



*Berkshire MPO*

# **PUBLIC PARTICIPATION PLAN**

*April 2016*

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*Berkshire  
Regional  
Planning  
Commission*

## **Notice of Nondiscrimination Rights and Protections to Beneficiaries**

### *Federal "Title VI/Nondiscrimination" Protections*

The Berkshire Metropolitan Planning Organization (MPO) 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 within the Berkshire MPO's Title VI Programs consistent with federal interpretation and administration.

Additionally, the Berkshire MPO 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*

The Berkshire MPO 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, the Berkshire MPO complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for 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.

## Contents

<b>OVERVIEW</b> .....	<b>4</b>
Public Participation Goals .....	5
Guiding Principles for Public Participation.....	6
<b>APPROACH TO PUBLIC PARTICIPATION</b> .....	<b>8</b>
Public Participation Techniques.....	8
BRPC Website.....	9
Meeting Notice Content and Distribution .....	9
Common Meeting Formats .....	10
Meeting Facilities and Accessibility .....	11
Tailoring Outreach to Underserved People .....	11
<b>MOVING FORWARD: CERTIFICATION DOCUMENTS</b> .....	<b>13</b>
Regional Transportation Plan .....	13
Transportation Improvement Program .....	14
Unified Planning Work Program .....	14
<b>PUBLIC PARTICIPATION AND LONG-RANGE TRANSPORTATION PLANNING</b> .....	<b>15</b>
Solicitation of Public Input Prior to the Development of a Plan or Study .....	15
Solicitation of Public Input on a Draft Plan or Study.....	17
Meetings with elected and appointed officials .....	18
Meetings with stakeholder organizations .....	19
Public meetings.....	19
Plan Advisory Committee.....	19
Electronic Information Availability and Digital Engagement .....	20
<b>APPENDIX A: TITLE VI and ADA PROTOCOLS, GUIDANCE, AND RESOURCES</b> .....	<b>21</b>
Civil Rights Protocols for Public Engagement .....	21
Civil Rights Protocols by Type of Public Engagement .....	22
Public/Community Meetings .....	23
Open Houses.....	27
Targeted Outreach Gatherings .....	28
Accessible Meeting Policy .....	34
<b>APPENDIX B: FEDERAL PUBLIC PARTICIPATION MANDATES</b> .....	<b>49</b>

## OVERVIEW

The Berkshire Regional Planning Commission (BRPC) is home to the designated Metropolitan Planning Organization (MPO) for Berkshire County. The Berkshire MPO is comprised of 32 rural and urban communities, and its partners include regional, state, and federal practitioners. The Berkshire MPO carries out the functions required by state and federal rules and regulations regarding regional transportation planning, including jointly developing, reviewing and adopting a Unified Planning Work Program, Regional Transportation Plan, and Transportation Improvement Program. The three main products are described in Figure 1. The MPO is responsible for carrying out a continuing, cooperative and comprehensive multimodal transportation planning process.

**Figure 1: MPO Primary Work Products**



In accordance with state and federal law requirements,<sup>1</sup> and to ensure inclusive and accessible public engagement processes for transportation decision-making, the Berkshire MPO has developed this Public Participation Plan (PPP or Plan). This PPP will guide the Berkshire MPO's public participation efforts that includes outreach to populations traditionally underserved by the transportation system and/or have traditionally lacked access to the transportation decision-making process. This Plan guides the Berkshire MPO in its efforts to offer early, continuous, and meaningful opportunities for the public to help identify impacts of proposed transportation policies, projects, and initiatives across Berkshire County. This Plan shapes the Berkshire MPO's public engagement efforts, from instances of disseminating information to the more formal instances of public outreach in the transportation plan development and decision-making process.

<sup>1</sup> [http://www.fhwa.dot.gov/planning/public\\_involvement/](http://www.fhwa.dot.gov/planning/public_involvement/)

The PPP is based on federal and state guidance for encouraging community participation throughout the transportation planning process.<sup>2</sup> The PPP describes the Berkshire MPO's overall goals and approach to achieving participation objectives. The Plan explains how the MPO incorporates public participation into its transportation decision-making processes, how the agency ensures access for people with disabilities, and how low-income and minority stakeholders are brought into the transportation decision-making process. Specifically, the Plan outlines the methods that the Berkshire MPO will utilize in outreach to low-income, minority, limited English proficient (LEP), advocates for and individuals with disabilities, and other traditionally underrepresented populations. Because different transportation outcomes require different techniques for outreach, this Plan outlines several techniques that may be used, as appropriate, to achieve optimal participation.

This Plan is intended to be a living document which will change and grow to help the Berkshire MPO deepen and sustain its work in engaging a diverse group of community members throughout Berkshire County. Therefore, BRPC staff modifies its public participation methods and activities over time, based on ideas and feedback from community members and evaluation of public outreach effectiveness.

This Plan was developed to be consistent with MassDOT's Public Participation Plan<sup>3</sup> and federal public involvement requirements. This Plan will guide the Berkshire MPO's public participation activities, and may also serve as a useful guide for local cities and towns in the MPO area.

Before this plan is adopted, BRPC will release the draft Public Participation Plan for a 45-day public comment period, where BRPC will solicit comment, and make such changes and improvements necessary to this Plan and related protocols/policies.

### Public Participation Goals

The Berkshire MPO has identified the following public participation goals that BRPC staff and those working with BRPC staff on transportation projects and initiatives should work towards. The public participation goals for the Berkshire MPO are:

1. *Obtain Quality Input and Participation*  
Comments received by BRPC are reviewed and evaluated to the extent they can be useful, relevant, and constructive, and contribute to better plans, projects, programs, and decisions.
2. *Establish Consistent Commitment*  
BRPC strives to communicate regularly and develop trust with communities, while helping build community capacity to provide the public opportunities to provide input.
3. *Increase Diversity*

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<sup>2</sup> [http://www.fhwa.dot.gov/planning/public\\_involvement/publications/pi\\_techniques/page00.cfm](http://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/page00.cfm)

<sup>3</sup> [https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/FTA/0018\\_Appendix05-A.pdf](https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/FTA/0018_Appendix05-A.pdf)

Participants who are encouraged to participate in public engagement processes should represent (as appropriate to a plan, study, or project) a range of socioeconomic, ethnic and cultural perspectives, and include people from low-income and minority neighborhoods, people with limited English proficiency, and other traditionally underserved populations.

4. *Ensure Accessibility*

Every effort should be made to ensure that participation opportunities are physically, geographically, temporally, linguistically, and culturally accessible.

5. *Provide Relevance*

Issues should be framed clearly and simply such that the significance and potential effect may be understood by the greatest number of participants. Encourage understanding as part of a predictable, and well-structured process.

6. *Foster Participant Satisfaction*

BRPC should encourage the public to participate in plan and project related discussions, recognizing that people who take the time to participate feel it is worth the effort to join the discussion and provide feedback.

7. *Clearly Define Potential for Influence*

The process should clearly identify and communicate where and how participants can have influence and direct impact on transportation decision-making.

8. *Develop, Maintain, and Strengthen Partnerships*

BRPC develops, maintains, and strengthens partnerships with local entities and community-based organizations through the activities described in the PPP.

9. *Provide Opportunities to Build Consensus*

BRPC should ensure that discussions, particularly where there are conflicting views, are structured to allow for levels of compromise and consensus that will satisfy the greatest number of community concerns and objectives. BRPC recognizes that processes which allow for consensus to be achieved are critical to enable public support for recommended actions.

### Guiding Principles for Public Participation

To help the Berkshire MPO achieve its goals for public participation, the following principles have been outlined:

1. *Promote Respect*

All constituents and the views they promote should be respected. All feedback received should be given careful and respectful consideration. Members of the public should have opportunities to debate issues, frame alternative solutions, and affect final decisions.

2. *Provide Proactive and Timely Opportunities for Involvement*

Avenues for involvement should be open, meaningful, and organized to let people participate comfortably, taking into consideration accessibility, language, scheduling,

location, and the format of informational materials. Meetings should be structured to allow informed, constructive dialogue, be promoted broadly and affirmatively, and be clearly defined in the early stages of plan or project development. Participation activities should allow for early involvement and be ongoing and proactive, so participants can have an opportunity to shape the outcome and influence decisions.

3. *Offer Authentic and Meaningful Participation*

BRPC should support public participation as a dynamic and meaningful activity that requires collaboration and commitment at all levels. Public processes should provide participants with purposeful involvement, allowing useful feedback and guidance. Participants should be encouraged to understand and speak with awareness of the many competing interests, issues, and needs that lead to transportation plans and projects.

4. *Provide a Clear, Focused, and Predictable Process*

The public participation process should be understandable and planned in advance. This clarity should be structured to allow members of the public and officials to plan their time and use their resources to provide input effectively. Activities should have a clear purpose, the intended use of input received made clear, and all explanations described in language that is easy to understand.

5. *Foster Diversity and Inclusiveness*

BRPC should reach out to and engage people with disabilities, as well as low-income, minority, limited English proficient, disabled and other traditionally underserved populations.

6. *Be Responsive to Participants*

BRPC meetings should facilitate discussion that addresses participants' interests and concerns. Scheduling should be designed to accommodate the greatest number of participants possible and be considerate of their schedules and availability. Informational materials provided should be clear, concise and responsive to known community concerns, while avoiding misleading or biased suggestions or solutions.

7. *Record, Share, and Address Public Comments*

Public comments, written and verbal, should be given consideration in the Berkshire MPO's decision-making processes and recorded in relevant documents. Public comments will be included in the respective document to demonstrate that community input was received, evaluated, and considered. BRPC will share public comments received during the comment period with the Berkshire MPO prior to taking action to endorse a plan.

8. *Self-evaluation and Public Participation Plan Modification*

The effectiveness of this Plan will be reviewed periodically to ensure it meets the needs of the public, and will be revised to include new strategies and approaches.

