Operating with Excellence

&

Leading the Region

Recommendations for PACTS

Prepared for: PACTS Policy Committee and PACTS Executive Committee

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Final Report
EXECUTIVE SUMMARY

PACTS Policy Committee and Executive Committee recently finished a short process to identify current issues in the way PACTS operates and how PACTS enhances its regional leadership. The process also included the development of possible solutions to address the challenges. Staff has developed the following recommendations for PACTS to consider:

Operate with Excellence

1. **Strengthen Relationships.** Developing and maintaining strong relationships with state and federal partners is critical for PACTS to succeed. A strong relationship requires PACTS to understand state and federal requirements, PACTS needs to meet deadlines, and PACTS needs to communicate with consistently and clarity.

2. **Allocate Funds with Consistency.** PACTS is responsible for consistently allocating funds to its members for both capital and planning projects. Fair allocation of funds across all modes in the entire region can be accomplished by reconvening the Transportation Improvement Program Process and Procedures committee and with the development of a TIP application guide.

3. **Manage Projects Actively.** Actively managing projects gives PACTS the opportunity to ensure important projects in our region are being delivered on time and on budget. A project development guide will be useful to track the development and schedule of projects. The Executive Committee will be engaged on PACTS projects with staff providing monthly project status reports.

4. **Reform Committees.** PACTS committees need to have clearly defined roles and responsibilities. The development of committee mission statements will reduce the overlap we experience among some of our committees. Changing the time and location of the Policy committee meetings will make it more convenient for electeds to participate.

Lead the Region

1. **Lead The Region.** PACTS needs to be a transportation leader in the region. To do that, PACTS needs to set clear priorities, communicate priorities to members and to the public. There are several communication outlets PACTS will use to disseminate information.

2. **Plan for the Future.** PACTS’ long-range plans need to be developed with a purpose and anticipate changing trends across multiple areas. Strong long-range plans are frequently assessed and adjusted based on the need and priorities of the region. PACTS will conduct a self-assessment of Destination 2040 and will stay current on rapidly changing technologies and trends in transportation.

3. **Set Regional Priorities.** Setting regional priorities ensures that we are all rowing in the same direction, gives PACTS’ members a common goal to achieve, and creates a
strong transportation network. To effectively set regional goals PACTS needs to link funding to priorities, educate members on regional projects, and generate a project list which demonstrates the needs of the region.

4. Engage the Public. Broad public engagement will result in effective projects and plans. PACTS needs to develop clear messages to communicate with the public on a variety of platforms. PACTS needs to consistently update its public participation plans to engage the underrepresented population.

INTRODUCTION

In March 2018, the PACTS Executive Committee decided to undertake a short process to identify ways to improve PACTS performance. The recent integration of PACTS and GPCOG in January and the February hire of a new Transportation Director provided an opportunity to set new priorities and identify issues and challenges with the way PACTS operates and establishes priorities. Through a series of workshops with both the Executive Committee and the Policy Committee, members identified, prioritized and proposed solutions to challenges, as well as identified new opportunities for PACTS to lead the region. This document summarizes the process undertaken and the challenges and solutions identified. From this work, staff has developed draft recommendations for PACTS member’s considerations.

Over the course of the past 4 months, both PACTS Executive and Policy committees met to identify the issues and challenges with the way PACTS operates and sets priorities. The initial meeting was with the PACTS Executive Committee, which focused on two major questions: (1) What do members want to see PACTS accomplish in the next year? and (2) What changes would members like to see in how PACTS functions? Several themes emerged from the initial workshop with the Executive Committee. Staff organized the themes and shared them with the Policy Committee for feedback. The Policy Committee provided thoughtful feedback, helping to expand the originally identified issues. Over the course of two subsequent meetings, the Executive Committee prioritized the issues and provided possible solutions. While facilitating these workshops, staff also drew from two previous organizational reviews done by The Resource Systems Group and Federal Highway Administration.

STRENGTHEN RELATIONSHIPS

PACTS serves as the regional transportation planning and federal funding organization for the Greater Portland region. In order to succeed in that role, PACTS must maintain a strong working relationship with partners at both state and federal agencies. To cultivate strong relationships with the Maine Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration, PACTS needs to be well-versed in the federal requirements of the MPO and state...
policies that influence MPO operations. The relationships, while improving, are not as strong as they need to be. PACTS has frequently requested extensions on Unified Planning Work Program (UPWP) deadlines and, at times, does not meet other MaineDOT deadlines.

Understanding the rules of the game, having clear and consistent communication, and being the convener of MaineDOT meetings in the region, are all ways in which PACTS can strengthen its relationships with state and federal agencies. These outcomes will be achieved in the following ways:

- **Understand Requirements.** Staff will participate in quarterly conference calls with MaineDOT, FHWA and FTA on policy updates or proposed and pending changes. Staff will also participate in relevant webinars and trainings hosted by our federal and state partners.

- **Meet Deadlines.** Develop an annual calendar which identifies deadlines for federal and state required activities, along with a check list for each activity. This will ease the committee approval process and reduce the risk of missing deadlines.

- **Communicate Clearly.** Along with clear consistent communication reflecting PACTS goals, staff host regular information sharing meetings with MaineDOT Region One’s, staff with the purpose of coordinating projects and planning efforts.

