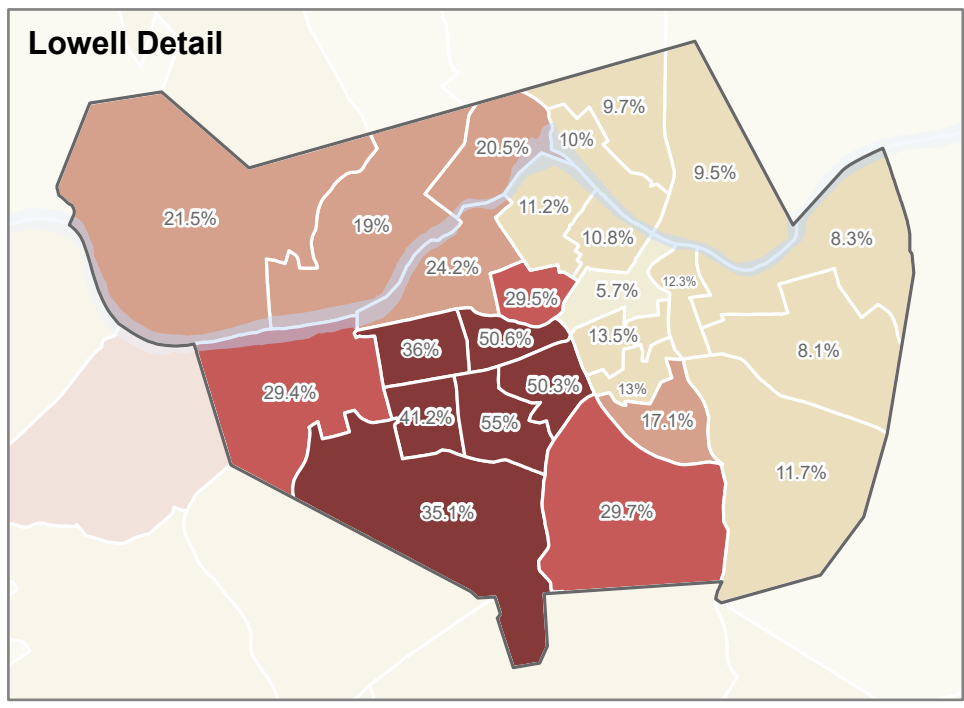
Asian



Asian Population
2020 Census Tract Average: 14.0%

- 35% - 55% Above Avg. %
- 25% - 34.9%
- 14.1% - 24.9%
- 7% - 14%
- 1.1% - 6.9%

Census 2020 Tract Boundary
 Town Boundary



Sources:
 US Census 2020 (P.L. 94-171 redistricting table P1);
 MassGIS (town boundaries)

Data provided on this map is not sufficient for either
 boundary determination or regulatory interpretation.

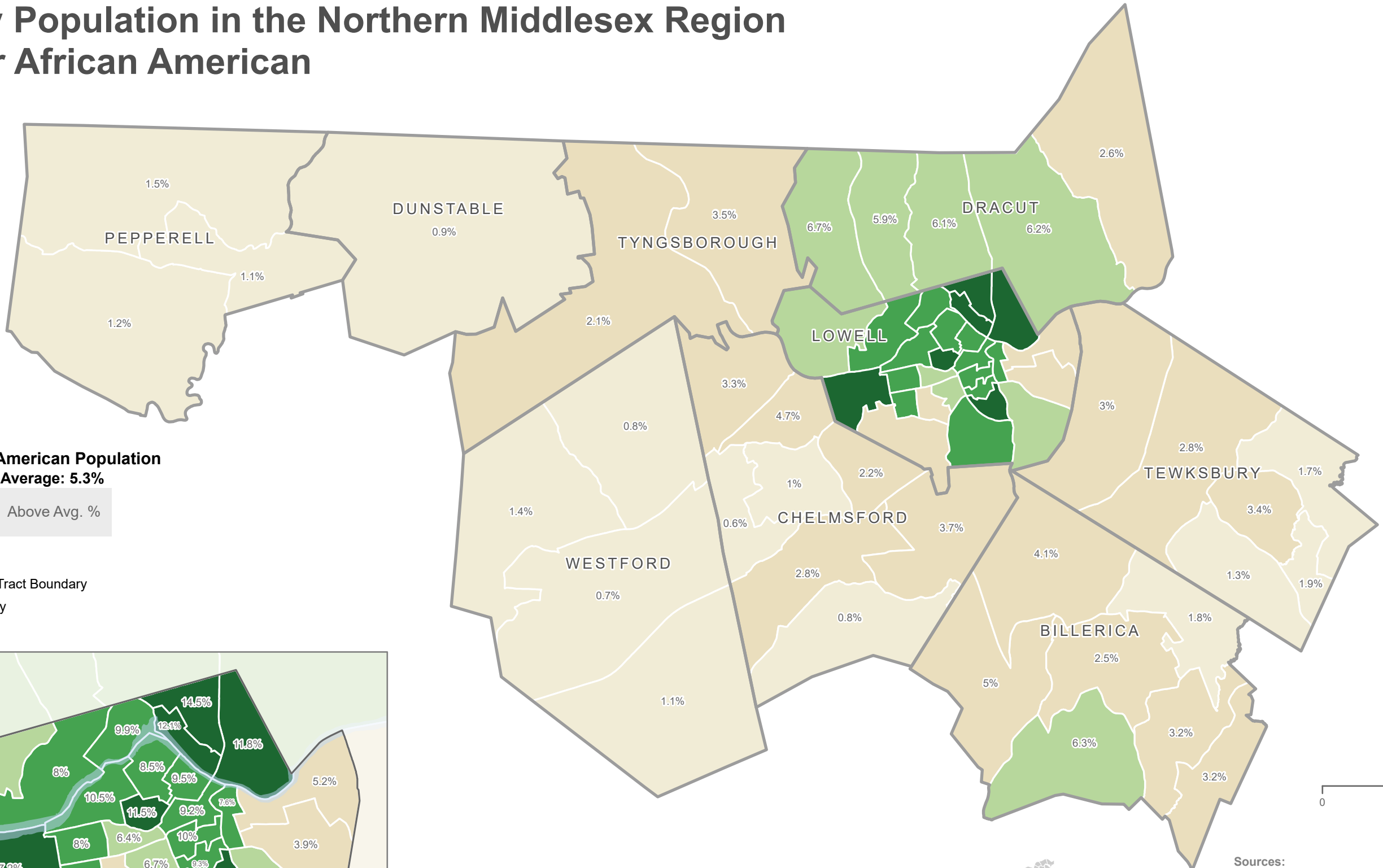
Produced by NMCOG 11/28/2022



Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmkog.org

Minority Population in the Northern Middlesex Region

Black or African American

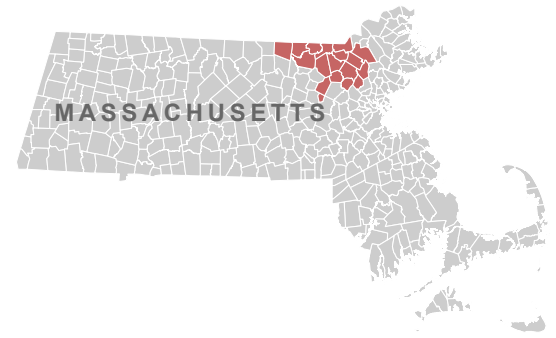
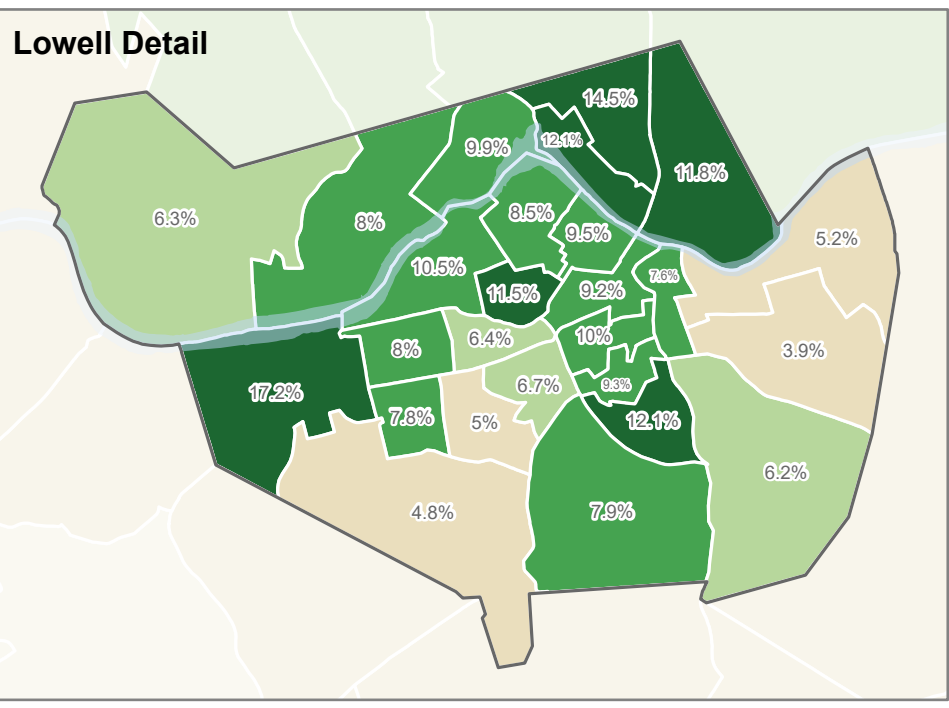


Black or African American Population
2020 Census Tract Average: 5.3%

- 11% - 17.2% (Dark Green)
- 7% - 10.9% (Medium Green)
- 5.4% - 6.9% (Light Green)
- 2% - 5.3% (Light Tan)
- 0.3% - 1.9% (Lightest Tan)

Above Avg. %

Legend:
 - Census 2020 Tract Boundary (dashed line)
 - Town Boundary (solid line)



Sources:
 US Census 2020 (P.L. 94-171 redistricting table P1);
 MassGIS (town boundaries)

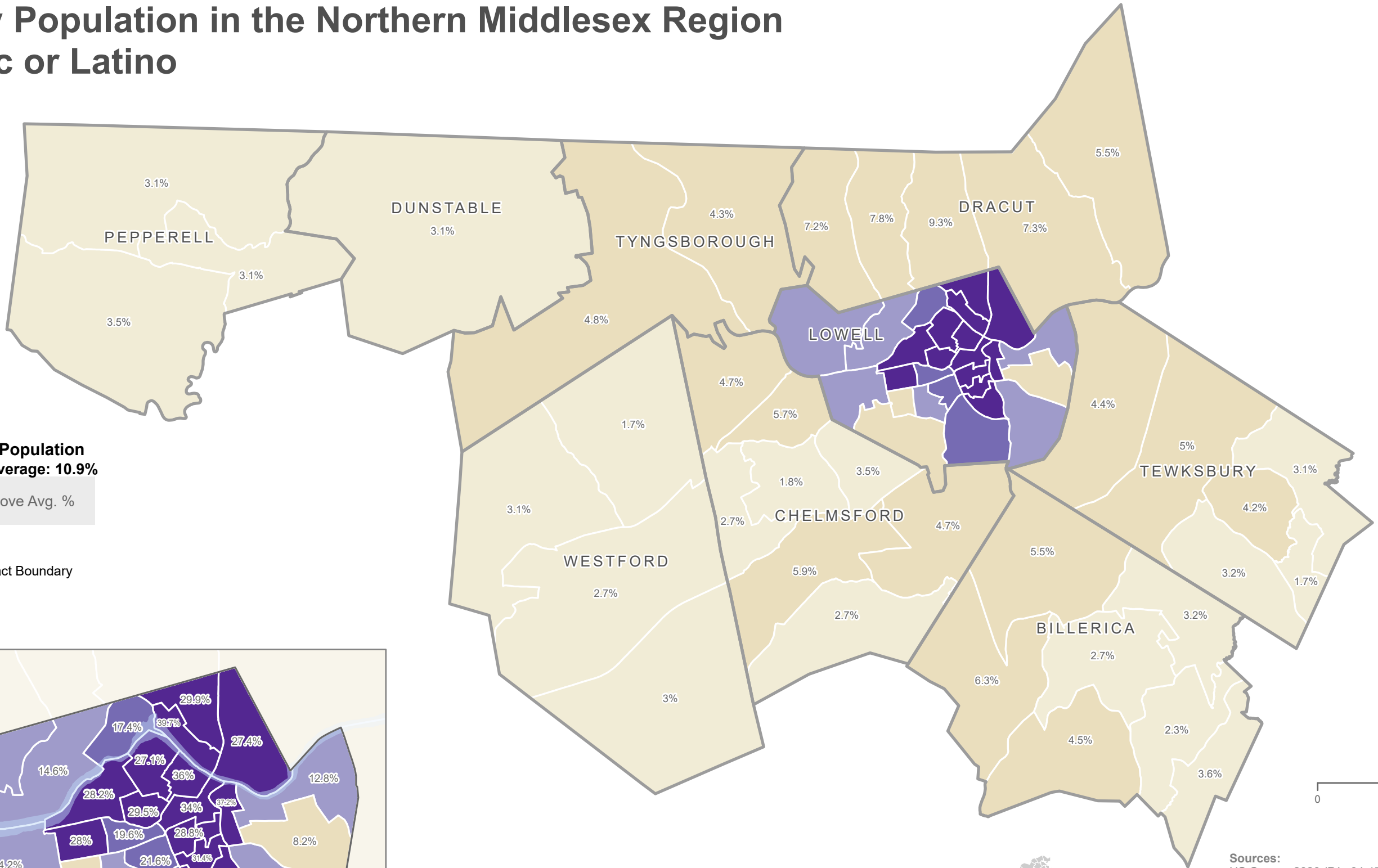
Data provided on this map is not sufficient for either
 boundary determination or regulatory interpretation.

Produced by NMCOG 11/28/2022

Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmco.org

Minority Population in the Northern Middlesex Region

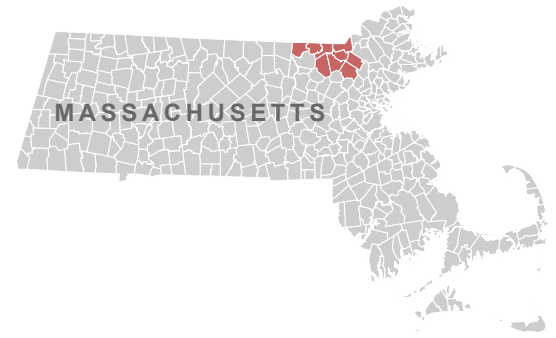
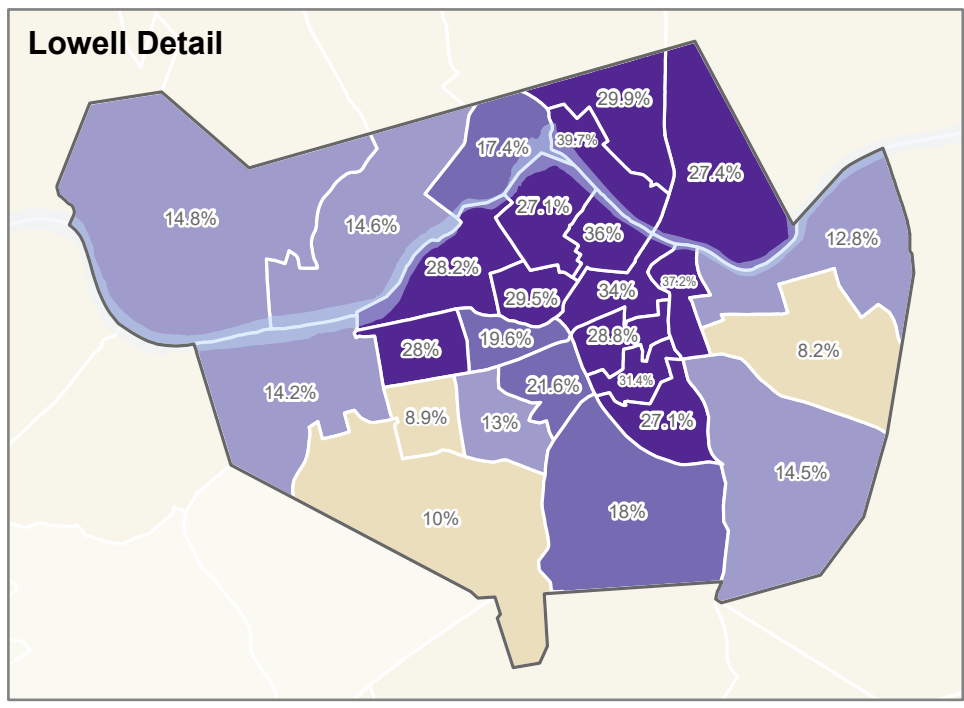
Hispanic or Latino



Hispanic or Latino Population

2020 Census Tract Average: 10.9%

- 25% - 39.7%
- 15% - 24.9% Above Avg. %
- 11% - 14.9%
- 4% - 10.9%
- 1.7% - 3.9%
- Census 2020 Tract Boundary
- Town Boundary



Sources:
 US Census 2020 (P.L. 94-171 redistricting table P2);
 MassGIS (town boundaries)

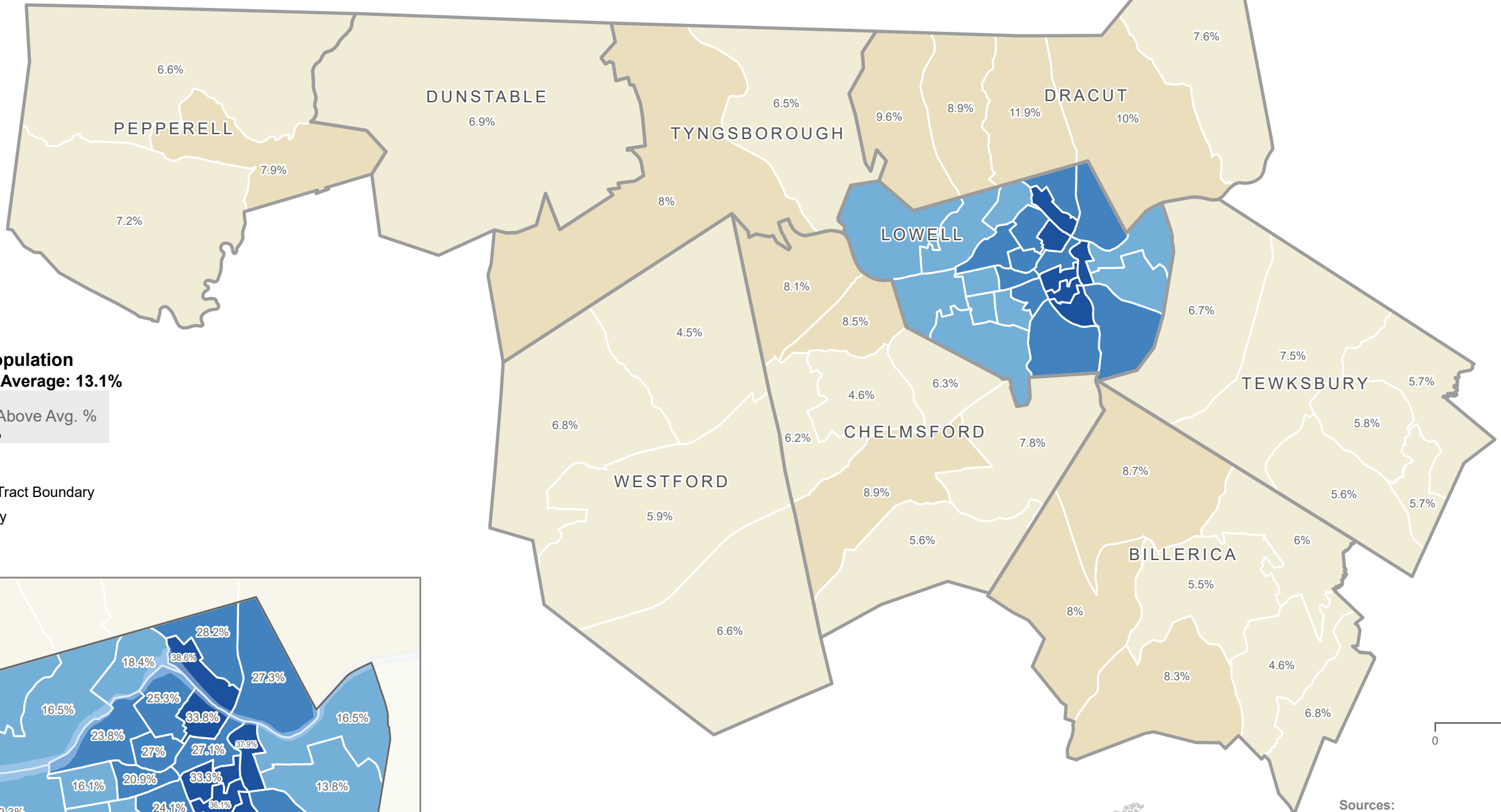
Data provided on this map is not sufficient for either
 boundary determination or regulatory interpretation.