## APPROACH TO PUBLIC PARTICIPATION

Transportation decision-making and planning processes are regulated and follow set procedures, which includes providing the public with opportunities to participate in the decision-making process. These public involvement objectives are further shaped by BRPC's commitment to civil rights related obligations, such as removal of barriers to participation, effort to increase diversity, and provide inclusive outreach. This PPP describes participation opportunities generally and includes specific guidance and resources that are designed to facilitate diverse and inclusive public outreach and involvement where applicable. The plan is a flexible and evolving document; as necessary, the BRPC will revise the PPP based on recurring assessments of successes and/or challenges associated with outreach, as well as suggestions made and the results of public engagement processes.

In this section, a general description of the Berkshire MPO's public participation activities is outlined. The Berkshire MPO's major participants in the public participation process are outlined in Figure 2.

**Figure 2: Participants in the Public Process**



### Public Participation Techniques

The Berkshire MPO works collaboratively with local, regional, and statewide partners and stakeholders and has developed this PPP to outline the methods by which the agency will do so throughout the transportation planning process. The Berkshire MPO utilizes participation at Transportation Advisory Committee meetings, as well as MPO meetings in the development of all transportation planning products.

Our public outreach effort rests on utilizing multiple communication channels to distribute information to, and solicit input from, members of the public, partners, and stakeholders. BRPC typically communicates with the general public through one or more of the following methods:

- BRPC website,
- Print media (including legal or display advertisements in *The Berkshire Eagle*),
- Press releases (shared with various outlets like newspapers, radio stations, television stations, etc.),
- Posters, display boards, and flyers,
- Project fact sheets,
- Brochures,
- Newsletters,
- Mailing and email lists,
- Information stands at relevant local events,
- Social media (including Facebook, Twitter, YouTube, and other new media venues),
- Presentations, public meetings, public hearings, open houses, and workshops,
- Advisory committees and working groups.

#### BRPC Website

Many people use the Internet as their main source of data and information. The BRPC website<sup>4</sup> is an up-to-date resource for people looking for information about BRPC programs, plans, and activities. The site was developed in a manner that makes it accessible to individuals with visual impairments and also includes a language translator. Public notices of all BRPC meetings, public hearings, and public comment periods are posted on this website. Some of the key transportation committees, plans, and products have dedicated web pages on the BRPC website that include:

- Information about upcoming meetings,
- Project presentations and fact sheets, and/or
- Summary notes for meetings/workshops on the project/planning process.

The BRPC website is an important tool for people who cannot attend meetings, and/or for those who prefer to provide comments and retrieve information remotely. Members of the public can review presentations, meeting summaries, and additional information in a timely manner. Additionally, there is the opportunity to solicit comments via emails and letters to the project team. People with disabilities that limit their ability to attend meetings can also review project information and potentially provide comments on the website and always via e-mail, and thereby have an alternative to physically attending a meeting.

#### Meeting Notice Content and Distribution

BRPC announces special meetings, public hearings, open houses, workshops, and public comment periods through press releases and/or by placing meeting information on the BRPC website; the calendar<sup>5</sup> is complete with BRPC events and includes meeting materials for each event. Meetings which are focused on Certification Documents (i.e. Regional Transportation

<sup>4</sup> <http://www.berkshireplanning.org>

<sup>5</sup> <http://berkshireplanning.org/events/calendar>

Plan, Unified Planning Work Program and Transportation Improvement Program) are noticed in *The Berkshire Eagle*, a regional daily newspaper. At present, there are no non-English newspapers in the region and no local (English or non-English) television stations. If the project has an impact on low income or minority populations, an effort is made to place notices in locations that serve local, minority and non-English communities in regions across the Berkshires.

Meeting notices will include information about getting to a meeting location using public transportation, when transit is available. BRPC meeting notices also let people know that assistance (interpretation, large format materials, etc.) can be requested and accommodated with adequate notice. There is information that lets people know who they can contact with 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.

In response to a request from the Berkshire Regional Transit Authority, notices will state: “this notice complies with the Berkshire MPO’s Public Participation Plan and satisfies the Berkshire Regional Transit Authority’s public participation process for the development of its Program of Projects.”

#### Common Meeting Formats

Outlined below are descriptions for the more common types of meetings held by BRPC. There are non-traditional meeting formats that are utilized based on the type of input needed, or the topic/plan at hand. The most common meeting formats (public meetings, open houses, workshops, and public hearings) used in the public outreach process at BRPC are described below.

#### Public Meetings

Public meetings are held to present information to the public and obtain input. Meetings provide a time and place for face-to-face contact and two-way communication between the public and the Berkshire MPO. They are generally tailored to specific issues or community groups and can be either informal or formal. Often, public meetings have a presentation, and are followed by a question and answer session. Public meetings are used to disseminate information, provide a setting for public discussion, and receive feedback from the community.

#### Open Houses

Open houses are informal settings where people can obtain information about a plan, program, or project. They are generally informal and lack such agendas. At open houses, people receive information informally from exhibits and staff, and they are encouraged to give opinions, make comments, and state preferences. Informal presentations, slide shows, and one-on-one discussions take place continuously throughout the event, which usually includes a series of stations. Since there is no fixed agenda, open houses are usually scheduled for substantial portions of a day or evening, so that people can drop in at their convenience and participate.

Open houses often involve one-on-one discussion of issues or concerns between participants and members of the project team. The content and nature of these informal exchanges is not easily captured in documents such as meeting summaries or notes. Thus, staff are instructed to relay the content to the project manager and/or encourage participants to submit comments in writing so that the issues are catalogued and tracked, as necessary.

#### *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 are oriented around a specific agenda. BRPC staff members provide information, answer questions, and participate as individuals in workshops. Workshops are inherently participatory and encourage a collaborative atmosphere.

#### *Public Hearings*

A public hearing is more formal than a public meeting. The public hearing is an opportunity for members of the public to make recorded statements of their views immediately before project decision-making. A public hearing is held near the end of a project development process or if required by state or federal law, prior to a decision point, to gather community comments and hear the positions of all interested parties for the public record and input into decisions. Public hearings are required by the federal government for many transportation projects and have specific legal requirements.

#### *Meeting Facilities and Accessibility*

BRPC meeting planners should conduct an analysis of the demographics of the area where the meeting will be held and/or the subject of the meeting to determine whether there is demonstrated need to have notices translated into languages other than English. The availability of handout materials in alternative formats—large print, and/or audio, and languages other than English—as well as other accommodations (language interpreters, sign language interpreters, CART translators, etc.) will be indicated in the meeting notice along with specific information on how to request these accommodations.

BRPC meeting planners should research and make every effort to select the location, size, and setup of meeting facilities based on the characteristics of the audience and the type of information to be presented. Whenever possible, outreach activities should be held in places that are centrally located (or relative to the project) and likely to attract a cross section of the people and businesses representative of the community stakeholders. Public libraries, public schools, and community centers are often used.

#### *Tailoring Outreach to Underserved People*

Meeting planners should not only schedule a room, advertise, and ensure that accommodations are in place for a meeting to be well attended. There is also an obligation to conduct outreach to encourage attendance, particularly among groups protected by the anti-discrimination laws with which BRPC is obligated to comply with.

Many people in minority and low-income communities, as well as those with low literacy and/or limited English proficiency, have traditionally been underserved by conventional outreach methods. Outreach to traditionally underserved groups helps ensure that all constituents have opportunities to affect the decision-making process.

Inclusive outreach efforts are particularly useful because they:

- Provide fresh perspectives to planners and local officials;
- Give BRPC firsthand information about community-specific issues and concerns;
- Allow BRPC to understand potential controversies;
- Provide feedback to BRPC on how to get these communities involved;
- Ensure that the solutions ultimately selected will be those that best meet all of the communities' needs.

The perspective of traditionally underserved people can inform the goals and outcomes of planning and project development. A broader array of perspectives involved in the transportation planning process allows for a better flow of ideas and may reveal community issues that previously were not considered. BRPC's public outreach efforts are designed to accommodate the needs of low-income, minority, limited English proficiency, and other traditionally underserved people throughout all phases of the public participation process. BRPC staff should recognize that traditional techniques are not always the most effective with these populations, and should work to accommodate these populations.

BRPC staff should strive to understand the full range of a community's needs in order to create more responsive and more innovative plans. Additionally, by coordinating with staff in other programs (land use, environmental, economic development, etc.) at BRPC, staff can maximize the compatibility of the transportation program with other local and regional planning efforts.

## MOVING FORWARD: CERTIFICATION DOCUMENTS

The Berkshire MPO will use the standards and guidelines set forth in this Public Participation Plan as the basis for determining outreach and engagement efforts that occur throughout the regional transportation planning process. As a living document, evaluation and implementation of public participation techniques listed in this plan will occur as outreach takes place and products are developed.

These guidelines will be used in developing an outreach strategy for each transportation planning product/plan/study. For the three Certification Documents (briefly described below) the Berkshire MPO will ensure a robust public outreach plan and public comment period. Federal and state regulations require that Berkshire MPO document the public involvement processes and require the MPO to be proactive in providing complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. The principal mechanisms for public participation are public meetings, workshops, open houses, electronic outreach, and electronic information availability. For MPO Certification Documents, BRPC has tailored its outreach methods to achieve the most effective public participation. A brief outline of each is provided below.

### Regional Transportation Plan

The Berkshire MPO Regional Transportation Plan (RTP) is the long-range transportation planning document that describes the region's current transportation system and how that system should be maintained and modified over the next 20-25 year planning horizon. The RTP is updated every four years and addresses multimodal and intermodal transportation. The RTP is a performance-based planning document and as such outlines goals, performance measures, objectives, targets, and an inventory of the existing transportation system. The RTP includes recommendations to improve and maintain the Berkshire transportation system. Projects and major transportation improvements expected over the long-range planning horizon are reflected in the RTP's fiscally constrained project list.

The adopted RTP was developed utilizing several public participation outreach methods, which are described in the plan. In every RTP development process, public engagement efforts occur from the early visioning stages through the adoption of the plan. The RTP planning process includes opportunities for the public to participate in the development of the development of the planning framework to commenting on the draft fiscally constrained project list.