- **Learn from Others.** Regularly meet with other MPO directors in the region for the purpose of staying informed on best management practices for MPO of a similar size to PACTS.

**ALLOCATE FUNDS WITH CONSISTENCY**

An important function of PACTS is to program the state and federally allocated funds. While the process for distributing funds can be complicated, PACTS has a responsibility to provide a fair and balanced approach to programming federal and state dollars. The process for allocating the limited funds needs to be consistent across all modes and all communities throughout the entire region and support the regional goals of the MPO.

Some members view the application process for both the Unified Planning Work Program and the Transportation Improvement Program as overly technical and time consuming. The process can be burdensome to municipalities without technical expertise on staff. As noted in the 2016 FHWA Transportation Planning Certification Review, PACTS should explore opportunities to provide technical assistance and expand outreach to those communities that are not fully engaged. Unlike the TIP, the
holding Work Identification Number (WIN) does not currently have a process for evaluating the distribution of excess funds held in that account.

Allocating funds based on the goals of the region will require PACTS to be a technical resource, develop fair and balanced scoring criteria, and coordinate projects in the region for efficiencies. To meet all of these goals PACTS should:

- **Convene TIP Process and Procedures Committee.** Reconvene the TIP Process and Procedures Committee with balanced representation, to revisit the TIP scoring criteria based on regional goals and PACTS’ Long-Range Plan (*Destination 2040*). The updated scoring criteria needs to balance the goals of equity, efficiency, performance and regional benefit. The committee will also develop recommendations on a procedure for allocating funds from the holding WIN.

- **Develop Application Guide.** Develop a TIP application guide which clearly outlines the criteria for a project. This should be developed by the TIP Process and Procedures Committee. It can include the scoring criteria by which applications will be evaluated. This guide can also include the top priorities for the region and examples of projects that align with those priorities.

- **Provide Technical Support.** Recently PACTS added a technical staff person, who can assist municipalities that are developing applications.

- **Monitor.** Create and update a database of unfunded municipal projects. This will allow staff to track potential efficiencies when projects are coordinated. This also provides an inventory of unfunded projects to utilize when funding opportunities present themselves, such as holding WIN funds and federal grants.

**Manage Projects Actively**

Currently, PACTS does not design or construct capital projects. In most cases, once the project is funded, PACTS participation in the project fades. However, this approach needs to be rethought because PACTS projects are not being designed or constructed in reasonable timeframes. PACTS doesn’t have a process for tracking how quickly we are designing and constructing projects. There is not a clear understanding of project development process or project “benchmarks”. There isn’t a system to ensure accountability for project delivery. The same is true of planning studies in the UPWP.
To take an active project management role in both capital and planning projects, PACTS needs to convene project partners, understand project milestones, monitor project progress and be an advocate for the project. To more actively manage projects, PACTS should:

- **Develop.** To successfully manage projects, staff needs to identify key partners for the project as well as the scope, schedule and budget for every project. Staff will develop a project development guide to be used for monitoring progress for each project.

- **Monitor.** Staff will create a project monitoring tool using the existing MaineDOT project report. Staff will monitor the milestones, developed as part of the project development process.

- **Communicate.** Staff will provide monthly updates to the PACTS Executive Committee. Updates will elevate for discussion, projects that are experiencing significant delays, and provide recommendations to address any outstanding issues.

## Reform Committees

As a result of PACTS becoming a Transportation Management Area (TMA), the PACTS Policy Committee was required to include elected officials in its membership. It is beneficial to have electeds involved in the PACTS process. As electeds become more educated on the transportation needs in the region, identifying funding sources to address those needs often becomes a priority. The 2012 RSG report recommended developing a “MPO 101” seminar for newly elected officials to educate them on the PACTS process, highlighting the role of cities and towns in the MPO and the benefits to their municipalities. Additionally, the RSG report recommended to schedule subcommittee meetings based on need rather than the calendar.

Throughout the workshops with membership this spring, there was discussion regarding PACTS having too many committees. Agendas could be more concise, and information shared in a timely manner. PACTS committees don’t have clear missions, and in particular, the boundaries between the Executive Committee and Policy Committee are unclear. The Policy Committee spends too much time in the weeds, which likely drives away participation by elected officials. Meeting times are not convenient for elected officials that work. The governing bodies do not provide meaningful input on public transportation issues in the region, and there is inadequate engagement between the governing committees and the Transit Committee.

To establish high functioning committees, PACTS should:

- **Create Committee Missions.** PACTS should develop draft mission statements for each of the 5 PACTS standing committees (Policy, Executive, Technical, Planning and Transit). These mission statements will be based on PACTS priorities, the goals of *Destination 2040*, and the Regional Transit Plan.
• **Revise Meeting Times and Locations.** PACTS Policy will meet four times annually and PACTS Executive Committee will meet eight times annually. Establish a new time for the Policy Committee to meet which will be convenient for electeds to participate. The Policy Committee meetings will also rotate to different locations throughout the region. Staff will review the current bylaws, and make recommendations to better allow for flexibility in approvals to ensure that deadlines are met.

• **Re-structure.** Over the next year, staff will explore the potential of combining the Planning Committee and the Technical Committee into one unified Planning and Programming Committee.

• **Engage.** Focus outreach to the elected officials appointed to PACTS Policy to better engage them.

