



CAPE COD
COMMISSION

2024 REGIONAL TRANSPORTATION PLAN

Technical Appendix L:
Title VI/Nondiscrimination
Program

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Technical Appendix L: Title VI/Nondiscrimination Program

The Cape Cod Metropolitan Planning Organization (MPO) follows federal and state non-discrimination laws and seeks to ensure that all interested parties in Barnstable County have access to the MPO's activities and services and that public involvement in the MPO's decision making comes from a diverse socioeconomic group that is representative of the county's population. The MPO has developed a nondiscrimination program, in accordance with federal and state requirements, to encourage broad public participation, representation, and equity in the region's transportation planning.

TITLE VI BACKGROUND

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin.¹ Related federal nondiscrimination authorities add the protected categories of sex (23 USC 324), age (42 USC 6101), disability (29 USC 790), low-income (Federal Executive order 12898), and limited English proficiency (federal executive order 13166). Organizations that receive Federal funds are obligated to assure nondiscrimination in their programs and activities and are required to have a comprehensive Title VI enforcement program to prevent and eliminate discrimination in their federally funded programs². Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) set forth Title VI compliance requirements for "primary" funding recipients such as MassDOT and sub-recipients such as the MPOs to follow. Effective transportation decision making depends upon understanding and properly addressing the needs of different groups. The MPO's Title VI program includes identifying the demographic distribution of minority and limited English proficiency populations within the region and implementing a comprehensive strategy to

¹ "No person in the U.S. shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving financial assistance." [Civil Rights Act 1964] as amended (42 USC 200d et sec) and the Civil Rights Restoration Act of 1987 (P.L. 100.259).

² See 49 C.F.R. part 21(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 (US Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

ensure that the MPO conducts effective outreach to encourage their involvement in and access to the transportation planning and decision-making process.

The Massachusetts Department of Transportation (MassDOT) is responsible for ensuring that the state's MPOs comply with federal program requirements. Following MassDOT's 2013 Title VI program update, the Cape Cod MPO developed and adopted a Title VI Program in 2014. This plan was updated in accordance with MassDOT's directives in 2022 which also included updates to its Public Participation Plan in 2022. The 2022 Title VI plan update provides certifications and assurances, Title VI notices, complaint procedures and forms, information about beneficiaries' rights,, regional demographic data and profile of the area, mobility needs of minority populations, demographic maps and charts of funding distribution a Public Participation Plan, a language access plan, data collection reporting, the dissemination of Title VI information, and analyses of MPO transportation system investments in the region, project locations and potential impacts from projects to ensure equity in the planning and implementation process for the region.

Although Title VI is the focal point of non-discrimination law in the United States, FHWA incorporates a broader spectrum of statutes, executive orders, and regulations into its requirements for states and MPOs. Other pertinent non-discrimination authority identified by MassDOT and FHWA include the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC § 4601); Federal-Aid Highway Act of 1973 (42 USC 324 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 USC 794 et seq.); Age Discrimination Act of 1975, as amended (42 USC 6101); Airport and Airway Improvement act of 1982 (49 USC 471); Civil Rights Restoration Act of 1987 (PL 100-209); Titles II and III of the Americans with Disabilities Act (42 USC 12131-12189); Federal Aviation Administration's Non-Discrimination Statute (49 USC 47123); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; Executive Order 13166, Improving Access to Services for people with Limited English Proficiency. In addition to mapping demographic data that identifies areas (census blocks) in the county with higher proportions of low income and minority populations, the staff conducts analyses on the geographic distribution region's transportation spending and project construction, to ensure equity in the distribution of transportation improvements. In examining the Title VI based project distribution analysis, the proximity, frequency, value and nature of projects are identified in relation to statistically significant population concentrations of the Title VI protected categories: i.e. race, color or national origin(including limited English proficiency) for transit related projects with the addition of age, sex and disability for highway related projects. The analysis also includes a review of potential project impacts – positive and negative – to ensure that that potentially underserved areas neither adversely impacted by, nor denied the benefits of, transportation projects. A key piece of the program is engaging such communities in the MPO's activities and decision making through expanded and targeted public outreach. The Public Participation Plan, as discussed below, establishes the MPO's public involvement goals and strategies.

