

# **BERKSHIRE METROPOLITAN PLANNING ORGANIZATION**

## **TITLE VI PLAN**

This Title VI Plan outlines how the Berkshire Metropolitan Planning Organization (MPO) meets Title VI requirements of the Civil Rights Act of 1964 and Environmental Justice compliance. This plan also outlines a procedure for filing complaints should any MPO stakeholders feel they were subject to discrimination under Title VI guidelines and accompanying policies.

The Berkshire Metropolitan Planning Organization fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, see <http://www.berkshireplanning.org> or call 413-442-1521.

June, 2014

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## **INTRODUCTION**

Title VI of the Civil Rights Act of 1964 states, "*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.*" Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. A full description of Nondiscrimination Authorities can be found in Appendix I of this plan. The *Berkshire Metropolitan Planning Organization Title VI Plan* was developed to ensure the MPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and to provide specific information on how to file a nondiscrimination complaint (Appendix I).

This Plan also provides an overview of Environmental Justice Assessment and Limited English Proficiency (LEP) concepts, definitions of Title VI concepts and associated nondiscrimination acts, and how Title VI and LEP requirements are addressed in the metropolitan transportation planning process. Guidelines for public outreach strategies are included within the *Berkshire MPO Public Participation Plan*, adopted July 2007.

## **PURPOSE AND NEED**

The contents of this document reflect the views of the Berkshire Metropolitan Planning Organization. The staff of the Berkshire Regional Planning Commission is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Federal Highway Administration, the Federal Transit Administration, or the Commonwealth Transportation Board. This document does not constitute a standard, specification, or regulation. Acceptance of this document by the Federal Highway Administration, the Federal Transit Administration and the Commonwealth Transportation Board, as evidence of fulfillment of the objectives of this planning document, does not constitute their approval for the location and design or commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

The Berkshire Regional Planning Commission/Berkshire MPO, as a subrecipient of federal financial assistance, is required to comply with Title VI and subsequent nondiscrimination laws, as well as provide an overview of how the Berkshire MPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this Title VI Plan is to describe the measures taken by the Berkshire MPO to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP requirements.

## **BERKSHIRE METROPOLITAN PLANNING ORGANIZATION**

The Berkshire MPO, for which this Title VI Plan is applicable, is the metropolitan planning organization (MPO) for all of Berkshire County. As such, the MPO is a federally mandated transportation policy board under Title 23, Part 450 of the *Code of Federal Regulations*. The MPO is comprised of representatives from local, state, and federal governments, the local transit fixed route operator and other stakeholders. The MPO is responsible for transportation planning and programming for the Berkshire Metropolitan Planning Area. Any highway or transit project or program to be constructed or conducted within the planning area and which will be paid for with Federal funds, must receive approval by the Berkshire MPO before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally significant, regardless of the source(s) of funding, must receive MPO approval to proceed. Berkshire County is at the western end of Massachusetts and includes the Cities of Pittsfield and North Adams and the towns of Adams, Alford, Becket, Cheshire, Clarksburg, Dalton, Egremont, Florida, Great Barrington, Hancock, Hinsdale, Lanesborough, Lee, Lenox, Monterey, Mount Washington, New Ashford, New Marlborough, Otis, Peru, Richmond,

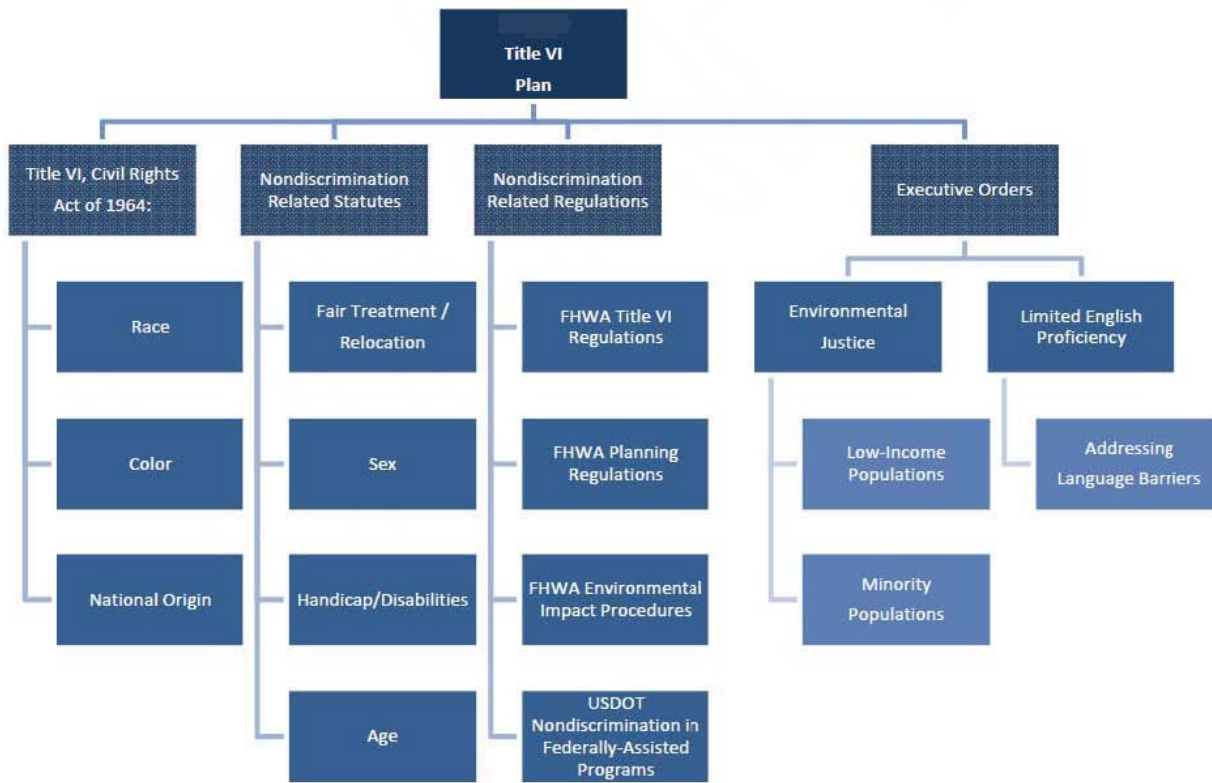
Sandisfield, Savoy, Sheffield, Stockbridge, Tyringham, Washington, West Stockbridge, Williamstown and Windsor.

## **POLICY STATEMENT AND AUTHORITIES**

The Berkshire MPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and subsequent nondiscrimination laws and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Berkshire MPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Per the *Memorandum of Understanding Relating to the Comprehensive, Continuing, Cooperative Transportation Planning Process for the Berkshire Region*, executed on March 29, 2011, the Berkshire Regional Planning Commission provides staff resources for the Berkshire MPO. The Executive Director of the Berkshire Regional Planning Commission is responsible for ensuring implementation of the MPO's Title VI Plan. The Title VI Coordinator, under supervision of the Executive Director, is responsible for coordinating the overall administration of the Title VI Plan and assurances. In the event the Berkshire MPO distributes federal-aid funds to another governmental entity, the Berkshire MPO will include Title VI language in all written agreements and will monitor for compliance. The authorities that provide guidance on Title VI and related nondiscrimination laws, regulations, and executive orders can be found in Appendix IV.

Title VI of the Civil Rights Act of 1964 prohibits federal agencies and subrecipients of federal funds from discriminating, on the basis of race, color or national origin, against participants or clients of programs that receive Federal funding. Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. This document addresses prohibition of discrimination as mandated by Title VI as well as by the authorities listed in below in the following section.



*The chart highlights the nondiscrimination authorities addressed by the Berkshire MPO Title VI Plan.*

**TITLE VI COORDINATOR**

The Berkshire MPO Title VI Coordinator is generally responsible for overseeing compliance with applicable nondiscrimination authorities in each of the metropolitan transportation planning and programming areas. Other staff members will provide information and support to assist the Title VI Coordinator in maintaining an effective Title VI program.

**Responsibilities of the Title VI Coordinator**

The Berkshire Regional Planning Commission staff will assist the Title VI Coordinator in evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Berkshire MPO public participation process. To comply with Title VI Requirements, Berkshire Regional Planning Commission staff members, including the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when it is found to exist.
- Process discrimination complaints received by the BRPC and Berkshire MPO. Any individual may exercise
  - his or her right to file a complaint with the Berkshire MPO, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status.
  - The Berkshire MPO will make a concerted effort to resolve complaints in accordance with Discrimination Complaint Procedures.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the Berkshire MPO Title VI Plan.
- Periodically review the Title VI Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance. This review will occur on an annual basis in conjunction with the annual program update to the Office of Diversity and Civil Rights unless new federal requirements are issued requiring a different timetable.
- Work with staff involved with Consultant Contracts and sub-recipients found to not be noncompliant, to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this document. A remedial action may consist of a letter to the noncompliant Consultant giving a deadline date for when compliance must occur.
- Review important issues related to nondiscrimination with the Executive Director, as needed.
- Maintain a list of Interpretation Service Providers. The Berkshire MPO will use the interpretation services of agencies identified and recommended by MassDOT.
- Assess communication strategies and address language needs when needed. The Berkshire MPO will identify communities within the planning areas that have a population of non-English speaking citizens that make up more than 5% of the total population or 1,000 persons, whichever is less. This percentage and number is based on federal guidelines.
- Disseminate information related to the nondiscrimination authorities. The Berkshire MPO Title VI Plan is to be disseminated to Berkshire Regional Planning Commission employees, contractors and the general public. Title VI information will be available through two predominant sources: The Berkshire MPO webpage and hard-copy.
- Coordinate with appropriate federal, state, and regional entities to periodically provide Berkshire Regional Planning Commission employees with training opportunities regarding nondiscrimination.
- Ensure that all new Berkshire Regional Planning Commission employees receive education and training regarding nondiscrimination regulations and procedures as set forth in this plan and in accordance with federal guidance.

## Questions

For questions on the *Berkshire MPO Title VI Plan* and procedures, please contact Mr. Clete Kus, Title VI Coordinator at (413) 442-1521, extension 20, or by email at [ckus@berkshireplanning.org](mailto:ckus@berkshireplanning.org) . For information on the Berkshire MPO work programs or publications, please see the Berkshire MPO webpage located at <http://www.berkshireplanning.org/major-initiatives/metropolitan-planning-organization-mpo/>

## TITLE VI SUPPORTING ACTIVITIES

The Berkshire MPO strives to ensure compliance with all applicable nondiscrimination authorities. To attain and maintain compliance, the MPO also focuses on the following activities:

- Communications and Public Participation
- Planning and Programming
- Environmental Justice
- Consultant Contracts
- Education and Training

In addition to the responsibilities listed in this section, Berkshire Regional Planning Commission staff responsibilities may include reviewing Title VI guidelines and procedures for the *Berkshire MPO Title VI Plan*, and incorporating Title VI-related language and provisions into Berkshire MPO documents, as appropriate.

## Communications and Public Participation

Transportation has a direct and personal impact on the population of a region and is of critical importance to economic vitality and quality of life. The Berkshire MPO continually endeavors to provide citizens, affected public agencies, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

**Note:** The Communications and Public Participation area applies to and affects the Berkshire MPO work program as a whole, particularly Berkshire MPO efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The *Berkshire MPO Public Participation Plan* includes information regarding outreach and communication strategies that are specifically geared towards minority, low-income, and LEP populations.