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**LEAD THE REGION**

As the federal Metropolitan Planning Organization, PACTS is responsible for building and maintaining a strong transportation network. To do this, PACTS needs to know its priorities, communicate them to member communities, stakeholders and the public, and position itself to seize opportunities and address any and all challenges that stand in the way to achieving those priorities. In other words, PACTS needs to lead the region in achieving a strong transportation system for today and for tomorrow.

Currently, PACTS is not visible in the region as a leader in transportation. PACTS has not focused on providing tools and education to the public or decisionmakers in the region about transportation challenges and funding.

To address this challenge, PACTS needs to more clearly define its priorities, strengthen its capacity to educate its members and the public, and commit to regularly communicating information, both internally and externally. These actions will begin to brand PACTS as the region’s leader in transportation.

To achieve these outcomes, PACTS will:

• **Set Priorities.** Clarify a short list of 2019 priorities, adopted by the Executive Committee. Review progress on priorities once per quarter at Policy Committee meetings. This will contribute to ensuring higher level discussions at PACTS committee meetings. As part of these priorities, PACTS will consider embracing and advancing a significant project that can be a “win” for the region, and for PACTS.
• **Communicate Priorities to Members.** PACTS will annually hold subregional meetings for local electeds and staff with the purpose of educating on PACTS’ role and their community’s role in PACTS, presenting the region’s challenges and opportunities, soliciting feedback on priorities, and giving members the tools to be ambassadors for PACTS. To prepare, staff will work with managers to understand the best approach to presenting the material.

• **Communicate Priorities to the Public.** PACTS will use multiple communications vehicles and channels to communicate its priorities:
  - **High level messaging:** Staff will develop and present overarching messaging about transportation in our region to the Executive Committee.
  - **Collateral development:** PACTS needs easy-to-understand electronic and hard copy collateral. During the UPWP period, we will produce two things: a brochure and a transportation data dashboard. PACTS and GPCOG will jointly develop a brochure that describes who we are, what we’ve accomplished, and where we are going, based on the high level messaging. As part of GPCOG’s community profiles, we will develop an online transportation dashboard.
  - **Website:** Upgrade the look and feel, fix the search function, and improve the content of the current website.
  - **Media relations:** Keep the media informed about the MPO process and transportation issues in the region.
  - **Social media:** Launch a social presence on Facebook, Twitter, and Snapchat or Instagram.

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**Plan for the Future**

As part of its federal designation, PACTS is required to develop and periodically update a Metropolitan Transportation Plan, also known as a long range-plan. In 2016, PACTS conducted a complete update of its long-range plan, *Destination 2040*. The RSG report also recommended that PACTS prepare a “self-assessment” of progress made towards implementing the recommendations of *Destination 2040*. RSG identified two different approaches to conducting the assessment of the long-range plan. First, PACTS could conduct the assessment with staff and committees, as an internal review. The other option would be for PACTS to conduct the assessment with broader stakeholder input.

PACTS needs to plan with a purpose and ensure plans are programmatic. Long-range planning does not adequately anticipate changing trends in transportation at both the state and federal levels. In particular, as we craft our UPWP, program transportation funding, and update the long range plan, PACTS should consider how to address the rapidly graying population in Southern Maine, attract a younger workforce, take into account the possible growth in shared mobility, and think ahead for how our infrastructure and services can be prepared for autonomous vehicles and climate resiliency.
For PACTS to have a more meaningful long-range plan, PACTS needs to:

- **Conduct Self-Assessment.** PACTS will develop a process to conduct a self-assessment of *Destination 2040*. This process could result in annual adjustments to the plan.

- **Stay Current.** Staff will stay informed on rapidly changing trends and technologies and regularly bring research and speakers into PACTS meetings and dialogues. Those technologies include: Signals, Intelligent Transportation Systems (ITS), autonomous vehicles, and shared mobility.

- **Expand.** The Executive Committee will be engaged in the development of the Regional Transit Plan Phase 2. They will appoint a steering committee to lead the development of that plan.

- **Integration.** PACTS’ long-range plan will integrate multiple sectors into one plan. The long-range plan will incorporate land-use, economic development, natural resources, and transportation, while addressing the needs of an aging population and attracting a younger workforce.

## SET CLEAR REGIONAL PRIORITIES

Because PACTS is responsible for building and maintaining a strong transportation network, it needs to set regional priorities. To maximize limited funding and position the region to be eligible for discretionary funding, PACTS should develop a clear set of regional priorities. These priorities should directly reflect the short and long term goals of the region. With a clear set of priorities, PACTS can identify projects that will support those priorities.

Currently, PACTS does not have a back bench of shovel-ready projects, with the exception of collector paving projects. PACTS is not prepared to collectively support investment, nor is it organized to effectively pursue investments in infrastructure that will advance our regional goals, particularly for public transit projects and complex projects.

To establish clear regional priorities, PACTS will:

- **Generate Project List.** PACTS will create a prioritized list with a limited number of mid to large regional long-range projects.

- **Link Priorities to Funding.** The TIP Process and Procedures should include the regional priorities. Projects should be scored to consider economic development, multi-modal uses, regional goals and sustainability.
• **Education.** PACTS staff needs to stay informed about regional projects being implemented or planned by other agencies, such as the planned widening of the Maine Turnpike and the I-195 study led by the City of Saco. PACTS should serve as a catalyst, coordinator and a cheerleader for transformative projects this region needs. Equally important is for PACTS to communicate the status of projects back to PACTS committees.

