



CAPE COD
COMMISSION

2016 REGIONAL TRANSPORTATION PLAN

Technical Appendix L: Title VI/
Nondiscrimination Program

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Technical Appendix L: Title VI/Nondiscrimination Program

The 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

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin.¹ 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 programs. FHWA and 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 socioeconomic 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 ensure that the MPO conducts effective outreach to encourage their involvement in and access to the transportation planning and decision-making process.

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 (see **Error! Reference source not found.**). The Title VI plan provides information about beneficiaries' rights, how to file a complaint, regional demographic data, maps, a public participation plan, a language access plan, and analyses of transportation spending 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. For example, Section 324 of the Federal-Aid Highway Act of

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]

1973 prohibits discrimination based on sex; Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability status, as does the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975 prohibits age discrimination. In addition, the Civil Rights Restoration Act of 1987 (FHWA Notice 4720.6) clarified the original intent of Congress with respect to Title VI by restoring the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of federal-aid recipients and enforcing the application of the laws that include nondiscrimination on the basis of race, color, national origin, age, gender, or disability.

ENVIRONMENTAL JUSTICE

The concept of environmental justice is part of the MPO's nondiscrimination program. Environmental justice became a federal policy initiative in 1994 under President Clinton's Executive Order 12898 that requires each Federal agency to make achieving environmental justice part of its mission "by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Environmental justice policy for the US DOT is based on the following three principles:

1. "To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
2. to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low income populations."²

The MPO addresses environmental justice through its Title VI/Nondiscrimination program, as discussed above. 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. 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.

² http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/

PUBLIC PARTICIPATION PROCESS

To ensure an inclusive and accessible public engagement processes for development of the 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. Establish Consistent Commitment
3. Increase Diversity
4. Ensure Accessibility
5. Provide Relevance
6. Foster Participant Satisfaction
7. Clearly Define Potential for Influence
8. Establish and Maintain Partnerships
9. Provide Opportunities to Build Consensus

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

ANALYSIS OF HIGHWAY REGIONAL TARGET PROJECTS

An analysis of potential impacts (positive or negative) on low income, minority, and LEP populations was conducted on regional target projects and is presented in Table 1. Of the approximately \$304 million in highway regional target funding, approximately \$218 is programmed for specific projects while the remainder will go to “Other TIP Projects.” Analysis was limited to the specific projects, with existing TIP analysis procedures ensuring that the “Other TIP Projects” will be programmed in an equitable way.³

³ A recent review of the past ten years of highway projects in the Cape Cod TIP indicated that approximately 59% of spending was 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 1. HIGHWAY REGIONAL TARGET PROJECTS – INCOME, MINORITY, AND LEP POPULATION IMPACTS

PROJECT	LOW INCOME [I], MINORITY [M], OR LIMITED ENGLISH PROFICIENCY [LEP] POPULATION AREA PROXIMATE	NATURE OF IMPACT ON LOW INCOME, MINORITY, OR LEP AREA
Barnstable: Hyannis Access Improvements	I, M, LEP	Improved bicycle/ pedestrian access, safety, traffic flow
Route 28 Multimodal Improvements: Various Locations	I, M, LEP	Improved bicycle/ pedestrian access, safety
Route 6 Outer Cape Safety Improvements	I, LEP	Improved bicycle/ pedestrian access, safety, traffic flow
Canal Area: Belmont Circle/ Route 25 Ramp Improvements		
Canal Area: Route 6 Exit 1C Reconfiguration		
Cape Cod Rail Trail Expansion: S. Wellfleet to Provincetown	I, LEP	Improved bicycle/ pedestrian access, safety
Infrastructure Improvements (Platform, Parking, etc.) for Buzzards Bay Commuter Rail Service		
Cape Cod Rail Trail Expansion: Barnstable to Sandwich	I, M, LEP	Improved bicycle/ pedestrian access, safety
Shining Sea Bikepath Extension to Cape Cod Canal Bikepath		

Of the approximately \$218 million programmed for specific projects, approximately 60% was on projects within and proximate to minority populations, 77% was on projects within and proximate to low income populations, and 77%, was on projects within and proximate to LEP populations. 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.

For reference, demographics maps are included on the following page.

DEMOGRAPHICS MAPS

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