



BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

Richard A. Davey, MassDOT Secretary and CEO and MPO Chairman
Karl H. Quackenbush, Executive Director, MPO Staff

MEMORANDUM

DATE February 20, 2014
TO Boston Region Metropolitan Planning Organization
FROM Karl H. Quackenbush
CTPS Executive Director
RE Work Program for: Environmental Justice and Title VI Analysis
Methodology Review

Action Required

Review and approval

Proposed Motion

That the Boston Region Metropolitan Planning Organization vote to approve the work program for Environmental Justice and Title VI Analysis Methodology Review presented in this memorandum

Project Identification

Unified Planning Work Program Classification

Technical Support/Operations Analysis Projects

CTPS Project Number

11389

Client

Boston Region Metropolitan Planning Organization

CTPS Project Supervisors

Principal: Annette Demchur

Manager: Bruce Kaplan

Funding

MPO Planning Contract #78890

MPO §5303 Contract #78922

Impact on MPO Work

This is MPO work and will be carried out in conformance with the priorities established by the MPO.

Background

As a recipient of Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funds, the Boston Region MPO is required to comply with both Title VI of the Civil Rights Act of 1964 and the US Department of Transportation's environmental justice (EJ) policy.

While there is significant overlap between the two, Title VI and EJ analyses are not interchangeable. Title VI is a federal statute that prohibits discrimination on the basis of race, color, or national origin and applies to all programs and activities, while EJ is an executive order that requires the identification of disproportionately high and adverse human health or environmental effects of programs, policies, or activities on minority populations and low-income populations; Title VI is one tool for achieving the principals of environmental justice.

The FTA and FHWA have each developed specific Title VI and EJ program and reporting requirements for their funding recipients. Prior to 2012, FTA described their requirements for recipients for both Title VI and EJ in a single Title VI circular (FTA C 4702.1A). The FTA later recognized the confusion between the requirements of Title VI and the consideration of EJ principles. As a result, in 2012 the FTA introduced separate circulars for Title VI (FTA C 4702.1B) and EJ (FTAC 4703.1). The FHWA, on the other hand, continues to extend its Title VI/Nondiscrimination Program to include not only EJ populations, but also populations protected by related federal laws prohibiting discrimination on the basis of age, sex, and disability.

The MPO staff carries out the following activities to support the inclusion of Title VI and environmental justice principles in the transportation planning process; to identify the needs of Title VI and environmental justice communities within the Boston Region MPO area, the MBTA service area, and statewide; and to ensure that programs, services, and activities are provided without discrimination:

- Develop and implement the Boston Region MPO's Title VI Program
- Develop and implement the Boston Region MPO's Transportation Equity Program
- Complete Title VI and EJ equity analyses for the MPO's Long-Range Transportation Plan

- Conduct project-level Title VI and EJ equity analyses that comply with FTA and FHWA requirements, and, potentially, with Federal Railroad Administration (FRA) requirements
- Conduct Title VI and EJ equity analyses for MBTA fare and service changes
- Support the development and implementation of MassDOT's Title VI Program for FTA
- Support the development and implementation of MassDOT's Title VI/Nondiscrimination Program for FHWA
- Support the development and implementation of the MBTA's Title VI Program

While the principles and general requirements are similar for all of the Title VI and EJ analyses conducted by staff, there are differences in the methodologies used and analyses required for Title VI and EJ, as well as for the various agencies and levels (for example, for an individual project vs. systemwide). This study will take an overall look at the way the Boston Region MPO staff conducts environmental justice and Title VI analyses and will identify distinct opportunities for improvement and standardization. These recommendations will support the MPO, MBTA, and MassDOT in meeting federal Title VI and EJ requirements; they may also enhance the MPO's implementation of performance-based planning.

Objective

The primary objective of this study is to produce recommendations to integrate, improve, and standardize the approaches taken to the separate and distinct Title VI and EJ analyses performed by MPO staff.

Work Description

The work required to accomplish the project's objectives will be carried out in the six tasks described below.

Task 1 Review the Current FHWA and FTA Requirements and Guidance for Title VI and EJ Analyses

For each update to federal Title VI and EJ guidance, the MPO must update its own processes and analysis methods. To date, most of the Title VI and EJ analyses conducted by staff have been completed under previous versions of FHWA and FTA guidance. Some of the analysis methods have been updated ad hoc for specific projects to comply with recent FHWA and FTA guidance, but staff members have not had the opportunity to conduct a comprehensive and coordinated review of the various requirements and levels of analysis across agencies, or to develop a standardized approach to conducting the various types of Title VI and EJ analyses. In this task, staff will conduct a comprehensive

review of current FHWA, FTA, and FRA guidance and requirements for both Title VI and EJ for states, metropolitan planning organizations, and transit operators.

Product of Task 1

Documentation in narrative description and tabular forms on current FHWA, FTA, and FRA requirements and guidance for Title VI and EJ analyses, including geographic levels of analysis, and metrics, methods, and thresholds

Task 2 Review Recent MPO Title VI and EJ Analyses

MPO staff members have produced a variety of Title VI and EJ analyses for the MPO, MassDOT, and the MBTA at both the project and systemwide level. The staff will develop a comprehensive inventory of the different methodologies, levels of analysis, metrics, and thresholds of disparate impact and disproportionate burdens that were used. This review will involve the following steps:

- Review the Title VI and EJ analyses produced by MPO staff
- Document the methodologies, levels of analysis, metrics used to evaluate benefits and burdens, and methods and thresholds for determining disparate impacts and disproportionate burdens
- Compare the MPO staff's current methodology, levels of analysis, metrics used for analyses, and the methods and thresholds used for determining disparate impacts and disproportionate burdens, to the current requirements of FHWA, FTA, and FRA guidance on Title VI and EJ analyses (identified in Task 1).
- Identify the methodologies, levels of analysis, metrics used in the analyses, and the methods and thresholds used for determining disparate impacts and disproportionate burdens that need to be updated.