## Engage the Public

Transportation decisions are best made when there is broad public engagement. The greater public involvement PACTS has when making important transportation investments, the better PACTS can address the transportation needs of the people using the system. As the MPO, PACTS is required to engage in a regional planning process that creates opportunity for public participation for the UPWP, long-range plans, and TIP projects. During the 2016 FHWA Transportation Planning Certification Review, FHWA recommended that PACTS conduct a thorough review of its Public Participation Plan, including measures of effectiveness. The review should include recommendations for updates as necessary. The review also recommended an update to PACTS’ Title VI, Environmental Justice and Limited English Proficiency plans.

PACTS should make a more concerted effort to better engage the public in decision making process. PACTS needs to develop strategies to enhance public involvement. As noted in the previous section, PACTS does not have a strong electronic presence and the website is not user-friendly and has a poor search function.

PACTS is not active on social channels.

PACTS should improve public engagement in the following ways:

• **Communicate Publicly.** PACTS will use multiple communication outlets to provide information to the public and to allow for public input on PACTS projects. All of these outlets for communication were outlined in the “Lead the Region” selection earlier in the report.

• **Identify Audiences.** PACTS will develop and maintain an accurate contact list for communication. In addition to maintaining an accurate list, PACTS will also continue to update its Title VI, Environmental Justice and Limited English Proficiency plans on a regular basis.

• **Go to Them.** PACTS will identify events with other agencies and organizations as possible opportunities for outreach. Frame outreach around existing events and meetings, allowing PACTS to focus outreach to existing groups and on existing events or gatherings.
CONCLUSION

This process resulted in a comprehensive list of recommendations to strengthen the way in which PACTS operates and how PACTS is a leader in the region. There are a variety of recommendations, some short term and others are long term, and implementation of all recommendations will be take time. PACTS will need the support of members to accomplish the implementation. Members and staff will need to all row in the same direction to achieve success.
Public Involvement Policies and Practices

of the

Portland Area Comprehensive Transportation System

(PACTS)

Adopted on April 26, 2018
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I. **Introduction**

This document outlines the public involvement processes of the Portland Area Comprehensive Transportation System (PACTS). This 2018 update of the *PACTS 2017 Public Involvement Policies and Practices* document adds several technical elements required by the federal government. In 2019 PACTS will draft additional changes to this document and seek public comment on those changes.

PACTS was designated in 1975 as the federally mandated "metropolitan planning organization" for the Portland region. The federal government established these locally controlled planning agencies in all urbanized areas of the country to ensure that our transportation taxes are spent cost-effectively. These eighteen communities comprise the PACTS region: Arundel, Biddeford, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, North Yarmouth, Old Orchard Beach, Portland, Raymond, Saco, Scarborough, South Portland, Standish, Westbrook, Windham and Yarmouth. See the PACTS Region map on the next page, and visit [www.pactsplan.org](http://www.pactsplan.org) to learn more.

PACTS provides a forum for cooperation and public input into planning and funding decisions by our municipalities, seven transit operators, the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority, the Greater Portland Council of Governments (GPCOG), the Southern Maine Planning and Development Commission (SMPDC), federal agencies, and other public and private transportation organizations. Using a multi-step strategic planning process, our focus is on outcomes within the context of broad community and regional concerns. Our responsibilities include evaluation and programming of proposed transportation improvement projects, sponsorship of transportation studies, monitoring of compliance with national air quality goals, and assistance to other planning agencies.

We work to involve the public in planning and project development for many reasons, including:

- making good decisions, and by thereby protecting the public purse,
- saving time by uncovering issues early,
- ensuring a voice for all affected persons,
- reducing conflict and litigation by allowing people to be heard,
- improving commitment, and
- fostering trust.

This public participation plan also serves as a guide for the work within the PACTS region by the GPCOG and SMPDC transportation planners. Working with and for the PACTS committees and staff, they contribute on a daily basis to the development of the region’s transportation studies, plans and projects.

Public participation is essential to the success of any public planning process or project. As a small organization serving a large and diverse region, PACTS strives to identify and address the concerns of everyone – community leaders and citizens – with an interest in
transportation decisions. Given limited PACTS resources, the participants broadly share the responsibilities for soliciting and applying public input to the region’s transportation systems. The PACTS committee members and staff use the basic tenet of the region’s Institute for Civic Leadership as a guide in our public involvement work:

“If you bring the appropriate people together in constructive ways with good information, they will create authentic visions and sustainable responses to issues and opportunities within their communities and organizations.”
II. Federal and State Perspectives

As the federally mandated Metropolitan Planning Organization (MPO) for the Portland region, PACTS must follow certain federal and state rules and regulations. Similarly, Maine’s Sensible Transportation Policy Act (STPA) requires the state’s four metropolitan planning organizations to establish and follow public participation processes that are effective, timely, and efficient. The following pages outline these federal and state policies, rules and regulations.

The United States Department of Transportation’s Metropolitan Planning Regulations are found in Title 23 of the United States Code of Federal Regulations (CFR) Section 450. The regulations require that all Metropolitan Planning Organizations (MPOs) develop a Public Involvement Process for the development and update of Transportation Plans and Transportation Improvement Programs (TIPs). CFR Section 450.316 (b) mandates that the public involvement programs of metropolitan planning processes must allow for multiple, accessible participation formats, including electronic and in person, and shall include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and transportation improvement programs (TIPs) and meets the requirements and criteria specified below. See more information at: https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/public-involvement-outreach.