## Berkshire MPO Responsibilities

On behalf of the Berkshire MPO, the Berkshire Regional Planning Commission staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Berkshire MPO public participation process, including the following:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and Berkshire MPO programs to the general public. This item will be addressed by posting information on the Berkshire MPO webpage as well as distributing copies of the Plan to local libraries and other public spaces.
- Provide services for individuals with special needs. This may include providing interpretation services.
- Include the following statement in all of the Berkshire MPO public notices and on the webpage:

“The Berkshire MPO fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information see [www.berkshireplanning.org](http://www.berkshireplanning.org) or call (413) 442-1521.

## **Planning and Programming**

The Berkshire MPO is responsible for developing long and short range transportation plans and programs to provide efficient transportation services for the Berkshire region. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The Berkshire MPO coordinates with MassDOT, cities, towns and area transit agencies; seeks public participation; and provides technical support when needed. The outreach methods for longrange transportation plan updates are included within the *Public Participation Plan*.

### **Berkshire MPO Responsibilities**

On the behalf of the Berkshire MPO, the Berkshire Regional Planning Commission staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Berkshire MPO planning and programming processes. The Berkshire Regional Planning Commission staff will:

- Ensure that all aspects of the planning and programming process operations are conducted in a nondiscriminatory manner in compliance with all applicable statutory requirements.
- Prepare and update demographic maps and associated tables of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. These maps will be used to identify areas with high minority, low-income, and LEP population groups.
- Make these maps and associated tables available to the public and member agencies via the Berkshire MPO webpage and in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

### **Environmental Justice**

The concept of Environmental Justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, Environmental Justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

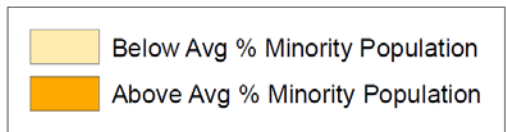


## Berkshire MPO Environmental Justice Assessment Responsibilities

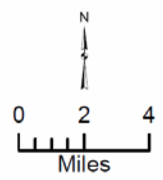
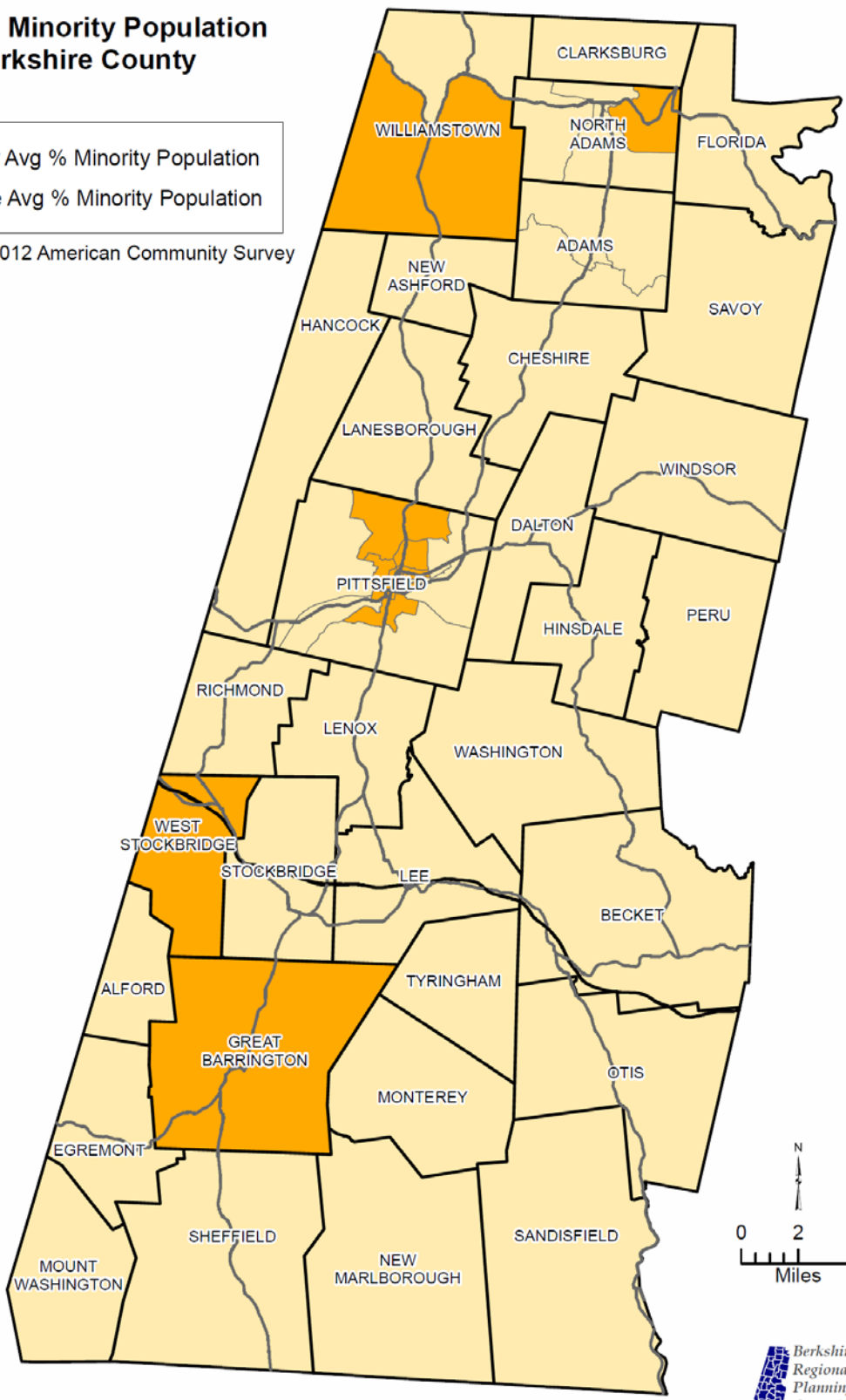
On behalf of the Berkshire MPO, the Berkshire Regional Planning Commission (BRPC) staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Berkshire MPO efforts to address Environmental Justice. The following are assessment related activities.

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination requirements.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data as new data becomes available. The maps on the following two pages which have been prepared by the Berkshire Regional Planning Commission profile minority population and poverty densities by census tract within the MPO study area using 2010 census data. Additional demographic information can be found on the BRPCs website under Berkshire BENCHMARKS and in the Berkshire Regional Coordinated Public Transit Human Services Transportation Plan at: <http://berkshireplanning.org/images/uploads/initiatives/BerkshireRegionalCoordinatedPublicTransit-HSTPlan.pdf>
- The Berkshire MPO *Public Participation Plan* includes outreach strategies that can be utilized for minority and low-income households traditionally underserved by existing transportation systems. With the adoption of the *Berkshire MPO Title VI Plan*, the Limited English Proficiency (LEP) population will be incorporated for inclusion under this provision and be considered in the development of future metropolitan plans and programs.
- Strive to obtain feedback from all segments of the population on the Environmental Justice analyses performed by the BRPC, in accordance with Berkshire MPO public participation procedures.

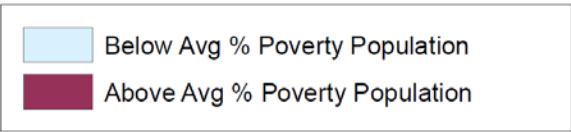
## Percentage Minority Population for Berkshire County



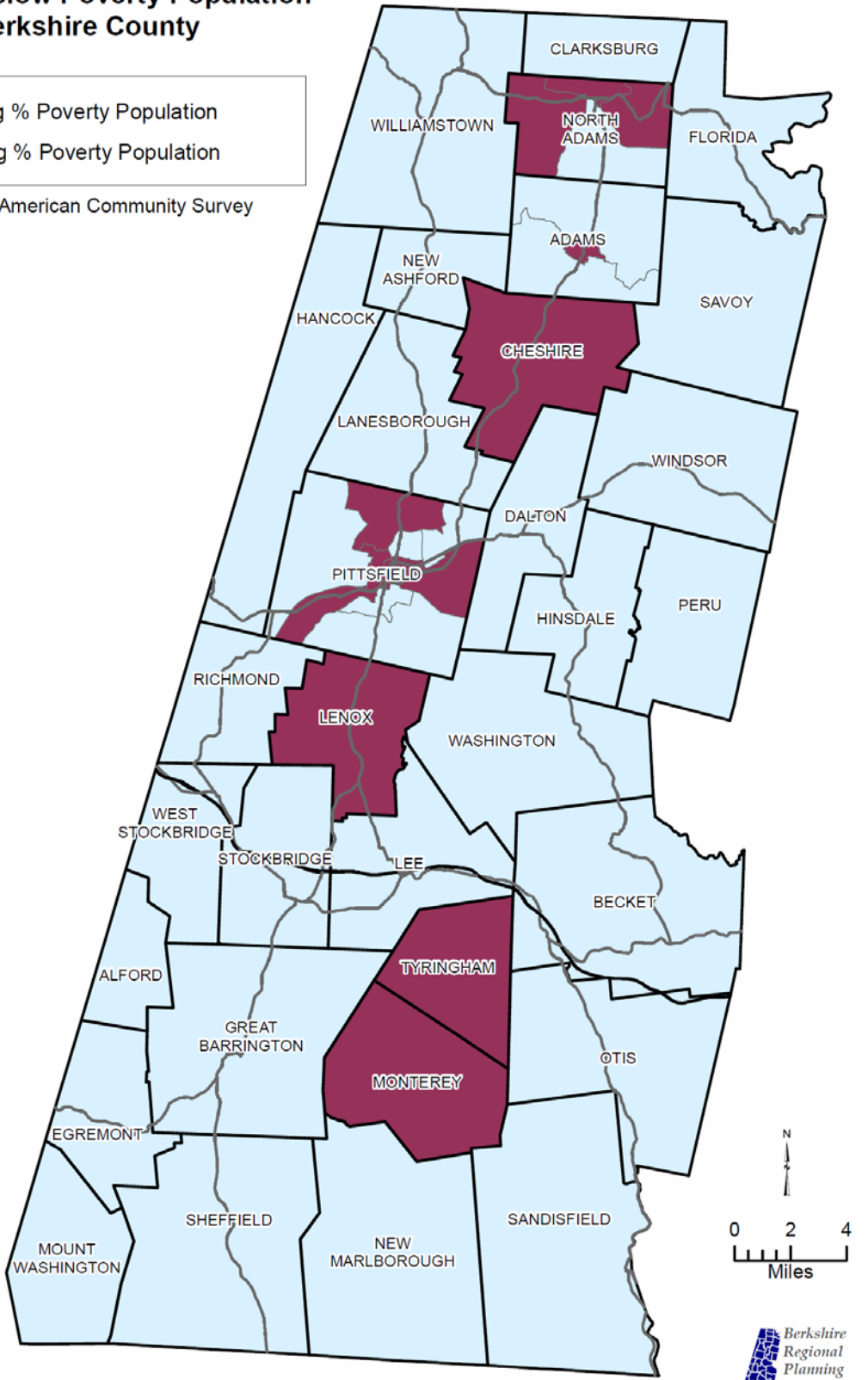
Source: 2008 - 2012 American Community Survey



# Percentage Below Poverty Population for Berkshire County



Source: 2008 - 2012 American Community Survey



## **Limited English Proficiency**

On August 1, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (LEP). The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have limited ability to read, speak, write or understand English can be limited English proficient, or “LEP”. For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The United States Department of Transportation guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.
3. Importance: nature and importance of program/service to people’s lives.
4. Resources: available resources, including language assistance services.

The four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community are included in Appendix V.

## **Consultant Contracts**

The Berkshire MPO is responsible for selection, negotiation, and administration of its consultant contracts. The Berkshire MPO operates under its internal contract procedures and all relevant federal and state laws.

### **Berkshire MPO Responsibilities**

On behalf of the Berkshire MPO, the BRPC staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. The BRPC staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).