Environmental Justice, Equity and Justice40

FHWA and FTA are collaborating with MassDOT, the MPO's and public transportation providers to advance racial equity and support for underserved and disadvantaged communities. Strategies within this plan will be developed that improve infrastructure for non-motorized travel, public transportation access, increased public transportation service in underserved communities, plan for the safety for all users, reduce single occupancy vehicle travel near high volume corridors, target demand-response service towards communities with higher concentrations of older adults and those with poor access to essential services, and equitable and sustainable practices while developing transit-oriented development.

PUBLIC PARTICIPATION PROCESS

The CCMPO is committed to following its Public Participation Plan approved in 2022 to ensure multiple stakeholders are provided a reasonable opportunity to comment. To ensure an inclusive and accessible public engagement processes for development of the Regional Transportation Plan (RTP), staff looked to the framework established in the Cape Cod MPO Public Participation Plan (PPP). Goals of the PPP are to:

1. Obtain Quality Input and Participation
2. The MPO staff worked to fulfill this goal by holding public meetings across the entire region including meetings on the Upper, Mid, Lower, and Outer Cape regions with specific note to areas of Environmental Justice communities. These meetings were intentionally scheduled at different times of the day and at many different locations and formats (virtual versus in-person) to enable greater participation. Input received from the public during the development of the plan was incorporated into the draft plan. Establish Consistent Commitment
The MPO staff made a concerted effort to communicate with the communities as it developed and implemented its outreach for the RTP. Part of this effort was building community capacity to provide comments. This included but was not limited to seeking additional venues for public input such as conducting open houses seeking comments at the Hyannis Transportation Center (which enabled passing transit users based upon their familiarity with the transit system to provide detailed comments), creating and installing yard signs in English and Portuguese with a QR code to the online survey and placing on the region's rail trails and at Hyannis Transportation Center.
3. Increase Diversity
The rollout of the outreach involved for this RTP further engaged the community. In an effort to increase participation, MPO staff sought input from a range of socioeconomic perspectives and traditionally underserved people. Staff participated in an English as a Second Language class and shared the online survey with many diverse organizations throughout the region.
4. Ensure Accessibility
Every effort was made to ensure participation opportunities were accessible for all.
5. Provide Relevance
The message developed for outreach on the RTP was "What is YOUR vision for Transportation on Cape Cod?" The intent was to frame the issue clearly and simply to involve the greatest number of participants.
6. Foster Participant Satisfaction
Recognizing that people who take the time to participate feel it is worth the effort to join the discussion and offer feedback, the MPO staff made certain that there was a Portuguese translator at a virtual public outreach events in which the analysis showed potential for greater participation and allowed for a translated recording of the online meeting. Staff also was readily available to receive the input as it arose in the meetings/open houses and provide that feedback to the MPO.
7. Clearly Define Potential for Influence

The process identified that the comments made would be transmitted to the MPO members who, per the Public Participation plan, would directly consider such comments.

8. Establish and Maintain Partnerships

The MPO staff, working to expand its outreach, developed a broader base in which to connect on the RTP. This included the following groups:

- Bicycle and Pedestrian Committees and Advocate Groups
- Community & human services programs and providers
- Community centers
- Councils on aging
- Day care and child development programs
- Environmental and climate organizations
- English language media outlets (print and audio)
- Financial institutions
- Fire districts
- Hospitals and health centers
- Interested citizens (those who requested to be included in the list)
- Lesbian, gay, bisexual, and transgender (LGBT) organizations
- Libraries
- Local and area chambers of commerce
- Local and regional housing partnerships, authorities, and groups
- Local and regional transportation providers (all modes)
- Local community-based organizations
- Local financial development corporation and economic development corporations
- Local legislators
- Local police and fire departments
- MPO and CCJTC members
- Portuguese language media (print and radio)
- Public and private educational institutions and school departments
- Religious institutions
- Town clerks, managers, departments of public works directors, town planners, and other similar town personnel
- Town councils
- Transportation consulting firms
- Veterans services

9. Provide Opportunities to Build Consensus

The MPO discussions were structured to allow for conflicting views to be aired with the eye to satisfy the greatest number of community concerns and objectives.