(i) Require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;

(ii) Provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, other interested parties and segments of the community affected by transportation plans, programs, and projects (including but not limited to local jurisdictions);

(iii) Provide reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the Federal-aid highway and transit programs are being considered;

(iv) Require adequate notice of public involvement activities and time for public review and comment at key decision points including, but not limited to, approval of plans and TIPs;

(v) Demonstrate explicit consideration of and response to public input received during the planning and program development processes;

(vi) Seek out and consider the needs of those traditionally underserved by existing transportation systems including, but not limited to, low-income and minority households in an effort to ensure that the requirements of Title VI and Environmental Justice have been met during the planning and project process;
(vii) When significant written and oral comments are received on a draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process required under the U.S. EPA’s conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP;

(viii) If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO 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 or TIP shall be made available;

(ix) Public involvement processes shall be periodically reviewed by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;

(x) These procedures will be reviewed by the Federal Highway Administration and the Federal Transit Administration during certification reviews for transportation management areas, and as otherwise necessary for all MPOs, to assure that full and open access is provided to the MPO decision-making processes;

(xi) Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

PACTS considers the requirements and criteria above when periodically reviewing our public involvement process to determine the effectiveness in providing transportation stakeholders and other interested parties with full and open access to the work of PACTS staff and committees.

The Federal FAST Act and federal Metropolitan Planning Regulations (refer to this site for more details: [http://www.fhwa.dot.gov/fastact/factsheets/metropolitanplanningfs.pdf](http://www.fhwa.dot.gov/fastact/factsheets/metropolitanplanningfs.pdf)) also list the following transportation stakeholders (which are generally referred to in this document as the general public) which must have an opportunity to participate in the MPO public involvement process:

- Citizens
- Affected public agencies
- Representatives of users of public transportation
- Representatives of public transportation employees
- Freight shippers
- Providers of freight transportation
- Privately owned passenger transportation providers
- Representatives of pedestrians and bicyclists
- Representatives of people with disabilities
• Public ports and certain private providers of transportation, including intercity bus operators and employer-based commuting programs (such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program).

The STPA requires MaineDOT and MPO’s to establish and follow a public participation process that is effective, timely, and efficient. MaineDOT partners with Regional Planning Organizations (RPO’s) and the state’s MPO’s to develop public outreach strategies that:

• are tailored specifically to their region,
• are consistent with the requirements of the STPA,
• encourage stronger regional partnerships,
• increase grassroots and local government involvement, and
• develop a more consistent statewide approach.

PACTS works with MaineDOT, the Maine Turnpike Authority and the RPO’s in the development and execution of the PACTS public involvement process. Where a project has yet to be classified and where the project affects PACTS and the RPO, findings of Significant Highway Projects defined in Subchapter 1, Section 3(k) and Substantial Public Interest Projects described in Subchapter 1, Section 7 of the STPA rule will be determined cooperatively with the RPO and MaineDOT. The PACTS public involvement process envelops all STPA public participation requirements.

Here is a useful list of public involvement tools for MPO’s like PACTS to use to develop long-range plans, studies and transportation improvement programs.

1. **Meetings**: Although meetings tend to be the first approach, keep in mind that many people often are too busy with other demands or have conflicts with scheduled times. MPOs, therefore, should develop contact lists of interested people.

2. **Website and social media**: MPOs should consider using their websites to obtain feedback from the public about plans and programs, as well as using social media for that purpose.

3. **News releases and commentaries**: MPOs are encouraged to send news releases to media outlets to promote important meetings, transportation plans and other activities. MPOs should consider submitting letters to the editor and opinion pieces to local newspapers to raise awareness of transportation-related issues.

4. **Brochures and other mass-distribution materials**: Brochures and handouts are relatively inexpensive tools for providing information about policies, programs and other, more specific topics.

5. **Newsletters**: Some MPOs regularly publish newsletters to inform citizens, communities, the news media and other interested groups about their activities.

6. **Presentations**: Some MPO staffs make presentations to civic and professional groups to raise awareness about their activities.
7. **Workshops, forums and open houses:** MPOs occasionally hold workshops, forums and open houses to provide information to the public and/or to obtain a sense of public priorities.

8. **Public opinion surveys:** Surveys can be used occasionally to obtain specific information. PACTS, for example, once funded a statistically valid telephone survey to gauge the level of support for proposed regionally significant projects.

9. **Databases of interested parties:** Databases identifying potentially interested parties can enhance public involvement activities. The databases should include information such as mailing addresses, affiliations, phone numbers, e-mail addresses and websites.

10. **Visual displays:** MPOs should consider using maps, charts and other displays to present information about their plans and programs.

11. **Public notices:** Notices about meetings, MPO draft plans and programs, or high-profile studies should be posted to MPO websites.

### III. Overview of PACTS Policies and Practices

The region’s general public has many opportunities to participate in the transportation planning and programming work of PACTS and of the other organizations that have transportation decision-making responsibility. Those many organizations share the responsibilities for soliciting and responding to public input to the planning of the region’s transportation systems. The participants in the PACTS process bring the results of their organizations’ public outreach to bear in the decisions of PACTS.