Throughout the RTP development process the Transportation Advisory Committee and MPO are involved, and all meetings of the TAC and MPO are open to the public with Agendas available a week in advance, to alert members of the public of upcoming decision points and providing the public opportunity to comment for each item. Each RTP public outreach process is documented as part of the draft and final documents. Before each RTP is adopted, there is a minimum 30 day public comment period and staff advertises opportunities for the public to comment during the comment period in *The Berkshire Eagle*, via e-mail distribution, and on the

BRPC website. Moving forward, BRPC will utilize this PPP to guide the public participation strategy throughout the development of each RTP.

### Transportation Improvement Program

The Berkshire MPO's Transportation Improvement Program (TIP), updated annually, lists all highway, bridge, transit and intermodal projects in Berkshire County that are programmed to receive federal funding. In order for a project to receive federal funding, the project must be listed in the TIP. Cognizant of limited statewide transportation funding resources, the annual program of projects must demonstrate fiscal constraint within the federal-aid funding targets established for each of the state's MPOs by the Office of Transportation Planning.

The Berkshire MPO TIP development process is designed to guarantee early involvement of elected officials, stakeholders, individuals, and other interested parties with full consideration of the principles discussed in this PPP. Each TIP includes an overview of the public process used throughout the TIP development process. The Transportation Advisory Committee and MPO are involved throughout the development process, which typically begins at the start of each calendar year and is adopted in June. Each spring, before the new TIP is adopted, there is a minimum 30 day public comment period, where public notice is released in *The Berkshire Eagle*, via e-mail distribution, and on the BRPC website.

### Unified Planning Work Program

The Berkshire MPO Unified Planning Work Program (UPWP), updated annually, outlines of all transportation planning activities anticipated within the region during the upcoming fiscal year. It indicates who will perform the work, the available funding, the schedule for completion, and the products that will be developed.

The UPWP must be prepared and endorsed annually by the MPO prior to the start of the planning program period and the Transportation Advisory Committee and MPO are involved throughout the development process, which typically begins early in the calendar year as the document is adopted in June. Each spring, before the new UPWP is adopted, there is a minimum 30 day public comment period, where public notice is released in *The Berkshire Eagle*, via e-mail distribution, and on the BRPC website.

## PUBLIC PARTICIPATION AND LONG-RANGE TRANSPORTATION PLANNING

The Berkshire MPO is responsible for regional long-range transportation planning activities, which include several key products:

- Regional Transportation Plan
- Transportation Improvement Program
- Unified Planning Work Program
- Plans and studies of specific areas or transportation corridors

The long-range transportation planning process consists of a series of related efforts that involve local, regional, statewide, and federal agencies that take part in studies, project coordination efforts, funding mechanisms, and public participation. Due to complex regulations, funding availability, and competing needs, there is often an extended period of planning (sometimes from several years to decades) from when an idea is first proposed to when an actual transportation project becomes reality.

The procedures BRPC has outlined for its long-term planning activities are intended to be implemented in conformity with federal and statewide Title VI and Americans with Disabilities Act protocols, policies and procedures for inclusive and accessible public participation provided at the end of this document.

The process for soliciting public input and engaging public involvement differs for each different type of planning effort; for example, the study area and the pool of geographically-based stakeholders will differ greatly for a regional transportation plan and for a study of a defined, local transportation corridor. However, the basic approach to engaging the public in transportation planning is consistent across a range of the Berkshire MPO's transportation planning efforts. At every step in this process, staff reaches out not only to the public in general, but also specifically to populations that have often been underserved by the transportation system and/or have lacked access to the decision-making process through the protocols articulated in Appendix A. These include minority and low-income individuals, people with disabilities, and those with limited English proficiency.

### Solicitation of Public Input Prior to the Development of a Plan or Study

BRPC takes a proactive approach to developing the vision for a plan or study, and sets the following goals for the transportation planning process:

- to engage the public – through a website, workshops, email, telephone, and/or U.S. mail – in a dialogue about our current and future transportation needs;
- to use information gleaned from the discussion to form the foundation of a plan or study;
- to coordinate transportation policy with the education, employment, and civic engagement agenda of BRPC;

- to create a plan or study that describes the challenges facing our transportation network and begins to prioritize and advocate for new projects, programs, and/or approaches.

Outreach for a regional process, like the RTP, typically begins with meetings in geographically-appropriate locations to solicit input from members of the public. The dates, times, and locations of the workshops are posted on BRPC's website, which includes information on how to request accessibility accommodations and language assistance. The event posting on the calendar includes a link to BRPC's webpage, which includes more detailed information on relevant the plan or study.

The dates, times, and locations of public meetings related to Certification Documents are published at least once in *The Berkshire Eagle*, a regional newspaper. These notices also include contact information for submitting comments, and a telephone number and email address for requesting accessibility accommodations or language assistance at a public meeting. The same information contained in the notices is included in press releases that are issued to media contacts at various outlets (newspapers, radio stations, and television stations).

BRPC staff also alerts interested parties by making announcements about the events at meetings they attend prior to the event. Local entities are asked to assist in notifying people of the opportunities to provide input into the Berkshire MPO's long-range transportation planning process using their existing outreach methods including email and/or U.S. Mail distribution lists, posting information on their websites, and/or providing links to BRPC long-range transportation planning webpage.

The outreach announcements are sent to:

- local entities,
- state partners,
- federal partners,
- Berkshire Regional Transit Authority,
- freight representatives,
- other groups and individuals that are identified in federal laws, regulations, and executive orders pertaining to statewide transportation planning;
- heads of appropriate regional agencies, boards, and commissions;
- State legislators,
- Massachusetts's congressional delegation;
- public and academic libraries;
- centers for seniors and people with disabilities;
- representatives of transportation advocacy groups;
- environmental organizations;
- individuals who have asked to be added to BRPC's mailing list, and

- other appropriate individuals and groups that staff members become aware of through our own resources and experiences or through contact lists from organizations we work with.

At the public meetings, participation by members of the public is facilitated based on the topic, or type of feedback that is needed. Generally, feedback is solicited by a series of questions they are invited to answer about their day-to-day experiences with the transportation network, their observations of the workings of the system, and the challenges they see as most important for transportation agencies to address. In addition to conducting public meetings, BRPC solicits input via letters, its website, emails, and telephone calls.

After a given public participation process is complete, both a public participation summary and information on the website provide interested parties with an overview of the process, present detail on each of the themes discussed, summarize the work to date, and outline the next steps moving forward. BRPC notifies (via email) interested individuals and stakeholders when the meeting summary is available.

For those members of the public without access to the internet or a computer, BRPC continues to communicate through mailings and public information meetings where comment cards are distributed.

BRPC may also establish smaller stakeholder advisory groups or task forces to inform the plan development process. These groups meet regularly during the planning process to discuss the framework and procedures that will be used to guide transportation decisions, in consideration of the priorities and themes identified in the outreach, specific policy objectives, and other considerations. Such stakeholder advisory groups generally follow the plan or study more closely than the general public, provide more frequent feedback, and serve as active public representation to the planning process on a detailed level. BRPC makes affirmative efforts to ensure that a wide range of interests and perspectives is represented in its stakeholder advisory groups, including minority and low-income individuals, people with disabilities, and those with limited English proficiency. As BRPC begins to prioritize and advocate for new projects, programs, and approaches, it continues to use study websites and public outreach processes as tools for communicating with the public.

#### [Solicitation of Public Input on a Draft Plan or Study](#)

Once a draft plan or study is completed, BRPC typically conducts a round of public outreach. BRPC provides information about both the draft plan and the public participation process on its webpage. The information available electronically also includes information about public meetings and other opportunities to participate in the review of the draft document, and both an email address and directions for submitting comments. Guiding questions about the draft document and information about the ongoing public participation process are also included in the outreach language if applicable.

The draft document is typically made available electronically (in multiple formats, including those readable by software compliant with the American Disabilities Act), and by hard copy by request only (both standard and large-print formats). Notice about the electronic availability will be distributed via the standard distribution process.

Interested parties are notified of the availability of the document and informed of the time frame and ways in which they can provide input on the document. This information is conveyed via electronic mail, statements at monthly and quarterly meetings of various organizations, and direct mailings, including mailing of informational materials.

The materials provide information on:

- the purpose of the plan or study
- the process for updates
- opportunities to review and comment on the draft document
- the anticipated adoption date of the final document

The materials will be printed in a format suitable for posting on community boards; are posted at selected rail and bus stations; are distributed to municipalities, public and academic libraries, and various local, regional, state, and federal partners, as well as other interested parties (i.e. transit agencies, nonmotorized stakeholders).

Legal notices or display ads announcing the availability of the draft plan or study for public review and comment, opportunities to review and provide input on the draft document, and contact information for submitting comments are placed in *The Berkshire Eagle*, a newspaper with regional coverage.

BRPC issues press releases to media contacts which include newspaper, television, and radio organizations, and also organizations serving minority, low-income, and LEP populations. Additionally, e-mails are sent out, before, during, and just before the end of the public review and comment period on the draft document. The press releases announce the availability of the draft plan or study for public review and comment; provide information on opportunities to learn about, review, and comment on the draft document; give contact information for requesting reasonable accommodations, including language assistance, at public information meetings; promote attendance; and provide reminders of the deadline for submitting comments on the draft document.

In addition to traditional approaches, BRPC may utilize the techniques listed below to solicit input on draft regional transportation planning products.

#### [Meetings with elected and appointed officials](#)

For example, following the release of the draft RTP, the Berkshire MPO may hold meetings for local entities and partners to solicit comments on all aspects of the plan. Often, this is in the form of an agenda item at a recurring/regular meeting.

### Meetings with stakeholder organizations

As it is often difficult to get broad-based attendance at public meetings, it is often useful to attend meetings of local and regional organizations. Thus, the Berkshire MPO may reach out to organizations across the region, representing a diversity of interests, to offer individual, tailored briefings and discussions on the draft transportation plan, and staff members are made available to any organization that desires the opportunity to speak directly with BRPC staff about the draft plan.