The PPP is available in English and Portuguese at www.capecodcommission.org/ppp

Meetings and Open Houses

Numerous meetings have been held to discuss development of the RTP. Table 1 identifies meetings held solely for the plan, as well as meetings of various organizations at which the RTP was discussed. Meeting locations were selected to provide geographic and demographic diversity as well as ensure that persons with disabilities were able to actively participate. CCRTA DART paratransit services were available to bring interested parties to meetings. Notices were disseminated to English and Portuguese media outlets.

TABLE 1. Regional Transportation Plan Meetings

CAPE COD METROPOLITAN PLANNING ORGANIZATION MEETINGS		
Meetings beginning in September 2022 and continuing through July 2023		
Generally held once per month on a Monday at 1:00 PM, virtually		
CAPE COD JOINT TRANSPORTATION COMMITTEE MEETINGS		
Meetings beginning in September 2022 and continuing through July 2023		
Generally held once per month on a Friday at 8:30 AM, virtually		
CAPE COD RTP SUBCOMMITTEE MEETINGS		
Regional Transportation Plan Subcommittee Meeting - Virtual	Wednesday, November 16	1:00 PM
Regional Transportation Plan Subcommittee Meeting - Virtual	Friday, January 13	1:00 PM
Regional Transportation Plan Subcommittee Meeting - Virtual	Wednesday, March 8	1:00 PM
Regional Transportation Plan Subcommittee Meeting - Virtual	Friday, April 14	1:00 PM
LISTENING SESSIONS/OUTREACH TABLE EVENTS/PUBLIC MEETINGS		
Hyannis Open Streets – Outreach Table	Sunday, October 16	12:00 PM
WXTK (95.1) Radio Interview	Monday, February 6	
The Harvard Club of Cape Cod	Thursday, March 9	11:30 AM
Truro Town Hall – Public Meeting	Monday, March 20	5:00 PM
Regional Transportation Plan Virtual Public Meeting	Tuesday, March 21	6:00PM
Hyannis Transportation Center – Public Meeting	Tuesday, March 21	11:00 AM
WCAI Radio Interview	Thursday, March 30	
RTP Bicycle Committee Meeting - Sandwich	Thursday, April 13	6:30 PM
TIP/UPWP Outreach Table – CCRT Trailhead, Station Ave, Yarmouth	Tuesday, May 9	3:00 PM
TIP/UPWP Outreach Table – OCRT at Stepping Stones Rd, Chatham	Thursday, May 11	9:00 AM
IPR Cape Cod Church	Sunday, May 21	9:00 AM
OTHER MEETINGS/ACTIVITIES		
Barnstable County Public Works Association	Thursday, November 3	11:00 AM
Retired Mens Club of Cape Cod	Thursday, November 3	12:30 PM

Nauset Neighbors	Thursday, November 10	3:00 PM
Outer Cape Council on Aging's	Thursday, January 26	10:00 AM
ESL Class – Dennis Public Library	Friday, March 24	12:00 PM
ESL Class – Falmouth Public Library	Tuesday, March 28	7:00 PM
Association to Preserve Cape Cod	Monday, April 24	4:30 PM
Barnstable County Economic Development Council Executive Committee	Tuesday, April 25	9:30 AM
CCAIOR Leadership Meeting	Tuesday, May 23	10:00 AM
Cape Cod Electric Vehicle Expo and Test Drive Event	Saturday, June 3	10:00 AM

Collectively, the RTP meetings provided a wide array of opportunities for the public to learn about the document and share their comments. Comments received reflected both regional interests in the Cape Cod transportation system as well as more location specific concerns based on the location of the meeting.