Produced by NMCOG 11/28/2022

Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmcog.org

Minority Population in the Northern Middlesex Region

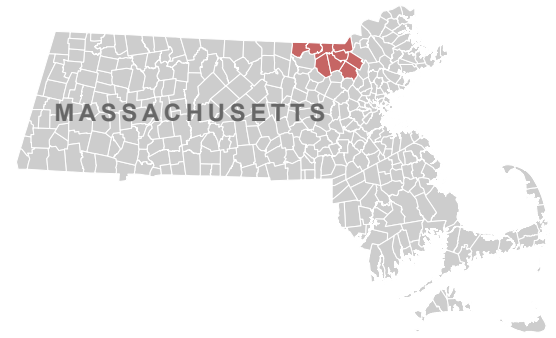
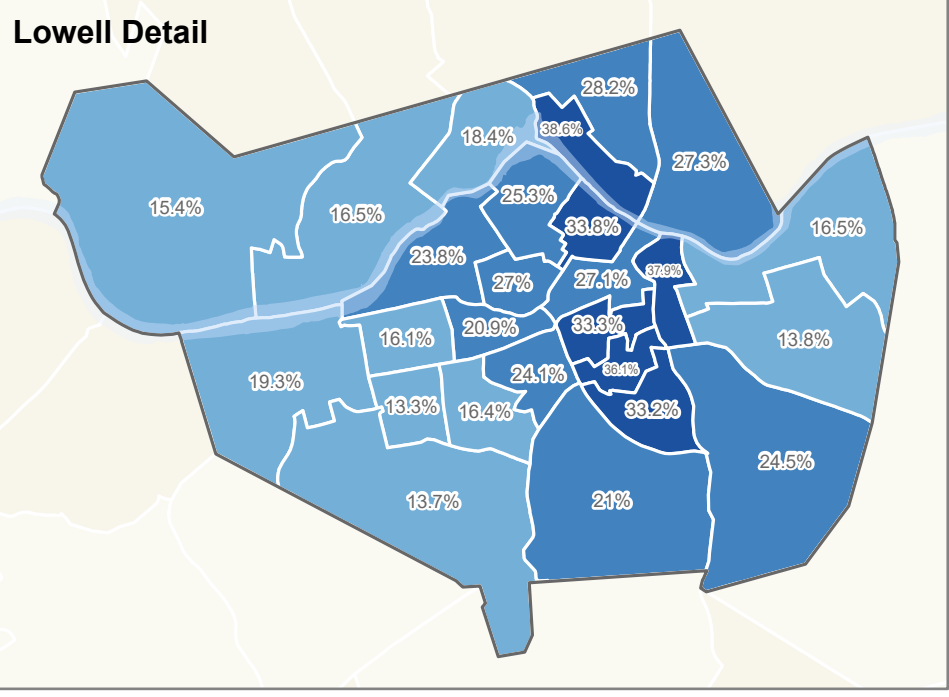
Other Races or Two or More Races



Other Minority Population
2020 Census Tract Average: 13.1%

- 30% - 38.6%
- 20% - 29.9% Above Avg. %
- 13.2% - 19.9%
- 8% - 13.1%
- 4.5% - 7.9%

Legend:
 - Census 2020 Tract Boundary (dashed line)
 - Town Boundary (solid line)



Sources:
 US Census 2020 (P.L. 94-171 redistricting table P1);
 MassGIS (town boundaries)

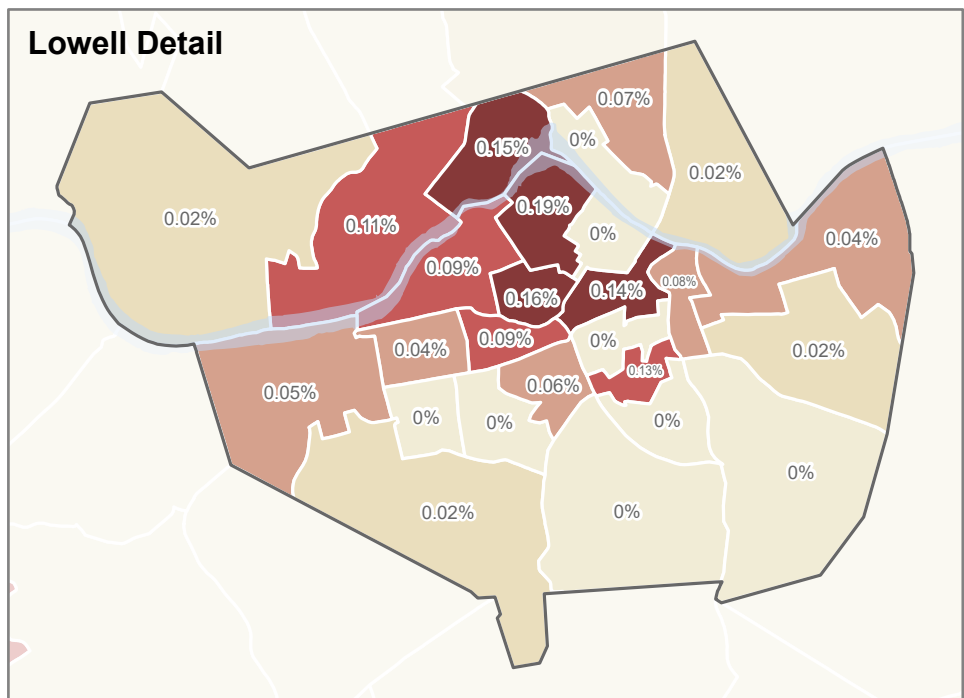
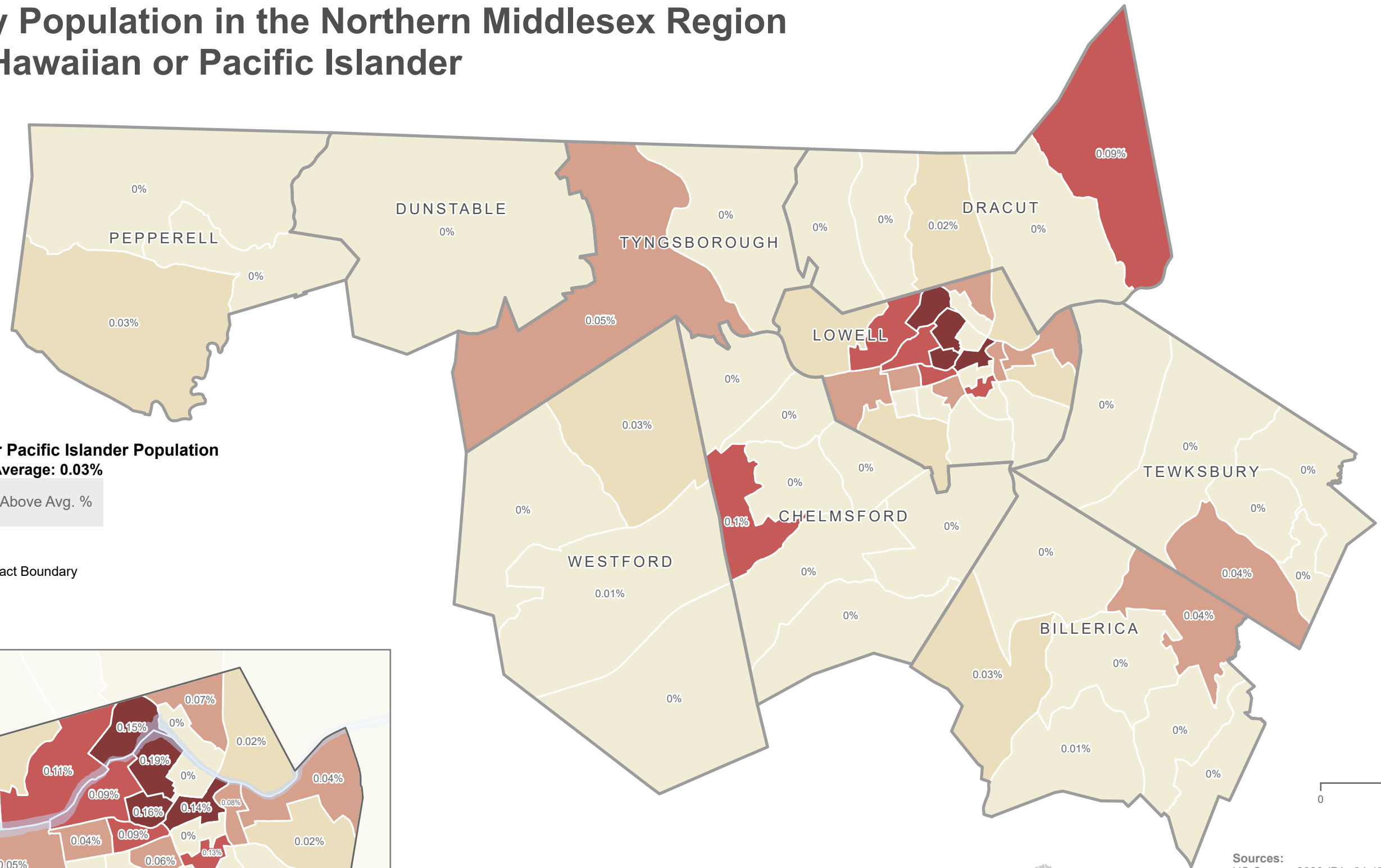
Data provided on this map is not sufficient for either
 boundary determination or regulatory interpretation.

Produced by NMCOG 11/28/2022

Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmco.org

Minority Population in the Northern Middlesex Region

Native Hawaiian or Pacific Islander

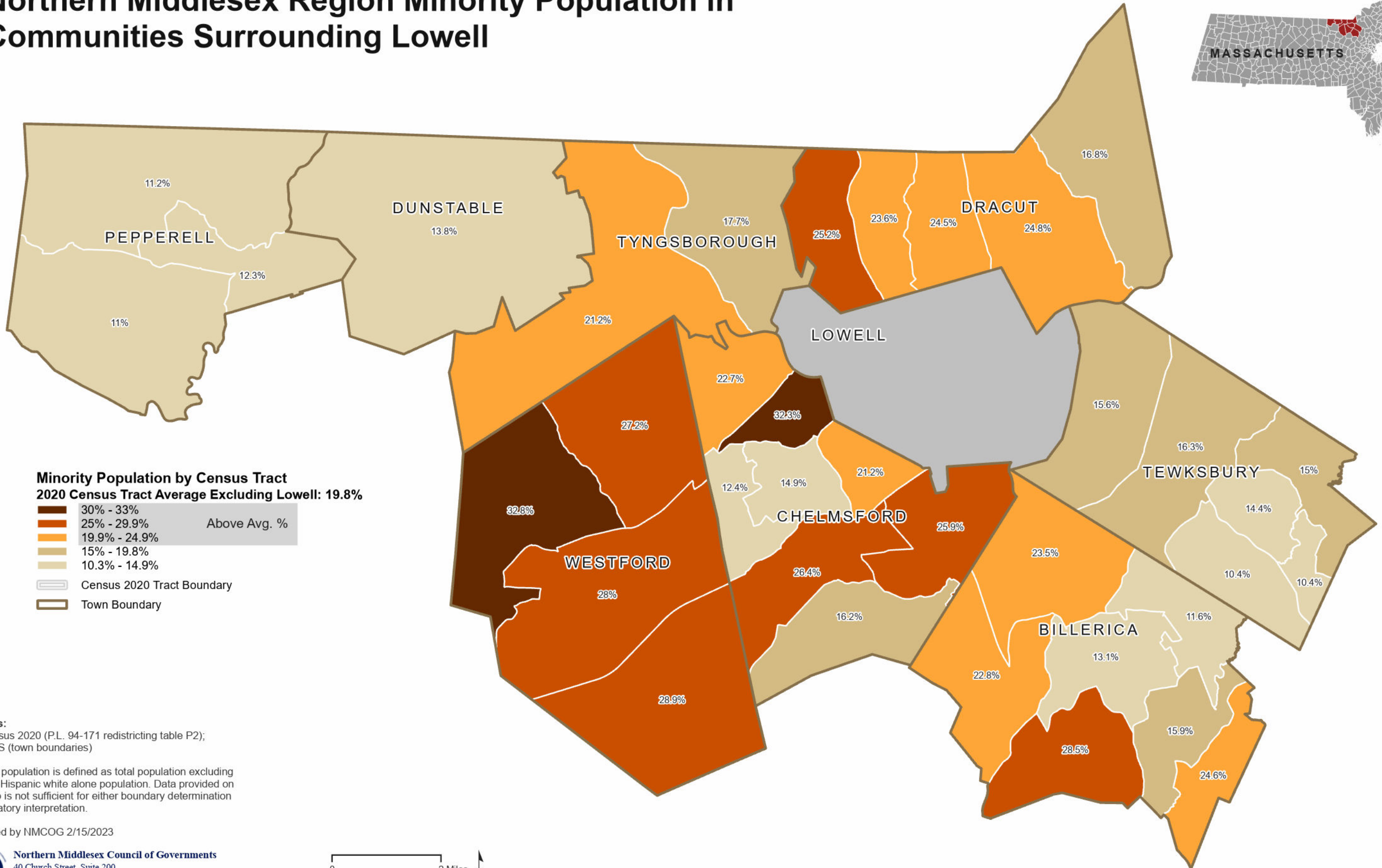
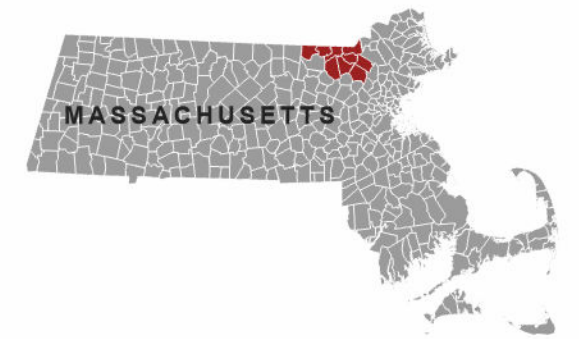


Sources:
 US Census 2020 (P.L. 94-171 redistricting table P1);
 MassGIS (town boundaries)

Data provided on this map is not sufficient for either
 boundary determination or regulatory interpretation.

Produced by NMCOG 11/28/2022

Northern Middlesex Region Minority Population in Communities Surrounding Lowell



Sources:
 US Census 2020 (P.L. 94-171 redistricting table P2);
 MassGIS (town boundaries)

Minority population is defined as total population excluding the non-Hispanic white alone population. Data provided on this map is not sufficient for either boundary determination or regulatory interpretation.

Produced by NMCOG 2/15/2023



Northern Middlesex Council of Governments
 40 Church Street, Suite 200
 Lowell, Massachusetts 01852-2686
 (978) 454-8021 nmcog.org



APPENDIX

C

NMMPO Notice to Public & Complaint Procedures

Civil Rights Notice to Public

The Northern Middlesex Council of Governments (NMCOG) and the Northern Middlesex Metropolitan Planning Organization (NMMPO) comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin (including limited English proficiency). Related federal and state nondiscrimination laws prohibit discrimination on the basis of age, sex, disability, and additional protected characteristics. NMCOG and the NMMPO are committed to nondiscrimination in all activities.

Individuals who believe they have been discriminated against may file a complaint with the NMCOG/NMMPO at:

NMCOG/NMMPO Title VI Specialists

40 Church Street, Suite 200
Lowell, MA 01852
Phone: (978) 454-8021
Email: JHoward@NMCOG.org

MassDOT/MBTA Title VI Specialists

Office of Diversity and Civil Rights – Title VI Unit
10 Park Plaza, Suite 3800
Boston, MA 02116
Phone: (857) 368-8580 or 7-1-1 for Relay Service
Email: MassDOT.CivilRights@state.ma.us

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

U.S. Department of transportation

Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20580
Website: www.civilrights.justice.gov

Title VI Complaint Procedures

Purpose and Applicability

The purpose of this document is to establish procedures for the processing and disposition of both discrimination complaints filed directly with the Northern Middlesex Council of Governments (NMCOG) or the Northern Middlesex Metropolitan Planning Organization (NMMPO), and discrimination complaints that NMCOG/NMMPO have the delegated authority to process under Title VI of the Civil Rights Act of 1964 (Title VI) and related state and federal nondiscrimination authorities, including the Americans with Disabilities Act (ADA).

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

Step 1: Complainant submits their complaint.

Step 2: NMCOG/NMMPO issues the complainant an acknowledgment letter.

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

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

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

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

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

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

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

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

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

Definitions

Complainant – A person who files a complaint with NMCOG/NMMPO.

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

Discrimination – That act or inaction, whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, or bases covered by other nondiscrimination authorities, such as gender, age, or disability, has been subjected to unequal treatment or disparate impact under any program or activity receiving federal assistance.

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

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

Filing of Complaints

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

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

The Complaint Process

1. Who can file a complaint?

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

2. How do I file a complaint?

A complaint may be filed with the following:

NMCOG/NMMPO Title VI Specialists

Northern Middlesex Council of Governments
40 Church St., Suite 200
Lowell, MA 01852
Phone: (978) 454-8021
Email: jhoward@nmcog.org

NMCOG/NMMPO, Assistant Secretary and Chief Diversity Officer

Office of Diversity and Civil Rights – Investigations Unit
10 Park Plaza, Suite 3800
Boston, MA 02116
Phone: (857) 368-8580
Email: odcrcomplaints@dot.state.ma.us

U.S. Department of Transportation

Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590
Website: civilrights.justice.gov/

Please note:

- When FTA receives a Title VI complaint regarding NMCOG/NMMPO, a subrecipient, or a contractor, the FTA may request the matter be investigated by NMCOG/NMMPO.
- If a Title VI complaint is filed with NMCOG that alleges a violation by NMCOG's Highway Division, then it will be forwarded to the local FHWA Division Office which will then forward the complaint to the FHWA Headquarters Office of Civil Rights (HCR) for processing.
- If a Title VI complaint is received by NMCOG that is filed against a subrecipient of the NMCOG Highway Division, then NMCOG may process and investigate the complaint or may refer to HCR for investigation.
- If FMCSA receives a complaint filed against NMCOG, FMCSA will forward the complaint to NMCOG for a written response. This allows NMCOG to either resolve the complaint or to provide a written response to the allegations. The written response is used to determine what steps FMCSA will take to process the complaint.

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

A Title VI/Nondiscrimination Complaint form is available electronically on the [NMCOG Title VI website](#), the [NMMPO Title VI website](#), or in hardcopy at the NMCOG/NMMPO Office of Diversity and Civil Rights. Alternatively, a complainant may submit correspondence in an alternative format that should include:

- Your name, signature and, current contact information (i.e., telephone number, email address and postal mailing address);
 - The name and badge number (if known and applicable) of the alleged perpetrator;
 - A description of how, when, and where the alleged prohibited conduct occurred;
 - A detailed description of why you believe you were treated differently;
 - Names and contact information of any witnesses; and
 - Any other information you believe is relevant to your complaint.
- A. In cases where the complainant is unable to provide a written statement, a verbal complaint may be made to the Office of Diversity & Civil Rights (ODCR). Complainants will be interviewed by a Civil Rights Investigator (CRI). If necessary, the CRI will assist the person in converting the verbal complaint to writing. All complaints should be signed by the complainant.
- B. Anonymous complaints may be filed in the same manner. Anonymous complaints shall be investigated in the same manner as any other complaint.
- C. Complaints will be accepted in any recognized language. Multi-lingual complaint forms are available.

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

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

5. How will my complaint be handled?

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

- A. Determine Jurisdiction: ODCR has jurisdiction if the complaint:
- 1) involves a statement or conduct that violates:

i. NMCOG/NMMPO's legal obligation and commitment to prevent discrimination, harassment, or retaliation on the basis of a protected characteristic with regard to any aspect of the Agency's service to the public;

ii. or

The commitment made by subrecipients and contractors working with NMCOG/NMMPO to adhere to NMCOG/NMMPO policies;

AND

2) is timely filed.

B. Acknowledge receipt of the complaint and provide jurisdictional determination within ten (10) business days of receipt of the complaint.

1) If the CRI determines that any complaint does not have the potential to establish a civil rights violation, then the CRI shall notify the complainant and Title VI Specialist in writing of its finding and the matter shall be closed.

C. Conduct a thorough investigation of the allegations contained in the complaint in accordance with the NMCOG/NMMPO Internal Complaint Procedures.

6. Findings and Recommendations?

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

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

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

C. A letter of finding that is issued when the respondent is found to be in noncompliance.

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

7. Can I appeal a Finding?

If a complainant or respondent does not agree with the findings of the CRI then he/she/they may appeal to the Assistant Secretary and Chief Diversity Officer. The appealing party must provide any **new information that was not readily available during the course of the original investigation that would lead NMCOG/NMMPO to reconsider its determinations.** The request

for an appeal and any new information must be submitted within thirty (30) days of the date the letter of finding was transmitted. After reviewing this information, NMCOG/NMMPO will respond either by issuing a revised letter of resolution or by informing the appealing party that the original letter of resolution or finding remains in force.