### Public meetings

BRPC often holds public meetings in locations across the Berkshires during a public comment period of draft transportation planning product. BRPC works to schedule these meetings at times and locations that are convenient to members of the public. The public meetings are advertised through the BRPC website calendar, the transportation planning webpage, distribution of a flyer, local media outlets, and at all events at which the draft planning product is discussed. Meeting notices include information related to using public transportation when meetings are offered in a transit-accessible location; offer foreign-language assistance, sign-language interpreters and other accommodations upon request; and provide accessibility information. The publicity information for these meetings and the informational materials provided at the meetings are translated into languages other than English as determined by the four-factor analysis.

The dates, times, and locations of the meetings are posted on BRPC's web calendar, which includes an information on how to request accessibility accommodations and language assistance. The event posting on the calendar includes a link to BRPC's dedicated regional transportation planning webpage. The dates, times, and locations of the meetings regarding Certification Documents are published at least once in *The Berkshire Eagle*. The notices include contact information for submitting comments, and a telephone number and email address for additional information. This information is also included in press releases that are issued to newspapers, radio stations, and television stations and in brochures that are mailed and/or emailed to various interested parties.

BRPC staff members often notify interested parties by making materials available at various meetings and events they attend across the region.

BRPC staff members attend the public meetings, which usually begin with an open house format, followed by a formal presentation, which provides an overview of the contents of the draft product and the process used to develop it, followed by a question-and-answer session. Written comments on the draft product/plan may be submitted at the public meetings or electronically.

### Plan Advisory Committee

When appropriate, BRPC may invite a range of organizations with members interested in and knowledgeable about relevant subjects to participate in an advisory committee or task force.

The organizations invited represent a cross section of interests. The committee will determine the frequency of meetings to review and comment on the draft plan and the comments received, and to help guide completion of the draft plan.

On the basis of the public review and comments, BRPC reviews and revises the plan or study. BRPC may work closely with the stakeholder advisory group to ensure that a variety of viewpoints are considered in finalizing the plan. After the final document is adopted, it is posted on the BRPC website, organizations and individuals that are listed on the BRPC distribution list are notified via email of its availability, and a press release that includes the BRPC webpage address is issued to inform the general public of its availability. Hard copies, electronic copies, and copies in alternative formats are provided upon request.

#### [Electronic Information Availability and Digital Engagement](#)

The Berkshire MPO is committed to making all of the materials, products, and information related to regional transportation planning available electronically in a timely, and accessible manner. Ensuring digital content is relevant and up-to-date is important to BRPC's mission to keep the public informed and aware of what planning processes are currently underway.

Throughout the public outreach process for a plan or study, the following items related to its development are posted on the BRPC website if they are used:

- informational brochures
- display ads
- legal notices
- press releases
- material distributed during the workshops and public meetings
- contact information

The presentations provided at the public information meetings can be made available on the website. The final plan or study is always posted on the BRPC website.

Social media has not been utilized as part of the Berkshire MPO's outreach strategy, but staff will begin to use social media to engage a new audience in the transportation planning process. Digital engagement will become more important to the Berkshire MPO as strides are made in better connecting the region to high-speed internet.

## APPENDIX A: TITLE VI and ADA PROTOCOLS, GUIDANCE, AND RESOURCES

The civil rights protocols set forth in this document are a baseline for holding inclusive, accessible and responsive public engagement. This appendix provides supplementary guidance for specific incidences that the Berkshire MPO may encounter in the public participation component of the regional transportation planning process. This appendix outlines specific protocols and resources for ensuring diversity and inclusivity in public engagement.

### Civil Rights Protocols for Public Engagement

BRPC's MPO conducts and participates in various types of meetings, workshops, and hearings throughout the course of the regional transportation planning process. MassDOT has developed protocols focused on Civil Rights for Public Engagement and when applicable, will be used by BRPC.

These protocols include steps and strategies to implement prior to holding a public meeting or other such activity and during the course of the public process. Due to the varied nature of BRPC's engagement with the public, it is not the intention within these protocols to include all required actions specific to varying stages of the planning process, or varying operating procedures. However, where a staff member encounters a difficult public involvement situation, he/she is advised to confer with the Berkshire MPO Title VI Coordinator to identify strategies and alternatives to address such situations.

Meetings should be tailored to the special needs of the community, and/or the target audience and subject matter to be addressed. Effective public participation from a civil rights perspective includes awareness of the local population (demographics) or individuals to be engaged, including 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 people with disabilities.

Federal nondiscrimination obligations, through Title VI of the Civil Rights Act of 1964, Section 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 were designed to ensure that sufficient consideration of outreach to, and inclusion of, these groups was incorporated into the public engagement procedures.

While the following protocols endeavor to highlight specific resources, where available, past experience with the public can and should be considered a resource to identify individual and community needs, including civil rights related considerations such as language assistance needs, accessibility accommodations and inclusive public participation. These protocols serve as

a guide; the use of good, professional judgment is required in the decisions one makes when implementing them.

### Civil Rights Protocols by Type of Public Engagement

The following represent the four types of public engagement most commonly encountered by BRPC employees:

- Public/Community Meetings
- Open Houses
- Targeted Outreach
- One-on-One Interactions

An introduction to each of these four types of public engagement is provided below. Familiarity with the following descriptions will help inform staff on how they should navigate the protocols set forth in this document.

#### *Public/Community Meetings*

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

#### *Open Houses*

BRPC staff and consultants often interact with members of the public through “open house” sessions bookending public meetings/hearings. These sessions afford members of the public an opportunity to view design plans for projects that will be discussed at the more formal public outreach event.

There are instances where the Berkshire MPO will host a standalone Open House where members of the public are invited to participate anytime during the event.

BRPC staff and members of the project team are on hand to discuss particular details of interest with members of the public. While the interactions during these sessions are informal, critical issues are often raised. BRPC staff and consultants strive to address these issues accurately and effectively during these sessions. Due to the direct nature of interaction with members of the public at these open houses, there exist civil rights risk factors. These risks can be mitigated by adhering to the principles outlined in this section.

#### *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.

Similarly, BRPC may at times convene selected people within advisory committees, research efforts, focus groups, etc. 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 by an initiative, as described above. However, there may be a need to include strong and possibly visible community leaders within Title VI populations; this can require more subtle and challenging efforts to secure their participation and needed contribution to discussions or deliberations.

### *One-on-One Interactions*

BRPC staff members interact directly with the public by virtue of the public facing planning, services, and activities the organization provides. These interactions can include planned meetings, such as those with specific stakeholders and residents 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 below.

## Public/Community Meetings

### Preliminary/Ongoing Considerations

1. Identify the population and composition of the individuals/communities impacted by the plan or activity by considering the following:
  - a) Project parameters
  - b) The nature of the plan or activity
2. Determine the Title VI features of the community to be engaged by reference to MassDOT's Title VI maps, which include the limited English proficient (LEP) and minority populations. Consult the following maps and additional resources.
  - a) MassDOT LEP Maps<sup>6</sup>
  - b) MassDOT Minority Populations Map<sup>7</sup>
  - c) US Census Bureau Language Mapper<sup>8</sup>
  - d) MassDOT Public Engagement Online Tool <sup>9</sup>
3. Identify key Title VI-related and other community based organizations and community leaders. Develop and grow a list of organizations, stakeholders, and key leaders in the Berkshire region.

### Meeting Location and Time

1. Title VI Considerations
  - a) Consider cultural, ethnic, and/or religious events or dates when planning a public/community meeting.

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<sup>6</sup> [http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/fta\\_lap/FTA\\_LAP\\_AppendixB.pdf](http://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/fta_lap/FTA_LAP_AppendixB.pdf)

<sup>7</sup> <https://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI.aspx>

<sup>8</sup> [http://www.census.gov/hhes/socdemo/language/data/language\\_map.html?eml=gd](http://www.census.gov/hhes/socdemo/language/data/language_map.html?eml=gd)

<sup>9</sup> <http://mass.gov/massdot/map/languagetracts>

- b) 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.
  - c) Where possible, select a meeting location near public transportation options.
2. ADA Considerations
- a) Identify a venue for the public meeting that is ADA compliant and accessible to people with disabilities.

### Coordinating Public Notice

1. Draft the accessible public meeting notice document,<sup>10</sup> ensuring that the following civil rights related components are included:
  - a) Notice of Nondiscrimination
  - b) Availability of language services and reasonable accommodations
  - c) Contact information and procedures for requesting the above services, additional information, or to express a concern.
2. Assess language needs and utilize non-English language outreach resources in the dissemination area, if need is demonstrated.
  - a) If requested, or if need is identified, develop translated version(s) of the notice document or other related announcements, as needed, based on the extent of LEP need and available media sources. This could include:
    - a. Full translation of the notice into the languages indicated
    - b. The inclusion of the following statement translated into the appropriate languages into the English language version of the notice.
      - i. *“This notice describes the date, time, and location of a public meeting or hearing on a transportation project in this area. If you need this notice translated, contact BRPC’s Title VI Coordinator at 413-442-1521.”*
    - c. Translated versions of print, TV, radio, and online announcements related to the meeting, as applicable.
3. The final dissemination of public notice should incorporate the following actions:
  - a. The dissemination of public notice has occurred sufficiently in advance of meeting to ensure adequate processing time for language and accessibility accommodation requests.
  - b. The public notice has been delivered to individuals, organizations, and other stakeholders that represent Title VI populations in the region. Including:
    - Community Leaders
    - Berkshire Regional Transit Authority

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<sup>10</sup> The public notice document may not be the same as the notice (if applicable) published in the regional newspaper under legal notices.