Figure 1 shows a collection of photographs that were taken at various RTP outreach events.



FIGURE 1. Photographs of Outreach Activities

Other Outreach Strategies

In addition to the traditional outreach approaches, staff utilized a number of new strategies in an effort to increase public participation.

EXPANDED EMAIL OUTREACH DISTRIBUTION

In an effort to better connect with the various groups and agencies in the region that interact in different ways with the transportation system every day, an expanded email distribution list was created to share all notices and announcements on the development of the plan. This expanded outreach list including the following groups and agencies that were identified in the region:

- Bicycle and Pedestrian Committees and Advocate Groups
- Community & human services programs and providers
- Community centers
- Councils on aging
- Day care and child development programs
- Environmental and climate organizations
- English language media outlets (print and audio)
- Financial institutions
- Fire districts
- Hospitals and health centers
- Interested citizens (those who requested to be included in the list)
- Lesbian, gay, bisexual, and transgender (LGBT) organizations
- Libraries
- Local and area chambers of commerce
- Local and regional housing partnerships, authorities, and groups
- Local and regional transportation providers (all modes)
- Local community-based organizations
- Local financial development corporation and economic development corporations
- Local legislators
- Local police and fire departments
- MPO and CCJTC members
- Portuguese language media (print and radio)
- Public and private educational institutions and school departments
- Religious institutions
- Town clerks, managers, departments of public works directors, town planners, and other similar town personnel
- Town councils
- Transportation consulting firms
- Veterans services

PORTUGUESE-LANGUAGE COMMENT LINE

In an effort to ensure that anyone with questions or comments on the plan was heard, a Portuguese-language comment line was set up to field calls from Portuguese-speaking individuals. The recorded message, in Portuguese, thanked the caller for their interest in the plan and asked that they leave their name and number so that staff, with the assistance of a translator, could respond to them.

PLAN WEBSITE AND SURVEY

The website dedicated to the development of the 2024 RTP was created as a place where the public could find general information about the plan development, learn about upcoming meetings, access materials from past meetings, complete the online survey, download the draft RTP, and provide comments. A link to the website was included on all project materials and linked from the Cape Cod MPO website. The website included a statement in Portuguese with contact information should they need the information in another language. A Portuguese-language version of the website was also provided through real-time Google translation.

BUS SIGNS

In addition to hosting an open house at the Hyannis Transportation Center, a regional intermodal hub, further efforts were made to ensure that transit riders had an opportunity to participate in the development of the document. Signs were placed on all Cape Cod Regional Transit Authority buses and paratransit vehicles. The message on the sign was presented in both English and Portuguese. Outreach Cards and Other Materials



FIGURE 2. Portuguese RTP Yard Signs

YARD SIGNS

Yard signs with a QR code to the RTP webpage were distributed throughout the region, including on the region's bike paths and bus stops. The two-sided yard signs, as seen in Figure 2, included messaging in both English on one side and Portuguese on the other side. The yard signs assisted with an increase in response to not only the RTP webpage where viewers gained a general awareness of the development of the RTP, but also to the online survey and mapping tool.

OUTREACH FLYERS AND HANDOUTS

Business card-sized outreach cards were developed to hand out at all public events attended by staff during the development in the plan. A few versions were created through the process, including a version to guide people to the online survey, but included a link to the website where information was kept up to date. Similar information was contained on water bottles and a banner used in outreach activities.

VIRTUAL MEETINGS

The Public Participation Plan was amended to add a virtual meeting component to expand access to the public. The expansion of the Open Meeting Law and the ability to conduct virtual meetings allowed the CCMPO to reach an even broader audience, especially when a Portuguese translator was added.

MEASURES OF EFFECTIVENESS

CCMPO will be tracking its efforts to better understand the effectiveness of its public outreach efforts using a Measurements of Effectiveness (MOE) analysis every other year. Selection Process for Highway Regional Target Projects

Of the funding represented in the plan, a portion is available for “regional target projects.” These are projects that the Cape Cod MPO has jurisdiction to select and prioritize. To ensure equity in the prioritization of these funds, Title VI and other equity considerations were incorporated in both the screening and analysis phases of the project selection process.