APPENDIX

D

Public Participation Plan

Public Participation Plan for the Northern Middlesex Metropolitan Planning Organization



Northern Middlesex Metropolitan Planning Organization

Endorsement: June 20, 2016

Amended: March 22, 2017

Prepared by:

Northern Middlesex Council of Governments

40 Church Street, Suite 200

Lowell, MA 01852

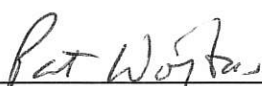
NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION

ENDORSEMENT OF AMENDMENT TO THE 2016 PUBLIC PARTICIPATION PLAN FOR
THE NORTHERN MIDDLESEX REGION


This document will certify that the Northern Middlesex Metropolitan Planning Organization (NMMPO) hereby endorses an Amendment to the 2016 Public Participation Plan (PPP) for the Northern Middlesex Region. This Plan is being endorsed in accordance with the 3C Transportation Planning Process and complies with Title 23 Section 450 of the Code of Federal Regulations (CFR) specifying that the NMMPO develop a documented public participation plan that defines the process for providing opportunities to interested parties to be involved in the metropolitan planning process.


Stephanie Pollack, Secretary and CEO
Massachusetts Department of Transportation

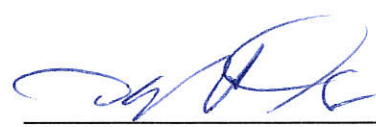
3/22/17
Date


Pat Wojtas, Town of Chelmsford
Chair, Northern Middlesex Council of Governments

3-22-17
Date


Kevin O'Connor, Chair,
Lowell Regional Transit Authority

3/22/17
Date


David Gay, Town of Tewksbury,
NMCOG MPO Representative

3/22/17
Date

Corey Belanger, City Councilor,
City of Lowell MPO Representative

Date


Tom Bomil, Town of Dracut
Lowell Regional Transit Authority Advisory Board MPO Representative

3-22-17
Date

This page intentionally left blank.

Notice of Nondiscrimination Rights and Protections to Beneficiaries

Federal "Title VI/Nondiscrimination" Protections

The Northern Middlesex Council of Governments (NMCOG) and the Northern Middlesex Metropolitan Planning Organization (NMMPO) operate programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color or national origin (including limited English proficiency) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both, prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within NMMPO's Title VI Programs consistent with federal interpretation and administration. Additionally, NMMPO provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

State Nondiscrimination Protections

NMCOG and the NMMPO also comply with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry. Likewise, NMCOG and NMMPO comply with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Title VI Specialist
Northern Middlesex Council of Governments
40 Church Street, Suite 200
Lowell, MA 01852
(978) 454-8021
JHoward@nmcog.org

Or

Title VI Specialist
Massachusetts Department of Transportation (MassDOT)
Office of Diversity and Civil Rights (ODCR)
10 Park Plaza
Boston, MA 02116
857-368-8580
TTY: 857-368-0603
MASSDOT.CivilRights@state.ma.us

Complaint Filing

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist within 180 days of the alleged discriminatory conduct. To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

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

Translation

If this information is needed in another language, please contact the NMMPO Title VI Specialist at 978-454-8021.

Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do NMMPO pelo telefone 978-454-8021.

Se esta informação é necessária em outro idioma, entre em contato com o Especialista NMMPO Título VI em 978-454-8021

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែព័ត៌មាននេះ សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី៦ របស់NMMPO តាមរយៈលេខទូរស័ព្ទ 978-454-8021

Nếu thông tin này là cần thiết trong một ngôn ngữ khác, xin vui lòng liên hệ với Chuyên NMMPO Tiêu đề VI tại 978-454-8021

如果此信息需要以另一种语言，請聯繫 NMMPO 第六章專家 978-454-8021

Table of Contents

Notice of Nondiscrimination Rights and Protections to Beneficiaries.....	1
CHAPTER 1: INTRODUCTION	5
1.1 Purpose of the Public Participation Plan.....	5
1.2 Goals of the Public Participation Plan	5
1.3 The Public Participation Plan Update.....	6
1.4 The Northern Middlesex MPO and The Transportation Planning Process.....	6
1.5 Roles and Responsibilities of Participating Agencies	8
1.5.1 Northern Middlesex Council of Governments.....	8
1.5.2 Lowell Regional Transit Authority.....	8
1.5.3 Massachusetts Department of Transportation	9
1.5.4 Federal Highway Administration and Federal Transit Administration.....	9
1.6 Current Federal Regulations	9
1.6.1 Title 23 Section 450 of the Code of Federal Regulations.....	9
1.6.2 Title VI, Environmental Justice and Limited English Proficiency	10
1.6.3 Limited English Proficiency Plan.....	10
1.6.4 Americans with Disability Act of 1990	11
1.7 NMMPO Planning Documents	11
1.7.1 The Public Participation Plan (PPP).....	12
1.7.2 The Regional Transportation Plan (RTP).....	12
1.7.3 The Transportation Improvement Program (TIP).....	15
1.7.4 The Unified Planning Work Program (UPWP)	17
1.7.5 Transportation Planning Studies outlined in the UPWP	18
1.7.6 Section 5307 Grants	18
1.7.7 Public Participation Procedures for making changes to Federal Certification Documents....	19
CHAPTER 2: THE NMMPO APPROACH TO PUBLIC PARTICIPATION	21
2.1 Public Participation Techniques.....	21
2.1.1 The NMCOG Website	21
2.1.2 Meeting Notice Content and Distribution	22
2.1.3 Language Services.....	22

2.1.4	Public Outreach Organizations/Stakeholders	23
2.1.5	Public Meetings, Open Houses and Workshops.....	26
2.1.6	Meeting Accessibility	26
CHAPTER 3:	TITLE VI AND ADA PROTOCOLS, POLICIES AND RESOURCES	29
3.1	Civil Rights Protocols Ensuring Inclusivity and Diversity in Public Engagement.....	29
3.1.1	Civil Rights Protocols by Type of Public Engagement.....	30
3.1.2	General Public Meetings	31
3.1.3	Open Houses.....	36
3.1.4	Targeted Outreach Gatherings	36
3.1.5	One-on-One Interactions	39
3.2	Civil Rights Protocols Designed to Ensure Accessibility	40
3.2.1	American Sign Language and Foreign Language Interpreters, Assistive Listening, Devices, CART, and Video Remote Interpreting.....	42
3.2.2	Alternative Formats and Translation of Handouts/Presentation Material.....	43
3.2.3	Publicizing the Meeting.....	45
3.2.4	Additional Considerations	45
Updates and Revisions.....		46
Appendix A: Summary of Comments Received		47
Northern Middlesex MPO Public Comment Summary		47

CHAPTER 1: INTRODUCTION

The development of the Northern Middlesex Metropolitan Planning Organization's (NMMPO) Public Participation Plan (PPP) is a key component of the overall transportation planning process. Federal funding for planning and implementing transportation projects requires that projects be derived through a continuing, comprehensive and cooperative (3C) planning process. The Northern Middlesex Metropolitan Planning Organization is the body charged with carrying out the 3C process in the Northern Middlesex region, which consists of the City of Lowell and eight surrounding suburban communities: Billerica, Chelmsford, Dracut, Dunstable, Pepperell, Tewksbury, Tyngsborough and Westford. Public involvement and participation plays a critical role in the decision making process, particularly as it relates to meeting the needs by underserved and under-represented populations, including low income and minority stakeholders, as well as those with disabilities.

1.1 PURPOSE OF THE PUBLIC PARTICIPATION PLAN

The purpose of the Public Participation Plan (PPP) is to describe and outline all outreach activities to be performed by the NMMPO, in order to ensure that **ALL** members of the public are given an opportunity to participate in the transportation planning process. This PPP strives to include those members of the public who are often overlooked during the outreach process. The PPP serves as a guide to NMMPO members and staff in their efforts to provide meaningful opportunities for engaging the public relative to the social, economic and environmental impacts of proposed transportation policies, projects and initiatives within the Northern Middlesex region.

The PPP is based on state and federal guidance and describes the NMMPOs goals, principles and decision-making processes. The Plan outlines the methods and techniques that the NMMPO will utilize to reach out to persons who are low income, minority, Limited English Proficient (LEP), or who have a disability or are otherwise underrepresented. The PPP will be modified as needed based on feedback and input provided by community members.

1.2 GOALS OF THE PUBLIC PARTICIPATION PLAN

The information, viewpoints and perspectives provided through the public involvement process help guide decision makers and leads to a more meaningful and comprehensive planning process. In accordance with MassDOT's public outreach goals, the Northern Middlesex MPO has adopted the following public outreach goals:

- Solicit inclusive and quality input, and respect the viewpoints of all transportation constituents;
- Provide multiple opportunities for public involvement that are open, meaningful and inclusive, and that consider the need for accessibility, scheduling, informational materials format and the language needs of those with Limited English Proficiency;
- Provide a predictable process that is understandable, with notification provided well in advance (21 days for the Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and Regional Transportation Plan (RTP); and 45 days for the Public Participation Plan);

- Increase and maintain partnerships with local and community-based organizations as means of ensuring an open and meaningful involvement process;
- Provide informational materials that are clear, concise and responsive to community needs;
- Periodically evaluate new tools for improving, updating and refining the NMMPO's existing public participation process; and
- Strive to increase public participation and improve outreach to minority, low-income, elderly, youth, Limited English Proficiency (LEP) and accessibility-challenged communities.

1.3 THE PUBLIC PARTICIPATION PLAN UPDATE

Last updated in 2010, the Northern Middlesex Metropolitan Planning Organization's Public Participation Plan has been reviewed in light of new federal requirements and current outreach practices. Updates and revisions to the 2010 PPP are summarized in this section, reflecting directives and requirements outlined in MAP-21 and the FAST Act.

Regional needs are constantly evolving and public participation techniques have been updated to reflect the most current methods to effectively engage the public. The NMMPO will quantitatively monitor the effectiveness of outreach efforts by tracking attendance at public meetings, survey responses, website usage, social media postings, and numbers of comments received through the process. As a result of MassDOT's civil rights guidance, this document also includes specific protocols designed to ensure inclusivity, diversity and accessibility above and beyond what was contained in previous versions of the PPP.

1.4 THE NORTHERN MIDDLESEX MPO AND THE TRANSPORTATION PLANNING PROCESS

The Northern Middlesex Metropolitan Planning Organization (NMMPO) is the policymaking body for the Greater Lowell area, and is required by federal law to carry out a continuing, cooperative and comprehensive planning process that is called the "3C" planning process. These three elements of the 3C planning process are described as follows:

- Continuing: Planning must be maintained as an ongoing activity and should address both short-term needs and the long-term vision for the region;
- Cooperative: The process must involve a wide variety of interested parties through a public participation process; and
- Comprehensive: The process must cover all transportation modes and be consistent with regional and local land use and economic development plans.

The NMMPO has five core functions:

- Establish and manage a fair and impartial setting for effective regional transportation decision making in the metropolitan area;
- Identify and evaluate transportation improvement options and information needed for NMMPO decision making, through planning studies described in the NMMPO's Unified Planning Work Program (UPWP);
- Prepare and maintain a Regional Transportation Plan (RTP) for the metropolitan area, with at least a 20-year horizon, that promotes: mobility and access for people and goods,

as well as an efficient system performance and preservation, and that addresses quality of life, sustainability, resiliency and equity;

- Develop the Transportation Improvement Program (TIP), a short-range (four-year) program of capital improvements drawn from the RTP; and
- Involve the general public by offering all interested persons, including affected constituencies, opportunities to participate in the NMMPO decision-making process, including the development of the RTP, TIP, and UPWP documents.

The end products of the NMMPO's work include studies, reports, plans, technical memoranda, data on transportation issues region, and the production and endorsement of three federally required certification documents: the RTP, TIP and UPWP. Each MPO must produce the three required certification documents in order to be federally certified as eligible to program federal transportation funds.

The membership of the NMMPO is outlined in Table 1.1. The Secretary of MassDOT acts as Chairman of the MPO. Elected officials representing communities in the Northern Middlesex region serve key roles as voting members of the NMMPO. The Chairman of NMCOG is either a Planning Board member or Chief Elected Official. The City Councilor who sits on NMCOG's board is also a voting member of the NMMPO, and the NMCOG MPO representative representing a suburban community is either a Selectmen or Planning Board members from one of the region's nine communities.

Table 1.1: Northern Middlesex MPO Membership Structure

NMMPO Voting Members

Chairman of the Northern Middlesex Council of Governments (NMCOG) (Elected Official)

Chairman of the Lowell Regional Transit Authority (LRTA)

Secretary and Chief Executive Officer of the Massachusetts Department of Transportation (MassDOT)

Administrator of the Highway Division of MassDOT

Chief elected official from the City of Lowell who serves as the City's representative to NMCOG

Selectman elected to serve on the NMCOG Council and further elected by the Council to serve as that town's representative to the NMMPO

LRTA Advisory Board member representing a community within the Northern Middlesex MPO boundaries other than the City of Lowell, who may also be an elected official

NMMPO Non Voting Ex-Officio Members

Federal Highway Administration

Federal Transit Administration

1.5 ROLES AND RESPONSIBILITIES OF PARTICIPATING AGENCIES

The primary agencies involved in the transportation planning process for the Northern Middlesex region include the Northern Middlesex Council of Governments (NMCOG), the Lowell Regional Transit Authority (LRTA), the Massachusetts Department of Transportation (MassDOT), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). These agencies comprise the NMMPO membership and function at the regional, state and federal levels of government to ensure that the transportation needs of the region are met for all modes of transportation.

1.5.1 NORTHERN MIDDLESEX COUNCIL OF GOVERNMENTS

The Northern Middlesex Council of Governments (NMCOG) is the regional planning agency for the Greater Lowell area and serves as technical staff to the NMMPO. NMCOG was created under Chapter 40B of the General Laws of Massachusetts, and is one of thirteen regional planning agencies (RPAs) in the Commonwealth. NMCOG serves its member communities in an advisory capacity and has expertise in transportation, economic and community development, housing, land use, historic preservation, municipal service delivery, environmental and energy issues, municipal service delivery, emergency management, public safety, hazard mitigation and public health. NMCOG's policy-making body is comprised of three members from each community (a Planning Board member, a Board of Selectmen member or City Councilor, and an alternate), and provides policy guidance to the Council's professional staff. The NMCOG planning district includes Billerica, Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough and Westford. The NMCOG Chairman and a NMCOG representative to the MPO are elected annually by the Council and serve as voting members of the NMMPO.



1.5.2 LOWELL REGIONAL TRANSIT AUTHORITY

The Lowell Regional Transit Authority (LRTA) has statutory responsibility for providing mass transportation under the provisions of Chapter 161B of the Massachusetts General Laws. The LRTA service area includes the following communities: Acton, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Lowell, Maynard, Pepperell, Tewksbury, Townsend, Tyngsborough and Westford. A chief elected official or designee from each member community serves on the LRTA Advisory Board. The LRTA Chairman and another Advisory Board member from a community outside of Lowell serve as voting members of the NMMPO. The LRTA Chairman is elected by the LRTA Advisory Board. All voting LRTA Advisory Board members are appointed by the Chief Elected Officials in their community.



1.5.3 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

In June 2009, Chapter 25 of the Acts of 2009, “An Act Modernizing the Transportation Systems of the Commonwealth of Massachusetts”, was signed into law. The transportation reform legislation integrated all Massachusetts transportation agencies and authorities into a new MassDOT. A five-member Board of Directors appointed by the Governor oversees the organization. MassDOT is administered by a Secretary of Transportation, who is appointed by the Governor to serve as the agency’s Chief Executive Officer. MassDOT is comprised of four divisions: Highway, Mass Transit, Aeronautics and the Registry of Motor Vehicles (RMV), in addition to Enterprise Services, which includes an Office of Transportation Planning. The MassDOT Highway Administrator and the Secretary of Transportation or their designees serve as members of the NMMPO.

1.5.4 FEDERAL HIGHWAY ADMINISTRATION AND FEDERAL TRANSIT ADMINISTRATION

An annual certification process through FHWA and FTA ensures that the State and the NMMPO are adhering to the 3C transportation planning process in accordance with federal requirements. Approval of federally-aided transportation projects requires the planning process to be “cooperative, comprehensive, and continuing.” FHWA and FTA are ex-officio non-voting members of the NMMPO.

1.6 CURRENT FEDERAL REGULATIONS

Transportation decision making follows specific procedures as directed by federal and state regulations and further shaped by the NMMPO’s commitment to civil rights and sound civic engagement. The NMMPO strives to maintain a collaborative relationship with community stakeholders and has developed this PPP to foster collaboration that is all-inclusive.

1.6.1 TITLE 23 SECTION 450 OF THE CODE OF FEDERAL REGULATIONS

Title 23, Section 450.316 of the Code of Federal Regulations (CFR) specifies that the NMMPO develop and use a documented participation plan that defines the process for providing opportunities to interested parties to be involved in the metropolitan transportation planning process. The PPP developed by the NMMPO, in consultation with all interested parties, complies with Title 23, Section 450 in that it describes explicit procedures, strategies and desired outcomes, and by:

- Providing adequate public notice of public participation activities and time for public review and comment;
- Providing timely notice and reasonable access to information about transportation issues and processes;
- Making public information available on websites and social media;
- Holding public meetings at convenient and accessible locations and times;
- Demonstrating explicit consideration and response to public input received during development of NMMPO documents;
- Seeking out and considering the needs of traditionally underserved populations, such as low-income and minority households in the region; and
- Periodically reviewing the effectiveness of the procedures and strategies contained in the public participation plan.

The Title 23, Section 450.316 of the CFR requires a minimum public comment period of 45 calendar days prior to adoption of a public participation plan by the NMMPO. The NMMPO complies with this requirement.

1.6.2 TITLE VI, ENVIRONMENTAL JUSTICE AND LIMITED ENGLISH PROFICIENCY

The NMMPO strives to develop materials that are easily understood and clear. Maps, graphics and visualization techniques are utilized to assist in this effort. Federal regulations include requirements that reasonable efforts be made to address Title VI, Executive Order 12898 (Environmental Justice) and Executive Order 13166 (Limited English Proficiency).

Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” All federal agencies which provide financial assistance for any program are authorized and directed by the United States Department of Justice to apply provisions of Title VI to each program by issuing applicable rules, regulations, or requirements.

Through the planning process, the Northern Middlesex Metropolitan Planning Organization (NMMPO) monitors the impacts that transportation projects, including capital projects, have on low-income and minority populations. Additionally, NMCOG assists the Lowell Regional Transit Authority in developing its Title VI reports, including the development of maps which visually display the relationship between the transit routes and low-income and minority populations. The NMMPO endorsed the regional Title VI Assessment Report in August 2014.

Issued in 1994, Executive Order 12898 organized and explained in detail the Federal government’s commitment to promote environmental justice. Each Federal agency was directed to review its procedures and to make environmental justice part of its mission, by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations.

1.6.3 LIMITED ENGLISH PROFICIENCY PLAN

Title VI of the Civil Rights Act of 1964 and **Presidential Executive Order 13166** require entities that receive federal funds to take reasonable steps to provide meaningful access to individuals who are LEP. The U.S. Department of Transportation (USDOT) has created a guidance document entitled “*A Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons*”. This guidance was issued to ensure that persons in the United States are not excluded from participation in DOT-assisted programs and activities simply because they face challenges communicating in English.

The NMMPO, as a recipient of federal funding, takes reasonable steps to ensure meaningful access to information and services. The federal guidance suggests that four factors be considered in determining the level and extent of language-assistance measures needed to ensure meaningful access to programs, activities and services:

- The number and percent of LEP persons in the region who are served by the program;
- The frequency with which LEP persons come in contact with the program;
- The importance to the LEP person of accessing the particular program or service; and
- The resources available to the NMMPO and the costs involved.

The USDOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The Limited English Proficiency (LEP) plan is an assessment of language assistance needs in the Northern Middlesex region in relation to the transportation planning process.

The intent of the LEP plan is to ensure that residents of the region who do not speak or read English proficiently have access to the planning process and published information, and that public notification is provided to these individuals. The production of multilingual publications and documents and/or interpretation at meetings/events is provided upon request to the degree that funding permits, based on current laws and regulations.

1.6.4 AMERICANS WITH DISABILITY ACT OF 1990

The purposes of the **Americans with Disabilities Act of 1990** are to carry out the act's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection available under the ADA. The NMMPO through its planning efforts (Certification documents, UPWP studies and plans, public meetings/workshops, etc.), works to assure all services have compliance with ADA regulations. The NMMPO also monitors the impacts that transportation projects, including capital projects, have on individuals with disabilities. Additionally, NMCOG assists the Lowell Regional Transit Authority in developing its Title VI reports, including the determination of regional population with disabilities currently using public transit and ADA compliance.