- Public Libraries<sup>11</sup>
- Schools/Universities
- Chambers of Commerce<sup>12</sup>
- Local Legislators

### Preparation for the Meeting

1. While preparing for the meeting, consider the following questions: (1) Are there civil rights implications in the background/history of the project? (2) What public involvement has already been accomplished and did it illuminate civil rights concerns? and (3) What are the known benefits and burdens of the BRPC program, service, or activity on Title VI populations?
2. Meeting planners should maintain an ongoing dialogue with regional Title VI Participants and organizations individuals and organizations to remain well informed on the level of community interest and likely involvement in the public outreach event.
3. The subject matter of transportation-related public engagement can often be based on highly technical studies, multi-faceted long range plans, and other complex documents/studies. In such instances, project managers and meeting planners should create summary documents to present complex information in as simple and clear manner as possible to members of the public who have widely varying backgrounds, including varied education levels.
4. Spoken presentation of complex topics should be as simple as possible to effectively communicate the subject matter across the varying background of meeting attendees.
5. Ensure electronic documents related to the subject of the public meeting and intended for public dissemination and review are accessible, in compliance with the Americans with Disabilities Act and Section 508 of The Rehabilitation Act of 1973.
6. 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 Braille and large-print), if requested.

### Meeting Set-Up

1. ADA considerations in public outreach are fully articulated in the BRPC Accessible Meeting Policy below. Meeting setup is addressed in the “Accessibility Checklist for Meeting Planners” which should be used in order to verify the following:
  - a. If the main entrance to the building is not accessible, is the accessible entrance unlocked?
  - b. Are there integrated seating areas for individuals who use a wheeled mobility device in the meeting room?

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<sup>11</sup> <http://www.publiclibraries.com/massachusetts.htm>

<sup>12</sup> <http://masshome.com/cofc.html>

- c. 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/captioner, or lip read?
  - d. Is the space allotted to sign language interpreters and/or the CART screen or monitor clearly visible?
  - e. Are the aisles at least three feet wide and clear of obstacles or tripping hazards?
  - f. 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?
  - g. If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
  - h. Is the accessible entrance unlocked and able to be used independently? If the meeting is taking place at night, is the path leading to the alternate entrance well lit?
  - i. If a stage or platform will be used during the public meeting, is it accessible?
  - j. 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?
  - k. Have assistive devices been tested for full functionality immediately prior to the start of the event?
  - l. Is there directional signage for accessible restrooms and/or emergency exits, if applicable?
2. Title VI considerations can be addressed through the following:
- a. Based on identified or likely-to-be-encountered language needs, has signage in other languages been posted?
  - b. Is the space allotted to foreign language interpreters clearly visible to the entire audience?
  - c. Has space been given to foreign language interpreters to sit with individuals who need language assistance?
  - d. Have Title VI related materials been made available at the welcome desk and/or in the meeting packet? This should include:
    - i. "I speak" language cards<sup>13</sup>
    - ii. Translated versions of the written comment form, as applicable

#### During the Meeting

1. In the event that this public meeting/hearing is bookended by an open house, please refer to the section regarding civil rights considerations in that setting.
2. At the official start of the meeting, make the following statements. If a foreign language translator(s) is present, instruct them to repeat.

<sup>13</sup> <http://www.lep.gov/ISpeakCards2004.pdf>

- a. The Berkshire MPO is committed to accommodating all members of the Berkshire community in their participation in the regional transportation planning process. We strive to make the process open to all, and as such, try to meet all requests for language and accessibility accommodations.
  - b. Include instructions on site-specific accessibility considerations, such as accessible emergency exits.
3. BRPC is required to demonstrate “explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP”<sup>14</sup> (23 CFR 450.316). During a public outreach event, this requires affording attendees with opportunities to voice comments, questions, and concerns.

#### Post Meeting

1. All public comments (written and oral), testimonials, and sentiments expressed during the public outreach event will be gathered/documented by staff that attended the meeting and passed on to the Project Manager (or designee).
2. Once received, the Project Manager (or designee) catalogues all public comments into a meeting summary.
3. The Project Manager is responsible for evaluating public comments.

#### Open Houses

##### Title VI Considerations

1. “I Speak” language cards<sup>15</sup> have been provided at the welcome desk.
2. If BRPC is providing interpretive services at the public meeting/hearing session, then they should also be available during the open house session and their availability should be made clear through signage and/or announcements.
3. After the session, staff and consultants should relay the nature of questions and concerns identified through interaction with the public to the Project Manager (or designee).
4. Written descriptions of items on display may need to be translated depending on requests received and/or the anticipated level of LEP participation.

##### ADA Considerations

1. The open house should be set up in an ADA compliant manner.
2. Consider the following when setting up the open house venue:
  - a. Consult the following guide on best practices for text and color contrast considerations when preparing hardcopy and electronic visual aids (such as maps, posters, plans, PowerPoint templates/graphics, charts, graphs, etc.)
  - b. Pathways that guide attendees to display materials or staff and consultants should be clear of obstructions.

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<sup>14</sup> <https://www.law.cornell.edu/cfr/text/23/450.316>

<sup>15</sup> <http://www.lep.gov/ISpeakCards2004.pdf>

- c. Proper heights and viewing angles of display materials to make them accessible.
  - d. Horizontal surfaces used for display should be at a height accessible to individuals that are short of stature and/or rely on assistive mobility devices.
  - e. Similarly, materials displayed vertically should not be at an excessive height nor at an angle that makes them difficult to view.
3. BRPC staff and consultants should be prepared to describe displays to blind or visually impaired attendees.
  4. Alternate versions (Braille, large print, etc.) of public documents should be available if requested.

## Targeted Outreach Gatherings

### Strategic Planning for Title VI Group and Individual Inclusion

Strategic planning for the involvement of Title VI community members on special purpose meeting groups or committees is essential to an inclusive and successful effort. Engaging the public in a targeted context is complex, political and always challenging, and ensuring diverse participation adds even more difficulty to meeting this objective.

### Preliminary Steps

1. Identify and analyze the location affected by the plan, project, or initiative to determine the Title VI populations in the area.
2. Establish a clear objective and role for the envisioned targeted group, including the nature of community involvement and particular skills which may be needed for discussion or deliberations.
3. Create an outline or public participation matrix to identify the different types of community representation and interests that reflect the population affected by a project or initiative with careful attention to Title VI populations. Types of organizations or interests that may include representatives of Title VI populations:
  - a. transit-dependent community
  - b. affected businesses
  - c. civic organizations (women, seniors, youth, people with disabilities)
  - d. freight interests
  - e. the public health community
  - f. neighborhood associations
  - g. schools
  - h. churches

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 define the individuals or groups to invite. Consider meeting with a small group of internal staff who know the community and who can help answer these key questions:

1. Who can represent these diverse groups and constituencies in a credible and responsible way?
2. Who needs to be at the table for the work to be accomplished?
3. 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?
4. If known from past experience, are there stakeholders critical to the process who may be reluctant to participate? How can this reluctance be alleviated? What would be the impact of their refusal to participate in the process? Is there an alternative to their participation?
5. What commitments do you want from participants?
6. Other than known stakeholders, what other individuals or groups could have an interest in the project that are not in the immediate project area, and/or are not otherwise represented in the outreach strategy?
7. Do any necessary parties have possible concerns about participating? How can those concerns be alleviated?
8. Do you have natural allies on an issue? Natural adversaries?

#### Reaching Out to Potential Title VI Participants – Anticipating Obstacles to Participation

There are several potential outreach approaches to consider when reaching out to potential Title VI participants, these include:

- Look for formal and informal opportunities to engage, collaborate, and build relationships, including calls of introduction made by volunteers you identify who are trusted in the community
- Use multiple outreach methods and do not rely on e-mail or websites alone
- Tailor materials to the audience, including translations
- Identify existing channels of communication through communities
- Experiment and reflect on the effectiveness of new approaches.

In Title VI communities, there are a range of factors leading to reluctance to participate for individuals and groups that could be helpful in a transportation planning or development process.

1. Think through and identify the factors which 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
2. 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:

- a. Limited English language skills and/or limited literacy – it is first important to know that BRPC has the ability and obligation to fund translation and interpretation support and to convey this message.
- b. 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.
- c. Lack of experience with transportation decision-making processes – if this process is not well understood or the meeting convener has a difficult time explaining the process, it is important to have a representative to explain the process.
- d. Economic barriers – (such as transportation costs and work schedules) meetings should be sited in the community to avoid excessive cost factors, and they should be timed to meet the schedule of the majority of participants, after due consideration of all schedules, alternatives and needs.
- e. Cultural barriers – there may be intergroup dynamics that make bringing groups together problematic due to class, racial ethnic or political differences. Early research will help build understanding of this possibility, and suggest whether a mediated way of bringing the groups together is an option, or there is a need to have separate meetings.
- f. Common barriers – time, other demands. The key to this element is making sure that the importance of an effort is clear and well stated to the candidate, including the benefit to an individual or group representative being recruited.

#### 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, it is important not to get frustrated but instead to handle the refusal diplomatically because that same group might be the subject of an outreach effort in the future, and may wish to participate on another occasion.
2. In responding to a decision not to participate, thank the person or group for considering the invitation and suggest that they might accept an invitation for a different opportunity in the future. In this way, no feelings are hurt, doors are left open and the person or group remains feeling that they are valued in the future.
3. Consider sending the individual or organizations updates on the effort that are sent to others. This effort could be informative and demonstrate a good faith effort to be inclusive.

#### Documenting the Effort to Achieve Diversity and Next Steps

It may be impossible to achieve a perfectly diverse committee for purposes of transportation planning, given the difficulty of recruitment and obstacles to participation. Simply put, the concept of diversity in transportation planning is elastic, it will change based on the geographic location, the issue under study or discussion or the nature of the need for input. Nonetheless, our state and federal partners, and community members will expect to know about our efforts

and may wish to question whether BRPC truly conducted outreach for Title VI inclusion purposes. For Title VI purposes, this documentation is good evidence of the opportunity that was given to the public, such that complaints after the fact about the lack of inclusion can be responded to. Our Title VI obligation requires us to provide an equal opportunity to participate in transportation planning exercises and ultimately, it is an exercise in trying and proving that BRPC has been thoughtful and reached out effectively to increase diversity in our community engagement.