- Review consultants for compliance as described below:
- Ensure that all consultants/vendors verify their compliance with nondiscrimination authorities, procedures, and requirements.
- If a consultants or sub-contractor is found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status. The Title VI Coordinator will establish a deadline for when the matter must be resolved.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participate in opportunities to compete for consulting contracts. The *Berkshire MPO* will reach out to the State Office of Minority Business Assistance to identify prospective businesses/vendors from which to solicit bids, proposals and estimates in accordance with applicable state and federal laws.

### **Education and Training**

In an effort to continuously improve the Berkshire MPO's overall compliance posture, the Title VI Coordinator will share information on an ongoing basis and conduct nondiscrimination training for BRPC staff to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

#### **Berkshire MPO Responsibilities**

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to BRPC staff on training programs regarding Title VI and related statutes.
- Track staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the *Berkshire MPO Title VI Plan* as necessary. The Title VI Plan will be reviewed on an annual basis unless a new federal mandate requires a different timeline.

## **Appendix I: DISCRIMINATION COMPLAINT PROCEDURES**

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added handicap, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a subrecipient of federal assistance, the Berkshire MPO has adopted a Discrimination Complaint Procedure as part of its Title VI Plan to comply with Title VI and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any nondiscrimination authority, may file a complaint with the Berkshire MPO. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Berkshire MPO Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of the alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
3. The recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
4. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
5. Upon receipt of a complaint, MassDOT Office of Diversity and Civil Rights will be notified and the BRPC Executive Director will initiate an investigation of the complaint. Within 10 days, the Berkshire MPO shall provide written acknowledgment of receipt of the complaint to the complainant.
6. Generally, the following information will be included in every notification to the MassDOT Office of Diversity and Civil Rights:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, handicap/disability, income status, limited English proficiency).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

7. The Berkshire MPO Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the findings of the incident report.
8. Within 60 days of receipt of the complaint, the Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. If additional time is required to review and resolve the complaint, the complainant shall be notified of the anticipated additional time that is required. The notification will advise the complainant of his/her appeal rights with the Massachusetts Department of Transportation or the Federal Highway Administration, if they are dissatisfied with the final decision rendered by the Berkshire MPO. The Berkshire MPO's Title VI Coordinator will also provide the MassDOT Office of Diversity and Civil Rights with a copy of the determination and report findings.
9. In the case a nondiscrimination complaint that was originated at the Berkshire MPO is turned over to and investigated by MassDOT, FHWA or another agency, the Berkshire MPO Title VI Coordinator will monitor the investigation and notify the complainant of updates when information becomes available.
10. In accordance with federal law, the Berkshire MPO will require that applicants of federal assistance notify the Berkshire MPO of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
11. The Berkshire MPO will submit Title VI accomplishment reports to the MassDOT Office of Diversity and Civil Rights, in compliance with 23 CFR, 49 CFR and this plan, the *Berkshire Metropolitan Planning Organizations Title VI Plan*.
12. The Berkshire MPO will retain Discrimination Complaint Forms and maintain a log of all complaints filed with or investigated by the Berkshire MPO.

**Appendix II: DISCRIMINATION COMPLAINT FORM**

Please provide the following information in order to process your complaint. Assistance with preparing this complaint form is available upon request.

Complete this form and mail or deliver to: Berkshire Metropolitan Planning Organization, Title VI Coordinator, 1 Fenn Street, Pittsfield, MA 01201

You can reach our office Monday-Friday from 9:00 am to 5:00 pm at (413) 442-1521, or you can email the Berkshire MPO Title VI Coordinator at [ckus@berkshireplanning.org](mailto:ckus@berkshireplanning.org)

Complainant's Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No. (Home): \_\_\_\_\_ Business: \_\_\_\_\_

Email Address: \_\_\_\_\_

Person discriminated against (if other than complainant):

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

The name and address of the agency, institution, or department you believe discriminated against you.

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date of incident resulting in discrimination: \_\_\_\_\_

Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use the back of form or attach extra sheets to form.



Does this complaint involve a specific individual(s) associated with the Berkshire Regional Planning Commission or Berkshire MPO? If yes, please provide the name(s) of the individual(s), if known.

Where did the incident take place?

Are there any witnesses? If so, please provide their contact information:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Did you file this complaint with another federal, state or local agency; or with a federal or state court?

- YES    NO   If answer is Yes, check each agency complaint was filed with:
  - Federal Agency
  - State Court
  - Federal Court

- Local Agency
- State Agency
- Other

Sign the complaint in the space below. Attach any documents you believe support your complaint.

Complainant's Signature \_\_\_\_\_

Signature Date

### **Appendix III: Notice to the Public**

In order to comply with 49 CFR Section 21.9(d), BRPC and the Berkshire MPO shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions and updates of the ~~Range~~ Transportation Plan, Transportation Improvement Program, and Unified Planning Work Program. The text will be placed permanently on the Berkshire MPO's webpage at <http://www.berkshireplanning.org/major-initiatives/metropolitan-planning-organization-mpo/>

“The Berkshire Regional Planning Commission (BRPC) and Berkshire Metropolitan Planning Organization (MPO) fully comply with Title VI of the Civil Rights Act of 1964 and related statuses and regulations in all programs and activities and conducts its programs, services and activities in a non discriminatory manner”.

## Appendix IV: TITLE VI AND OTHER NONDISCRIMINATION AUTHORITIES

Title VI is usually referred to in the context of federal nondiscrimination laws. Title VI is one of eleven titles included in the Civil Rights Act of 1964. The following is a list of all of the Civil Rights Act titles:

- I. Voting Rights
- II. Public Accommodation
- III. Desegregation of Public Facilities
- IV. Desegregation of Public Education
- V. Commission on Civil Rights
- VI. Nondiscrimination in Federally Assisted Programs and Activities
- VII. Equal Employment Opportunity
- VIII. Registration and Voting Statistics
- IX. Intervention and Procedure after Removal in Civil Rights Cases
- X. Establishment of Community Relations Service
- XI. Miscellaneous

Title VI *“declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.”* Any organization that receives Federal funds is bound to comply with Title VI.

Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of Title VI coverage and applicability:

- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- **The Federal Aid Highway Act of 1973** states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Section 504 of the Rehabilitation Act of 1973** states that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- **The Age Discrimination Act of 1975** states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- **The Civil Rights Restoration Act of 1987, P.L.100 -209** amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
- **The American Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.

- **23 CFR Part 200** – Federal Highway Administration regulations: Title VI Program and Related Statutes Implementation and Review Procedures.
- **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450** – Federal Highway Administration planning regulations.
- **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.

In addition to the laws listed above, two executive orders must be taken into account when ensuring compliance with federal nondiscrimination laws, directives, and mandates:

- **Executive Order 12898** – Environmental Justice (February 11, 1994), a presidential mandate to address equity and fairness toward low-income and minority persons/population. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make environmental justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities. FHWA Order 6640.23 (December 2, 1998) – FHWA Actions to Address Environmental Justice in Minority Populations and Low -Income Populations.
- **DOT Order 5610.2** on Environmental Justice summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components.
- **Executive Order 13166** – Limited English Proficiency (August 11, 2000), a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision -making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** -This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

- **ENVIRONMENTAL JUSTICE** - On February 11, 1994, President William J. Clinton signed **Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, which directs federal agencies to develop strategies to help them identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Executive Order was also intended to provide minority and low-income communities with access to public information and opportunities for public participation in matters relating to human health or the environment.

Adverse effects as described in Executive Order 12898 is the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of:
  - man-made or natural resources
  - aesthetic values
  - community cohesion or a community's economic vitality
  - the availability of public and private facilities and services
- Adverse employment effects.
- Displacement of persons, businesses, farms, or non-profit organizations.
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of the Berkshire MPO programs, policies, or activities.

Environmental Justice joins social and environmental movements by addressing the unequal environmental burden often borne by minority and low-income populations. The right to a safe, healthy, productive, and sustainable environment for all, where "environment" is considered in its totality to include the ecological (biological), physical (natural and built), social, political, aesthetic, and economic environments.

Environmental Justice helps to ensure that programs, policies, and activities that have adverse effects on communities do not affect minority and low-income populations disproportionately. To prevent discrimination as described in Executive Order 12898, the Federal Highway Administration Order 6640.23 *Order To Address Environmental Justice in Minority Populations and Low-Income Populations* dated December 2, 1998 defines minority and low-income individuals and populations as follows:

**Minority** – a person who is Black, Hispanic, American Indian and Alaskan Native, or Asian American:

**Black** – a person having origins in any of the black racial groups of Africa.

**Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.

**Minority Population** – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

**Low-Income** – a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.

**Low-Income Population** – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice Guidelines for the Berkshire MPO have been developed and are included in the 2012 Regional Transportation Plan and will be included in all future updates of the plan.

## **Appendix V: Limited English Proficiency Plan**

### **Berkshire Regional Planning Commission Berkshire Metropolitan Planning Organization Limited English Proficiency Plan**

#### **BRPC LIMITED ENGLISH PROFICIENCY POLICY:**

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Engaging the diverse population within Berkshire County is crucial in order to identify the needs of those segments of the population which have limited proficiency in speaking English. The Berkshire Regional Planning Commission (BRPC) as staff of the Berkshire MPO is committed to providing quality services to all residents, including those with limited English proficiency.

#### **BACKGROUND AND ANALYSIS:**

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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 considered limited English proficient, or “LEP.” These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

According to the U.S. Department of Transportation’s (USDOT) Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, “Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use the guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.”

Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance. Recipients of USDOT assistance that are subject to LEP requirement include:

- State Departments of Transportation;
- Metropolitan Planning Organizations (MPOs);
- Regional Transportation Agencies;
- Regional, State, and Local Transit Operators;
- State and Local Agencies with Emergency Transportation Responsibilities (e.g., transportation of supplies for natural disaster, planning for evacuations, quarantines, and other similar actions).

The BRPC provides staff to the MPO for the Berkshire County. LEP requirements extend to all MPO programs or activities, even if some activities are not funded by federal assistance. Sub-recipients are also covered in cases when federal funds are passed through from a recipient to a sub-recipient.

The USDOT recommends four factors that should be analyzed by federally assisted agencies and programs to determine the level and extent of language-assistance measures required to sufficiently ensure meaningful access to programs, activities, and services within the MPO’s area of responsibility. After conducting the four-factor analysis, the MPO is in a better position to implement a cost-effective mix of proactive language-assistance measures, target resources appropriately, and to respond to requests for LEP assistance from constituents.



The four factors to be considered are:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency that the LEP individuals come into contact with programs, activities, and services.
3. The importance of programs, activities, and services, to LEP persons.
4. Resources available to the recipient and costs.

What specific steps should be taken will depend on the information gathered from Census and other data, from fieldwork with LEP individuals and the organizations that serve them, and from analysis of agency resources and the costs of providing language assistance.

## REQUIREMENTS OF LEP

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### Safe Harbor Stipulation:

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A safe harbor means that as long as a recipient (in BRPC’s case, the Berkshire MPO) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis. Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

The safe harbor provision applies only to translation of written documents. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters, where oral language services are needed and reasonable to provide. The type of the work performed by the MPO does not result in any documents that are considered to be vital as they are predominantly planning documents. Targeted outreach to LEP populations has not resulted in their attendance or participation in MPO related meetings. Until such a time that there is regular participation by LEP populations in MPO activities, translating planning documents to languages other than English is not justified. Should MPO staff be approached by an individual with limited English proficiency, they will notify the LEP coordinator who will work to have the respective planning document translated orally.

### Providing Notice to LEP Persons:

USDOT guidance requires that a LEP Plan be established based upon guidance and performing a four-factor analysis. In order to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Example methods for notification include:

1. Signage that indicates when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the Berkshire MPO services and the availability of language assistance.