These activities include but are not limited to:

- Stop driver announcement monitoring
- Eligibility determinations
- Reservations
- On-time performance
- Trip times

To the extent possible, the MPO addresses each issue in a fair and equitable manner. Comments received from the public, including the disabled population, are addressed as they are raised. The NMMPO continues to improve its responsiveness in terms of addressing disability barriers.

1.7 NMMPO PLANNING DOCUMENTS

The NMMPO's transportation decision making and project development processes include public participation opportunities. The NMMPO commits to civil rights obligations, including the removal of barriers to participation, diversity, and inclusive outreach. The Public Participation Plan outlines the public involvement and notification requirements and methods relative to the development of specific federal certification documents including:

- The Public Participation Plan (PPP)
- The Regional Transportation Plan (RTP – Long Term Transportation Plan)
- The Transportation Improvement Program (TIP)
- The Unified Planning Work Program (UPWP)

- Transportation Planning Studies outlined in the UPWP
- Section Transit 5307 Grants

Public outreach processes for all NMMPO planning documents are informed by the Northern Middlesex Limited English Proficiency (LEP) Plan, which outlines policies for reaching out to LEP populations. The intent of the LEP Plan is to ensure that residents of the region who do not speak or read English proficiently have access to the planning process and to published information and public notices.

Notices of availability and opportunity for public comment on NMMPO documents are publicized in the *Lowell Sun* and other local newspapers, including the *Khmer Post*, which reaches the region's Cambodian population. The publishing deadlines for the *Khmer Post* do not always align with the NMMPO's schedule, but every effort is made to meet the publishing deadline when possible. In addition, NMMPO outreach events are posted by the City/Town Clerks at all City/Town Halls across the region. Emails to the NMMPO distribution list and postings on the NMCOG website are also utilized as part of the outreach plan, as well as postings on social media (Facebook and Twitter). The production of multilingual publications and documents and interpretation at meetings and events is provided upon request. The NMMPO also uses email distribution by other organizations, such as CTI, Coalition for a Better Acre, the Greater Lowell Chamber of Commerce, and the Greater Lowell Workforce Investment Board, as a means of getting the word out. NMMPO staff also reaches out to local neighborhood organizations and some of these organizations will include NMMPO announcements with their newsletter.

1.7.1 THE PUBLIC PARTICIPATION PLAN (PPP)

As required by Federal legislation outlined in 23 CFR 450.316, a forty-five (45) day minimum comment period must be provided prior to adopting or revising the PPP. The following procedures and policies are utilized in adopting the Public Participation Plan for the Northern Middlesex MPO.

Notice of the Availability of the Public Participation Plan and Opportunities for Public Comment

Notice providing an opportunity for public comment shall be published in the *Lowell Sun*, as well as other local news media. The notice will also be posted at the Town and City Clerk offices in each municipality. A public meeting will be held during the 45-day comment period, and the Public Meeting Notice and Draft PPP will be available on the NMCOG web site at: www.nmcog.org. A notice and link will also be provided on the LRTA website at: www.lрта.com. Copies of the Public Participation Plan will be forwarded to the NMMPO members and all stakeholders and interested parties. Comments may be submitted in writing, through conventional mail, by email or fax, by phone or through social media.

Upon completion of the comment period, all meaningful and relevant public comments will be considered and incorporated into the final Public Participation Plan. The NMMPO will then vote on the endorsement of the Plan.

Future substantive changes or amendments to the Public Participation Plan will require an additional 45-day public comment period and will follow the above notification and public involvement procedures.

1.7.2 THE REGIONAL TRANSPORTATION PLAN (RTP)

All future transportation projects funded in part or entirely with federal monies must be drawn from a conforming Regional Transportation Plan. The Regional Transportation Plan is updated every four years,

as presently required by Federal regulation. The RTP is developed in consultation with the agencies and officials responsible for other planning activities within the metropolitan area that are affected by transportation, including state and local land use agencies, economic development, environmental protection, and freight interests, as set forth in 23 CFR 450.316 (3)(b). The following procedures and policies will be utilized to ensure adequate public input into the preparation and review of the RTP document.

Public Participation Procedures for the Regional Transportation Plan

The involvement and engagement of the public in the decision-making process is integral to successful transportation planning in the Northern Middlesex region. All outreach activities associated with development of the Regional Transportation Plan are derived from the desire to encourage broad and active participation by members of the public, special interest groups, and local and State officials throughout the region.

RTP public outreach goals (excerpted from the NMMPO RTP Public Outreach Plan) include the following:

- To inform the public of transportation meetings, workshops, and other events associated with the Regional Transportation Plan (RTP) update;
- To educate members of the public regarding their role in the transportation planning and decision-making process;
- To involve members of the public by providing ample opportunities and avenues for involvement, early and often in the Plan update process;
- To reach out to communities in the Northern Middlesex region with special emphasis on engaging individuals who may have been underrepresented or underserved; and
- To continuously seek ways to improve public outreach activities throughout the Plan development process.

Public Outreach Tools

A number of outreach and engagement tools are used to communicate with the public and solicit input in the development of the Plan. These same tools are also utilized to provide information on the progress of the Plan and include:

- Electronic mailings;
- Newspaper articles and advertisements;
- RTP Project website;
- Social Media;
- Project fact sheets;
- Meetings with neighborhood groups, non-profit organizations and special interest groups;
- Public meetings;
- Interactive local meetings and public forums;
- Visualization techniques, such as participatory photography; and
- Written surveys.

Pre-Plan Development

Activities in the Pre-Plan Development period focus on soliciting input on various transportation issues from the NMMPO, NMCOG, the Lowell Regional Transit Authority (LRTA) Cities/Towns, local and regional interest groups and members of the public. All material associated with the RTP update will be posted on the NMCOG website www.nmco.org. The following steps will be taken to ensure that the RTP input process is comprehensive:

- Initiate the formation of an advisory committee to the NMMPO and meet with this group at least twice during the pre-plan development period to discuss regional transportation goals, objectives and priorities.
- Disseminate a transportation needs assessment survey in the Northern Middlesex Region to gauge local needs and priorities.
- Activate and promote a plan update website via the existing NMCOG website. This website will announce all Plan-related activities, provide a question and answer section regarding the transportation planning process, and will allow members of the public to electronically submit comments directly to the NMMPO. All comments and suggestions received will be acknowledged, catalogued, and summarized for the NMMPO and NMCOG.
- Prepare and disseminate an informational pamphlet or fact sheet that describes the role and responsibilities of the NMMPO and summarizes the transportation planning process. This material will also function as a resource guide for members of the public and local officials who want to stay informed, and have their voices heard in the transportation decision-making process.
- Attend various meetings in the Northern Middlesex region to solicit input on transportation issues from local boards (Planning Boards, Selectmen, etc.), chambers of commerce, economic development committees, public works departments, and neighborhood, non-profit and civic organizations.
- Update and use the NMMPO email distribution list to keep local officials, local transit operators, local media outlets, State transportation officials, neighborhood and civic organizations and other stakeholders abreast of RTP-related events, such as workshops and meetings.
- Distribution information via social media utilizing the NMCOG Twitter and Facebook accounts.
- Use visualization techniques, such as participatory photography to solicit input from youth and LEP populations.
- Utilize a written survey to solicit input from those who may be uncomfortable speaking in a public setting.

Post-Plan Development

Activities during the Post-Plan Development period involve the circulation and presentation of the draft RTP to the NMMPO, NMCOG, LRTA, and at public workshops and meetings, in order to solicit comments on the draft document. All materials associated with the formation of the draft RTP will be posted on the NMCOG RTP update website and the following steps will be taken to ensure that the public is given access to the document and has an opportunity to provide input:

- Present the draft RTP, along with summary of all the public comments received, to the NMMPO, NMCOG and the LRTA Advisory Board.
- Utilize local media outlets including newspapers, radio stations, and local cable access stations to announce the availability of the draft Plan.
- Hold widely advertised public meetings to present the draft plan to members of the public, local officials, and regional interest groups. Presentation materials associated with the public meetings will be posted on the NMCOG website and a link to this material will be provided via social media.
- Post the draft RTP on the NMCOG website and distribute to regional stakeholder via the NMMPO email distribution list to allow for the timely submission of comments. All comments received will be acknowledged, catalogued, and summarized for the NMMPO and NMCOG. The final document will include a summary of the response to comments.

Notice of the Availability of the Regional Transportation Plan

Notice providing an opportunity for public comment shall be published in the Lowell Sun, as well as other local news media, such as Town specific or foreign language newspapers. Such notices will also be posted at the Town and City Clerk offices. The Public Meeting Notice and Plan will also be posted on the NMCOG web site at www.nmco.org and made available through social media. A notice and link will also be provided on the LRTA website at www.lrta.com. An email to the NMMPO public outreach email distribution list will be sent to interested stakeholders, notifying them of the availability of the RTP. Copies of the Regional Transportation Plan shall be forwarded to the NMMPO members and all stakeholders and interested parties described above.

A 21-day public comment period will commence once the draft RTP document has been approved by a vote of the NMMPO. A minimum of two public meetings shall be held to receive comments. Comments may also be submitted, in writing, through conventional mail, by email, by phone or social media. A consultative process will also be provided for environmental permitting agencies and advocacy groups.

Upon completion of the comment period, public comments shall be incorporated into the draft Regional Transportation Plan as appropriate. The NMMPO will then vote on the endorsement the Plan. The endorsed RTP document will be posted on the NMCOG website www.nmco.org and disseminated to stakeholders through the NMMPO public outreach list.

Future substantive changes or amendments to the Regional Transportation Plan will require an additional 21-day public comment period, and will follow the process outlined above.

1.7.3 THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The Transportation Improvement Program (TIP) is the official programming document for transportation projects using Federal funding sources. Upon NMMPO approval, the regional TIP is incorporated into the Statewide Transportation Improvement Program (STIP). The TIP is updated annually and may be amended more often if necessary. The TIP is developed in consultation with the agencies and officials responsible for other planning activities within the metropolitan area that are affected by transportation including state and local land use agencies, economic development, environmental protection, and freight interests, as set forth in 23 CFR 450.316 (3)(b). The following procedures and policies will be utilized to ensure adequate public review of the draft TIP document.

Public Participation Procedures for the Transportation Improvement Program

Title 23 CFR Section 450.324 and 310 CMR 60.03(6)h require adequate opportunity for public review and comment during the development of the TIP. The NMMPO process for developing the TIP guarantees the following:

- Public access to the TIP and all supporting documentation;
- Public notification of the availability of the TIP;
- Respecting the public's right to review the document and comment thereon; and
- A 21-day public review and comment period prior to adoption of the TIP by the NMMPO.

Public Outreach Tools

A number of public outreach tools are used to communicate with the public and allow for general input into the development of the TIP. These tools are also utilized to provide information on the progress of the TIP and include the following:

- Electronic mailings;
- Newspaper articles and advertisements;
- NMCOG website;
- Social Media;
- Project fact sheets;
- Meetings with neighborhood groups, non-profit organizations and special interest groups;
- Public meetings;
- Interactive local meetings and public forums; and
- NMCOG and NMMPO meetings.

Notice of the Availability of the TIP

Notice of the availability of the TIP and opportunity for public comment shall be published in the *Lowell Sun*, as well as other local news media such as community-specific or foreign language newspapers, and will also be posted at the Town and City Clerk offices. The Public Meeting Notice and the Draft and Final TIP documents will also be posted on the NMCOG web site at: www.nmcog.org. A notice and link will also be provided on the LRTA website at: www.lrt.com. An email to the NMMPO public outreach list will be sent to interested stakeholders notifying them of the availability of the TIP. Notices will also be made available on social media. Copies of the Draft and Final TIP will be forwarded to the NMMPO members and all stakeholders and interested parties.

A 21-day public comment period will commence once a draft TIP document is approved by a vote of the NMMPO. A minimum of one public meeting shall be held to receive comments on the draft document. Comments may also be submitted, in writing, through conventional mail, by email, phone or social media.

Upon conclusion of the comment period, all public comments shall be considered, and if appropriate, incorporated into the final TIP. The final TIP will include a summary of comments received and a report of responses/actions taken by the NMMPO. The NMMPO will then vote on the endorsement of the final TIP document. The endorsed TIP document will be posted on the NMCOG website www.nmcog.org and disseminated to stakeholders through the NMMPO public outreach list.

1.7.4 THE UNIFIED PLANNING WORK PROGRAM (UPWP)

The Unified Planning Work Program (UPWP) describes the scope and budget for the work tasks and transportation planning activities of the NMMPO staff for the coming year. The UPWP is updated annually and endorsed by the NMMPO. The following procedures and policies will be utilized to ensure adequate public review of the draft UPWP document.

Public Participation Procedures for the Unified Planning Work Program

Title 23 CFR Section 450.324 and 310 CMR 60.03(6)h require adequate opportunity for public review and comment be provided during the development of the UPWP. The outreach process for the development of the NMMPO's UPWP guarantees the following:

- Public access to the UPWP and all supporting documentation;
- Public notification of the availability of the UPWP;
- Respects the public's right to review the document and comment thereon; and
- Provides a 21-day public review and comment period prior to endorsement of the UPWP by the NMMPO.

Public Outreach Tools

A number of public outreach tools are used to communicate with the public and to allow for adequate input into the development of the UPWP. These same tools are used to provide information on the progress of the UPWP projects and include the following:

- Electronic mailings;
- Newspaper articles and advertisements;
- NMCOG website;
- Social Media;
- Project fact sheets;
- Meetings with neighborhood groups, non-profit organizations and special interest groups;
- Public meetings;
- Interactive local meetings and public forums; and
- NMCOG and NMMPO meetings.

Notice of the Availability of the UPWP

Notice of availability and opportunity for public comment shall be published in the *Lowell Sun*, as well as other local news media such as community-specific or foreign language newspapers, and will be posted at each Town and City Clerk offices. The Public Meeting Notice and draft UPWP document will also be posted on the NMCOG web site at: www.nmcog.org. A notice and link will also be provided on the LRTA website at: www.lrta.com. An email to the NMMPO public outreach list will be sent to interested stakeholders notifying them of the availability of the draft UPWP. Notices will also be made available on social media websites. Copies of the draft UPWP shall be forwarded to the NMMPO members and all stakeholders and interested parties.

A 21-day public comment period will commence once the draft UPWP has been approved by a vote of the NMMPO. A minimum of one public meeting shall be held to receive comments. Comments may also be submitted, in writing, through conventional mail, by email, phone or social media. At the completion of the comment period, all public comments shall be considered and incorporated into the draft UPWP if appropriate. The UPWP will include a summary of comments received and a report of responses/actions taken by the NMMPO. The NMMPO will then vote on the endorsement of the document.

The endorsed UPWP document will be posted on the NMCOG website www.nmcog.org and disseminated to stakeholders through the NMMPO public outreach list. Future substantive changes or amendments to the UPWP will require an additional 21-day comment period and will follow the outreach process outlined above.

1.7.5 TRANSPORTATION PLANNING STUDIES OUTLINED IN THE UPWP

NMMPO staff prepares transportation planning studies that address all modes of transportation, as identified in the UPWP. Many of the studies are technical in nature and are undertaken at the request of local communities to address transportation problems, deficiencies and issues. Generally, the studies examine the existing conditions and expected future conditions within each study area. Techniques used for public outreach in undertaking UPWP studies include but are not limited to: surveys of affected residents/businesses in a study area, public meetings to review study data and findings, to gather input, and to review and received feedback on recommendations; open house style meetings; newsletters; and email updates to invested stakeholders. For example, a recently completed Westford Center Parking and Safety Study consisted of several public meetings with neighborhood residents, individual stakeholder meetings, and presentations to community board and organizations, such as the Board of Selectmen, Library Trustees, and Historic Commission, where each stakeholder expressed their concerns and provided comments that were incorporated into the study. Those unable to make the public meetings were encouraged to submit comments via email.

UPWP studies help to inform the NMMPO decision-making process, lead to future transportation improvement projects, and alleviate congestion and safety problems across the region. Improving the transportation system is important in improving the quality of life for area residents, enhancing mobility, promoting economic development and improving environmental quality through reduced emissions. All transportation studies include an opportunity for community and public input, and all improvement recommendations consider Environmental Justice implications.

1.7.6 SECTION 5307 GRANTS

FTA's Urbanized Area Formula Funding program (49 U.S.C. 5307) provides Federal resources for transit capital and operating assistance, and for transportation planning related activities in urbanized areas with a population of more than 50,000 persons. The TIP public review process will satisfy the opportunity for the public hearing requirement for most routine, traditional Section 5307 grants, per Section 5307 Circular C-9030.1B. Any Section 5307 grant that requires completion of an environmental analysis, or involves specific controversies or complications (such as issues relating to land acquisition, environmental factors such as Section 106, or 4(f) not addressed at the TIP stage, or having inadequate description at the TIP stage) will be required to follow the Section 5307 hearing process as well. These situations will be handled on a case-by-case basis between FTA and the grantee. It is expected that the majority of Section 5307 grant public hearing requirements shall be satisfied by the NMMPO TIP public involvement process.

The Lowell Regional Transit Authority (LRTA), as the FTA Section 5307 applicant/recipient, has consulted with the NMMPO and concurred that the public involvement process adopted by the NMMPO for the development of the TIP satisfies the public hearing requirements that pertain to the development of the Program of Projects for regular Section 5307, Urbanized Area Formula grant applications, including the provision for public notice and the time established for public review and comment.

For FTA projects that are not routine, i.e. Section 5307 applications that require an environmental assessment or environmental impact statement, the public involvement provided herein for TIP review is not sufficient. Additional public involvement, as presented in the joint FHWA/FTA environmental regulations, 23 CFR Part 771 will be required by FTA for grant approval.

1.7.7 PUBLIC PARTICIPATION PROCEDURES FOR MAKING CHANGES TO FEDERAL CERTIFICATION DOCUMENTS

The NMMPO's federal certification documents are dynamic in nature and often need to be modified throughout the year. Such revisions and changes are made either through an amendment or an administrative adjustment to the document in question.

The amendment process begins with a discussion and vote by the NMMPO to release a proposed change to the TIP, UPWP, or the RTP. Once released for public comment, the proposed amendment is posted on the NMCOG website and on the agency's social media sites. NMMPO staff also sends out the proposed amendment to the NMMPO email distribution list. The notice of availability and opportunity for public comment notice, and an announcement of a public meeting to hear comments is then advertised in news media and posted at Town Halls throughout the region. An email is also sent with this information to the email distribution list. All public comments received in person, by email, conventional mail, and phone or through social media are collected and presented to the NMMPO prior to a vote to endorse the amendment. The NMMPO fully considers each comment before voting on the proposed amendment.

A public comment period can be extended if the proposed amendment is significantly altered during the initial public comment period. If the document changes significantly during the initial public comment period, an additional 21-day comment period can be provided by the NMMPO. The public comment period can also be abbreviated by the NMMPO when extraordinary circumstances arise. This period can be abbreviated to no less than 10 calendar days.

Administrative adjustments can be made without formal MPO action and do not require a public comment period. However, the NMMPO can vote to release the adjustment for a public comment period if they feel it is in the best interest of the NMMPO and the transportation planning process. Should this occur, the public participation process will mirror the process for amending a certification document.

TIP amendments must be undertaken to add or delete a project, to advance a project from an outer year to Year 1, to increase a project's cost by more than 10%, and for any major scope changes to existing TIP projects. Administrative adjustments can be made for minor changes to scope and description of a TIP project, funding changes that are less than 10% of the project cost, to move a project from Year 2 to Year 1, and to change a funding source for a project.

The UPWP typically requires less frequent revisions than the TIP. A change to the UPWP includes the addition or deletion of a UPWP Task, which is handled through a 21-day public comment period prior to NMMPO action on the proposed amendment. Adjustments to the UPWP include moving funds from one task to another to reflect changes in level of effort.

Generally, changes to the RTP are treated as amendments and follow the amendment procedure outlined above. Changes to the RTP include addition of projects and changes in funding availability.

CHAPTER 2: THE NMMPO APPROACH TO PUBLIC PARTICIPATION

Transportation decision making and project development processes follow set procedures and practices in order to ensure that the public opportunities is provided with opportunities to participate. The NMMPO's public involvement goals and objectives are further enhanced by its commitment to civil rights related obligations, such as removal of barriers to participation, diversity, and inclusive outreach. This Public Participation Plan generally describes participation opportunities and outlines specific protocols and resources available for facilitating diverse and inclusive public outreach and involvement. The Plan is flexible and evolving, and will be revised based on recurring assessments of successes and/or challenges associated with outreach, as well as suggestions that are received, and the overall results of public engagement process.