For purposes of proving that an outreach effort was genuine and reached out to diverse communities, there are steps that the meeting convener should take:

1. The meeting planner should keep a file on available resources and methods used to identify individuals and groups, the nature of the outreach effort, the people invited and the results of a recruitment effort. Possible resources:
  - a. Lists of potential invitees who were considered and/or accepted
  - b. Samples of research conducted and/or consultations made for recruitment
  - c. Copies of invitation e-mails or other correspondence
  - d. Group membership lists, with indications of the Title VI communities represented
  - e. Meeting sign in sheets
  - f. Correspondence from invited individuals.
2. The meeting planner should make the list of actual participants easily available.
3. Effective management of the group that is ultimately formed is key to the productivity and longevity of relationships with Title VI community members. Following-through with stakeholders to demonstrate that input was considered and/or had an impact on project parameters, study outcomes, and planned activities can demonstrate to participants the value added to their interests and communities through continued involvement in these activities.

#### Communicating with Individuals with Limited English Proficiency (LEP)

If a member of the public is attempting to interact with staff but there is a language barrier, the following procedures are recommended based on the types of interactions.

1. In-person
  - a. The first step is to identify the preferred language of the individual. The following resources are available:
    - i. "I Speak" cards<sup>16</sup>
    - ii. Google Translate<sup>17</sup> or a similar real-time free online language translator can be used to identify the language.

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<sup>16</sup> <http://www.lep.gov/ISpeakCards2004.pdf>

<sup>17</sup> <http://translate.google.com/>

- b. Once the language has been identified, the methods you use to address the needs of the individual will change depending on the circumstances.
  - i. You may be able to address simple inquiries informally on-the-spot with the aid of multi-lingual staff or Google Translate or a similar product.
- 2. Electronically (includes email, website comment form, etc.)
  - a. If you receive such correspondence in a language other than English, use Google Translate or similar product to determine the language and nature of the interaction.
  - b. Once the language and the nature of the interaction has been identified, the methods you use to address the needs of the individual will change depending on the circumstances.
    - i. You may be able to address simple inquiries informally with the aid of multi-lingual staff or Google Translate<sup>18</sup> or a similar product.

### Communicating with People with Disabilities

Outlined below are tips to help you in communicating with persons with disabilities.

- a. General Tips:
  - i. When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
  - ii. If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
  - iii. Relax. Don't be embarrassed if you happen to use common expressions such as "See you later," or "Did you hear about that?" that seem to relate to a person's disability.
  - iv. Don't be afraid to ask questions when you're unsure of what to do.
- b. Tips for Communicating with Individuals who are Blind or Visually Impaired:
  - i. Speak to the individual when you approach him or her.
  - ii. State clearly who you are; speak in a normal tone of voice.
  - iii. When conversing in a group, remember to identify yourself and the person to whom you are speaking.
  - iv. Never touch or distract a service dog without first asking the owner.
  - v. Tell the individual when you are leaving.
  - vi. Do not attempt to lead the individual without first asking; allow the person to hold your arm and control her or his own movements.
  - vii. Be descriptive when giving directions; verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps.

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<sup>18</sup> <http://translate.google.com/>

- viii. If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat.
- c. Tips for Communicating with Individuals who are Deaf or Hard of Hearing:
  - i. Gain the person's attention before starting a conversation (i.e., tap the person gently on the shoulder or arm).
  - ii. Look directly at the individual, face the light, speak clearly, in a normal tone of voice, and keep your hands away from your face. Use short, simple sentences.
  - iii. If the individual uses a sign language interpreter, speak directly to the person, not the interpreter.
  - iv. If you telephone an individual who is hard of hearing, let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call and who you are.
- d. Tips for Communicating with Individuals with Mobility Impairments:
  - i. If possible, put yourself at the wheelchair user's eye level.
  - ii. Do not lean on a wheelchair or any other assistive device.
  - iii. Never patronize people who use wheelchairs by patting them on the head or shoulder.
  - iv. Do not assume the individual wants to be pushed —ask first.
  - v. Offer assistance if the individual appears to be having difficulty opening a door.
  - vi. If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone.
- e. Tips for Communicating with Individuals with Speech Impairments:
  - i. If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back.
  - ii. Be patient. Take as much time as necessary.
  - iii. Concentrate on what the individual is saying.
  - iv. Do not speak for the individual or attempt to finish her or his sentences.
  - v. If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable.
- f. Tips for Communicating with Individuals with Cognitive Disabilities:
  - i. If you are in a public area with many distractions, consider moving to a quiet or private location.
  - ii. Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not "over-assist" or be patronizing.
  - iii. Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.

## Accessible Meeting Policy

### Purpose

This policy outlines criteria that must be fulfilled in order to ensure that all BRPC public meetings are fully accessible to persons with disabilities. This document will also address issues related to attendees with limited English proficiency.

The ability to access and participate in state government, including participating in public meetings, is a fundamental right protected by both State and Federal law. 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. For these reasons, when planning and executing public meetings, BRPC personnel must ensure that all aspects of the meeting are accessible to persons with disabilities.

Under Title VI of the Civil Rights Act of 1964 and Commonwealth Executive Order 526, BRPC must also ensure that programs and activities do not discriminate based on race, color or national origin, age, disability and sex, among other protected categories. This public participation plan has been developed for Title VI purposes, which should be consulted by meeting planners in coordination with this Accessible Meeting Policy to ensure that BRPC includes Title VI constituencies in transportation programs and activities. The method for determining whether and/or what non-English languages need to be translated or interpreted is called a “four factor analysis.” Essentially, to determine whether translation is needed, meeting planners must analyze the number of limited English proficiency persons (LEP) by language group where a meeting will be held, the frequency of contacts with the program, the importance of the program and cost factors.

This document will provide guidelines for ensuring the accessibility of public meetings hosted by BRPC. Components 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 will be discussed.

### Definitions

#### *Public Meeting*

Any meeting open to the general public, hosted by or on behalf of the BRPC, during which information is shared.

#### *Attendee*

An individual attending a public meeting.

#### *Reasonable Accommodation*

Any reasonable service, aid, modification or adjustment to the public meeting that gives a person with a disability the opportunity to be an active participant in the meeting process.

### *Path of Travel*

A continuous, unobstructed way of pedestrian passage by means of which an area may be approached, entered, and exited.

### *TTY (Text Telephone)*

An electronic device for text communication via a telephone line, used when one or more of the parties has a hearing or speech-related disability. Public payphones equipped with TTY have a small keyboard that pulls out underneath the phone. Note: TTYs are gradually phasing out for many people due to the increased use of voice and video relay, but they will remain in use for some period into the future.

### *Clear floor space*

The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

### *Wheeled mobility device*

Means by which some individuals with physical disabilities travel throughout their environment. Commonly refers to such devices as wheelchairs (manual and motorized) and scooters. Non-traditional wheeled mobility devices may include Segways and bicycles.

### *American Sign Language (ASL) Interpreter*

An individual trained to facilitate communication between a deaf American Sign Language user and hearing individuals via American Sign Language.

### *Assistive Listening Device*

An electronic device used by individuals who are hard of hearing to amplify sound. The assistive listening device is usually used as a system where the audio source is broadcast wirelessly over an FM frequency. The person who is listening may use a small FM Receiver to tune into the signal and listen at their preferred volume. There are other forms of Assistive Listening Devices that exist and could be used as alternatives.

### *CART (Computer Assisted Real-time Transcription)*

A trained operator uses keyboard or stenography methods to transcribe spoken speech into written text. This may be done either on site or remotely by using a voice connection such as a telephone, cell phone, or computer microphone to send the voice to the operator and the real-time text is transmitted back over an Internet connection. For meeting rooms without an internet connection, it is possible to establish connectivity via a WIFI router connection or by using a wireless “hot spot.”

### *Video Remote Interpreting*

A contracted video service that allows individuals who are Deaf to communicate over webcams/video phones with hearing people in real-time, via a sign language interpreter.

#### *Video and Telecommunication (Voice) Relay Services*

Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables persons with hearing disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text. Video equipment links the VRS user with a TRS operator – called a “communications assistant” (CA) – so that the VRS user and the CA can see and communicate with each other in signed conversation. The VRS caller, using a television or a computer with a video camera device and a broadband (high speed) Internet connection, contacts a VRS CA, who is a qualified sign language interpreter. They communicate with each other in sign language through a video link. The VRS CA then places a telephone call to the party the VRS user wishes to call. The VRS CA relays the conversation back and forth between the parties – in sign language with the VRS user, and by voice with the called party. No typing or text is involved.

Telecommunications Relay Service (TRS) is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party. VRS and TRS are overseen by the Federal Communications Commission and private contractors who perform the intermediary communication service are reimbursed for this service.

#### *Closed Captioning*

A term describing several systems developed to display text on a television, computer or video screen to provide additional or interpretive information to viewers/listeners who wish to access it. Closed captions typically display a transcription of the audio portion of a program (either verbatim or in edited form), sometimes including non-speech elements.

#### *Descriptive Video/Described Narration*

A feature that makes television programs, videos, films, and other visual media accessible to people who are blind or visually impaired by providing descriptive narration of key visual elements in programs. Key visual elements in a program that a viewer who is visually impaired would ordinarily miss are described by voice. Actions, costumes, gestures and scene changes

are just a few of the elements that, when described, engage the blind or visually impaired viewer with the story.

### *Limited English Proficient (LEP)*

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.” These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

### *Four Factor Analysis*

Federal DOT guidance outlines four factors recipients should consider to assess language needs and decide what steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to the BRPC and overall cost.

In each instance, this analysis will enable BRPC staff to determine the extent of language assistance that must be provided to enable LEP individuals to participate in a program or activity. For further information, including answers to specific situations that meeting planners may encounter, planners should consult the ADA Coordinator, the Title VI Specialist and/or the Language Access Plan.