SCREENING OF HIGHWAY REGIONAL TARGET PROJECTS

In order to determine the projects to be contained within the financial constraint of the document, analysis was conducted on the universe of projects (includes all potential projects identified during the development of the document). Analysis of projects was limited to projects \$10 million or greater as staff determined this is the scale of project appropriate for specific inclusion in this document. Analysis was conducted with a subcommittee of the Cape Cod Joint Transportation Committee (CCJTC, an advisory body to the Cape Cod MPO) where each project was considered for potential benefit, estimated cost, consistency with the objectives of the RTP, equity as it relates to minority, low income, Limited English Proficiency (LEP) and other protected populations, and GHG reduction potential. Considering these factors and the anticipated available funding, a financially-constrained program of projects was developed with the CCJTC subcommittee, reviewed by the CCJTC, and ultimately endorsed by the Cape Cod MPO.

Analysis of Highway Regional Target Projects

Following the screening process, a more detailed analysis of potential impacts (positive or negative) on low income, minority, and LEP populations was conducted as presented in Table 2.

Of the approximately \$387 million programmed for specific projects, approximately 75% was on projects within and proximate to minority populations, 92% was on projects within and proximate to low income populations, and 80%, was on projects within and proximate to LEP populations. Given the regional nature of these projects, even projects that are not proximate to these identified population are likely to positively impact these identified populations as they travel through these locations to access regional services. This represents an investment in transportation infrastructure serving these areas proportionally higher than other areas on Cape Cod. In summary, the areas with higher proportions of low income and minority populations see more transportation dollars spent than other areas on Cape Cod.

Of the approximately \$387 million in highway regional target funding, approximately \$339 million is programmed for specific regional target projects while the remainder will go to “Programs and Smart Solutions.” Analysis was limited to the specific projects, with existing TIP analysis procedures ensuring that the “Programs and Smart Solutions” will be programmed in an equitable way.³

³ The most recent slate of highway projects programmed in the 2024-2028 Cape Cod TIP indicated that approximately 98% of funding is allocated on projects within and proximate to low income, minority, and LEP populations. This represents an investment in transportation infrastructure serving these areas that is proportionally higher than other areas on Cape Cod.

TABLE 2. Highway Regional Target Projects – Income, Minority, and LEP Population

PROJECT	LOW INCOME [I], MINORITY [M], OR LIMITED ENGLISH PROFICIENCY [LEP] POPULATION AREA PROXIMATE	NATURE OF IMPACT ON LOW INCOME, MINORITY, OR LEP AREA
Mashpee: Route 151	M	Improved bicycle/ pedestrian access, safety, traffic flow
Route 28 Multimodal Improvements: Various Locations	TBD	Improved bicycle/ pedestrian access, safety
Provincetown, Shank Painter Road and Route 6 Improvements	I	Improved bicycle/ pedestrian access, safety
Rail Trail Extensions (Mid- and Upper-Cape)	I, M, LEP	Improved bicycle/ pedestrian access, safety
Route 6 Safety Improvements (Outer Cape)	I	Improved bicycle/ pedestrian access, safety, traffic flow
Rail Trail Extensions (Upper and Outer Cape)	I	Improved bicycle/ pedestrian access, safety
Hyannis Area Improvements	I, M, LEP	Improved bicycle/ pedestrian access, safety, traffic flow
Route 6 Safety Improvements (Interchanges and Shoulders)	I, M, LEP	Improved safety, traffic flow
Route 28 Bass River Bridge Replacement ¹	I, M	Improved bicycle/ pedestrian access, safety
Cape Cod Canal Bridges Program ¹	I, M	Improved bicycle/ pedestrian access, safety, traffic flow

¹ Projects funded or intended to be funded through a combination of state and federal sources outside of the regional target.

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