2.1 PUBLIC PARTICIPATION TECHNIQUES

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

- NMCOG website
- Public news media (including Lowell Sun and Khmer Post)
- Press releases
- Brochures, Flyers, Newsletters
- Social media including Facebook, Twitter, etc
- Postings at City and Town Halls
- Community Websites
- Mailing and email lists
- Information stands at local events
- Presentations, public meetings, public hearings, open houses, and workshops
- Civic advisory committees and working groups

2.1.1 THE NMCOG WEBSITE

The NMCOG website (www.nmcog.org) is a comprehensive resource for people seeking information about NMMPO programs, projects, and activities. Public notices of all NMMPO meetings, public hearings, and public comment periods are posted on this site, along with information about NMMPO programs, projects, and activities. Some programs and projects have dedicated web pages on the website that include:

- Information about past/upcoming meetings
- Project presentations, flyers and fact sheets
- Summary notes for meetings/workshops on the project

- Draft reports for public review
- Final reports and work products
- Staff contact information

Project websites are important information 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.

2.1.2 MEETING NOTICE CONTENT AND DISTRIBUTION

The NMMPO announces all meetings, public meetings, and public comment periods through stakeholder email distribution lists, mailings, social media and the distribution of notices to City/Town Halls through City/Town Clerks, in addition to placing all meeting information on the NMCOG website. Notices are published in the *Lowell Sun*, the region's English newspaper. Given the large Cambodian population in Lowell, NMMPO press releases are also posted in the *Khmer Post*, a regional Cambodian newspaper published every two weeks. Meeting notices include information about getting to a meeting location using public transportation, when transit is available. NMMPO notices also make people aware that they can request foreign language assistance, and that sign-language interpreters and other accommodations are available on request for persons with disabilities (upon notification before the meeting). There is also information that identifying the appropriate contact person should an individual have 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.

2.1.3 LANGUAGE SERVICES

Language assistance is provided to LEP individuals through the translation of some key materials, as well as through oral language interpretation when necessary and possible. The NMMPO provides reasonable accommodations and/or language assistance, free of charge, upon request (including but not limited to American Sign Language and foreign language interpreters, open or closed captioning for videos, assistive listening devices and alternate material formats), as available. Translation of all NMMPO plans and materials is not possible due to cost restrictions. However, the NMMPO will provide the following translated/interpreted materials:

- **NMCOG Web Site** – The NMMPO's website, the source for all transportation related materials, provides a free translator program powered by Google Translate which allows the NMMPO and NMCOG website to be translated for users into 80 languages including the five NMMPO regional language groups of Spanish, Portuguese, Khmer, Vietnamese and Chinese.
- **Certification Documents**- An Executive Summary of the following key documents will be made available in Spanish, Portuguese, Khmer, Vietnamese and Chinese:
 - The Regional Transportation Plan;
 - The Unified Planning Work Program; and
 - The Transportation Improvement Program.

- **Outreach Materials** – Spanish, Portuguese, Khmer, Vietnamese and Chinese language outreach materials will be utilized when indicated by the LEP or in response to a request when appropriate.
- **Oral translation services** - The NMMPO will provide limited oral language services to Spanish, Portuguese, Khmer, Vietnamese and Chinese speaking LEP individuals upon request. In order to provide these services, NMMPO staff will do the following:
 - Maintain a list of the points of contact where a LEP person interacts with the organization. At this time, it is anticipated that the key points of contact for LEP individuals are the front-desk receptionist and the NMMPO staff performing outreach activities;
 - Inventory staff language capabilities; and
 - Maintain a list of outside resources that can provide translation and language assistance upon request from the NMMPO.
- **NMMPO Meeting Assistance** – Upon request, the NMMPO can provide Communication Access Real-time Translation (CART) services, sign language, or assistive listening devices for hearing impaired individuals.

2.1.4 PUBLIC OUTREACH ORGANIZATIONS/STAKEHOLDERS

The most recent revisions to the Public Participation Plan were initiated as a result of requirements set forth in MAP-21. MAP-21 highlights the need to develop MPO public participation plans “in consultation with all interested parties”, and stresses the importance of establishing and maintaining an inclusive and interactive process. On February 14, 2007, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly released final rules governing the transportation planning process in metropolitan areas. Included in these rules are specific criteria that must be followed in developing and amending Regional Transportation Plans (RTP) and Transportation Improvement Programs (TIPs). Section 450.316 of these final rules entitled “Interested parties, participation, and consultation”, requires that all MPOs develop a Public Participation Plan (PPP) that “defines a process for providing citizens... (with a) reasonable opportunity to be involved in the metropolitan transportation planning process.” Specific groups identified include but are not limited to:

- Public Agencies;
- Representatives of Public Transportation Employees;
- Freight Shippers;
- Providers of Freight Transportation Services;
- Representatives of Users of Public Transportation;
- Representatives of Users of Pedestrian Walkways and Bicycle Transportation; and
- Representatives of the Disabled.

The NMMPO Public Participation Plan distribution list includes the following stakeholders and interested parties:

- Stakeholders
 - Libraries;
 - City/Town Clerks;
 - Area Congressional Delegation;

- State Legislators;
- Interested Community Members; and
- Local Neighborhood Organizations.
- Affected Public Agencies and Government Entities
 - MassDOT-Executive Office (NMMPO Member);
 - MassDOT- Highway Division (NMMPO Member);
 - LRTA (NMMPO Member);
 - FHWA (Ex-officio NMMPO Member);
 - FTA (Ex-officio NMMPO Member);
 - US Environmental Protection Agency,
 - Massachusetts Department of Environmental Protection;
 - Local Chief Elected Officials;
 - Nashua Regional Planning Commission;
 - Merrimack Valley Planning Commission;
 - Metropolitan Area Planning Council;
 - Montachusett Regional Planning Commission;
 - MassRides;
 - Local DPWs;
 - Local Planning Boards;
 - City/Town Engineers;
 - City/ Town Managers and Administrators;
 - City/Town Conservation Commissions;
 - City/Town Historical Commissions,
 - Lowell National Historical Park;
 - Massachusetts Department of Conservation and Recreation (DCR),
 - Middlesex Canal Commission; and
 - Transportation Coordinators for Municipal School Departments.
- Representatives of Public Transportation Employees
 - Teamsters Local; and
 - Amalgamated Transit Union.
- Freight Transportation Services
 - United Parcel Service;
 - PanAm/Guilford Transportation; and
 - U.S. Postal Service.
 - Private Providers of Transportation
 - Local Taxi Companies; and
 - Private Transportation Providers.
- Representatives of Senior Users of Public Transportation
 - Councils on Aging; and
 - Local Senior Centers.
- Representatives of Users of Pedestrian Walkways and Bicycle Transportation Facilities
 - Friends of the Bruce Freeman Rail Trail;
 - Lowell Parks and Conservation Trust; and
 - Municipal Bike and Pedestrian Committees.

- Advocates for the Community of Individuals with Disabilities
 - Northeast Independent Living Program;
 - Renaissance Club;
 - Greater Lowell Association for the Blind; and
 - Community Disability Commissions.
- Diverse Community Contacts
 - Community Teamwork, Inc.;
 - Coalition for a Better Acre;
 - Lowell Transitional Living Center;
 - Cambodian American League of Lowell;
 - United Teen Equality Center;
 - International Institute; and
 - Cambodian Mutual Assistance Association.
- Agencies and Officials responsible for State and Local Planned Growth
 - Local Planning Boards;
 - City/Town Planners and Community Development Directors;
 - Zoning Boards of Appeal;
 - Northern Middlesex Council of Governments;
 - Mass Housing Partnership;
 - Massachusetts Smart Growth Alliance; and
 - Massachusetts Department of Housing and Community Development.
 - Economic Development Interests:
 - Greater Lowell Chamber of Commerce;
 - Greater Lowell CEDS Committee;
 - Lowell Plan;
 - Lowell Development Finance Corporation;
 - Municipal Economic Development Committees;
 - Billerica Plan;
 - Greater Lowell Workforce Investment Board;
 - Chelmsford Business Association;
 - University of Massachusetts Lowell;
 - Merrimack Valley Venture Forum;
 - Merrimack Valley Economic Development Council;
 - Middlesex Community College;
 - Massachusetts Office of Business Development;
 - MassDevelopment;
 - Massachusetts Executive Office of Housing and Economic Development; and
 - Billerica Development and Finance Corporation.

In addition to receiving input from representative groups, such as Community Teamwork, Inc. (CTI), the Coalition for a Better Acre (CBA) and various neighborhood organizations, NMCOG also receives feedback from its minority and low-income representatives on the Greater Lowell Comprehensive Economic Development Strategy (CEDS) Committee, which reviews regional development on a comprehensive basis. NMCOG has also benefited from the comments received at public meetings related to the development of Housing Production Plans and Master Plans throughout the region.

The list of stakeholders is dynamic and opportunities to add to the outreach list are outlined in this section. The NMMPO maintains a database of stakeholders with contact information. When a new contact is identified, the NMMPO will send a welcome letter with information relative to the metropolitan transportation planning process. The NMMPO asks the contact to confirm interest in being part of the outreach process, and newly identified participant is given an opportunity to identify new stakeholders who may also be interested in participating. In addition, a similar letter is sent to the existing database of stakeholders on an annual basis, in an effort to maintain contact with existing stakeholders and identify new contacts.

2.1.5 PUBLIC MEETINGS, OPEN HOUSES AND WORKSHOPS

Public Meetings

Public meetings are held to present information and to obtain input from interested members of the public. 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. Massachusetts Open Meeting Law requires that notice of the time and place of all meetings of a public body be given prior to every meeting. The notice must include reference to the date, time and location of the meeting and be posted forty-eight hours in advance. The NMMPO adheres to all requirements outlined in the Commonwealth's Open Meeting Law.

Open Houses

Open Houses are informal settings where people can obtain information about a plan, program, or project. At Open Houses, people receive information informally from exhibits and staff, and they are encouraged to give opinions, make comments, and state preferences 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 table, a presentation area, stations for one-on-one discussions, and displays of background information, activities to date and anticipated next steps. Open Houses usually last between one and three hours, so that people can drop in at their convenience and fully participate.

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. NMMPO staff provide information, answer questions, and participate as individuals in workshops. Workshops are inherently participatory and encourage dialogue and an exchange of ideas.

2.1.6 MEETING ACCESSIBILITY

State and Federal Law requires that all meeting locations be accessible to those with disabilities. The Massachusetts Public Accommodation Law and the Americans with Disabilities Act (ADA) both mandate that persons with disabilities be allowed to participate in public meetings. Scheduled meetings of the Northern Middlesex MPO are generally located at the NMCOG offices, and are accessible to people with disabilities and close to public transportation (LRTA bus routes 2, 3, 9, 11, 12 stop in front of NMCOG

offices on Church Street). It should also be noted that secure bicycle parking is available on the second floor.

For meetings outside of the NMCOG offices, the NMMPO is required to hold public meetings, open houses, and workshops in accessible facilities that are, wherever possible, at locations close to or served by fixed-route transit service. Public meeting notices include information letting people know that the meeting location is accessible. NMMPO staff conducts 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.) is indicated in the meeting notices, along with specific information on how to request these accommodations. Staff will 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, meetings, and workshops will 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. City/Town Halls, public libraries, public schools, and community centers are often used for public meetings.

This page intentionally left blank.

CHAPTER 3: TITLE VI AND ADA PROTOCOLS, POLICIES AND RESOURCES

The NMMPO follows the civil rights protocols and policies set forth in the Public Participation Plan. These protocols have been developed based on those set out in MassDOT's Public Participation Plan as adopted in 2014. This chapter contains two sections: (1) protocols and resources designed to ensure inclusivity and diversity in public engagement activities; and (2) protocols and resources designed to ensure the accessibility of all NMMPO public outreach activities.

3.1 CIVIL RIGHTS PROTOCOLS ENSURING INCLUSIVITY AND DIVERSITY IN PUBLIC ENGAGEMENT

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

These protocols include steps and strategies that are to be implemented prior to holding a public meeting or other such activity and during the course of the public involvement process. Due to the varied nature of the NMMPO's engagement with the public, it is not the intent to include all required actions for each stage of the planning process. In the event that an NMMPO staff member encounters a difficult public involvement situation, he/she is advised to contact the MassDOT Title VI Specialist in the Office of Civil Rights to identify strategies and alternatives to address such situations.

The NMMPO intends that these Protocols be flexibly applied to each meeting or public outreach event. Meetings should be tailored to the intended target audience and relevant subject matter. Effective public participation from a civil rights perspective includes awareness of the local population (demographics) or individuals to be engaged, i.e. languages spoken, represented cultural groups, community organizations, and leaders and key players. Equally critical to an effective meeting are well communicated (effectively circulated across types of media, and translated when needed) and timely notices, early response, and coordination on requests for language assistance for limited English proficient individuals or reasonable accommodation for persons with disabilities.

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

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

3.1.1 CIVIL RIGHTS PROTOCOLS BY TYPE OF PUBLIC ENGAGEMENT

The following protocols outline four common types of public engagement opportunities for NMMPO staff members:

- General Public Meetings
- Targeted Outreach
- Open Houses
- One-on-One Interactions

Each of these forms of public engagement is described in greater detail below.

General Public Meetings

Public meetings, 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 NMMPO staff involved in planning and conducting such events. Incorporation of these processes and utilization of these resources, when planning or participating in public meetings or workshops will help ensure that these events are Title VI compliant.

Targeted Outreach

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. The NMMPO may at times host selected people within study advisory committees, research efforts, and/or small groups. 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. However, there may be a need to include community leaders within Title VI populations. This can require more subtle and challenging efforts to secure participation and needed contribution to discussions.

Open Houses

NMMPO staff may also interact with stakeholders through an “open house” session. The open house method serves to provide the public with opportunities to view project/plan concepts in an informal session. Staff members are available to interested public and regional stakeholders, often raising critical issues relative to the plan/project. NMMPO staff gathers all comments and addresses them during/after each session.

One-on-One Interactions

NMMPO staff members often interact directly with the public. 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 herein.

3.1.2 GENERAL PUBLIC MEETINGS

Initial and Ongoing Tasks

- Identify the population and composition of the individuals/communities impacted by the NMMPO program, plan, or project by considering the following:
 - Determine project limits, such as location, areas that will be impacted by construction phases, and benefit/burden areas;
 - Consider the nature of the program, plan, study, or project;
 - Determine the Title VI features of the community to be engaged by referring to the NMMPO's Title VI Assessment, which includes the limited English proficient (LEP) and minority populations of the region;
 - Identify key Title VI-related and other community based organizations and community leaders. It may be helpful to utilize well established connections with individuals and groups. These instructions provide the steps to identify previously unknown points of contact to diversify outreach:
 - Use the MassDOT Civil Rights GovDelivery database to update existing NMMPO contact lists
 - Update the NMMPO contact list on a bi-annual basis, reaching out to community organizations to identify any new contacts for inclusion in the process, as outlined in the Title VI plan.

Meeting Location and Time

Title VI Considerations

- Consult with community leaders and community-based organizations to identify any critical factors that affect setting the time and location of the public engagement activity;
- 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; and
- Where possible, select a meeting location near public transportation options (up to a ½ mile walking distance is reasonable)

ADA Considerations

- Identify a public meeting venue that is ADA compliant and accessible to persons with disabilities. MassDOT maintains an Accessible Facilities Database that contains updated information regarding venues that have been previously assessed for ADA compliance;
- If NMMPO staff cannot identify an appropriate venue in the database, check the following additional resources to identify public meeting venues that may be accessible:
 - The Massachusetts Office on Disability <http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/>
 - Municipal Disability Commissions
 - Lowell Commission on Disabilities

- Billerica Commission on Disabilities
- Chelmsford Commission on Disabilities
- Westford Commission on Disabilities
- The Northeast Independent Living Program www.nilp.org
- Once a location is selected, contact venue staff to identify any pre-existing accessibility accommodations, such as assistive listening devices and Communication Access Real-Time Translation (CART) equipment.

Public Meeting Notices

1. Draft the public meeting notice document with a template that ensures that the following civil rights related components are included:
 - Notice of Nondiscrimination;
 - Availability of language services and reasonable accommodations; and
 - Contact information and procedures for requesting the above services or additional information, or to express a concern.
2. Public meeting notices must be accessible;
3. Address language needs and utilize non-English language outreach resources in the dissemination area if individuals who have limited proficiency in English are present, by:
 - Identifying non-English language media and locations with an LEP population that may be effective in communicating notices to individuals who have limited English proficiency. The following resources may be helpful to consult:
 - MassDOT Office of Diversity and Civil Rights
<http://www.massdot.state.ma.us/OfficeofCivilRights.aspx>
 - MassDOT Public Affairs Office
 - NMCOG Council Members
 - Community Leaders
 - Lowell Regional Transit Authority (LRTA)
 - Public Libraries
 - Schools/Universities – UMass Lowell, Merrimack Community College
 - Greater Lowell Chamber of Commerce
 - Community Teamwork, Inc
 - International Institute
 - Develop translated version(s) of the notice document based on the extent of LEP need and available media sources. If there is a large population of individuals who are LEP in the meeting or project locale, consider translating the meeting notice in full. If there is less likely to be individuals who are LEP, include the following statement translated into the appropriate languages from the English language version of the notice:

“If this information is needed in another language, please contact the NMCOG Title VI Specialist at 978-454-8021.”
 - Consult the following resources for translation needs:
 - UMass Translation Center. To request a translation use the following link:
<http://www.umasstranslation.com/services/request-an-estimate/>

- Statewide Language Services Contract (NMMPO has employed Language Connections in the past and have contacts) website:
<https://www.commbuys.com/bsa/>
4. The final distribution of the public engagement notice should incorporate the following:
- Distribution of the public notice occurred sufficiently in advance of the meeting to ensure adequate processing time for language and accessibility accommodation requests.
 - The public notice/announcement materials have been delivered to non-English language outreach resources and sites, as need is identified in the NMMPO LEP Plan's four factor analysis.
 - The public notice has been delivered directly to individuals, organizations, and other stakeholders that represent Title VI populations in the region. Notice may be sent to the entities below with the instruction that they forward the notice among their own distribution lists and/or post it:
 - MassDOT Office of Diversity and Civil Rights
 - Community Leaders
 - NMCOG Council Members
 - Lowell Regional Transit Authority
 - Community Clerks
 - Public Libraries
 - UMass Lowell and Middlesex Community College
 - Greater Lowell Chamber of Commerce
 - Community Teamwork, Inc.
 - International Institute

Note: This stakeholder listed above is only a small sample of the full NMMPO distribution list.

Preparation for the Meeting

It is important to consider the following questions when preparing for the meeting:

- Are there civil rights implications in the background/history of the project?
- What public involvement has already been accomplished and did it illuminate civil rights concerns?
- What are the known benefits and burdens of the NMMPO program, service, or activity on Title VI populations? Consult the following resources:
 - Public meeting minutes and notes
 - Written public comments
 - News articles
 - The NMMPO staff involved in planning and/or conducting prior related meetings

NMMPO staff should maintain an ongoing dialogue with the individuals and organizations in order to remain well informed on the level of community interest and likely involvement in the public outreach event.

Electronic documents related to the subject of the public meeting and intended for public dissemination and review should be accessible. Adobe Acrobat Professional and Microsoft Word have built-in "accessibility checkers." 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 large-print), if requested.

Meeting Set-Up

ADA considerations in public outreach are fully articulated in the NMMPO's Civil Rights Protocols designed to ensure accessibility section of this plan. Meeting setup should address the following meeting accessibility questions:

- If the main entrance to the building is not accessible, is the accessible entrance unlocked?
- If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
- If the meeting is taking place at night, is the path leading to the alternate entrance well lit?
- If a stage or platform will be used during the public meeting, is it accessible?
- If a podium will be used during the public meeting, is the podium height adjustable? If not, is there a small table (between 28 and 34 inches in height) provided to the side of the podium?
- Are there integrated seating areas 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?
- Is the space allotted to sign language interpreters and/or the CART screen or monitor clearly visible?
- Are the aisles at least three feet wide and clear of obstacles or tripping hazards?
- If microphones are used during the public meeting, are adjustable microphone stands available for attendees? Can staff be used as floaters with microphones as an alternative?
- Have assistive devices been tested for full functionality immediately prior to the start of the event?
- Is there directional signage for accessible restrooms and/or emergency exits, if applicable?

Title VI considerations can be addressed through the following:

- Based on identified language need requests, has signage in multiple languages been posted?
- Is the space allotted to any foreign language interpreters clearly visible to the entire audience?
- Has space been given to foreign language interpreters to sit with individuals who need language assistance?
- Have Title VI related materials been made available at the welcome desk and/or in the meeting packet? This should include:
 - US Census Language Identification Flashcards (currently located at reception desk)

- Translated versions of materials, as needed.

During the Meeting

1. At the official start of the meeting, make the following statements. If a foreign language translator(s) is present, instruct them to repeat.
 - General statement regarding nondiscrimination and availability of language and accessibility accommodations.
 - Include instructions on site-specific accessibility considerations, such as accessible emergency exits.
2. The NMMPO is required to “demonstrate explicit consideration and response to public input” (Title 23 CFR 450.316 (2) – Interested parties, participation, and consultation). 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 or at subsequent public outreach opportunities. All comments received from the public during the meeting should be noted by NMMPO staff, compiled and be made available post meeting.