### *Vital Document*

A vital document is determined by the context of a program, service or activity, and can include but not be limited to an application, notice, complaint form, legal contract, and outreach material published by a covered entity in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation.

### *Language Access Plan*

Under Federal Executive Order Executive Order 13166, each Federal agency is required to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan is required to be consistent with the standards set forth in related guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Just as federal agencies must have LEP Plans, as a condition of receiving federal financial assistance, they must establish guidelines for recipients such as BRPC to comply with Title VI and LEP requirements, including the provision of language assistance, as needed.

## Scope

All public meetings hosted by, or on behalf of, BRPC.

## Responsibilities

It is the responsibility of the BRPC staff or Department(s) charged with the coordination of the public meeting to ensure that the public meeting is accessible to all. The local contacts for the meeting facility, in conjunction with the responsible BRPC staff, are responsible for filling out the “Accessibility Checklist for Meeting Planners” on page 42 to ensure the space is accessible prior to the meeting.

## Policy

### *General Considerations*

1. Public meeting planners shall identify at least one person who is responsible for making sure that the public meeting is accessible for all attendees. This individual shall serve as the contact for attendees requesting reasonable accommodations.
2. Public meetings should be planned and publicized as early as possible— ideally, at least 14 days in advance.
3. Meeting notices should include a date by which attendees should request reasonable accommodations—typically ten days before the meeting.

*Note: After the cutoff date, staff must still try to provide an accommodation but should not guarantee the provision of the requested accommodation. Since it is so difficult to schedule CART and/or sign language interpreters with less than 7 business days, most meetings should be publicized with 14 days’ notice. This allows attendees ample opportunity to request and receive appropriate reasonable accommodations.*

4. Attendees shall not be charged for any reasonable accommodation provided.

### *Choosing a Location*

1. Access to nearby public transportation. All public meetings shall be within ¼ mile of an accessible bus stop or rail station, where feasible.
  - a. The path of travel from the transit stop to the meeting location shall be accessible. Specifically, it should be:
    - b. At least three feet wide
    - c. Unobstructed (not blocked by trash cans, light poles, etc.)
    - d. Free of steps, drop-offs or curbs
2. Parking: 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.
  - a. The path of travel from the accessible parking to the meeting location shall be accessible. Specifically, it shall be:
    - i. At least three feet wide
    - ii. Unobstructed (no trash cans, light poles, etc.)
    - iii. Free of steps, drop-offs or curbs

3. Identifying the Accessible Entrance. If the main entrance to the building (in which the public meeting is being held) is not the accessible entrance, a sign containing the universal symbol of accessibility with an arrow appropriately pointing to the accessible entrance shall be posted at the main entrance.
4. Ensure the alternate accessible entrance is unlocked and available to be used independently and that the path of travel to the alternate entrance is well lit (if the meeting is taking place at night). If the door is locked and intercom service or another format 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.
5. 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.
6. The Meeting Room: The meeting room in which the public meeting will take place shall be made accessible for persons with disabilities. The following shall be provided:
  - a. An integrated seating area for wheeled mobility device users shall be made available.
    - i. If possible, meeting planners should remove several chairs to accommodate potential attendees who use wheeled mobility devices. *Note: Remove a chair to the side and to the rear of the designated space to ensure enough room for the wheeled mobility device.*
    - ii. Such spaces for wheeled mobility device users shall be dispersed throughout the room, and not clustered all in one section (e.g. all in the front or all in the back). This allows attendees using wheeled mobility a variety of seating/viewing options.
  - b. Space for Sign Language, CART and Foreign Language Interpreters
    - i. A well-lit area and chairs facing the audience shall be made available for sign language interpreters at the front of the room (likely just off to one side of the main presentation area). If a CART provider is to be used, a small table for the laptop and space for a screen and projector should be provided near an electrical outlet.
    - ii. 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.
    - iii. For foreign language interpreters, there is a need for space where they can sit with the individuals who require language assistance.
  - c. Aisles within the meeting room shall be:
    - i. Clear of tripping hazards (e.g. electric cords).
    - ii. At least 3 feet wide.
  - d. Microphones. The microphones used at public meetings shall be available on a stand that is adjustable in height. *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.*

- e. Podiums. If any attendee may have an opportunity to speak at a podium, meeting planners shall ensure that either:
  - i. The podium is height adjustable, or
  - ii. A small table is provided to the side of the podium.
  - iii. The table shall be between 28 and 34" inches in height.
    - 1. There shall be at least 27" of knee space from the floor to the underside of the table.
    - 2. If a microphone is provided at the podium, one shall also be provided at the small table.
- f. 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:
  - i. A ramp that
    - 1. Is at least 3 feet wide.
    - 2. Does not have a slope that exceeds 1/12.
  - ii. Platform lift
  - iii. 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.

#### American Sign Language and Foreign Language Interpreters, Assistive Listening Devices, CART and Video Remote Interpreting

1. American Sign Language and/or foreign language interpreters shall be provided at all public meetings upon request.
  - a. To ensure their availability, interpreters should be requested at least two weeks in advance of the public meeting.
  - b. The cost associated with providing sign language or foreign language interpreters shall be paid for by the Department hosting the event.
2. Assistive Listening Devices. Assistive Listening Devices for attendees who are hard of hearing shall be provided at all public meetings upon request.
3. CART services shall be provided at all public meetings upon request. Staff should schedule or make requests for CART services 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), 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 shall be provided at all public meetings upon request via a computer/laptop with a webcam if a high speed internet connection is available. *Note: 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 the meeting planner cannot secure the requested technology.*

#### Alternative Formats and Translation of Handouts/Presentation Material

BRPC will consider timely and reasonable requests for alternative format documents and translated meeting materials. Absent any requests, BRPC will follow the language access steps detailed in the organization's Title VI and LEP Plans.

Large print versions of all printed material shall be made available for all public meetings, upon request. If requests for additional alternative formats are made in advance of the meeting (within a reasonable timeframe), these formats must be available for the start of the meeting. If requests for alternative formats are made at or following the meeting, the alternative format must be provided within seven business days of the request.

#### Creating Alternative Formats

Utilize guidance from MassDOT for developing alternative formats, when possible.

#### Large Print Meeting Materials

Large print meeting materials shall:

1. Be created using a sans-serif (such as Arial) font with a large font size (min. 16 pt.)
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.
  - a. If graphics are used in the large print document, a brief description of the image shall be provided. Image descriptions shall be brief and provide the viewer of the document with a general idea of what is in the image.
  - b. If tables or graphs are used in the large print document, a summary of the table or graph shall be provided.

#### Electronic Version

Accessible electronic versions of meeting materials shall be available for the meeting, if requested after the meeting, then meeting materials shall be made available electronically, within 7 business days of the request.

Note: Whenever possible, meeting planners should be able to point attendees to the location of where the meeting materials are available electronically. 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 Version*

If a Braille version of materials is requested within one week in advance of the meeting, this version shall be available for the meeting if possible, 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 7 calendar days of the request if possible.

#### *Audible Version*

If an audible version of materials is requested by a person with visual impairments within one week in advance of the meeting, this version shall be available for the meeting if possible, if no advance request is made but rather is requested at or after the meeting, then meeting materials shall be made audible, within 7 business days of the request if possible.

#### *Foreign Language Version*

If a common foreign language version of materials is requested within one week in advance of the meeting, this version shall be available for the meeting if possible, 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 7 calendar days of the request if possible.

#### *Other requests for alternate formats*

Individual attendees may have unique specifications for alternate formats. All reasonable requests for alternate formats shall be honored upon request, within 7 business days of the request.

#### *Publicizing the Meeting*

Public meetings shall be publicized as early as possible—ideally, at least 14 days in advance. This allows attendees time to submit requests for reasonable accommodations and for meeting planners to set deadlines for accommodation requests to be made in a timely manner. The meeting publicity also needs to be translated into the languages that are identified through application of the four factor analysis set forth in the BRPC Title VI and LEP Plans.

In addition to any other means, all public meetings shall be posted on BRPC’s website at [www.berkshireplanning.org](http://www.berkshireplanning.org).

All meeting notices shall include:

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

### *Additional Considerations*

Within 48 hours of receiving a reasonable accommodation request, meeting planners shall follow-up with attendees who have requested reasonable accommodations to let them know their request has been received and will be honored to the extent possible.

Note: Especially in the case of ASL interpreters, the meeting planner may not know of their availability until 24 hours prior to the meeting. It is reasonable to let people know their request has been received and that it is in the process of being put in place, however if no interpreter is available people need to be notified and alternate plans must be made – such as CART or Video Relay.

### *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:

1. The presence and function of sign language interpreters (if interpreters are in the room), and/or CART providers;
2. That assistive listening equipment is available;
3. The location of accessible restrooms;
4. The safety briefing.

When presenting, presenters at public meetings shall:

1. Speak slowly and clearly so that, if present, sign language interpreters have time to interpret.
2. Verbally describe information presented visually (e.g. PowerPoint) so that attendees with visual impairments can access the information.
3. Ensure that any videos/DVDs shown during the meeting are encoded with closed captioning and are shown on a closed caption compatible device if possible. Subtitles are an acceptable alternative.

*Checklist for Meeting Planners*

Meeting Date: \_\_\_\_\_

Meeting Time: \_\_\_\_\_

Subject of Meeting: \_\_\_\_\_

Location: \_\_\_\_\_

BRPC Attendees: \_\_\_\_\_

Is there at least one person who is responsible for ensuring that public meeting is accessible for all attendees? Y / N

If yes: \_\_\_\_\_

**Publicizing Meeting**

- Has the meeting been publicized at least 2 weeks in advance?
- Has the meeting been publicized on the BRPC website?
- Has the meeting been publicized in the required foreign languages and newspapers for relevant populations in the community where the meeting is to be held?
- Does the public meeting notice include (1) accessibility information (2) how to request a reasonable accommodation (3) relevant dates for making requests and (4) contact information?
- Does the public meeting notice include information on how to request foreign language interpreters?