Here are examples of opportunities that may provide for the public to participate in the transportation work of other organizations in our region:

- Participate in the work of a non-profit advocacy group.
- Serve on a transit system board or committee.
- Serve on a municipal transportation study committee, including a committee working on a study funded via PACTS, or otherwise provide input to the local study committee.
- Serve on a standing municipal board involved in transportation planning, or otherwise provide input to such a board.
- Participate in special public forums such as

PACTS, GPCOG and SMPDC staff closely monitor and often participate in the work of the other organizations mentioned above. A 2016 example of learning for the first time of other organizations at work on transportation topics is the connection made by GPCOG staff with the Portland Disability Advisory Committee. GPCOG staff will meet with that group to get their input on our Regional Transit Stop Improvement Project.

In September 2016 PACTS updated the PACTS Title VI Plan which outlines efforts taken by PACTS staff and members to reach out proactively to the region’s transportation
disadvantaged community. The Title VI Plan is posted on the PACTS website at http://www.pactsplan.org/about-pacts/public-participation/. The multi-year plan includes an annual work plan for federal fiscal year 2017 which involves fourteen actions. Perhaps the key action in the annual work plan is for PACTS and GPCOG staff to convene a forum during FFY 2017 of representatives of transportation disadvantaged people and transportation providers in order to consider their suggestions for how PACTS, GPCOG and the region’s transportation providers can improve our outreach to the general public and to the transportation disadvantaged people of our region. PACTS and GPCOG staff will communicate a response to forum participants on the recommendations generated at the forum. We will start our organizing of this forum by communicating with local groups (including Catholic Charities, United Way, and Opportunity Alliance) who represent these populations, and talk to them about their thoughts on the potential format and value of such a session.

The balance of this chapter is an overview of the PACTS public involvement policies and practices (subsequent chapters provide additional details). This chapter is organized around the eleven public involvement tools listed on two pages above.

As noted earlier, PACTS works closely with SMPDC and GPCOG staff in the development of the region’s transportation studies, plans and projects. GPCOG is the host agency that houses the PACTS staff. The scope of GPCOG services extend far beyond the geographic and subject area of PACTS in Cumberland County, and staff enjoys close working relationships with elected and appointed officials and volunteers in each of its member communities. GPCOG strives to reach out to all area citizens in the execution of its projects and programs, some of which are targeted to individuals. Illustrative of GPCOG’s efforts are the adoption of Sustainability Principles which value community and cultural diversity.

PACTS holds their committee meetings, workshops, forums and open houses at convenient and accessible locations and times.

1. **PACTS Committee Meetings**

   The general public has several ways to participate in the meetings of PACTS Committees. Here are some details about the committees, and ways that the public may participate in the committees’ work.

   - All meetings of PACTS committees (Policy, Executive, Technical, Transit and Planning Committees) are open to the public, and the agendas include an agenda item for public comment. Other procedures and protocol for PACTS committee meetings can be reviewed by obtaining a copy of the PACTS Bylaws which are available on our website. See Appendix D for a list of the current members of the PACTS permanent committees. Visit the PACTS website, www.pactsplan.org, to read the PACTS Bylaws which outline the purposes of the several PACTS committees.

   - The PACTS Technical, Planning and Transit Committees each have two general public voting members who are appointed by the Executive Committee. Appointees serve for three-year terms, and may serve for
successive terms at the discretion of the Executive Committee. The individuals are selected from a pool developed by various means, including a memorandum sent to individuals known to be interested in transportation affairs and a memorandum sent to the current PACTS committee members.

- Appendix B lists the non-member people and organizations who currently receive Policy Committee meeting packets and agendas via email. The meeting packet distribution lists for the other four standing committees are different based on our knowledge of people interested in receiving the meeting materials. Agencies and individuals wishing to be added to these email distribution lists are added upon request.

2. PACTS Website and Social Media: The PACTS website, www.pactsplan.org, provides public access to many committee documents, containing both policy and technical information used in the transportation decision-making process. The site also contains information relating to the Transportation Improvement Program, current studies, and other relevant transportation issues. It also includes links to the GPCOG and SMPDC websites. It allows public review and promotes public comment on Destination 2040, the PACTS long range transportation plan. We recently improved the website by adding a message at the top of our upcoming meetings page encouraging people to attend our meetings and telling them how to contact us to offer to serve on one of our standing committees.

Several years ago PACTS developed the following Face Book page: https://www.facebook.com/Portland-Area-Comprehensive-Transportation-System-159510817448779/. We used it for some notices about our updated Bicycle/Pedestrian Design Guide, and a related post was its use for the South Portland bike lane demonstration project. Overall we have used the PACTS Face Book page sparingly, but are going to post more to it in the future. We also plan to optimize the process for searching for the PACTS Face Book page so that people can get there by simply typing “PACTS” rather than spelling out the entire Portland Area Comprehensive Transportation System name.

3. News Releases, Conferences and Commentaries: PACTS staff distributes news releases to media outlets to promote important meetings, transportation plans and other activities. Recent news releases were:

- February 2016 regarding the PACTS $650,000 contribution to the construction of two bridges on the Eastern Trail in Scarborough and a $350,000 contribution to the construction of pedestrian and bicycle accommodations centered around the replacement of the Route 1 bridge over Main Street in Yarmouth.
- August 2016 regarding the PACTS adoption of the MPO Allocation projects list in July 2016
- October 2016 regarding the start of our 2020 and 2021 capital projects solicitation process
PACTS staff also submits letters to the Maine Voices section of the Portland Press Herald in order to raise awareness of transportation-related issues, and periodically attends newspaper editorial board meetings for that same purpose.