Post Meeting

1. All public comments (written and oral), testimonials, and sentiments expressed during the public outreach event have been gathered/documentated by NMMPO staff that attended the meeting and passed on to the appropriate NMMPO staff member.
2. Once received, NMMPO staff catalogue all public comments. All comments received will be followed by a response indicating that the comment has been received and presented to the NMMPO.
3. NMMPO staff members are responsible for coordinating responses to public comments. Methods of responses can include:
 - Individualized written responses;
 - General distribution written statements (web, email, newsletter, newspaper, etc.);
 - Postings to project specific website, if available; and
 - In-person or telephone conversations with individuals/organizations regarding the topics of discussion at the public outreach event.
4. NMMPO staff reviews the public comments to determine and draft an appropriate response that “demonstrate[s] explicit consideration... to public input” (23 CFR 450.316).
 - NMMPO staff should prepare a summary of comments received and note the response made to each comment. This summary should be noted in the appropriate plan or study and should be presented to the NMMPO.
5. In instances where the NMMPO will draft a written response to a public comment, the content of the response should consider the following:
 - Description of considerations made for how the comment received will prompt changes to the plan/study;
 - Description of mitigation measures prompted by the comment received;
 - Description of what agencies were consulted during formulation of the response;
 - Notation describing whether the comment is new or has been previously noted; and
 - Notation of whether the comment has been received from multiple sources or one source.

6. Responses should contain contact information and/or notice of upcoming related public engagement opportunities.
7. The NMMPO Title VI specialist will track all civil rights considerations experienced throughout the process including translation requests or foreign languages encountered during a public engagement event.

3.1.3 OPEN HOUSES

Title VI Considerations

1. US Census Language Identification Flashcards have been provided at the reception desk. <http://www.lep.gov/ISpeakCards2004.pdf>
2. If the NMMPO is providing interpretive services during the open house session, their availability should be made clear through signage and/or announcements. After the session, the NMMPO staff in attendance should relay the nature of questions and concerns identified through interaction with the public to the Transportation Program Manager (or designee). It is important for NMMPO staff to know and understand community concerns.
3. Written descriptions of display items may need to be translated depending on requests received and/or the anticipated level of LEP participation.

ADA Considerations

1. The open house set up should be ADA compliant. Refer to the “Civil Rights Protocols Designed to Ensure Accessibility” section outlined in this plan.
2. Consider the following protocols when setting up an open house style meeting:
 - Consult the following “best practices” guide for text and color considerations when preparing materials for the open house. <http://www.lighthouse.org/accessibility/design/accessible-print-design/>
 - Pathways in and around the room that guide attendees to displays and staff should be clear of obstruction.
 - Display materials should be set up at proper heights and viewing angles to make the accessible. (Maximum 48” above the floor for mounted wall displays. The clear floor space should be 30”-48” wide. For tabletop displays, the table should be 28”-34” in height and there should be at least 27” of knee space from the floor to the underside of the table.)
 - NMMPO staff should be able to describe visual displays to blind or visually impaired attendees.
 - Alternate versions (large print, Braille, etc) of public documents should be made available if requested prior to the meeting date.

3.1.4 TARGETED OUTREACH GATHERINGS

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

Preliminary Steps

1. Identify and analyze the project/study area to determine the Title VI populations affected.
2. Establish a clear objective and role for the envisioned targeted group.
3. Create a public participation database to identify the different types of community representation and interests that reflect the community affected by an initiative, with careful attention to Title VI populations. Types of organizations or interests that may include representatives of Title VI populations:
 - transit-dependent community
 - affected businesses
 - civic organizations (women, seniors, youth, people with disabilities)
 - freight interests
 - the disability community
 - neighborhood associations
 - schools
 - churches
4. 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 determine the individuals or groups to invite to a targeted outreach gathering. Consider answering the following questions:
 - Who can represent these diverse groups and constituencies in a credible and responsible way?
 - Who needs to be at the table for the work to be accomplished?
 - 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?
 - Are there any critical stakeholders who may be reluctant to participate in the process? What would be the impact of their refusal to participate in the process? Are there any alternatives to alleviate their concerns/issues with participation?
 - What commitments do you want from participants?
 - Other than known stakeholders, what other individuals or groups may have an interest in the project that are (a) not in the immediate project area, and/or (b) are not otherwise represented in the outreach strategy?

Conduct Targeted Research

NMMPO staff should research communities and targeted groups/individuals that have been identified.

Reaching out to Potential Title VI Group Members

1. Outreach approaches:
 - Look for formal and informal opportunities to engage, collaborate, and build relationships.
 - Use multiple outreach methods including email, phone calls, etc.

- Prepare materials based on the targeted audience, including translations
- Identify existing channels of communication
- Experiment and reflect on the effectiveness of new approaches.

In Title VI communities, a range of factors can lead to reluctance to participate for individuals and/or groups that could be helpful in the transportation planning or development process. For example, many times natural leaders are leaders of agencies or community groups, often limiting their ability to participate because of the many demands on their time, resources and commitment. Identify the factors that 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.

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

- **Limited English language skills and/or limited literacy** – it is first important to know that the NMMPO convey the message that the organization has the ability and obligation to fund translation and interpretation support. It would be ideal to have a colleague or staff person who speaks the language or is of the culture in question to support the outreach effort, or to use a translator as an intermediary.
- **Lack of trust 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.
- **Lack of experience with transportation decision making processes** – if this process is not well understood, it is important to have NMMPO staff on hand to clearly explain the process.
- **Economic barriers** – transportation costs, work schedules – meetings should be located in the community of interest to avoid cost factors, and they should be timed to meet the schedule of the majority of participants, after consideration of all schedules, alternatives and needs.
- **Cultural barriers** – There may be intergroup dynamics that make bringing groups together problematic due to class, racial, ethnic or political differences. Research on these issues will help build a better understanding and provide suggestions to mediate the different groups or determine whether there is a need for separate meetings.
- **Common Barriers** – Time and other demands may hinder public participation. The key is to clear convey the importance of an effort to the stakeholder, including the benefits to the representative(s) being recruited to participate.

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, thank them for their time, keeping in mind that the group may choose to participate in another effort in the future.
2. Consider sending the individual or organizations updates on the effort that are sent to others. This effort could be informative and demonstrate inclusiveness for the project.

Documenting the Effort to Achieve Diversity and Next Steps

Given the obstacles to participation in the transportation planning process, it is likely impossible to achieve a perfectly diverse committee. Nonetheless, it is important to document outreach efforts made towards Title VI inclusion. NMMPO staff should consider the following steps:

1. Staff should keep files on available resources and methods used to identify individuals and groups, the nature of the outreach effort, the people invited and the results of recruitment efforts. Possible resources include:
 - Lists of potential invitees who were considered and/or accepted
 - Samples of research conducted and/or consultations made for recruitment
 - Copies of invitation e-mails or other correspondence
 - Group membership lists, with indications of the Title VI communities represented
 - Meeting sign in sheets
2. NMMPO staff 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.
3. Document NMMPO relationships with the Title VI community and demonstrate that the NMMPO has considered Title VI stakeholder input in development of policies, plans, studies, and projects.

3.1.5 ONE-ON-ONE INTERACTIONS

The following protocols for interactions with Limited English Proficiency (LEP) individuals are generally recommended for NMMPO staff, based on type of interaction.

1. In-person (such as NMCOG offices)
 - The first step is to identify the preferred language of the individual. The following resources are available:
 - Language Identification Flashcards (currently located at the NMCOG office reception area) <http://www.lep.gov/ISpeakCards2004.pdf>
 - Google Translate (<http://translate.google.com/>) or a similar real-time free online language translator can be used to identify the language.
 - Assistance from co-workers that may be able to identify the language.
 - Interpretive services (Note: Language Connections can provide real time telephonic interpretations on an as needed basis)
 - Once the language has been identified, the methods you use to address the needs of the individual will depend on the circumstances.
 - Simple inquiries can be solved with the aid of Google Translate (<http://translate.google.com/>) or a similar product. Staff and LEP individuals can communicate by typing into Google Translate software.
 - For more intricate conversations about issues, NMMPO staff should inform LEP individuals that professional language services are available.
 - Professional language services often take time to secure. NMMPO staff should attempt to convey this message with Google Translate or a similar service.

2. Phone Interactions - The NMMPO staff is proficient in English only. In the event that the NMMPO staff receives a call in a language other than English, staff will transfer a caller to NMCOG's voice mail system so that the caller's request can be recorded and replayed by persons with language skills other than English.

The staff has the ability to request language identification and translation services through several agencies and/or professional translation services. The NMMPO staff is considering how partner with local organizations, i.e. CMAA, CTI, CBA and/or the International Institute, to access these services.

3. Electronic Interactions – email, website comments, online surveys, etc., translation services will be sought through either UMass or Language Connections.
4. For correspondence in a language other than English, Google Translate may be used; more complex interactions may require professional translators/interpreters (Note UMass Translation Services or Language Connections have provided services to the NMMPO in the past).

3.2 CIVIL RIGHTS PROTOCOLS DESIGNED TO ENSURE ACCESSIBILITY

Specific civil rights criteria must be fulfilled in order to ensure that all public meetings are fully accessible to persons with disabilities similar to those with limited English proficiency, as outlined in this accessible meeting policy. State and Federal laws require that all members of the community be allowed to access and participate in NMMPO related public meetings. 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.

This section provides policy guidelines for ensuring the accessibility of public meetings hosted by the NMMPO. Public meeting guidelines 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) are presented in the following section.

General Considerations

- The NMMPO will designate a staff member to be responsible for ensuring that the public meeting is accessible for all attendees. This individual shall serve as the contact for attendees requesting reasonable accommodations.
- Public meetings will be planned and publicized as early as possible. An ideal planning/publicizing period is at least fourteen (14) days, but no less than ten (10) days in advance. Meeting notices will include a date by which attendees would request reasonable accommodations. Attendees should make such requests at least seven (7) days before the meeting. After the cutoff date, staff will still try to provide an accommodation but cannot guarantee provision of the requested accommodation.
- Attendees are not charged for any reasonable accommodation provided.

Choosing a Meeting Location

- All public meetings shall be within ¼ mile of an accessible bus stop or rail station, where feasible. The path of travel from the transit stop to the meeting location shall be

accessible. Specifically, it should be at least three (3) feet wide, unobstructed (not blocked by trash cans, light poles, etc.), and free of steps, drop-offs or curbs.

- 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. The path of travel from the parking area to the meeting location shall be accessible. Specifically, it should be at least three (3) feet wide, unobstructed (not blocked by trash cans, light poles, etc.), and free of steps, drop-offs or curbs.

Identifying the Accessible Entrance

The accessible entrance to the building hosting the meeting should be identified. If a building's main entrance is not the accessible entrance, a sign shall be posted at that entrance containing the universal accessibility symbol with an arrow pointing to the accessible entrance.

Alternate Accessible Entrance

The NMMPO will ensure that the alternate accessible entrance is unlocked, can be used independently, and that the path of travel to the alternate entrance is well lit. If the door is locked and intercom service or another device is used to gain access, an attendant must be at the door to accommodate deaf or hard of hearing individuals, as well as others with disabilities.

Accessible Restrooms

If restrooms are available for use by the public, then all public meetings shall have at least one accessible restroom for men and one accessible restroom for women, or one accessible gender-neutral restroom. The accessible restrooms shall be within reasonable proximity to the meeting room.

Accessible Telephones

If two or more public payphones are available at the meeting facility, at least one should be equipped with TTY and mounted no higher than 48" from the floor and provide clear floor space 30" wide and 48" wide (so that attendees using wheeled mobility can properly access the phone).

Meeting Room

The public meeting room shall be made accessible for persons with disabilities. The following shall be provided:

1. The room shall have an integrated seating area for wheeled mobility device users.
2. Such spaces for wheeled mobility device users should be dispersed throughout the room, and not clustered (i.e. all in the front or all in the back) to allow attendees using wheeled mobility a variety of seating/viewing options.
3. A well-lit area and chairs facing the audience shall be made available for sign language interpreters at the front of the room.
4. If using a CART provider, a small table for the laptop and space for a screen and projector should be provided near an electrical outlet.
5. 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.

6. For foreign language interpreters, provide space where they can sit with individuals requiring language assistance.
7. Aisles within the meeting room shall be clear of tripping hazards (e.g. electric cords), and at least three (3) feet wide.
8. Microphones used at public meetings shall be available on a stand that is height-adjustable. Note: While wireless microphones have become popular, some attendees with disabilities will not be able to hold a microphone independently. In this situation, allowing an attendee use of a microphone stand adjusted to their height is almost always preferable to holding the microphone for them. Alternatively, and particularly for larger meetings, staff with a floating microphone would be preferable to facilitate communication.
9. Podiums: If any attendee may have an opportunity to speak at a podium, NMMPO staff shall ensure that either:
 - The podium is height adjustable, or a small table is provided to the side of the podium.
 - The table shall be between 28 and 34 inches in height.
 - There shall be at least 27 inches of knee space from the floor to the underside of the table.
 - If a microphone is provided at the podium, one shall also be provided at the small table.
10. Raised Platforms. If any attendee may have an opportunity to move onto a raised platform or stage during the meeting, the raised platform or stage shall be accessible by:
 - A ramp that is at least 3 feet wide;
 - Does not have a slope that exceeds 1/12;
 - A Platform lift.
11. High Speed Internet Connection: Public meeting rooms shall provide for a high-speed internet connection to allow attendees who rely on video remote interpreting or CART. There should also be a conference capable telephone with a speakerphone function available.

3.2.1 AMERICAN SIGN LANGUAGE AND FOREIGN LANGUAGE INTERPRETERS, ASSISTIVE LISTENING, DEVICES, CART, AND VIDEO REMOTE INTERPRETING

The NMMPO provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and foreign languages, open or closed captioning for videos, assistive listening devices and alternate material formats), as funding allows. To request accommodations, individuals must contact the NMMPO Title VI Coordinator at 978-454-8021 or email to jhoward@nmcog.org. Requests should be made as soon as possible for services requiring advanced arrangements, including sign-language, CART or language translation or interpretation. Procedures for provision of ASL, interpreters, assistive listening devices, CART, and video remote interpreting are as follows:

1. American Sign Language and/or foreign language interpreters will, to the best of the NMMPO's ability, be provided at all public meetings upon request. Interpreters should be requested at least ten (10) days in advance of the public meeting by contacting the NMMPO Title VI Specialist. Attendees will not be charged for any costs associated with providing sign language or foreign language interpreters for the meeting.

2. Assistive Listening Devices for attendees who are hard of hearing will, to the best of the NMMPO's ability, be provided at all public meetings upon request.
3. CART services will, to the best of the NMMPO's ability, be provided at all public meetings upon request. Staff should schedule or make CART services requests at least two weeks in advance of the meeting, and preferably as soon as an attendee makes this need known. When remote CART services are to be used (the CART reporter is not in the room), the NMMPO 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.
4. Video Remote Interpreting will, to the best of the NMMPO's ability, be provided at all public meetings upon request via a computer/laptop with a webcam and high speed internet connection.
 - 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 staff cannot secure the requested technology.

3.2.2 ALTERNATIVE FORMATS AND TRANSLATION OF HANDOUTS/PRESENTATION MATERIAL

These accessibility protocols are identical for translation into foreign languages, where the language requested is identified through application of the NMMPO Title VI Limited English Proficiency Plan (LEP). Strong evidence of compliance with Title VI under the "Safe Harbor" provision involves providing written translations of vital documents for each language group of LEP persons that constitutes 5% of the population or 1,000 persons, whichever is less, eligible to be served or likely to be affected or encountered by the recipient. If that 5% is comprised of less than 50 persons, then translation of vital documents can be provided orally. Also, under the "Safe Harbor" provision, oral translation of non-vital documents is deemed sufficient to meet the requirements of Title VI. 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. Attendees will not be charged for any cost affiliated with the creation of alternate formats of meeting material.

Large Print Version

Large print versions of all printed material shall be available at all public meetings upon request to the NMMPO Title VI specialist. Requests should be made at least twenty-four (24) hours prior to the meeting. If requests for alternative formats are made at or following the meeting, the alternative format shall be provided within seven (7) days of the request.

Large print meeting materials shall:

1. Be created using a sans serif font at 16 point font size
2. Have the same information as the original handout
3. Have the highest contrast possible (e.g. black on white)
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. If images are used in the large print document, a brief description of the image shall be provided as alternative text. Alternative text image descriptions shall be brief and provide the viewer of the document with a general idea of what is in the image.
6. If tables or graphs are used in the large print document, a summary of the table or graph shall be provided in the document narrative.

Electronic Versions

If an electronic version of materials is requested within twenty-four (24) hours of the meeting to the NMMPO Title VI specialist, this version shall be available for the meeting. If no advance request is made, but rather is requested at or after the meeting, then the meeting materials shall be made available electronically, within seven (7) days of the request.

Note: Whenever possible, NMMPO staff should bring several copies of an electronic accessible version of the 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.

Braille Versions

If a Braille version of materials is requested within one week in advance of the meeting to the NMMPO Title VI specialist, this version shall be available for the meeting. If no advance request is made, but rather is requested at or after the meeting, then meeting materials shall be made available in Braille within seven (7) days of the request.

Audible Versions

If an audible version of materials is requested within one week in advance of the meeting to the NMMPO Title VI specialist, this version shall be available for the meeting, if no advance request is made, but rather is requested at or after the meeting, then meeting materials shall be made audible, within seven (7) days of the request.

Foreign Language Versions

If a common foreign language version of materials is requested to the NMMPO Title VI specialist 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 seven (7) days of the request.

Other requests for alternate formats

Individual attendees may have unique specifications for alternate formats. All reasonable requests for alternate formats made to the NMMPO Title VI specialist shall be honored within seven (7) days of the request.

3.2.3 PUBLICIZING THE MEETING

Public meetings shall be publicized as early as possible—ideally 14 days in advance, but not less than 10 days in advance. This allows attendees time to submit requests for reasonable accommodations and for NMMPO staff to set deadlines for accommodation requests to be made in a timely manner. The meeting notice should also be translated into the languages that are identified through application of the four factor analysis set forth in the NMMPO Title VI Assessment. Based on the 2010 US Census, these languages include:

- Spanish
- Portuguese
- Khmer
- Chinese
- Vietnamese

All meeting notices shall be publicized on the NMCOG website www.nmcog.org and in local newspapers, namely the *Lowell Sun* and *Khmer Post*.

All meeting notices shall include:

- The statement “This location is accessible to persons with disabilities”.
- A statement outlining the public transportation service available.
- A brief listing of accessibility features that either are available or may be made available upon request, or during the public meeting (e.g. sign language, CART, assistive listening devices and/or foreign language interpreters).
- Information on how to request reasonable accommodations by phone, e-mail or fax and the deadline for requests.
- Information on how to request language interpreter assistance.

3.2.4 ADDITIONAL CONSIDERATIONS

Within 48 hours of receiving a request, NMMPO staff should respond to the attendee that the request has been received and is being processed.

Emergency Preparedness

In the event of an emergency, some attendees with disabilities may not be able to evacuate independently. Meeting planners shall familiarize themselves with the evacuation plan for the meeting space. At the beginning of each meeting, meeting presenters shall announce the safety briefing - including information regarding where those attendees who would require assistance should wait during an emergency.

When opening a public meeting, presenters shall announce:

- The presence and function of sign language interpreters (if interpreters are in the room), and/or CART providers;
- That assistive listening equipment is available;
- The location of accessible restrooms; and

- The safety briefing.

When presenting, presenters at public meetings shall:

- Speak slowly and clearly so that the sign language interpreters have time to interpret.
- Verbally describe information presented visually (e.g. PowerPoint) so that visually impaired attendees can process the information.
- Ensure that any videos shown during the meeting are encoded with closed captioning and are shown on a closed caption compatible device. Subtitles are an acceptable alternative.
- Provide an alternate version of the video with descriptive video/described narration.
Note: It may not always be a good choice to use a described video in an open meeting as this can be a problem for other viewers.

Updates and Revisions

The NMMPO staff will utilize this Plan in order to fully understand the region's needs and be more responsive in its interaction with community members. Due to varied and evolving nature of the transportation planning process, it is expected that there will be a need to revise and update this plan periodically. To ensure that current and effective methods for public involvement are used, NMMPO staff will monitor the effectiveness of the strategies and techniques outlined in this plan. Toward this end, NMMPO staff will track attendance at public events, compiling figures on number of comments received and track social media and website activity. As mandated, the NMMPO will evaluate the effectiveness of its Public Involvement and Civil Rights strategies and practices on an on-going basis to ensure that low income and minority population classes are not adversely impacted. Adjustments to the PPP will be made as soon as deficiencies are noted. Any updates or revisions to the Plan will require a 45-day public comment period before NMMPO action is taken to adopt the proposed revisions.