4. Using automated telephone voice mail or menu to provide information about available language-assistance services.
5. Including notices in local newspapers in languages other than English.
6. Providing notices on non-English-language radio and television about the Berkshire MPO services and the availability of language assistance.
7. Providing presentations and/or notices at schools and community-based organizations about available language services.

## FOUR-FACTOR ANALYSIS

### Factor 1: The Number and Proportions of LEP Persons in the Eligible Service Area

The first step in understanding the profile of individuals that could participate in the transportation-planning process is a review of U.S. Census data. Table 1 on next page displays the primary language spoken and number of individuals that are LEP. For planning purposes, we are considering people that speak English “less than very well” for the LEP analysis.

Table 1 – Language Spoken at Home by the Ability to Speak English  
for the Population Age Five and Over  
(2008-2012 American Community Survey 5-Year Estimates)

Subject	Berkshire County, MA	
	Total Estimate	Percent
<b>LANGUAGE SPOKEN AT HOME</b>		
<b>Population 5 years and over</b>	<b>124,865</b>	<b>124,865</b>
<b>English only</b>	115,538	92.50%
<b>Language other than English</b>	9,327	7.50%
Speak English less than "very well"	2,820	2.30%
<b>Spanish</b>	3,650	2.90%
Speak English less than "very well"	1,516	1.20%
<b>Other Indo-European languages</b>	4,291	3.40%
Speak English less than "very well"	807	0.60%
<b>Asian and Pacific Islander languages</b>	1,017	0.80%
Speak English less than "very well"	456	0.40%
<b>Other languages</b>	369	0.30%
Speak English less than "very well"	41	0.00%

## **Factor 2: The Frequency in which LEP Persons Encounter MPO Programs**

The analysis identified Spanish as the most prevalent language spoken by LEP individuals in the Berkshire MPO service area. The analysis further reveals that LEP individuals comprise less than five percent of the region's 125,395 people. Based upon meeting attendance information from BRPC and MPO meetings and outreach events over the past 5 years, there has been no attendance by Spanish speaking LEP individuals nor has there been any contact/ interaction with the MPO by these LEP individuals. The small but growing size of the LEP population in the region will likely increase the probability of future contact with the MPO. However, to date, no requests for language-assistance services have been made by LEP individuals.

## **Factor 3: The Importance of the Service Provided by the MPO Program**

The Berkshire MPO programs uses federal funds to plan for future transportation projects, and is not involved in any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Participation in any of the MPO's programs or events does not require application submittal, interviews or other screening activities. Involvement in MPO planning activities is voluntary and is open to all citizens.

The MPO must ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process to be consistent with the goal of the federal environmental justice program and policy. The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three major areas for the MPO. These three areas will have an impact on the lives of Berkshire County residents and include:

- The annual Unified Planning Work Program (UPWP);
- Four-year Transportation Improvement Program (TIP);
- The long range Regional Transportation Plan (RTP).

Inclusive public participation plan is a priority consideration in other MPO plans, studies, and programs as well.

Transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The MPO encourages input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible.

## **Factor 4: The Resources Available and Overall MPO Cost**

The Berkshire MPO is a sub-recipient of the Federal Transit Authority Section 5303 transit planning grant. It receives a very small amount of funding to perform transit planning analyses in the Berkshire MPO area to assist and support transit planning activities for the Berkshire Regional Transit Authority (BRTA).

Given the small size of the LEP population in the Berkshire MPO area, no prior requests, and current financial constraints, the need for full multi-language translations of large transportation-planning documents and maps is not warranted at this time.

The BRPC, in conjunction with the BRTA, will explore other partnerships with the Berkshire Community College and the Massachusetts College of Liberal Arts to establish alternative cost effective means related to providing language assistance.

## IMPLEMENTATION

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Based on the existing low level of residents with limited English proficiency in the Berkshire MPO area and their limited interaction with BRPC, a full LEP implementation plan is not necessary at this time. However, engaging the diverse population within the region is important and therefore BRPC has completed the following Limited English Proficiency Plan for providing limited language-assistance services to the LEP population in the Berkshire MPO region.

All language assistance activities detailed below will be coordinated by BRPC's LEP Coordinator in collaboration and input from the MPO board.

### Identifying LEP Individuals Needing Language Assistance:

Key staff at BRPC office will use language identification cards when first encountering an LEP individual. These cards, developed by the U.S. Census Bureau, have the phrase "Mark this box if you read or speak (name of the language)" translated into 38 different languages. It was developed by the Census Bureau and is used by government and non-government agencies to identify the primary language of LEP individuals during face to face contacts. The Census Bureau's Language Identification Flashcard can be downloaded at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf).

The language identification flashcards will also be available at public meetings and the front desk of the BRPC office. Once a language is identified, the LEP coordinator or relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

### Language Assistance Measures:

Language assistance will be provided for LEP individuals through the translation of some key materials, as well as through oral interpretation when necessary.

### Translation of Written Materials:

Translation of all Berkshire MPO plans and materials is not possible due to cost restrictions, and the fact that current population levels do not warrant such translations. However, Berkshire MPO and BRPC will continue efforts to provide materials in languages other than English.

- Notices of official actions and opportunity for public comment – Spanish-language translations will be provided for newspaper advertisements notifying the public of opportunities to comment on proposed changes to the MPO Long-Range Transportation Plan, Transportation Improvement program, Unified Planning Work Program, and Public Participation Plan. These translations will be published in local circulation newspapers that target Spanish-speaking persons.
- Outreach materials – Spanish-language outreach materials developed by federal and state transportation agencies will be made available. The LEP coordinator will monitor the availability of these materials and make it available to LEP individuals.
- If requested, materials may be translated on case by case basis. Berkshire MPO will also consider requests to provide key outreach materials in Spanish as new materials are developed.

- BRPC website – BRPC is currently assessing cost and infrastructure needs to efficiently modify BRPC’s website to allow translation services, such as the Google Translate program <http://translate.google.com> that will allow users to view HTML content in other languages.

### Oral Language Services:

BRPC and the Berkshire MPO have made arrangements to be able to provide interpretation assistance to Spanish-speaking and other LEP individuals. This will be accomplished using CTS LanguageLink, a firm on the State’s approved contractor list that is able to provide this service 24 hours a day, 365 days a year. In order to be able to provide these services, the LEP coordinator has:

- Established a list of points of contact where a LEP person interacts with the organization.
  - The key points of contact for LEP individuals are the front-desk receptionist and the LEP coordinator. In the future, should interaction with the LEP individuals increase, additional points of contact will be identified.
- Create a list of other local sources that can provide oral translation services (including both paid and unpaid services). This list will be updated and expanded on an annual basis. The LEP Coordinator will work to identify funding sources to cover the cost of providing these services.

### Staff Training:

In order to establish a meaningful access to information and services for LEP individuals, staff that regularly interact with the public, and those that may serve as translators or interpreters, will be trained on the Berkshire MPO LEP policies and procedures. Training will ensure that staff members are effectively able to work in person and/or be telephone with LEP individuals. BRPC management staff will be included in this training, even if they do not interact regularly with LEP persons, to ensure that they fully understand the plan, so they can reinforce its importance and ensure its implementation be staff.

### Providing Notice of Available Language Service to LEP Persons:

BRPC and the Berkshire MPO have established the following methods to inform LEP individuals, supporting organizations, as well as the general public, of available no-fee LEP services.

- **Posting Information** – Information is posted at the front-desk reception area to notify LEP individuals of any available services to translate the Berkshire MPO oral or written program material, and how to obtain these services.
- **Outreach Documents** – Key outreach documents will include a notice that some language assistance services are available.
- **Community Organizations** – The LEP Coordinator will work with local area community-based organizations and other stakeholders to further the availability of language-assistance services.

## Monitoring and Updating the LEP Plan:

BRPC will monitor changing population levels and the language needs of LEP individuals in the region. An annual review of this LEP plan will coincide with the annual evaluation of the public participation activity and the Title VI program. Evaluation results and recommended changes will be provided to the Berkshire MPO. The Transportation Program Manager will also keep record of any LEP services provided and will make this information available during the annual review process.

In the connection with updates to the Berkshire MPO Title VI Program and Public Participation Plan, BRPC may use some of the following tools to conduct further assessment:

1. Conduct surveys or focus groups.
2. Develop an evaluation process to assess LEP service provision.
3. Establish a tracking system to collect primary-language data for individuals that participate in programs and activities.

## Contact:

BRPC will respond to reasonable requests for LEP consideration in its programs and activities.

In order to request assistance or to discuss LEP issues, please contact:

Transportation Program Manager  
Berkshire Regional Planning Commission  
1 Fenn Street, Suite 201  
Pittsfield, MA – 01201  
Phone: (413) 442-1521, EXT. 20  
Fax: (413) 442-1523  
[Transportation@berkshireplanning.org](mailto:Transportation@berkshireplanning.org)

Should an individual desire to file a complaint regarding LEP activities, the process shall be the same as for filing a Title VI complaint. Information on the process can be found at:

<http://berkshireplanning.org/about/civil-rights-act-policy-and-compliance/>

More information on filing an LEP complaint with the Department of Justice can be found at

<http://www.usdoj.gov/crt/cor/complaint.php>.

## **Appendix VI: Berkshire MPO Public Participation Plan**

BERKSHIREMETROPOLITAN PLANNING ORGANIZATION (MPO) PARTICIPATION PLAN

(January 2007)

The intent of the Berkshire MPO Participation Plan is to offer reasonable opportunities for the public to be informed and involved in the development of transportation plans and programs in the metropolitan area. The public and interested parties, including affected agencies and certain expressly identified population groups, are encouraged to help identify highway, transit, pedestrian, bikeway and other transportation needs and comment on proposed improvements in the metropolitan planning area which encompasses all of Berkshire County.

**BERKSHIRE METROPOLITAN PLANNING ORGANIZATION**

**PUBLIC PARTICIPATION PROCESS FOR TRANSPORTATION PLANNING**

The Berkshire Metropolitan Planning Organization (MPO) consists of the Berkshire Regional Planning Commission (BRPC), the Berkshire Regional Transit Authority (BRTA), the Massachusetts Highway Department (MassHighway), the Executive Office of Transportation (EOT), the Mayors of North Adams and Pittsfield and four select board members from different parts of the region. All MPOs are required, under the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), to have in place a proactive public involvement process, which is to be documented in a public participation plan (23CFR, 450.316(a)). The process must provide complete information, timely public notice, full public access to key decisions, and must support early and continuing involvement of the public in the transportation planning process. This public participation plan will require approval of the full Berkshire Metropolitan Planning Organization in order to be the adopted plan for the region.

This plan describes the public participation procedures used for a number of years by BRPC in fulfilling its role in the MPO transportation planning process, including adjustments that have been made in the years since 1996 to incorporate the innovative goals and requirements of the Intermodal Surface Transportation Efficiency Act (ISTEA) and its successors. New media, such as the world wide web, and administrative changes such as email addresses have also been added. In addition to past practice, the plan also reflects public and agency comments received during the airing of an earlier draft in 2002 and 2003.

The process has proven sound and compares favorably with efforts by other Massachusetts MPOs. The Berkshire Transportation Forum mailing list includes over 700 people and organizations covering the full range of stakeholders. The media list includes over 45 print, radio, television, and web news sites, many of which publish or post the press releases sent before important meetings. BRPC has a website on which transportation planning information and drafts are regularly posted, and an interactive forum for public electronic discussion of planning issues. A volunteer regularly films Berkshire MPO meetings and provides the tape to Pittsfield Community Television for use on the regions Community Access channels.