Products of Task 2

Documentation in narrative and tabular forms of the different methodologies, geographic levels of analysis, metrics, and methods and thresholds used in MPO staff's Title VI and EJ analyses, and the comparison to current requirements for Title VI and EJ analyses

Task 3 Review Peer Agency Title VI and EJ Analyses

Because the MPO staff prepares FTA- and FHWA-required Title VI and EJ analyses for the MPO, MassDOT, and the MBTA, and might need to prepare analyses required by the FRA, identifying peer agencies will necessitate examining not only analogous MPOs, but also transit operators and state transportation agencies similar to the MBTA and MassDOT. The staff will review Title VI and EJ reports and analyses produced by peer groups and will produce a

summary of the analytical methods used, identifying particularly noteworthy methods used by the peer agencies with respect to the following:

- Methodology
- Data sources
- Geographic levels of analysis
- Factors to consider in defining a project impact area
- Metrics for evaluating benefits and burdens
- Methods and thresholds for determining disparate impacts and disproportionate burdens

Product of Task 3

Documentation in narrative and tabular forms of the methodologies and metrics used by peer agencies for both FTA- and FHWA-required Title VI and EJ analyses

Task 4 Evaluate Alternative Methodologies

In this task, staff will evaluate the potential application of the methodologies identified in Task 3 for improving the Title VI and EJ work conducted by MPO staff. Staff will use the findings from this review as input into the development of ideas for improving the methodologies that will be used for future Title VI and EJ analyses.

Products of Task 4

Documentation in narrative and tabular forms showing the benefits and possible challenges of the methodologies identified as having potential use by MPO staff, as well as recommendations for improving the methodologies already being used by MPO staff

Task 5 Identify Opportunities for Standardizing Title VI and EJ Analyses

Some aspects of the MPO's Title VI and EJ analysis methodologies could be consolidated and standardized across different levels of analysis: between the operator-level, MPO-level, and MassDOT-level analyses; or, alternatively, between project- and system-level analyses. This task will review opportunities for standardizing the methodologies for the various levels of analysis that the MPO staff conducts.

Product of Task 5

Documentation in narrative and tabular forms showing the recommended standardization of the various Title VI and EJ analyses

Task 6 Prepare a Final Report

CTPS will prepare a report that incorporates all of the findings of Tasks 1 through 5, makes recommendations for improvements to Title VI and EJ analytical approaches, and provides guidelines for conducting Title VI and EJ analyses. This report will be presented to the MPO.

Products of Task 6

- Final report
- PowerPoint presentation of findings for MPO

Estimated Schedule

It is estimated that this project will be completed seven months after work commences. The proposed schedule, by task, is shown in Exhibit 1.

Estimated Cost

The total cost of this project is estimated to be \$60,260. This includes the cost of 23.3 person-weeks of staff time and overhead at the rate of 97.42 percent. A detailed breakdown of estimated costs is presented in Exhibit 2.

KQ/AR/ar

Exhibit 1
ESTIMATED SCHEDULE
Environmental Justice and Title VI Analysis Methodology Review

Task	Month						
	1	2	3	4	5	6	7
1. Review Current Requirements and Guidance for Title VI and EJ Analyses							
2. Review Recent MPO Title VI and EJ Analyses							
3. Review Peer Agency Title VI and EJ Analyses							
4. Evaluate Alternative Methodologies							
5. Identify Opportunities for Standardizing Title VI and EJ Analyses							
6. Prepare Final Report							A

Products/Milestones
 A: Final report

Exhibit 2
ESTIMATED COST
Environmental Justice and Title VI Analysis Methodology Review

Direct Salary and Overhead										\$60,260
Task	Person-Weeks						Direct Salary	Overhead (97.42%)	Total Cost	
	M-1	P-5	P-4	P-3	P-2	Total				
1. Review Current Requirements and Guidance for Title VI and EJ Analyses	0.2	0.4	0.0	1.7	0.0	2.3	\$2,821	\$2,748	\$5,569	
2. Review Recent MPO Title VI and EJ Analyses	0.2	0.7	0.0	1.7	0.0	2.6	\$3,328	\$3,242	\$6,571	
3. Review Peer Agency Title VI and EJ Analyses	0.2	0.8	0.0	2.0	0.0	3.0	\$3,816	\$3,717	\$7,533	
4. Evaluate Alternative Methodologies	0.3	1.2	0.0	2.0	0.0	3.5	\$4,663	\$4,543	\$9,206	
5. Identify Opportunities for Standardizing Title VI and EJ Analyses	0.7	1.2	0.0	2.0	0.0	3.9	\$5,344	\$5,206	\$10,550	
6. Prepare Final Report	2.8	0.4	0.4	4.0	0.4	8.0	\$10,552	\$10,280	\$20,832	
Total	4.4	4.7	0.4	13.4	0.4	23.3	\$30,524	\$29,736	\$60,260	
Other Direct Costs										\$0
TOTAL COST										\$60,260

Funding

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MPO §5303 Contract #78922