Appendix A: Summary of Comments Received

NORTHERN MIDDLESEX MPO PUBLIC COMMENT SUMMARY

Draft Public Participation Plan

COMMENT PERIOD: MARCH 11-APRIL 25, 2016

PUBLIC MEETING DATE: APRIL 5, 2016

Comment 1: March 31, 2016

- Mark Goldman, a Lowell Resident, called staff to offer complete support of the draft public participation plan as presented. He offered two amendments to the report:
- Add Historic Commissions from each community to the outreach list in Section 2.1.4 beginning on page 19 of the document.
- Add Massachusetts Department of Conservation and Recreation (Mass DCR) to the outreach list in Section 2.1.4 beginning on page 19 of the document.

NMCOG Response:

- *These organizations will be added to the Draft Public Participation Plan prior to endorsement of the document.*

APPENDIX

E

Title VI Certifications

TITLE VI/NONDISCRIMINATION ASSURANCES

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

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

STATUTORY/REGULATORY AUTHORITIES

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

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

GENERAL ASSURANCES

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

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

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

SPECIFIC ASSURANCES

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

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

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

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

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program (Appendix C); and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations and this Assurance.

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

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

SIGNED FOR THE RECIPIENT:



Jamey Tesler

Date

Acting Secretary/CEO

Massachusetts Department of Transportation

SUBRECIPIENT TITLE VI/NONDISCRIMINATION ASSURANCES

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

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

SIGNED FOR THE SUB-RECIPIENT:



(Signature & Date)

Date: 10/26/2022

Timothy D. Zessin, Esq., Legal Counsel for Northern Middlesex Council of Governments

(Print Name & Title)

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

“Now, therefore, the U.S. Department of Transportation (hereinafter referred to as “U.S. DOT”), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as “FHWA”) of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof.”

(HABENDUM CLAUSE)

“To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Massachusetts Department of Transportation, its successors and assigns.

The Massachusetts Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

(1) no person will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the Massachusetts Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;

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

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

APPENDIX C

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

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

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

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

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

APPENDIX D

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

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

1. *“The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.**
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there*

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

*upon revert to and vest in and become the absolute property of the
Massachusetts Department of Transportation and its assigns.**

APPENDIX E

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

PERTINENT NON-DISCRIMINATION AUTHORITIES:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

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

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

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

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

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

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

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

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

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

1.2. Standard Assurances: Additional Assurances for Construction Projects.

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

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

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

1.3. Procurement.

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

The applicant certifies that its procurement system complies with:

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

1.4. Suspension and Debarment.

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

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

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

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

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

The applicant certifies:

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

1.6. American Rescue Plan Act Funding.

The applicant certifies:

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

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

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

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

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

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

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

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

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

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

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

CATEGORY 4. LOBBYING.

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

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

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

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

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

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

4.2. Statement for Loan Guarantees and Loan Insurance.

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

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

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

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

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

5.1. Charter Service Agreement.

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

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

5.2. School Bus Agreement.

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

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

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

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

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

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

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

7.1. Rolling Stock Buy America Reviews.

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

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

7.2. Bus Testing.

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

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

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

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

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

The applicant certifies that it:

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

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

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

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

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

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

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

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

The applicant certifies that it:

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

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

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

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

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

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

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

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

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

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

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

The applicant certifies that:

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

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

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

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

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

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

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

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

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

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

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

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

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

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

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

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

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

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

- (a) Response time;

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

CATEGORY 18. INTEREST AND FINANCING COSTS.

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

The applicant certifies that:

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

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

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

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

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

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

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

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

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

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

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

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

FEDERAL FISCAL YEAR 2022 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

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

Name of Applicant: Northern Middlesex Council of Governments

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

Or,

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

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

12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs

13 State of Good Repair Grants

14 Infrastructure Finance Programs

15 Alcohol and Controlled Substances Testing

16 Rail Safety Training and Oversight

17 Demand Responsive Service

18 Interest and Financing Costs

19 Cybersecurity Certification for Rail Rolling Stock and Operations

20 Tribal Transit Programs

21 Emergency Relief Program

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

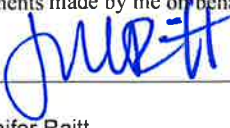
Name of the Applicant: Northern Middlesex Council of Governments

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

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

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

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

Signature  Date: 10/27/22

Name Jennifer Raitt Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Northern Middlesex Council of Governments

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

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

Signature  Date: 10/26/2022

Name Timothy D. Zessin Attorney for Applicant

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



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Gina Fiandaca, Secretary & CEO



TITLE VI/NONDISCRIMINATION ASSURANCES

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

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

STATUTORY/REGULATORY AUTHORITIES

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

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

GENERAL ASSURANCES

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

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

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

SPECIFIC ASSURANCES

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

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

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

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

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program (Appendix C); and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations and this Assurance.

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

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

SIGNED FOR THE RECIPIENT:



Gina Fiandaca

Secretary/CEO

Massachusetts Department of Transportation



Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

“Now, therefore, the U.S. Department of Transportation (hereinafter referred to as “U.S. DOT”), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as “FHWA”) of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof.”

(HABENDUM CLAUSE)

“To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Massachusetts Department of Transportation, its successors and assigns.

The Massachusetts Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

(1) no person will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise

subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the Massachusetts Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;

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

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

APPENDIX C

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

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

1. *The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:*
 - a. *In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
2. *With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.**
3. *With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

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

APPENDIX D

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

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

1. *“The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.**
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

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

APPENDIX E

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

PERTINENT NON-DISCRIMINATION AUTHORITIES:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)

- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

POLICY DIRECTIVE



Gina Fiandaca, Secretary and CEO

Supersedes Policy CR-001h (2-22)

All MassDOT employees;
subrecipients and contractors
receiving federal financial
assistance through MassDOT

Applicability

TITLE VI/NONDISCRIMINATION POLICY STATEMENT

The Massachusetts Department of Transportation (MassDOT) assures that no person shall, on the basis of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, as required by Title VI of the Civil Rights Act of 1964 (Title VI), as amended (42 U.S.C. § 2000d et seq.), and the Civil Rights Restoration Act of 1987 (P.L. 100.259).¹ Title VI prohibits discrimination based on race, color, and national origin (including limited English proficiency). Related federal nondiscrimination authorities add the protected categories of sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability, 29 U.S.C. 790; low-income, federal Executive Order 12898; and limited English proficiency, federal Executive Order 13166.

MassDOT also upholds the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, Articles CVI & CXIV of the Massachusetts Constitution, and the Governor's Executive Order 592, section 4 which provide that access to programs, services and benefits be provided without regard to religion, creed, sexual orientation, gender identity or expression, veteran's status, ancestry, and/or background, along with the bases previously referenced. In addition, MassDOT will facilitate meaningful and nondiscriminatory public participation in transportation programs, services, and activities, including the transportation planning and project development process.

The Assistant Secretary for Civil Rights and Director of the Office of Diversity and Civil Rights (ODCR) is designated as MassDOT's Title VI Coordinator. The authority to develop, implement, and manage the agency's Title VI Program is delegated to ODCR's Director of Title VI and Accessibility and MassDOT's Title VI Specialist.

To obtain additional information on MassDOT and/or its subrecipients' nondiscrimination obligations, to request a copy of the Department's Title VI program, including the agency's Title VI Assurance, or to request such materials in alternative formats (large-print, braille, audio, etc.) or translated, please contact MassDOT's Title VI Specialist at (857) 368-8580 or via e-mail at MASSDOT.CivilRights@state.ma.us.

To file a complaint of alleged violation of nondiscrimination obligations, complaint forms and further information may be obtained from MassDOT by calling (857) 368-8580, or via our website at <https://www.mass.gov/nondiscrimination-in-transportation-program>. Any such complaint should be in writing and staff is available to assist individuals who cannot provide a written complaint. Complaints must be filed with MassDOT's Office of Diversity and Civil Rights within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

¹ This includes relevant federal regulatory requirements of 49 C.F.R part 21 and 49 C.F.R. part 303.

If this information is needed in another language, please contact the MassDOT Title VI Specialist at 857-368-8580.

Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do MassDOT pelo telefone 857-368-8580.

Si necesita esta información en otro idioma, por favor contacte al especialista de MassDOT del Título VI al 857-368-8580.

如果需要使用其它语言了解信息，请联系马萨诸塞州交通部（MassDOT）《民权法案》第六章专员，电话857-368-8580。

如果需要使用其它語言了解信息，請聯繫馬薩諸塞州交通部（MassDOT）《民權法案》第六章專員，電話857-368-8580。

Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь со специалистом по Титулу VI Департамента Транспорта штата Массачусетс (MassDOT) по тел: 857-368-8580.

Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Espesyalis MassDOT Title VI la nan nimewo 857-368-8580.

Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Chuyên viên Luật VI của MassDOT theo số điện thoại 857-368-8580.

Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le spécialiste du Titre VI de MassDOT en composant le 857-368-8580.

Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare lo Specialista MassDOT del Titolo VI al numero 857-368-8580.

ប្រសិនបើលោក-អ្នកត្រូវការបកប្រែព័ត៌មាននេះ

សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី៦ របស់MassDot តាមរយៈលេខទូរស័ព្ទ 857-368-8580

إن كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بأخصائي الفقرة السادسة على الهاتف 857-368-8580

APPENDIX

F

Limited English Proficiency Plan

Limited English Proficiency Plan for the Northern Middlesex Metropolitan Planning Organization

Prepared for the NMMPO by:

**Northern Middlesex Council of Governments
40 Church Street
Suite 200
Lowell, MA 01852**

Role of the Northern Middlesex Metropolitan Planning Organization (NMMPO)

The seven member NMMPO board is comprised of the Chairman of the Northern Middlesex Council of Governments (NMCOG), the Chairman of the Lowell Regional Transit Authority (LRTA), the Secretary of MassDOT, and the MassDOT Highway Administrator. In addition, the following are also voting members of the NMMPO: the chief elected official from the City of Lowell elected to serve as the City's representative to NMCOG; a Selectman elected to serve on NMCOG and further elected by the Council to serve as that town's representative to the NMMPO; and an LRTA Advisory Board member representing a community within the NMMPO boundaries other than the City of Lowell, who may also be an elected official. One representative each from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are ex-officio, non-voting members of the NMMPO.

The NMMPO is directly responsible for ensuring that investments in existing and future transportation projects and programs are based on a continuing, cooperative and comprehensive (3-C) planning process. The mission of the NMMPO is to provide regional transportation planning and policy making for the Northern Middlesex region. The NMMPO provides policy direction and oversight in the development of federally mandated certification documents, and votes to endorse and amend these documents.

The Northern Middlesex MPO meets on an as-needed basis. Typically, meetings are held four to six times per year. Meetings notices are advertised in the *Lowell Sun*, the *Khmer Post* and on the NMCOG website (www.nmco.org). In addition, the meeting notices are distributed to an extensive list of stakeholders, as outlined in the region's Public Participation Plan. All meetings are considered official public meetings, and as such, meeting notices are posted at the region's city/town clerk offices, in accordance with the Massachusetts Open Meeting Law.

Definition of a Limited English Proficiency (LEP) Individual

A Limited English Proficiency (LEP) individual is a person who does not speak English as his or her primary language, AND who has a limited ability to read, speak, write or understand English.

Background and Intent of the LEP Plan

Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency, and Presidential Executive Order 13166 require entities that receive federal funds to provide guidance on how they will address the needs of LEP individuals. The

U.S. Department of Transportation (USDOT) has developed a guidance document entitled “*A Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons*”. This guidance was issued to ensure that persons in the United States are not excluded from participation in DOT-assisted programs and activities simply because they face challenges communicating in English.

The intent of this LEP plan is to ensure that residents of the region who do not speak or read English proficiently have access to the planning process and published information, and that public notification is provided to these individuals. The production of multilingual publications and documents and/or interpretation at meetings/events will be provided upon request to the degree that funding permits, based on current laws and regulations.

Safe Harbor Provisions

Federal law provides a “Safe Harbor” so that a recipient of federal funds, like the NMMPO, can ensure with greater certainty that it is in compliance with its Title VI obligation to provide written translations of its documents to LEP persons. “Safe Harbor” means that if the recipient provides written translations in certain circumstances, then such action will be deemed strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations, however, does not necessarily mean that there is non-compliance. Even if the “Safe Harbor” is not used and if, for example, the written translation of certain documents would be so burdensome as to defeat the legitimate objectives of the program, then written translation will not be required. In such cases, other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, may suffice to meet the requirements of Title VI.

Strong evidence of compliance with Title VI under the “Safe Harbor” provision involves providing written translations of vital documents for each language group of LEP persons that constitutes 5% of the population or 1,000 persons, whichever is less, eligible to be served or likely to be affected or encountered by the recipient. If that 5% is comprised of less than 50 persons, then translation of vital documents can be provided orally. Also, under the “Safe Harbor” provision, oral translation of non-vital documents is deemed sufficient to meet the requirements of Title VI.

The NMMPO is mindful of the fact that the “Safe Harbor” provision applies only to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable to provide on an advance request basis.

Determining the Need

As a recipient of federal funding, the NMMPO takes reasonable steps to ensure meaningful access to information and services. The federal guidance suggests that four factors be considered in determining the level and extent of language-assistance measures needed to ensure meaningful access to programs, activities and services:

1. The number and percent of LEP persons in the region who are served by the program;
2. The frequency with which LEP persons come in contact with the program;
3. The importance to the LEP person of accessing the particular program or service; and
4. The resources available to the NMMPO and the costs involved.

The USDOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above.

The following is an assessment of language assistance needs in the Northern Middlesex region in relation to the transportation planning process.

1. The number and proportion of LEP persons in the eligible service area

In order to understand the language assistance needs within the region, an analysis of the most recent available U.S. Census Bureau's data American Community Survey data was performed; in this case the language spoken at the community level, the most recent data was the 2011-2015 ACS data. Within the Northern Middlesex region, 44,885 individuals five years of age or older speak Spanish, Vietnamese, Portuguese, Chinese or Khmer at home. This represents 16.0% of the region's population age five years and over. Table 1 on the following page displays the five primary languages spoken at home.

The analysis indicates that region-wide, 19,760 individuals age five and over speak English less than "very well". This represents approximately 7.0% of the region's population. Of those residents who speak Spanish at home (17,928), 39.9% or (7,928) speak English less than "very well". Of those who speak Vietnamese at home (2,491), 61.1% or (1,522) speak English less than "very well". For those individuals who speak Portuguese at home (7,624), 44.3% or (3,376) speak English less than "very well", and for those individuals that speak Khmer at home (12,488), 51.5% or (6,428) speak English less than "very well". Of those who speak Chinese at home (2,961), 43.1% or (1,277) speak English less than "very well".

Lowell's population is known for its rich linguistic diversity. Clearly, the greatest need for language assistance is within the City of Lowell where 35,311 individuals, or 34.6% of the population five years of age or older, live in a household where Spanish, Portuguese, Chinese,

Vietnamese or Khmer are spoken. Of these individuals, approximately 50% (17,532) report that they speak English less than “very well”. Of those residing in a household that speaks Spanish (17,928), 43.9% or (6,313) speak English less than “very well”. For those individuals who speak Portuguese at home (7,624), 51.5% or (2,597) speak English less than “very well”. Individuals residing in a household where Khmer is spoken (12,058), 52.2% or (6,292) report that they speak English less than “very well”. Of those individuals residing in a Vietnamese-speaking household (1,976), 65.4% or (1,293) speak English less than “very well”. For those residing in a household where Chinese is spoken (560), 53.9% or (302) speak English less than “very well”.

Table 1: LEP Individuals Who Speak English Less Than Very Well by the Four Primary Language Groups Spoken in the Region

NMMPO Region	Total Population 5 years and Older	Spanish				Portuguese				Chinese				Mon-Khmer				Vietnamese			
		Spoken in Home		Speak English < Very Well		Spoken in Home		Speak English < Very Well		Spoken in Home		Speak English < Very Well		Spoken in Home		Speak English < Very Well		Spoken in Home		Speak English < Very Well	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Billerica	39,623	825	2.1%	232	0.6%	798	2.0%	159	0.4%	215	0.5%	113	0.3%	55	0.1%	-	0.0%	110	0.3%	30	0.1%
Chelmsford	32,797	462	1.4%	82	0.3%	275	0.8%	108	0.3%	618	1.9%	267	0.8%	67	0.2%	17	0.1%	277	0.8%	134	0.4%
Dracut	28,731	1,016	3.5%	169	0.6%	679	2.4%	197	0.7%	135	0.5%	108	0.4%	151	0.5%	80	0.3%	26	0.1%	26	0.1%
Dunstable	3,257	58	1.8%	0	0.0%	-	0.0%	-	0.0%	39	1.2%	17	0.5%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Lowell	102,031	14,376	14.1%	6,313	6.2%	5,047	4.9%	2,597	2.5%	560	0.5%	302	0.3%	12,058	11.8%	6,292	6.2%	1,976	1.9%	1,293	1.3%
Pepperell	11,404	209	1.8%	36	0.3%	36	0.3%	30	0.3%	16	0.1%	-	0.0%	20	0.2%	-	0.0%	-	0.0%	-	0.0%
Tewksbury	28,839	424	1.5%	116	0.4%	542	1.9%	215	0.7%	67	0.2%	32	0.1%	11	0.0%	11	0.0%	65	0.2%	14	0.0%
Tyngsborough	11,511	77	0.7%	0	0.0%	135	1.2%	32	0.3%	22	0.2%	11	0.1%	98	0.9%	28	0.2%	-	0.0%	-	0.0%
Westford	22,277	481	2.2%	209	0.9%	112	0.5%	38	0.2%	1,289	5.8%	427	1.9%	28	0.1%	-	0.0%	37	0.2%	25	0.1%
Total	280,470	17,928	6.4%	7,157	2.6%	7,624	2.7%	3,376	1.2%	2,961	1.1%	1,277	0.5%	12,488	4.5%	6,428	2.3%	2,491	0.9%	1,522	0.5%

Source: 2011-2015 American Community Survey (Table B16001)

2. The frequency with which LEP persons come in contact with the program

To date, no formal requests have been made to the MPO, by either individuals or groups, for language assistance. However, MPO staff has provided numerous presentations to neighborhood organizations within Lowell and to non-profit organizations where translation services were provided. NMMPO staff has made arrangements with two non-profit organizations within the region for the provision of translation services. Additionally, the NMMPO has contracted with Propio Language Services both video-remote and over-the-phone translation and interpretation services.

3. The importance of the service provided by the program

It is important to ensure that information routinely provided by the NMMPO is provided in regularly encountered languages other than English. As outlined in federal requirements, it is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include the following: applications; consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; and written tests that do not assess English language competency, but rather competency for a particular license, job or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client. Vital documents must be translated when 1,000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety. It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services.

It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language, and this is not required under Title VI and EO 13166. However, in some circumstances, lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients to assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The NMMPO utilizes federal funds to operate its planning programs. The NMMPO activities do not include any service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs (food, housing, education, etc). Furthermore, the NMMPO does not conduct compulsory activities (applications, interviews, or other activities) prior to participation in our programs and/or events. Involvement with the NMMPO is entirely on a voluntary basis.

The NMMPO does provide opportunities for the public to comment on the use of Federal funds in three major areas: the annual Unified Planning Work Program, the four-year Transportation Improvement Program, and a 20-plus year Long-Range Regional Transportation Plan. The impacts of transportation improvements resulting from these actions do have an impact on all residents and efforts are made to encourage an understanding of the process and to provide opportunities to comment. As a result, NMMPO is concerned with input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

As a result of the regional transportation planning process, selected projects receive approval for Federal funding, and advance to project design and construction under the responsibility of local jurisdictions or the state transportation agencies. These state and local organizations have their own policies in place to ensure opportunities for LEP individuals to participate in the process that shapes where, how and when a specific project is implemented.

4. The resources available to the recipient

Given the resources available to the NMMPO, the cost of translating large transportation documents is prohibitive. However, the region is dynamic and continues to attract diverse ethnic and cultural populations. Therefore, the NMMPO will provide Executive Summaries for the federal certification documents (Transportation Improvement Program, Unified Planning Work Program and the Regional Transportation Plan) in Spanish, Portuguese, Khmer, Vietnamese and Chinese. The NMMPO will also partner with local non-profit agencies to provide language translation and interpretation services within the scope of the funding available.

In addition, the NMMPO, through NMCOG, will continue to make the free online translation available via the Council's web site. This site contains considerable information on the regional transportation planning process and Google Translate as well as other translation programs will allow visitors to translate any page of text into the NMMPO regions primary languages.

LEP Implementation Plan

Inclusive public participation is a priority in preparing transportation plans, studies and programs. Transportation improvements resulting from these planning activities have an impact on all residents. The NMMPO encourages input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible.