The cornerstone of the Berkshire Regional Planning Commission, at present time, is the Transportation Advisory Committee (TAC), established in accordance with the 2005 Memorandum of Understanding for the Berkshire MPO. The TAC is a standing committee of the MPO and is intended to advise the MPO. TAC membership is selected in a manner that provides for the involvement of local government officials, transportation professionals and other representatives of transportation providers, user groups, and other relevant interests, and that provides for a broad based transportation planning perspective of its participants. Its principal mission is as follows:

1. To advise the Berkshire MPO on all matters of policy and practice associated with the region's 3C (Continuing, Cooperative and Comprehensive) transportation planning and programming process.
2. To put forth recommendations to the MPO on such regional transportation work activities, plans, studies, project priorities and financial constraints as may be required for the effective operation of the Berkshire MPO.
3. To provide maximum participation in the transportation planning and programming process by creating a forum and other opportunities to bring together officials of local government, public agencies, transportation providers, interest groups and residents for open dialogue and the exchange of views on current transportation issues.

The Chair of the TAC has the responsibility to report to the MPO regarding the TAC's consensus regarding an issue, along with a summary of the considerations involved in the decision, present any majority and minority reports resulting from the TAC's deliberations, and provide complete and accurate descriptions of the various points of view and options available.



Each Select Board or Mayor appoints a representative from their Town or City to serve on the TAC. In addition, the TAC shall nominate representatives of other organizations to serve on the TAC to encourage participation among a broad range of transportation interests and transportation modes. Representatives from business, environmental, historic, bicycle, transit, airport, human service and other organizations shall be considered. These nominees, and others, will be considered by the MPO and may be appointed to the TAC from time to time. State and federal agencies shall be encouraged to participate on the TAC as ex-officio, non-voting members.

Through understanding the stipulation in the Planning Regulations that the “participation plan shall be developed by the MPO in consultation with all interested parties”, BRPC devoted two TAC meetings to the Public Participation Plan. The May 3<sup>rd</sup> meeting (Plan sent to TAC members in advance of the meeting) focused on changes made from the document started in 2006. During that meeting, at least one member of the TAC offered suggestions for additional changes; these changes were made on May 4<sup>th</sup> to the satisfaction of the TAC member who made the suggestions. The Public Participation Plan was then discussed at the May 15<sup>th</sup> MPO meeting; there were additional changes requested by MassHighway. The Public Participation Plan was approved for release for public comment. Then, at the June 21<sup>st</sup> TAC meeting, the TAC voted to approve the Public Participation Plan.

This document describes the Berkshire Region’s Transportation Planning Public Participation Process. The basic goal of this process is to develop and/or foster public participation throughout all elements of the regional transportation planning processes. Meeting this goal will require that a variety of participatory techniques be used and that the specific tools used will vary according to the scale of the planning element and the level of controversy involved. As staff to the MPO, the BRPC is committed to maintaining the highest degree of public participation. To these ends, BRPC acknowledges that there may be individuals in Berkshire County with constraints on understanding planning documents written in English. The MPO will make every effort to achieve public participation and outreach to the maximum extent possible, including that of low literacy and limited English proficiency populations.

This Public Participation Plan also documents the efforts, procedurally, strategically, etc. of incorporating public comment and thought into the BRPC planning process. To these ends, at all public meetings – whether the focus is the Regional Transportation Plan, a Working Group Meeting for the Lee Traffic Study, a public hearing or the meeting is simply a TAC or MPO meeting, there are displays that depict the topic, around which the public and BRPC staff discuss the relevant issues. All meetings are scheduled at accessible locations, typically in the late afternoon to early evening. Through preparation of a Coordinated Human Services Public Transit Plan (Coordinated Plan), BRPC is well aware of the parameters of the underserved, the needs of the underserved and locations where such conditions are most prevalent. Berkshire County has three points of urbanized populations, Great Barrington in the south, Pittsfield in the center and North Adams/Adams in the north. The “hubs” of Great Barrington, Pittsfield and North Adams/Adams form the framework for the connectivity throughout the County which the transit system provides.

The Berkshire Regional Transit Authority (BRTA) was created in 1974 under MGL §161 B as one of the first eight Regional Transit Authorities granted exclusive rights to administer public transportation services in member communities; today BRTA provides fixed route, demand response, and other public transportation services in twenty-three member communities.

In addition to providing the fixed route bus service to the 12 communities of Williamstown, North Adams, Adams, Cheshire, Lanesborough, Dalton, Hinsdale, Pittsfield, Lenox, Stockbridge, Lee and Great Barrington, the BRTA also provides ADA chair car service to Clarksburg, Florida, Richmond, Washington and Monterey and brokers human service transportation throughout the Berkshires. Since the BRTA is based in Pittsfield, and Pittsfield is the center of the County, from both geographical and population density standpoints, it will be the basis of much of the Plan.

There is a second public transit provider in Berkshire County. The Transportation Association of Northern Berkshire, Inc. (TANB) is a 501(c) 3 corporation located in North Adams, Massachusetts. Their mission is to remove transportation barriers for residents of the seven north county towns of Adams, Cheshire,

Clarksburg, Florida, North Adams, Savoy and Williamstown. Incorporated 5/13/02, Commonwealth of Massachusetts)

Commonalities between RIDEWORKS and TANB

There became evident a significant transportation need : availability gap that arises due to a large number of people on fixed / limited incomes not able to access jobs or work-related transportation for several reasons which may include:

- not having access to a car
- living too far from a bus route
- needing work-related transportation when the buses are not operating
- being unable to afford round trip taxi fares

In response to this need : availability gap, both BRTA and TANB programs, RideWorks and BerkshireRides respectively, were launched; and as will be seen, an unmet need has been identified and documents that many individuals are willing to pay a fare for each trip to gain access to work.

Vans are scheduled 24 hours a day /7 days a week /365 days a year.

Efficiencies built into the vanpool/cab service in the last two years have lowered average trip costs to \$10.91 and \$10.85 for RideWorks and Berkshire Rides, respectively; these costs are about half of the national average for community based transportation systems.

Both BRTA and TANB provide a full spectrum of employment related rides, including:

- Shared rides (vanpool service) curb to curb between work and home for people who live and/or work when or where the bus is not in operation
- Rides to or from a bus stop if the rider lives off the bus route but the bus can take them to/from their employment or school
- Daycare stops when parents are being transported to/from work or school
- Rides to/from pre-employment physicals, drug screening, or other work related destinations
- Rides to/from job training and education (post high school), including but not limited to ESOL, GED and ABE classes and testing

Whereas the BRTA's RideWorks program utilizes a local taxi service, TANB's BerkshireRides program utilizes vans.

The tables on the following pages document very clearly the parameters of underserved groups and the fact that in several cases throughout the County, these populations do not currently have access to public transit and may not have a car.

Just as only through the coordination of human services providers and transit providers was the preparation of the Coordinated Plan possible, only through the coordination of the statewide transportation planning public involvement and consultation processes will the public participation process be fully engaged.

Similarly, during development of the Regional Transportation Plan, Transportation Improvement Program and all other planning activity and documents, BRPC as staff to the Berkshire County MPO consults with agencies and individuals responsible for planning activities that are affected by transportation, including but not limited to State and local planned growth, economic development, environmental protection, airport operations and freight movement.

In that this Public Participation Plan was made available to the TAC on May 3<sup>rd</sup>, approved by the MPO for release on May 15<sup>th</sup>, had a link to the BRPC website and was advertised through legal notice in area newspapers, 45 calendar days will have elapsed prior to the July 9<sup>th</sup> MPO meeting at which the Public Participation Plan is expected to be adopted by the MPO.

*Public Participation Process for Transportation Planning*

Communities	Total	Population	Population	Employed	Unemployed	Total	Households	Households	Households
	Population	> 16Yrs	in labor Force			Households	< \$50K	with 0 Cars	with 1 Cars
Adams	8,809	7,082	4,486	4,130	356	4,362	2771	565	1,693
Alford	399	324	205	199	6	280	92	6	61
Becket	1,755	1,373	916	870	46	1,449	373	40	195
Cheshire	3,401	2,667	1,828	1,724	104	1,470	775	43	450
Clarksburg	1,686	1,344	902	860	42	688	380	43	169
Dalton	6,892	5,297	3,529	3,460	69	2,832	1383	192	898
Egremont	1,345	1,123	748	727	21	864	304	21	178
Florida	676	516	364	356	8	296	139	7	59
Great Barrington	7,527	6,074	3,862	3,760	102	3,352	1655	267	1,364
Hancock	721	560	393	371	22	474	167	4	102
Hinsdale	1,872	1,439	996	955	41	970	420	39	261
Lanesborough	2,990	2,367	1,754	1,623	131	1,382	669	68	419
Lee	5,985	4,863	3,334	3,221	113	2,927	1469	178	884
Lenox	5,077	4,186	2,472	2,368	104	2,713	1200	293	865
Monterey	934	797	567	497	70	832	192	12	146
Mount Washington	130	116	86	81	5	129	30	0	17
New Ashford	247	186	145	140	5	105	43	5	14
New Marlborough	1,494	1,182	789	758	31	963	309	29	172
North Adams	14,681	11,876	7,150	6,745	405	7,088	4901	1,123	2,890
Otis	1,365	1,089	738	702	36	1,569	270	10	175
Peru	821	603	437	427	10	371	171	5	92
Pittsfield	45,793	36,463	22,626	21,266	1,360	21,366	12973	2,759	8,493
Richmond	1,604	1,304	907	878	29	836	253	24	163
Sandisfield	824	687	418	411	7	650	188	14	104
Savoy	705	571	374	356	18	324	171	18	85
Sheffield	3,335	2,639	1,786	1,741	45	1,634	785	35	429
Stockbridge	2,276	1,928	1,239	1,188	51	1,571	472	67	359
Tyringham	350	299	227	223	4	263	51	4	36
Washington	544	435	301	287	14	238	93	8	50
West Stockbridge	1,416	1,147	761	732	29	769	291	29	184
Williamstown	8,424	7,253	3,990	3,738	252	3,053	1309	229	1,213
Windsor	875	676	462	459	3	481	159	3	82
<b>Berkshire County</b>	<b>134,953</b>	<b>108,466</b>	<b>68,792</b>	<b>65,253</b>	<b>3,539</b>	<b>66,301</b>	<b>34,458</b>	<b>6,140</b>	<b>22,302</b>
<b>Massachusetts</b>	<b>6,349,097</b>	<b>5,010,241</b>	<b>3,312,039</b>	<b>3,161,087</b>	<b>150,952</b>	<b>2,621,989</b>	<b>1,208,415</b>	<b>311,079</b>	<b>903,725</b>