4. **Videos and Brochures:** PACTS produces videos and brochures for mass distribution.

PACTS produced five videos during 2010 and 2011 which were posted on the PACTS website, blog and the PACTS YouTube account, and shown on twelve local access television stations, and will continue in the future.

PACTS also produces informational brochures periodically and distributes them widely. In 2003 we wrote and distributed nine 4-page “issue papers” and an 8-page summary of the 2003 *Destination Tomorrow* Plan. In 2009 and 2010 we produced three more information brochures and distributed them widely. In 2013 we produced a 4-page brochure entitled “23 Essential Transportation Investments by 2023 with the Power to Transform Our Region”. We also created display boards for this brochure and displayed them in fourteen city and town halls during 2013 and 2014.

In late 2016 we are developing a 25-page *Destination 2040* Summary Plan which we will distribute widely.

5. **Annual Reports:** PACTS produces an annual report in order to inform citizens, communities, the news media and other interested parties. It outlines the planning and programming work done during the past year and anticipated to be done in the coming year. Copies are made available to the public through distribution at our public forums, at our website, and through the mail to people upon request. The GPCOG and SMPDC organizations also produce similar annual reports which highlight similar transportation topics.

6. **Presentations:** PACTS staff make presentations to civic and professional groups to raise awareness about the work of PACTS and in order to learn of the groups’ transportation interests. Recent examples include presentations made at:

- 2013 and 2014 displays in the front lobbies of fourteen town/city halls of the PACTS report “23 Essential Transportation Investments By 2023 With The Power To Transform Our Region”.
- Meetings of the Maine Association of Planners and the Northern New England Chapter of the American Planning Association
- The 2015 Bike/Walk Summit regarding the PACTS *Regional Wayfinding Plan*
- Freeport Active Living Complete Streets public meeting/forum presentation.
- The Portland City Council (2016)
- The Scarborough Transportation Committee (2016)
- The South Portland Planning Board (2016)
- The Grow Smart Maine Annual meeting (2016)

7. **Workshops, Forums and Open Houses:** PACTS holds workshops, forums and open houses to provide information to the public and to obtain a sense of public priorities.

- Eight public forums between 2013 and 2015 regarding Destination
2040 regional transportation plan update – during plan development and after the draft plan was available
• 2016 presentations at classes at the Portland High School
• PACTS study advisory committees, such as the 2015 forums held as part of the PACTS-funded Portland Bayside Transportation Master Plan planning process.


9. Interested Parties Email Distribution List: PACTS maintains an “Interested Parties” email distribution list. The list (Appendix C) currently includes 325 individuals. Informational emails are sent to the people on the list for these purposes:

• To solicit input into substantial changes in the PACTS Public Involvement Plan

• To solicit input into the development every other year of our 2-year planning and administration work program, called the Unified Planning Work Program (see details in Chapter V)

• Invitations to PACTS forums, including those related to the update of Destination 2040 (see details in Chapter VI)

• Notice of the start every other year of our review of our TIP project selection process (see details in Chapter VII)

• To solicit input into the endorsement every year of our capital work plan, called the Transportation Improvement Program (see details in Chapter VII)

10. Visual Displays: PACTS uses maps, charts and other displays to present information about plans and programs. These displays are prepared by GPCOG staff and PACTS consultants.

11. Public Notices: PACTS staff sends notices about committee meetings, draft plans and programs, and studies to committee members, the media and/or interested parties by email. PACTS staff also posts these notices on the PACTS website. Periodically, PACTS staff also notifies the general public of major plans and forums via display ads in local newspapers.

The table below presents the public comment periods and notification processes for each of the PACTS policy, plan and program areas for which public input is sought via public notice. In all cases, the public comment periods in the table are calendar
days and are the *minimum* that PACTS will use. In situations when additional time or another extra effort at public outreach is necessary, then PACTS staff and committees will undertake an extra effort.

<table>
<thead>
<tr>
<th>PACTS Public Input Periods and Notification Processes</th>
<th>Public Comment Periods</th>
<th>Notification Processes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start of Long-Range Plan Update Process</td>
<td>30 calendar days</td>
<td>Email to Interested Parties, post on website</td>
</tr>
<tr>
<td></td>
<td>from receipt</td>
<td></td>
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<tr>
<td></td>
<td>of notice</td>
<td></td>
</tr>
<tr>
<td>Draft Long-Range Plan Update</td>
<td>30 calendar days</td>
<td>Email to Interested Parties, post on website</td>
</tr>
<tr>
<td></td>
<td>from receipt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of notice</td>
<td></td>
</tr>
<tr>
<td>Draft Update of Public Involvement Plan</td>
<td>45 calendar days</td>
<td>Email to Interested Parties, and post on website</td>
</tr>
<tr>
<td></td>
<td>from receipt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of notice</td>
<td></td>
</tr>
<tr>
<td>Solicit public input into development of Unified Planning Work Program early in every odd-numbered year</td>
<td>30 calendar days</td>
<td>Email to Interested Parties, and post on website</td>
</tr>
<tr>
<td></td>
<td>from receipt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of notice</td>
<td></td>
</tr>
<tr>
<td>Start of PACTS biennial review of PACTS process for development and administration of Transportation Improvement Program projects</td>
<td>30 calendar days</td>
<td>Email to Interested Parties, and post on website</td>
</tr>
<tr>
<td></td>
<td>from receipt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of notice</td>
<td></td>
</tr>
<tr>
<td>Draft PACTS Transportation Improvement Program every year</td>
<td>10 calendar days</td>
<td>Email to Interested Parties, and post on website</td>
</tr>
<tr>
<td></td>
<td>from receipt</td>
<td></td>
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<tr>
<td></td>
<td>of notice</td>
<td></td>
</tr>
<tr>
<td>Proposed TIP amendments</td>
<td>10 calendar days</td>
<td>Post on website</td>
</tr>
</tbody>
</table>