**Facility Assessment**

Date of Facility Assessment: \_\_\_\_\_

- Where applicable (in areas where public transportation is available), is the meeting location  $\frac{1}{4}$  mile or less from the nearest accessible bus stop or rail station?
- Where applicable, is there an accessible path of travel provided from the public transportation stop to the meeting location and meeting room?
- If parking will be available at the meeting location, are there accessible parking spaces available?
- Is there an accessible path of travel provided from the accessible parking area to the meeting area?
- If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
- Is the accessible entrance unlocked and able to be used independently? If the meeting is in the evening, is the pathway well-lit?

- If there are restrooms available, is there a pair of accessible restrooms available? If not, is there at least one accessible gender neutral restroom?
- 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"-34" in height provided to the right of the podium)?
- Is there a high speed internet connection within the meeting space?
- Ensuring Appropriate Accommodations
  - If requested, have sign language and foreign language interpreters been reserved for the public meeting?
  - If requested, have CART services been reserved for the public meeting?
  - Are Assistive Listening Devices available for the public meeting? Does someone know how to use the device? Has anyone checked the devices at least 24 to 48 hours before the meeting and immediately before? (Note: for large meetings, to avoid the loss of equipment, it is reasonable to ask for driver's license or other ID as collateral)
  - If requested, have large print copies of meeting handouts been prepared?
  - If requested, have print materials been prepared in alternative formats and/or relevant foreign languages?
  - Are there film or audio presentations, are these presentations closed captioned and audio described?
- Facility/Room Setup (Prior to Meeting)
  - If the main entrance to the building is not accessible, is the accessible entrance unlocked?
- Is there an integrated seating area 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/captioner, or lip read?
- Is there an appropriately lit area in the front of the room for sign/foreign language interpreters and/or CART providers?
  - Are the aisles at least three feet wide and clear of obstacles of tripping hazards?
  - If microphones are used during the public meeting, are adjustable microphone stands available for attendees?

*Please keep a copy of this checklist for each public meeting for records.*

## *How to request sign language and CART Providers or foreign language interpreters*

### Sign Language Interpreters and CART Providers

- Complete and submit an on-line request for interpreting services through the Massachusetts Commission for the Deaf and Hard of Hearing's (MCDHH) website
  - Go to <http://mass.gov/mcdhh>
  - Click on "Interpreter/CART referral services"
  - If looking for a CART provider, select "CART (Communication Access Real-time Translation) Providers"
    - i. Select "Request A CART Provider" and follow listed directions OR
  - If looking for a sign language interpreter, select "Request an Interpreter on-line"
    - i. Requests should be submitted within 21 days, but no later than 14 calendar days in advance of the meeting to ensure interpreter availability.
    - ii. If the meeting is cancelled or rescheduled, interpreter requests must be canceled at least 48 hours advance in order to avoid being billed for the service. CART providers must be cancelled no later than 72 hours in advance of the event.
    - iii. Interpreter's invoices are billed as a minimum of two hours.
    - iv. For meetings that are anticipated to last more than 75 minutes, two interpreters shall be provided. In most situations, one CART provider is sufficient if the meeting is no longer than three hours.

### Foreign Language Interpreters/Translators

BRPC's policy combines the use of bilingual staff (if possible), interpreter services and translated materials to communicate effectively with persons who are not fluent in English. When a request for oral interpretation is made, or a significant language speaking population is expected to attend a public meeting, the following steps should be reviewed and carried out to ensure compliance with Title VI requirements.

Conduct a four-factor analysis as to the kind of meeting in question and the populations that are in the affected communities, using the language group maps that are contained in the Title VI Plan.

Identify the source for interpreter services, recognizing that most providers require one-two weeks advance notice of a meeting, based on the language(s) to be interpreted.

When additional resources are needed for unexpected or unanticipated documents or meetings, there may be funds available.

Request and cancellation timeframes:

- When possible, requests should be submitted at least 14 calendar days in advance of the meeting to ensure interpreter availability

- If the meeting is cancelled or rescheduled, interpreter requests must be canceled at least 48 hours advance in order to avoid being billed for the service
- Interpreter invoices vary by provider but may have a minimum of two to three hours.
- For meetings that are anticipated to last more than 75 minutes, two interpreters shall be provided.

## How to Create Alternate Formats

### *Electronic Version*

Accessible electronic formats include email, Microsoft Word Documents (DOC or DOCX), a text file (TXT), HTML files, Adobe PDF, Microsoft Excel (XLS or XLSX), or Rich Text Format (RTF). Attention will be paid to using the best format to provide maximum accessibility.

Note: Some attendees requesting material electronically may have a visual impairment and use screen reading software. The formats referenced above are most compatible with such software.

Public meeting materials that are created electronically shall:

1. Be created using a sans-serif font (such as Arial) with a large font size (ideally 16 pt.)
2. Shall have the same information as the original document and shall have the highest contrast possible.
3. If graphics (such as images, tables, or graphs) are used in the original document, the same graphics shall be included in the electronic version of the document.
4. If images are used in the electronic document, a brief description (providing the viewer of the document with a general idea of what's in the image) shall be provided.
5. If tables or graphs are used in the electronic document, a summary of the table or graph shall be provided.

### *Braille Version*

Meeting materials that are in Braille shall:

1. Be created using contracted Braille (Grade 2) and single-spaced.
2. Braille documents shall have the same information as the non-accessible handout.
3. If tables or graphs are used in the regular document, a summary of the table or graph shall be provided in the Braille document.

### *Audible Version*

Public meeting material that is recorded audibly shall:

1. Have the same information that's printed on the original handout.
2. Be spoken clearly.
3. Shall describe images used in the original handout.

4. Shall provide an explanation of any table or graph is used in a meeting document. The meeting planner shall ensure that the audible explanation of the table/graph is clearly explained and represents the table or graph on the printed document.

DRAFT

## APPENDIX B: FEDERAL PUBLIC PARTICIPATION MANDATES

### 23 CFR 450

The federal regulations concerning public participation in statewide transportation decision making are specified in Title 23, Section 450.316, of the Code of Federal Regulations (CFR). These regulations require that public involvement processes be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement; they leave the choice of methods for facilitating participation to the discretion of each state. The regulations specify that participation processes must provide:

- Timely information on transportation issues and decision-making processes
- Reasonable access to technical and policy information
- Electronically accessible public information on the Web
- Adequate notice of involvement opportunities and time for review and comment at key decision points
- Opportunities for soliciting and considering the needs of traditionally underserved populations
- Periodic review and evaluation of the participation process
- Public meetings at convenient and accessible locations and convenient times
- Visualization techniques to describe the proposed plans and studies
- 45 calendar days for public review of and written comment on public participation plan
- Coordination with the statewide transportation planning process

### Americans with Disabilities Act of 1990 (ADA)

The Americans with Disabilities Act of 1990 (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Therefore, ADA requires that locations for public participation activities, as well as the information presented, must be accessible to persons with disabilities.

ADA requires specific public participation efforts for the development of paratransit plans:

- Hold a public hearing
- Provide an opportunity for public comment
- Consult with disabled individuals

### Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, 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 the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The entire institution,

whether educational, private or governmental, must comply with Title VI and related Federal civil rights laws, not just the program or activity receiving federal funds.

FTA C 4702.1A, Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients, provides guidance on promoting inclusive public participation. This circular recommends the seeking out and consideration of the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities. It identifies the following effective practices for fulfilling the inclusive public participation requirement:

- Coordinate with individuals, institutions, or organizations and implement community-based public involvement strategies to reach out to members of the affected minority and/or low-income communities.
- Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture verbal comments.
- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- Utilize different meeting sizes or formats or vary the type and number of news media used to announce public participation opportunities, tailoring communications to the particular community or population.
- Implement DOT's policy guidance concerning recipient's responsibilities to LEP persons to overcome barriers to participation.

Executive orders regarding environmental justice and outreach to persons with limited English proficiency are also regulated under Title VI of the Civil Rights Act:

[Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994](#)

This executive order states that "each Federal agency shall 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." Traditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.

[Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000](#)

This executive order requires that recipients of federal financial aid ensure that their programs and activities that are normally provided in English are accessible to persons with limited English proficiency.

### 23 USC 109(h)

The U.S. Secretary of Transportation is required by 23 USC 109(h) to promulgate guidelines to ensure that possible adverse economic, social, and environmental effects relating to any proposed project on any federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects as the following:

- Air, noise, and water pollution
- Destruction or disruption of manmade and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services
- Adverse employment effects, and tax and property value losses
- Injurious displacement of people, businesses, and farms
- Disruption of desirable community and regional growth

### 23 CFR 771

The joint FHWA/FTA regulations of 23 CFR 771 prescribe the policies and procedures for implementing the National Environmental Policy Act of 1969 as amended (NEPA) and the Council on Environmental Quality (CEQ), 40 CFR 1500-1508. It sets forth all FHWA, FTA, and U.S. DOT requirements under NEPA for the processing of highway and urban mass transportation projects and sets forth procedures to comply with 23 USC 109(h), 128 and 138, and 49 USC 303, 1602(d), 1604(h), 1604(i), 1607a, 1607a-1, and 1610.

Section 771.111 discusses early coordination, public involvement, and project development.

Section 771.111 (h) specifies (for the federal-aid highway program) that each state must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 USC 128 and 40 CFR parts 1500 through 1508.

State public involvement/public hearing procedures must provide for:

- Coordination of public involvement activities and public hearings with the entire NEPA process.
- Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings or the opportunity for hearing(s) to be held by the state highway agency at a convenient time and place for any federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant

social, economic, environmental, or other effect, or for which the FHWA determines that a public hearing is in the public interest.

- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.

#### [49 CFR 24.8\(b\)](#)

This section requires that the implementation of uniform relocation assistance and real property acquisition for federal and federally-assisted programs is in compliance with Title VI of the Civil Rights Act of 1964.

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