Public Participation Process for Transportation Planning

Town	Population	Unemployment	Poverty	Public Assistance	Towns Served
PITTSFIELD	45,793	4.9	11.7	3.57	Served by BRTA
NORTH ADAMS	14,681	6.8	17.3	5.69	Served by TANB
ADAMS	8,809	7.0	12.6	2.61	Served by TANB
WILLIAMSTOWN	8,424	3.7	8.7	1.38	Served by TANB
GREAT BARRINGTON	7,527	3.8	8.6	1.24	
DALTON	6,892	3.6	4.9	0.63	Served by BRTA
LEE	5,985	4.3	7.7	2.01	
LENOX	5,077	4.4	8.8	0.00	Served by BRTA
CHESHIRE	3,401	6.2	5.0	1.31	Served by TANB
SHEFFIELD	3,335	4.2	6.3	0.52	
LANESBOROUGH	2,990	4.3	6.1	1.66	Served by BRTA
STOCKBRIDGE	2,276	3.1	7.1	1.63	
HINSDALE	1,872	4.7	9.7	2.19	
BECKET	1,755	5.4	4.7	1.17	
CLARKSBURG	1,686	6.5	6.5	1.67	Served by TANB
RICHMOND	1,604	2.5	5.1	1.11	Served by BRTA
NEW MARLBOROUGH	1,494	4.0	7.7	0.86	
WEST STOCKBRIDGE	1,416	2.7	5.9	1.02	
OTIS	1,365	4.3	6.9	1.42	
EGREMONT	1,345	2.8	7.2	2.30	
MONTEREY	934	2.8	6.5	1.04	
WINDSOR	875	5.0	4.3	1.22	
SANDSFIELD	824	2.8	4.0	0.87	
PERU	821	5.5	3.7	4.41	
HANCOCK	721	2.1	7.2	1.03	
SAVOY	705	6.0	5.2	3.09	Served by TANB
FLORIDA	676	8.9	7.0	0.41	Served by TANB
WASHINGTON	544	4.7	6.3	0.97	
ALFORD	399	3.5	3.9	0.00	
TYRINGHAM	350	2.4	0.0	0.00	
NEW ASHFORD	247	5.1	0.0	4.55	
MOUNT WASHINGTON	130	1.1	5.9	0.00	

Legend			
<b>Unemployment</b>	< than State Rate	Equal to State (4.4%)	> than State Rate
<b>Poverty</b>	< 5%	5 - 9.9%	10% and Greater
<b>Public Assistance</b>	< 2%	2 -2.9%	3% and Greater

### Summary of Process

The **Berkshire Metropolitan Planning Organization (MPO)** must take final, formal actions on:

- Regional Transportation Plan and elements thereof;
- Transportation Improvement Program (TIP) and amendments;
- Unified Planning Work Program (UPWP) for transportation
- Corridor and subarea plans

Such actions will take place at a public meeting of the MPO, held within Berkshire County, after public notice has been provided as for a meeting of any public body under the requirements of Massachusetts General Laws Chapter 39, Section 23B (the Open Meeting Law). That law requires that, at a minimum, notice of any public meeting of a local or regional government body be sent to each municipal clerk for posting no less than two full working days prior to the public meeting.

Prior to MPO action, MPO members and staff of MPO member agencies will have had the opportunity to consider and make recommendations on the proposed plan or program. The BRPC is the only planning agency (as opposed to implementing agency or municipality) that is a member of the MPO and is the only locally-based MPO member that represents all communities within the area of the Berkshire MPO. Furthermore, the BRPC transportation planning staff is designated as the staff of the MPO. Therefore, BRPC staff serves as the primary conduit for public involvement throughout the MPO transportation planning process; through a series of meetings (TAC meetings), TAC members have the opportunity to be kept up to date with current activities and priorities of the MPO and/or its staff at the BRPC and provide to the MPO comments in an advisory capacity prior to the MPO taking action. Although not currently part of the MPO public participation process- as is indicated in the flow charts at the end of this document- BRPC has a **Transportation Committee** consisting of delegates and alternates to the Commission (who represent the 32 municipal governments in the region) and others who have an interest in transportation.

The MPO established the **Berkshire Transportation Forum (BTF)** in 1995 as a venue for broad stakeholder participation in the metropolitan transportation planning process. The BTF initially functioned like the Transportation Advisory Committee now does, but as the number of people and organizations expressing active interest grew increasingly larger, it has evolved into a large mailing list and database that is a valuable tool in soliciting and cataloging stakeholder input. The BTF database includes representatives of a broad range of groups and individuals with an interest in transportation and the impacts of transportation. It specifically includes representatives of traditionally under-represented groups such as economically disadvantaged people, and elderly or disabled people. It also includes elected officials (at least the chief elected official) from each town and city in the region. For specific aspects of the transportation planning process or for individual controversial issues, the BTF database can be used to solicit input from a more targeted set of individuals or groups who need or want to be involved. At one point, the BTF was the cornerstone of the public participation process. It is still in place, but like the Transportation Committee, is not typically engaged in the current public participation process beyond its use as an extensive database from which a widespread mailing list is extracted and notifications of public meetings are sent.

**Work groups** may be established for various major transportation public investments involving corridor plans and subarea studies and for specific topic studies or plans such as for bikeways, transportation for the disabled, corridor studies, freight improvements, public transportation, air transportation and scenic corridors. Work groups will make recommendations to BRPC, the TAC, and the MPO. Work groups should include representatives of all groups with a defined stake in the topic under special study. BRPC or any implementing agency may establish a work group.

When specific projects are being planned, designed and/or built, a work group may be established for the planning stage and then could evolve into a **Project Advisory Group**. Such a project advisory group would be formed by the implementing agency, usually MassHighway, and is meant to serve that agency. If a project advisory group is formed by MassHighway, in response to a perceived need of such a focused work group, the role of the project advisory group is to provide ongoing recommendations to MassHighway to ensure that the

project design reflects the desire of the residents of Berkshire County to preserve the quality of life of the region, including the natural and historic landscape, and to protect adjoining property owners, residents and communities from unnecessary and unwarranted impacts. Since the formation of such project advisory groups is entirely at the discretion of MassHighway and would be an atypical process, they are not part of the MPO's public participation process. Project advisory groups should be kept fully involved during all stages of project design.

### **Public Review and Comment Requirements**

#### Distribution of Documents for Public Review and Comment

Documents subject to review and comment by the public will be posted on the BRPC website and distributed to all city/town halls and, at a minimum, to the following libraries:

Berkshire Athenaeum  
1 Wendell Avenue  
Pittsfield, MA 01201

Stockbridge Public Library  
Main Street  
Stockbridge, MA 01262

Mason Public Library  
Main Street  
Gt. Barrington, MA 01230

North Adams Public Library  
E. Main Street  
North Adams, MA 01247

Lenox Library  
18 Main Street  
Lenox, MA 01240

Lanesborough Library  
PO Box 352  
Lanesborough, MA 01237

Williamstown Public Library  
762 Main Street  
Williamstown, MA 01267

Dalton Public Library  
Main Street  
Dalton, MA 01226

Adams Free Library  
Park Street  
Adams, MA 01220

Documents will also be available for public review at the BRPC office, BRTA office, and Massachusetts Highway Department District #1 office during regular business hours.

When documents are available for review and comment, notifications will be mailed to all interested parties identifying the availability and whereabouts of such documents for review.

#### Review Period Duration

The formal public review and comment period will be open for no less than 30 days prior to the required action on any proposed plan, study, Transportation Improvement Program, Unified Work Program, or other required MPO certification document. Informal review periods may be modified periods.

#### Submission of Comments

Written comments should be submitted to:

Berkshire Regional Planning Commission  
1 Fenn Street, Suite 201  
Pittsfield, MA 01201

Or emailed to [transportation@berkshireplanning.org](mailto:transportation@berkshireplanning.org)

All comments received will be provided to the Metropolitan Planning Organization prior to action.

### Revisions

When significant written and/or oral comments are received on any draft plan, study or program being considered by the MPO as a result of this public participation process or the interagency consultation process required under the U. S. EPA's air quality conformity regulations, a summary, analysis, and report on the disposition of comments will be made part of the final plan, study or program.

If the final plan, study or program differs significantly from the one which was made available for public comment and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan, study or program will be made available.

## **Public Information and Participation Tools**

### Types of Review

The updated Public Participation Process will focus on six types of review. The MPO or its constituent members, as well as the Transportation Advisory Committee, may find that a variety of public information and participation tools are needed, depending on the subject and the level of controversy.

1. Review of the **Unified Planning Work Program (UPWP)**. – 30 day public comment period
2. Review of the **Regional Transportation Plan** or **Elements** of the Regional Transportation Plan. – 30 day public comment period
3. Review of the annual **Transportation Improvement Program (TIP)**. – 30 day public comment period
4. Review of **Corridor Plans** or **Subarea Studies**. – 30 day public comment period
5. Review of **Special Studies**. – 30 day public comment period
6. Review of **Project Design and Implementation**

### Unified Planning Work Program

The Unified Planning Work Program (UPWP) is a document which describes all of the transportation planning activities expected to be undertaken in the Berkshire region during the year. The UPWP is one of the federal requirements for a certified transportation planning process which is, in turn, a prerequisite for the receipt of federal funding for transportation improvements for highways and transit in the region. The UPWP is prepared by the staff of the Berkshire Regional Planning Commission with input and review by the Berkshire Regional Transit Authority, the Executive Office of Transportation and the Massachusetts Highway Department and must be approved annually by the Metropolitan Planning Organization. The TAC will provide an initial level of review and may prepare a recommendation for the BRPC Transportation Committee, BRPC and/or MPO. The Transportation Committee of BRPC will review the UPWP prior to final action by the BRPC. Notification of the availability of the UPWP for public review will be placed in the legal section of the local newspaper with the widest circulation in the region and on the BRPC website. BRPC will endorse the UPWP prior to formal MPO action. Figure 1 shows how the UPWP is to be developed and adopted.

### Regional Transportation Plan

One of the federal requirements of the transportation planning certification process is the region must adopt a comprehensive multi-modal twenty-year transportation plan every four years. The plan describes the existing transportation system in the county, existing transportation problems and potential solutions. The Transportation Plan is prepared by the Berkshire Regional Planning Commission staff with input and review by the Berkshire Regional Transit Authority, the Executive Office of Transportation, the Massachusetts Highway Department and local communities. Figure 2 shows how the Transportation Plan is to be developed.

Both the TAC and the BTF have roles in developing the Regional Transportation Plan. The TAC has a focused role in meeting several times, at a minimum, during development of the plan in order to focus on important background information, carefully review and discuss alternatives, and to reach a set of recommendations for consideration by the MPO. TAC members would be provided the sections of the draft Plan as it is being developed in order to carefully consider it and to use it in their discussions and deliberations. The BTF has an important role as a means to solicit and consider the input and opinions of as wide a range of citizens and stakeholders from throughout the region as is possible during the development of the Regional Transportation Plan. Notification of the availability of the Transportation Plan for public review will be sent to the entire BTF mailing list. Draft and proposed documents will also be posted on the BRPC website to make them more accessible to a wider range of the population.

For development of the Regional Transportation Plan, citizen surveys, visioning processes, focus groups, computer or video techniques, transportation fairs and other techniques may all be useful tools. As broad an array of the public as is possible should be solicited to provide initial information for development of the plan and at critical points, particularly after key problems have been identified, after alternatives have been identified, and during consideration of preferred alternatives, public education is necessary and considerable public feed-back is essential. Throughout development of the regional transportation plan there shall be interaction with Select Boards, Mayors and City Councils. Sub-regional meetings will be held. As appropriate, four sub-regional meetings, one each in the North, Central, Southeast and Southwest areas of the County shall be held prior to TAC action on the Regional Transportation Plan. The TAC or BTF may establish work groups to consider particularly complex or divisive issues as they consider the Regional Transportation Plan.

### Transportation Improvement Program

The Transportation Improvement Program (TIP) is a prioritized, four-year program for the implementation of transportation improvement projects in Berkshire County which is updated annually. A transportation improvement project is not eligible for federal funding unless it is listed on the TIP. The TIP is also a requirement for certification of the transportation planning process. The TIP must include a certification by the Metropolitan Planning Organization that the transportation planning process is being carried out in conformance with various applicable federal regulations. Certification ensures the region's continued eligibility to receive federal funds for highway and transit projects. The Berkshire Regional Planning Commission, as staff to the MPO, prepares the TIP with input and review by the Berkshire Regional Transit Authority, the Executive Office of Transportation, the Massachusetts Highway Department, and local communities.