Identifying LEP Individuals Who Need Language Assistance

When encountering an LEP person, NMMPO staff will use *Language Identification Flashcards* to identify that person's primary language. *Language Identification Flashcards*, as developed by the United States Census Bureau, bear the phrase "Mark this box if you read or speak [name of language]" translated into 38 different languages. The *Language Identification Flashcards* may be downloaded at no cost at www.lep.gov/sites/lep/files/resources/ISpeakCards2004.pdf. The NMMPO will also make *Language Identification Flashcards* available to the public through its website, so that LEP persons contacting the NMMPO online can communicate their primary language to NMMPO staff. The NMMPO staff can then use that information to provide language assistance to the LEP person. The NMMPO will also make the *Language Identification Flashcards* available at all public meetings. Once a LEP person's primary language is identified using the flashcards, the NMMPO staff will assess the feasibility of providing written translation service and/or oral interpretation assistance for the LEP person.

Language Assistance Measures

Language assistance will be provided for some LEP individuals through the translation of some key materials, as well as through oral language interpretation when necessary and possible. Translation of all NMMPO plans and materials is not possible due to cost restrictions. However, the NMMPO will provide the following translated written materials:

1. NMMCOG Web Site - The NMMPO and NMMCOG website translations had previously been available via Google Translate, however Google discontinued that feature and it is no longer available. NMMCOG is currently investigating other online options that will enable users to access the website in a number of languages including the five NMMPO regional language groups of, Spanish, Portuguese, Khmer, Vietnamese and Chinese.
2. Certification Documents - An Executive Summary for the following key documents will be made available in Spanish, Portuguese, Khmer, Vietnamese and Chinese:

- (a) The Regional Transportation Plan;
 - (b) The Unified Planning Work Program; and
 - (c) The Transportation Improvement Program.
3. Outreach Materials – Spanish, Portuguese Khmer, Vietnamese and Chinese language outreach materials will be utilized whenever possible.
 4. Oral translation services - The NMMPO will provide limited oral language services to Spanish, Portuguese Khmer, Vietnamese and Chinese speaking LEP individuals upon request. In order to provide these services, the Language Access Coordinator will do the following:
 - Maintain a list of the points of contact where a LEP person interacts with the organization. At this time, it is anticipated that the key points of contact for LEP individuals are the front-desk receptionist and the NMMPO transportation staff performing outreach activities.
 - Inventory staff language capabilities.
 - Create a list of outside sources that can provide oral language services (include both paid and unpaid services). Outline the cost of these services, and identify budget and personnel limitations.
 5. Training - In order to establish meaningful access to information and services for LEP individuals, employees in public contact positions, and those who will serve as translators or interpreters will be properly trained. Such training will be developed to ensure that staff is fully aware of LEP policies and procedures and are effectively able to work in person and/or by telephone with LEP individuals. NMMPO members and staff will be included in this training, even if they do not interact regularly with LEP persons, to ensure that they are fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.
 6. Providing Notice of Available Language Service to LEP Persons- The NMMPO has established the following methods to inform Spanish, Portuguese, Khmer, Vietnamese and Chinese speaking LEP individuals, supporting organizations, as well as the general public, of available no-fee LEP services:
 - *Posting signs* – A sign, in Spanish, Portuguese, Khmer, Vietnamese and Chinese, will be posted at the front-desk reception area to notify LEP individuals of any available services and how to obtain these services.

- *Outreach documents* – Key NMMPO outreach documents will include a notice that some language assistance services are available. This notice will be listed in English, Spanish, Portuguese, Khmer, Vietnamese and Chinese.
- *Community Organizations* – The NMMPO staff will notify area community-based organizations and other stakeholders of available language assistance services.
- *Public Notices* – The NMMPO will periodically issue notices, in English, Spanish, Portuguese, Khmer, Vietnamese and Chinese about available LEP services. All public meeting notices will contain the following language:

“Individuals requiring special accommodations under the Americans with Disabilities Act or requiring translation services (free of charge) should contact (insert name of designated staff member) at (978) 454-8021 ten work days in advance of the Public Meeting.”

Monitoring and Updating the LEP Plan

NMMPO staff will monitor changing LEP populations as updated census information is released. A review of the LEP plan will coincide with the review of the Public Participation Plan. The Language Access Coordinator will keep a record of any LEP services provided and will make this information available during the review process.

LEP complaint processing

The NMMPO has established the following complaint procedure and process that meets Title VI requirements. Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses Environmental Justice in minority and low-income populations. Presidential Executive Order 13166 addresses providing equal access to services and benefits to those individuals with Limited English Proficiency (LEP). The rights of women, the elderly and the disabled are protected under related statutes.

APPENDIX

G

Public Comments

NMCOG Title VI 2023 Update Comments

Comments received: March 15, 2023
Comments submitted by: Andrew Jennings
Presented to the NMMPO March 22, 2023

The below comments are my personal thoughts and opinions. Although I serve as Billerica's Representative on the Lowell Regional Transit Authority's Advisory Board, these thoughts and opinions do not necessarily reflect the positions of either the Town of Billerica or the LRTA.

The below comments are limited to Section V Lowell Regional Transit Authority and Regional Transit Services.

1. The first sentence of the second paragraph on p.28 starts with "All LRTA bus routes originate at the Gallagher Intermodal Transportation Center in Lowell,". LRTA's Route 20, described later in this Section is the one exception to this statement.

The sentence has been revised to reflect that Bus Route 20 originates from the UMass Lowell ICC and runs to UMass Lowell North campus.

2. The third paragraph on p. 28 contains the statement that "Additionally, there is a transfer fare, to connect between buses at the Gallagher Intermodal Transportation Center". I believe that the transfer is free to and from Route 18 Downtown Shuttle. If that is correct there should be a footnote to that effect.

The sentence has been revised to reflect free transfers on the Route 18 shuttle.

3. Table 4, at the top of p.29 would be clearer if the Fiscal Year was defined in the document. That could be done by including the applicable months in the header.

The Table 4 description has been revised to indicate the Fiscal Year of July 1st to June 30th.

4. In the last full paragraph of page 29, the statement is made that "These new vehicles are generally assigned to bus routes at random". I would rephrase the statement to something like "Age is not a factor in assigning buses to routes. Buses are assign to meet peak capacity and to assure that any weight and height restrictions are met."

The sentence was replaced with the recommended wording.

5. The following sentence makes the statement, "The LRTA is currently reviewing a move to emission free battery powered revenue vehicles." I understand that they are also reviewing other emission free technologies, including hydrogen fuel-cell powered vehicles and consideration should be given to changing the sentence to reflect the broader review.

The sentence has been revised to include a statement that the LRTA is also reviewing other zero-emission technologies.

NMCOG Title VI 2023 Update Comments

6. The following paragraph begins with “Vehicle headways have been temporarily reduced to as a result of the driver shortage”. The statement is reversed. Frequencies have been reduced and headways increased.

The sentence has been revised to indicate that the headways have been increased.

7. The first full paragraph on p. 30 discussing bus shelters may be incomplete. It does not mention the important contributions of parties other than municipalities, such as the shelter installed by Home Depot at Riverview Commerce Center. Some of the bus shelters are maintained by parties other than municipalities.

The paragraph has been revised to indicate private business also acquire, install and maintain bus shelters.

8. Table 5 needs to be reformatted, contained on a single page, and thoroughly reviewed. The horizontal lines should not split the information on individual routes but box each route. I have not taken the time to see how much of the information is correct, but for the two lines that I occasionally ride I noticed errors. The peak service on Route 13 is 60 minutes not 30, and the end time on Route 14 is close to 7:45 PM not 7:35 AM.

Table 5 of the draft document has been reformatted; The Route 13 headway and Route 14 end time have been revised.

9. I think that the discussion of the MBTA commuter rail service on page 33 should be expanded as “essentially the same level of service has been maintained” understates the attempt at improving service when the pandemic changes were made to commuter rail schedules. The shifting of the span of service earlier probably helped the population of lower income, essential worker jobs. However, the shifts also one illustration of the the lack of coordination between the two major agencies serving the NMCOG region. Neither agency talks to the other when schedule changes are made. NMCOG should be encouraging such coordination.

The MBTA commuter rail section has been revised with an expanded discussion on fare categories and adjustments to commuter rail service.

10. Also on page 33, the draft indicates that the LRTA board meets monthly. A more accurate statement is that it meets 9 to 10 times per year as the November and December meetings are usually combined, and meetings in July and August are only held if there is pressing business that should not be deferred to a later meeting.

The word “Typically” was inserted to reflect the fact that not all monthly meetings are held.

11. There are items I do not understand the discussion of Elderly and Disabled Transportation on page 36. Does LRTA contract with any private transportation carriers in addition to the contract Paratransit Management of Lowell? I was unaware that the LRTA contracted with the Billerica CoA to provide prescheduled van service for elderly and disabled residents of Billerica other than Road Runner services. Is that statement accurate? And how is the provision of paratransit vehicles for Lowell and Tewksbury different from the provision of such vans to other NMCOG communities?

The name of the private contractor Paratransit Management of Lowell was replaced with Lowell Transit Management to reflect the current operator of the Lowell based Road Runner.

NMCOG Title VI 2023 Update Comments

*Additionally, “private transportation carriers” was replaced with “private transportation carrier.”
Finally, the City of Lowell and the Town of Tewksbury councils on aging do not receive any
operational funding from the LRTA.*

12. Page 12 of 172 of the Title VI draft has the below paragraph which say the draft RTP was released and the comment period is over.

The LRTA and MassDOT reviews the draft document and endorses the Regional Transportation Plan as members of the MPO. Public input in accomplished through a regional and community survey, outreach meetings to neighborhood organizations, special interest groups, local municipalities and elected officials, and other interested stakeholders. A public meeting is held to present the draft plan for public comment. The public comment period for this plan began on February 24, 2023 and ended on March 14, 2023

That is inconsistent with the Envision 2050 pages, which says the RTP will be released for public comment in June.

The paragraph and dates were revised to clarify the Title VI public comment period.

General Comments:

I applaud the efforts that the Northern Middlesex Council of Government [NMCOG] has made to comply with Title VI. However, I believe that further efforts need to be taken to ensure that there is not discrimination in the use of Federal Funds for transportation purposes.

The potential for discrimination comes from the historical bias, notably an implicit bias, toward the highway mode. The bias towards highways is also a bias towards those with higher incomes for whom the cost of owning and operating an automobile is not a strain on the household budget. As low incomes are strongly correlated with race and color, highway investment, even “state of good repair” investments, run a risk of perpetuating historical discrimination. A similar potential for discrimination toward disabled populations who cannot drive exists when highway investments are made.

NMCOG must recognize that there is an historical highway bias in funding and take steps to make sure that new funding does not perpetuate existing discrimination nor create additional discrimination. Particular attention should be paid to the methodology used to select and screen projects. If a project is justified on the basis of highway congestion and/or road condition and does not have significant active transportation and or transit improvements associated with it, it should be screened carefully to see if it discriminates and if so, provide appropriate mitigation measures. Note that because local fixed route transit in NMCOG’s region does not utilize limited access highways most projects involving such highways need to be carefully screened for discrimination. NMCOG should actively solicit and find funding for projects that provide better access for EJ populations to educational, employment, medical, and recreational opportunities. The existing inability to reach many destinations by transit in a reasonable time in NMCOG’s region needs to be corrected. Access measures should increasingly be used as project screens.

NMCOG should further develop its Title VI Transportation System Investment Analysis. It has identified the locations where Environmental Justice [EJ] populations live, but not identified where those populations want to travel to and from. Identifying the trips desired will help identify whether a project

NMCOG Title VI 2023 Update Comments

has a significant benefit for EJ populations. The proximity of Transportation Improvement Projects and EJ populations is an important first step, but more measures need to be developed so that the impact of projects on EJ populations can be developed.

Ensuring projects do not discriminate is an important and difficult component of planning work. Thank you for the opportunity to comment on the Title VI update.

APPENDIX

H

NMMPO Meeting Minutes

MEETING MINUTES OF THE NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION MARCH 22, 2023

1. WELCOME AND INTRODUCTIONS

In light of the COVID-19 emergency executive order authorizing virtual public meetings, the Northern Middlesex Metropolitan Planning Organization (NMMPO) meeting was called to order at 2:00 P.M. via videoconference headquartered at the office of the Northern Middlesex Council of Governments (NMCOG), 40 Church Street, Suite 200, Lowell, MA. Attendees included:

Voting Members in Attendance:

- Derek Krevat, MassDOT Office of Transportation Planning (Representing MassDOT Secretary and CEO Gina Fiandaca)
- Brian Fallon, MassDOT District 4 (Representing MassDOT Highway Administrator Jonathan Gulliver)
- Andrew Deslaurier, NMCOG Chair
- Pat Wojtas, Chelmsford Select Board, NMCOG NMMPO Representative

Stakeholders and Other Attendees:

- Timothy Paris, MassDOT District 4
- Sarah Bradbury, MassDOT District 3
- Jennifer Claro, Council on Aging, Town of Westford
- Ali Bent, LRTA
- Meaghan O'Brien, LRTA
- Derek Shooster, MassDOT
- David Langlais, Town of Dunstable
- Andrew Wang, MassDOT
- Elizabeth Oltman, Lowell Transportation Engineer, City of Lowell
- Frank Suszynski, MassDOT District 4
- Chris Timmel, FHWA
- Josh Levin, MassDOT District 4

NMMPO Staff:

- Jenny Raitt, Justin Howard, Chris Curry, Shravanthi Gopalan Narayanan, and Jessica Boulanger, NMCOG

2. APPROVAL OF THE FEBRUARY 25, 2023 NMMPO MEETING MINUTES

NMMPO members were provided with copies of the February 22, 2023 NMMPO minutes prior to the meeting. Based on a motion by Andrew Deslaurier and seconded by Brian Fallon, the February 22, 2023 NMMPO meeting minutes were approved unanimously.

3. STATUS REPORT ON TRANSPORTATION IMPROVEMENT PROGRAM (TIP) PROJECTS UNDER DESIGN AND CONSTRUCTION

Timothy Paris updated the NMMPO regarding project information changes since the February 22, 2023 meeting.

- **Project 608816 Lowell – Dracut – Methuen – Resurfacing and Related Work on Route 110** – Project has a new ad date March 9, 2024.
- **Project 610704 Burlington – Billerica – resurfacing and related work on Route 3A** - Project has an updated ad date June 17, 2023 and there were some adjustments to the estimates.
- **Project 608774 Lowell – Tewksbury – Route 38 Intersection Improvements** – Project has an updated ad date May 5, 2023.

Sarah Bradbury from MassDOT District 3 provided an update that Project 612656, Bridge Preservation on I-495 over Boston Road and Concord Road was to be advertised the week after the meeting.

4. OPEN FORUM – OPPORTUNITY FOR COMMENTS FROM MPO MEMBERS, COMMUNITY STAKEHOLDERS, AND THE PUBLIC

There were no comments.

5. Envision 2050 Update

Jessica Boulanger provided a preview on Regional Public Forum 2 meeting that was happening on that evening. She provided an overview of the Regional Transportation Plan (RTP), existing conditions and analysis, engagement activities, survey findings, performance measures, financial allocation, next steps and timeline of the RTP process and addressed questions from the participants.

6. Performance Measure Updates - Updated PM3 Performance Targets, Action item to Adopt

Derek Krevat presented the System Performance Measures that the MPOs are required to develop and endorse as per federal regulation. He provided a recap of the Safety and Bridge Conditions Performance Measures that were earlier voted by the MPO. In this presentation, he provided an overview of PM3 which includes improving efficiency of the system and freight movement, reducing traffic congestion, and reducing emissions. The specific measures that are included were – reliability, congestion, and emission reductions. A summary of the measures, proposed 2024 target and proposed 2026 targets were presented for the MPO to vote and endorse. Based on a motion by Andrew Deslaurier and seconded by Pat Wojtas, the proposed targets were endorsed.

7. NMMPO TITLE VI PLAN PRESENTATION – Action Item to Endorse

Last month, a presentation on the Draft Title VI document was provided to the MPO and the MPO voted to release the document for public comment period. Chris Curry provided a recap on the comments received on the Draft Title VI document from Andrew Jennings, LRTA Board representative and Billerica resident. Andrew’s comments were related to transit, MBTA commuter rail, public comment period, and largely clarifications on the LRTA service information. Chris requested MPO to vote to endorse the draft.

b. Highway TIP Programming Scenarios – Action item to approve preferred scenario

Justin Howard provided an overview of the programming options based on a review of all eligible TIP projects and projects funded through State programs. There were 4 scenarios presented to the MPO based on TIP Readiness Day recommendations, financial constraint, and project evaluation which includes the list of projects programmed and not programmed with financial target information for each of the scenarios. MPO members' unanimously agreed that Scenario 1 is the preferred scenario given that it is the financially best option to use the target funding allocation. Based on a motion by Andrew Deslaurier and seconded by Pat Wojtas, the MPO approved the use of Scenario 1 for TIP Programming.

c. Preliminary Transit Projects

Chris Curry provided an overview of the preliminary transit projects programmed annually by LRTA for FFY 2024-2028 for each year of the TIP. It is important to note that the transit projects are currently awaiting MassDOT Rail and Transit Division approval.

10. FFY 2024 UPWP Development

a. UPWP Financial Guidance

The MARPA/MassDOT Annual Meeting was held on January 27, 2023, where there were discussions on budgeting for the various certifications, RTP, TIP, and UPWP. Justin Howard shared the funding allocation summary, which the MPO uses to fund staff activities for FFY 2024 beginning in October 1, 2023, running through September 30, 2024. Funding received as State's apportionment is \$12,095,567 with an obligation authority of 90%, Federal Planning funds is \$10,886,010, and with the State match, the total is \$13,607,513 available for UPWP activities from the State. Including both the Planning (PL) funds from FHWA, and funds from federal Transit Administration (Title 5303), the overall allocation to the State is \$18,287,935. The NMMPO's share totals \$1,115,378, or approximately 4% of the State total. In the next month's MPO meeting, staff will share a preliminary task listing of projects and studies programmed in the next UPWP.

11. OTHER BUSINESS

There were no other business.

12. NEXT MEETING DATE

The next MPO meeting will be on April 26, 2023 at 2:00 PM.

13. ADJOURNMENT

Based on a motion made by Andrew Deslaurier and seconded by Pat Wojtas, the MPO voted unanimously to adjourn at 2:56 PM.

Based on a motion by Andrew Deslaurier and seconded by Pat Wojtas, the MPO endorsed the Draft Title VI report.

8. FFY 2023-2027 TIP Amendment 3 - Action Item to Endorse

During the last month's MPO meeting, Justin provided a summary narrative of Amendment 3 to the FFY 2023-2027 Transportation Improvement Program and the MPO released it for a 21-day public comment period. The public comment period ended on March 17th.

Justin provided a recap on Amendment 3 – this amendment involves adding \$786,944 in Statewide Bridge Formula funding to cover a construction cost increase for Project 612658 Bridge preservation for I-495 over Route 133 and I-495 over Route 38 in Tewksbury. The cost estimate has increase by \$786,944 and since this is scheduled to be advertised on May, this amendment needs to be updated to fully fund the project.

The second project is to fully fund the parking system at the Gallagher Terminal parking garage with a total cost of \$110,000.

The third project is a proposal to add \$100,000 in state funding (RTACAP) to cover the match for replacing two 35-foot hybrid buses.

Lastly, the proposal to remove the automated passenger counter project from the FFY 2023-2027 TIP. The project currently uses a mix of 5339 and 5307 federal funds. This project will be added to the FFY 2024-2028 TIP.

Based on a motion by Andrew Deslaurier and seconded by Pat Wojtas, the MPO endorsed the Amendment 3 to the FFY 2023-2027 Transportation Improvement Program.

9. FFY 2024-2028 TIP Development

Justin Howard, Chris Curry and Shravanthi Gopalan Narayanan continue to develop the FFY 2024-2028 TIP. In the previous meetings, they provided the MPO with financial and target information, and results of TIP Readiness Day based on the project's design stage.

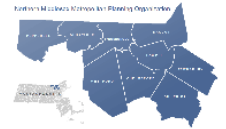
a. Project Scoring Overview

Shravanthi Gopalan Narayanan provided an overview of the Project Transportation Evaluation Criteria (TEC) and score summary for proposed FFY 2024-2028 TIP projects based on a set of approved transportation criteria. There are 6 categories for evaluation and the scores ranges from -18 to +18 based on the impacts to transportation system and project priority. Further, there are sub-categories for the 6 categories and the scores for these sub-categories ranges from -3 to +3. Each TIP project was scored using the categories and sub-categories and a summary of these scores for each TIP project was presented to the MPO.

APPENDIX

I

Title VI Complaint Forms



Discrimination Complaint Form

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

Name: _____

Address: _____

Telephone Numbers: (Home) _____ (Work) _____ (Cell) _____

Email Address: _____

Please indicate the nature of the alleged discrimination:

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

Race Color National Origin (including limited English Proficiency)

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

Disability Age Sex Sexual Orientation Religion Ancestry

Gender Ethnicity Gender Identity Gender Expression Creed

Veteran's Status Background

Who do you allege was the victim of discrimination?

You A Third Party Individual A Class of Persons

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

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

Yes No