In the past, consideration of the Transportation Improvement Program (TIP) was generally dealt with as a technical exercise. With the financial constraints placed on transportation plans and programs by ISTEA, TEA-21 and SAFETEA-LU, adoption of the TIP has become more contentious as desired projects, including enhancements and public transportation, as well as road improvements, compete for a limited amount of funding. The financial constraints of the State underscore the importance of maintaining the existing infrastructure; to these ends, various management systems (e.g. pavement management, bridge management, transit management, and congestion management) have been implemented and are, as such, in accordance with ISTEA requirements, and TEA-21 recommendations. These may provide some quantitative information which will be helpful in establishing priorities.



Projects to be considered in the TIP will be solicited from all localities, the Berkshire Regional Transit Authority, the Massachusetts Highway Department, and the Executive Office of Transportation. An informational meeting for town administrators, highway superintendents, public works directors and other municipal officials will be held as soon as possible after the request for projects is sent, but before the requests for projects are required to be submitted. If a project is not contained in the Regional Transportation Plan, in order to ensure that a requested project has some basis of local support, a supporting letter or recommendation must be submitted from the Board of Selectmen or the Mayor of at least one of the affected localities.

At the direction of the MPO, the Transportation Advisory Committee will review and make recommendations on the draft TIP. Interested local officials are invited to attend Transportation Advisory Committee meetings to discuss their needs and priorities. The TAC will prepare a recommendation for the MPO. The final draft TIP will be mailed to all Select Boards and Mayors for public review. Copies will also be sent to all libraries listed under BTF as locations of transportation planning documents. Notice of the availability of the final draft TIP for public review and comment will be published in the local newspaper with the greatest circulation within the County. The MPO will meet to consider the proposed TIP no less than thirty days after it has been made available for public review. The process for development and adoption of the TIP is shown on Figure 3.

#### Corridor Plans and Subarea Studies

Corridor plans and subarea studies may require collaborative work groups and may, in contentious situations, require a third-party facilitator. Solicitation of public opinion and public education should always be given considerable priority. Given the smaller areas which are usually affected by these studies, more focused public solicitation and education may be needed. Community access channels, direct mailing of information, surveys, and speakers bureaus may all be appropriate. The elected officials of affected localities shall be kept fully informed and involved in these plans and studies. Sub-regional meetings shall be held in affected regions. Figure 4 shows the public participation process for corridor plans, subarea studies and for special studies.

#### Special Studies

Special studies will use a variety of public information and participation techniques. Depending on the degree of controversy, a collaborative work group and/or a third-party facilitator may be appropriate. Many of the public information tools discussed for the regional transportation plan may be appropriately used. The elected officials of directly affected localities shall also be consulted and sub-regional meetings held, if appropriate.

#### Project Design and Implementation

The Project Design and Implementation process has been improved recently with the adoption of the *Project Development and Design Guide* in 2006 by MassHighway. Upon development/submittal of a Project Need Form to MassHighway District 1, a copy is sent to BRPC which develops draft staff comments regarding known design issues or concerns or other projects which may be impacted by or which may impact the proposed project. These draft comments are provided to the chief administrative officials in any affected localities by BRPC to gather any additional local concerns. After the local governments have been given an opportunity to provide additional information to be added to the comments, these are then submitted to the District 1 Highway Director for consideration in initiating the design development process. This allows a very early process to identify potential issues and concerns in the design of any highway project in the region.

During the design of a project, there is typically one required public hearing at the 25% design stage. Sometimes, a second public hearing will be held if specific conditions warrant, as explained in the MassHighway Project Development and Design Guide. Often there is also an initial public meeting well before the 25% design public hearing. These provide an opportunity for property owners, citizens, other interest, the affected municipalities and BRPC to make additional comments and to review whether any initial concerns or issues have been addressed adequately.

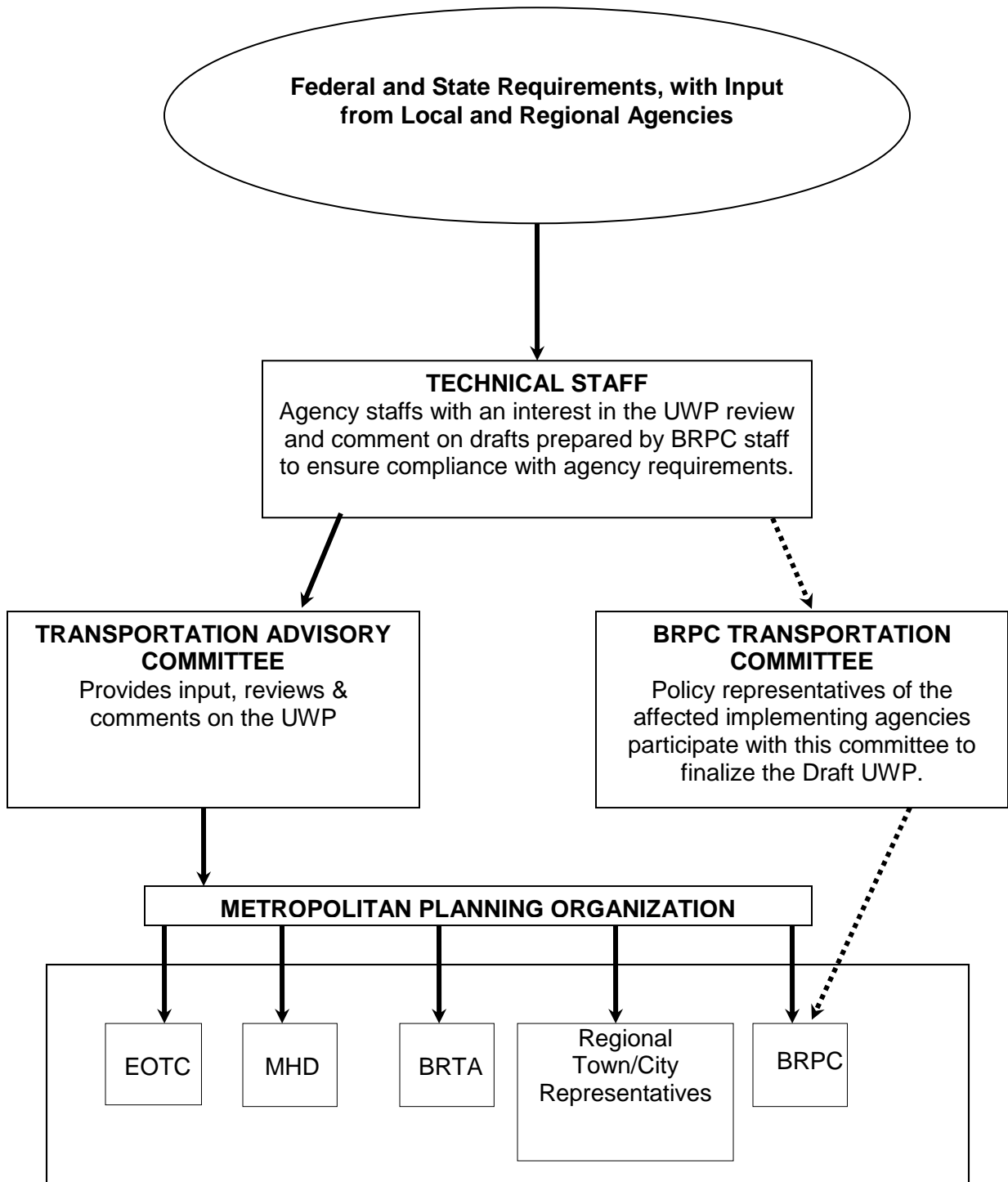
For unusually complex or controversial projects, additional very direct mechanisms to allow the public to comment and provide information may be needed. The implementing agency should determine the exact

methods to be used to allow further public involvement. A Project Advisory Group may be necessary to insure full public involvement in the decision-making process. Public meetings should be held to allow one-on-one interaction, questioning and comment between citizens, any project advisory group, and technical staff responsible for the design. Other focused public solicitation and education mechanisms should also be used. Community access channels, direct mailing of information, surveys, and speakers bureaus may be appropriate. The elected officials of affected localities shall be kept fully informed and involved in these plans and studies. Sub-regional meetings should be held at critical points during the design process and periodically during implementation. During implementation, a community ombudsmen to act as a go-between for affected citizens and businesses and the transportation agency and contractor might be appropriate.

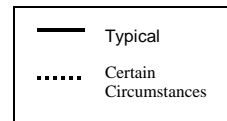
#### Periodic Review of Public Participation Process

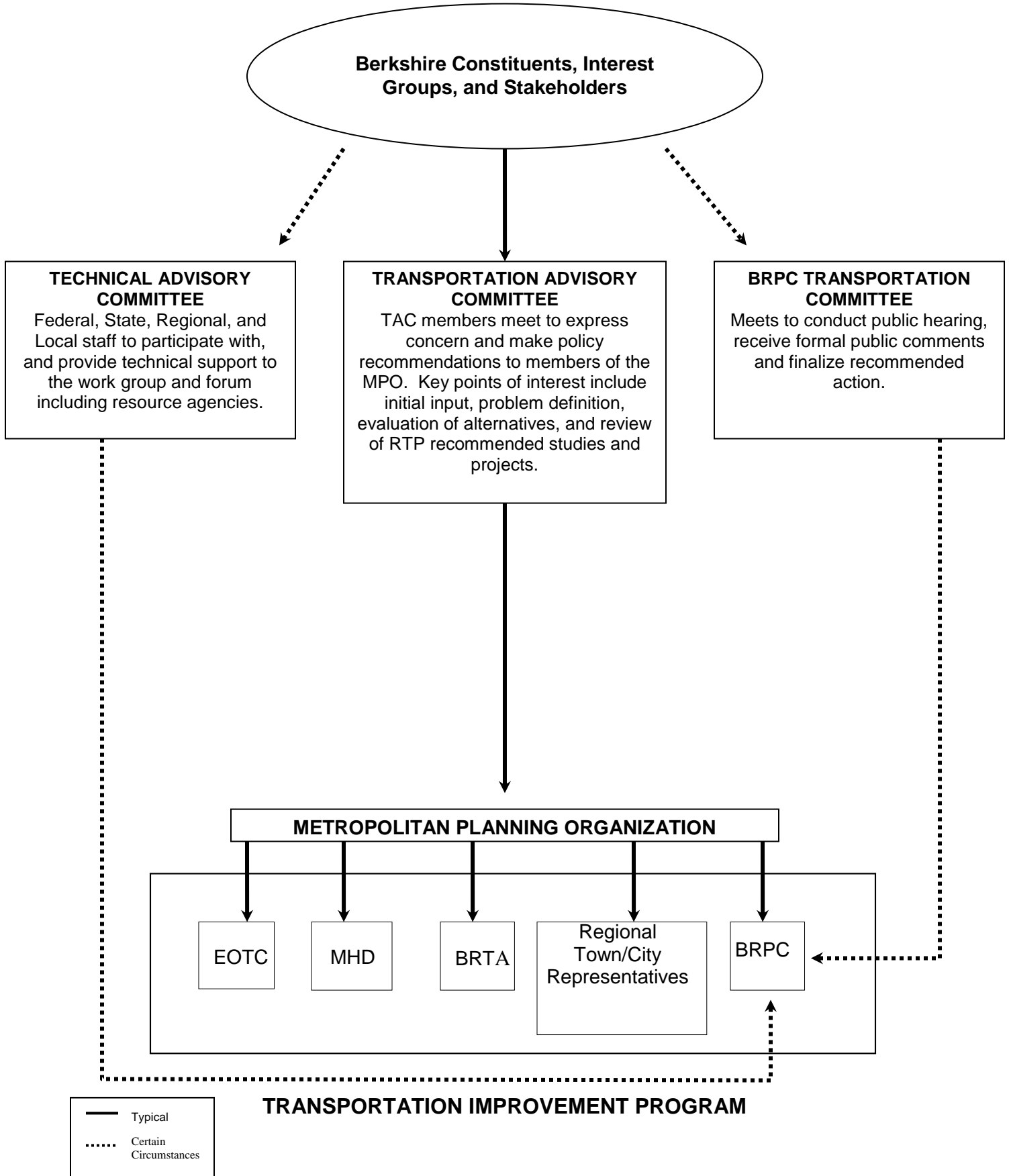
This Public Participation Process will be periodically reviewed by the MPO in terms of its effectiveness in assuring that full and open access has been provided. There are several components to the process of the MPO assessing the effectiveness of public participation through its staff, the BRPC, the primary one being the TAC. The TAC meets regularly; during the meetings, any feedback as to the perceived effectiveness of the public participation process is voiced readily. Secondly, the MPO consists not only of MassHighway officials but also the public. At both TAC and MPO meetings, the BRPC staff has heard appreciation for the openness and open communication of the process. Acknowledging the importance of continued improvement in public participation, the Berkshire County MPO and its staff, the BRPC, will continue to monitor feedback.

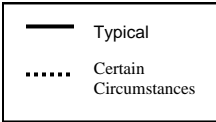
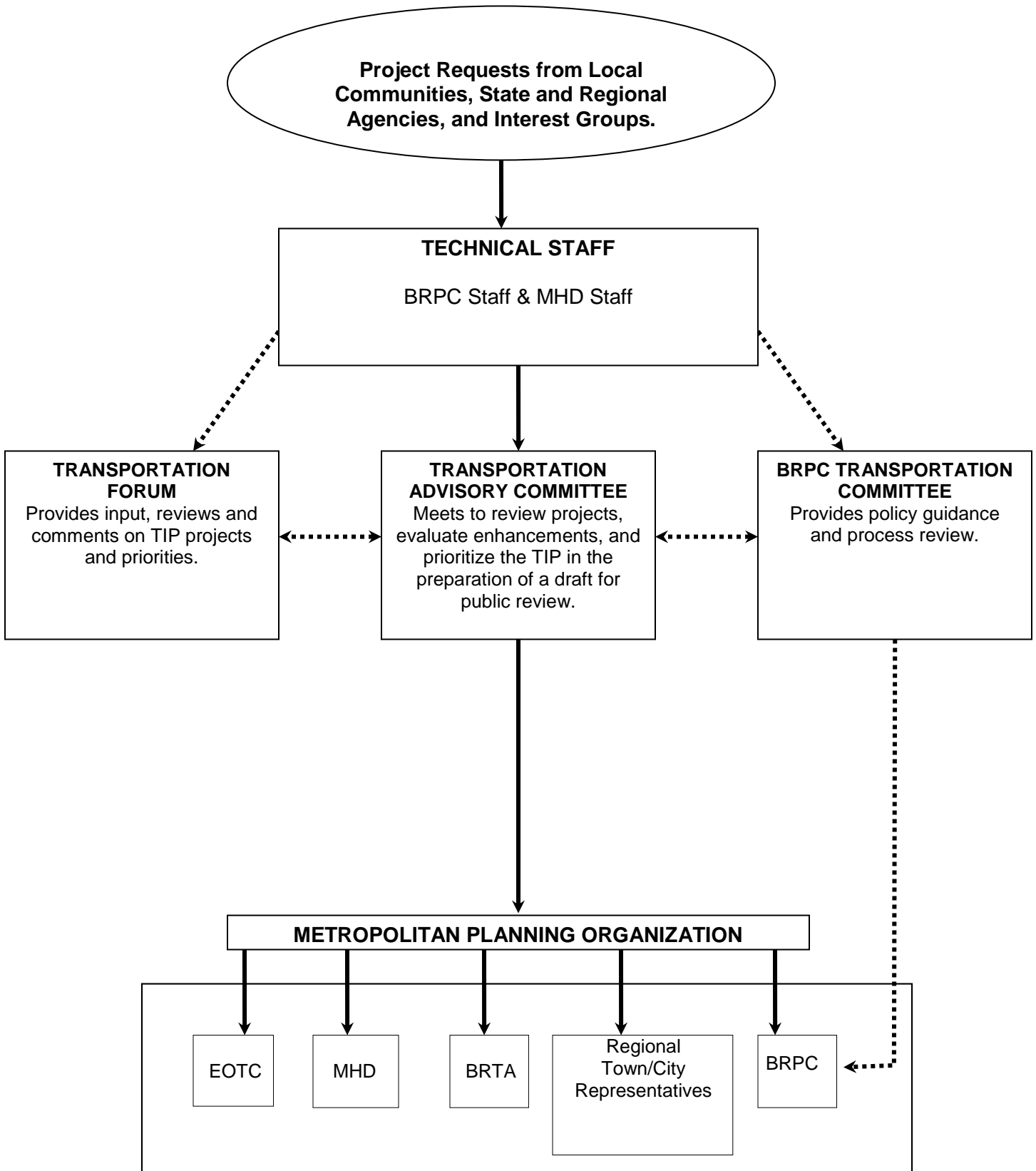
### UNIFIED WORK PROGRAM



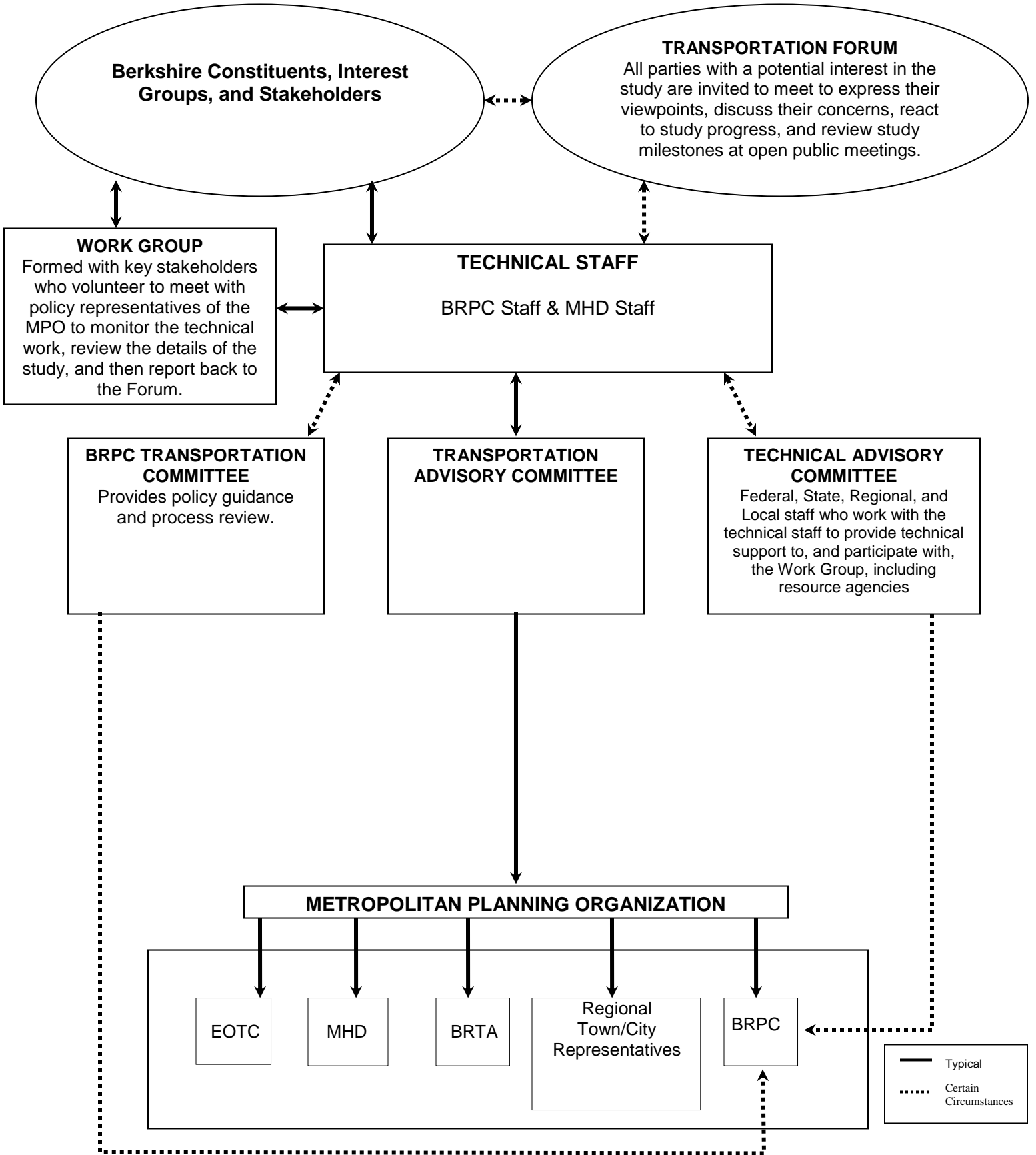
### REGIONAL TRANSPORTATION PLAN







**CORRIDOR, SUBAREA, AND SPECIAL STUDIES**



# Berkshire Metropolitan Planning Organization


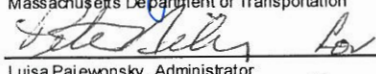
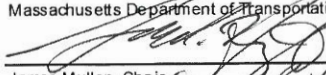
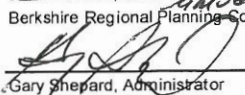
## 2007 Public Participation Plan for Transportation Planning Amendment

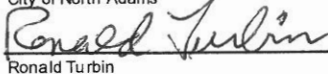
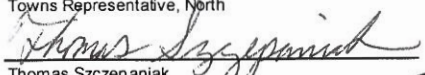
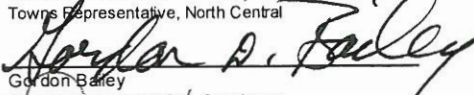
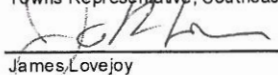
The *2007 Public Participation Plan for Transportation Planning*, which provides a process for public involvement in the transportation planning for the region, was endorsed by the Berkshire Metropolitan Planning Organization (Berkshire MPO) on July 9, 2007. The Berkshire MPO, through its regular and advisory group meetings, encourages public participation on amendments to certification documents.

This **AMENDMENT** to the *2007 Public Participation Plan for Transportation Planning* provides for the addition of the following provision:

- A minimum public comment period of 30 days has been established for the RTP, TIP, and UPWP Amendments. However, the Berkshire MPO may at their discretion vote to abbreviate the public comment period to 15 days, under what they consider to be appropriate circumstances.

The signatures approve this **AMENDMENT** and reaffirm that the *2007 Public Participation Plan for Transportation Planning* will continue to provide for the public participation process for transportation planning in the region, along with the Amendment herein as deemed necessary. Said Amendment shall be included in the Appendix of the existing Public Participation Plan until the endorsement of a new Public Participation Plan.

 _____ Jeffrey Mullan, Secretary and CEO Massachusetts Department of Transportation	03/02/10 _____ Date
 _____ Luisa Paiewonsky, Administrator Massachusetts Department of Transportation	3/2/10 _____ Date
 _____ James Mullen, Chair Berkshire Regional Planning Commission	3/2/10 _____ Date
 _____ Gary Shepard, Administrator Berkshire Regional Transit Authority	3/2/10 _____ Date
_____ James Ruberto, Mayor City of Pittsfield	_____ Date

_____ Richard Aloombright, Mayor City of North Adams	
 _____ Ronald Turbin Towns Representative, North	
 _____ Thomas Szczepaniak Towns Representative, North Central	
 _____ Gordon Bailey Towns Representative, Southeast	
 _____ James Lovejoy Towns Representative, Southwest	