**IV. Public Comments Received**

On April 2, 2018 PACTS staff began the required 45-day public comment period on a draft of this Public Involvement Plan Update. Staff distributed copies of the draft document to all PACTS members, to people on the PACTS Interested Parties email list and to other MaineDOT staff people involved in the work of PACTS.

The only comment received was a suggestion to update the Appendix D list of PACTS committee members in this document. This has been done.

**V. Unified Planning Work Program**

As mentioned above, the region’s general public has opportunities to participate in the
PACTS transportation planning work which is outlined in our Unified Planning Work Program (UPWP). The opportunities described below are organized around the development of the UPWP every two years, and during the performance of the planning work itself.

A. Public Input to the Development of the UPWP

PACTS staff and committees develop the 2-year UPWP during the summer and fall of each odd-numbered year. See the table on page 10 regarding public input periods and notification processes. Here are the public input opportunities and other details on the process:

1. Members of the public serve on standing municipal boards involved in transportation planning, or otherwise provide input to such a board. This participation is relevant here for municipal boards that submit study proposals for funding in the UPWP.

2. PACTS staff sends an email to the Interested and Affected Parties list soliciting input to the development of the UPWP every other year. Appendix C is an update of the email distribution list used in June 2015. A request for public input is also posted on the PACTS website. Public comments and staff responses are shared with all Committees.

3. Copies of the draft final UPWP and approved UPWP are available to the general public upon request.

4. Members of the public are encouraged to speak at PACTS committee meetings during the public comment agenda item (as described above).

5. Members of the public serve on PACTS standing committees (as described above).

B. Public Input to PACTS Studies

The public input opportunities during the performance of studies funded in the UPWP, and other details on the process, are presented here. See later sections of this report for public input opportunities during the development of the long range transportation plan and the Transportation Improvement Program.

1. Members of the public serve on municipal transportation study committees (such as committees working on studies funded via PACTS), or provide input to local study committees in other ways.

2. Members of the public serve on municipal boards involved in transportation planning, and otherwise provide input to such boards.

3. Members of the public are encouraged to speak at PACTS public forums or public hearings (as noted earlier).
4. Members of the public are encouraged to speak at PACTS committee meetings during the public comment agenda item (as noted earlier).

5. Members of the public serve on PACTS standing committees (as noted earlier).

VI. **Long Range Transportation Plan Update (Destination 2040)**

This chapter provides more details about the general public’s opportunities to participate in the development of updates to the PACTS long range plan which is known as Destination 2040.

A. **Public Notification of Transportation Plan Update Development**

As described in the Overview chapter, PACTS staff provides notice every four years to the public of the intent to update *Destination 2040*. This notice shall be posted on the PACTS website and sent to those interested groups and agencies on the email list of *Interested Parties*. The updated Plan will also be posted on the PACTS website. PACTS shall also attempt to reach additional persons interested in the Plan's development by using various public outreach strategies which may include, but are not limited to: newsletters, news releases, newspaper inserts, bulletin boards, and public service advertisements.

The public notice shall include at least the following information:

- a description specifying what changes were made from the original plan,
- a brief description of the planning process tied to a schedule of when decisions will be made,
- how the Plan may affect the region,
- what opportunities exist for public participation, and
- PACTS contact for obtaining further information.

B. **Public Forums/Workshops**

PACTS will hold public forums to discuss the various components of the *Destination 2040* at the beginning of the quadrennial Plan Update and then again after the completion of a Draft Plan Update (as noted below).

Public notices for these meetings shall be posted on the PACTS website, and shall be sent to those interested groups and agencies included on the list of *Interested Parties* at least ten days prior to the meeting. PACTS shall endeavor to identify neighborhoods affected by system deficiencies and attempt to involve them as an "interested party."

PACTS provides, upon request, access to technical and policy information/assumptions underlying the planning and emissions models used in transportation decision-making and air quality conformity determinations.

PACTS holds their workshops, forums and open houses at convenient and accessible locations and times.
C. **Public Forums on Draft Destination 2040 Update**

Upon completion of the Draft Plan Update, PACTS shall schedule a public forum regarding the document. Individuals and organizations identified on the *Interested Parties* email list shall be notified and offered the opportunity to participate in and/or offer comment. The purpose of the forum will be primarily for PACTS to collect comments regarding the content of the Draft Plan Update.

A public notice shall be posted on the PACTS website and will encourage submission of written comments by those unable to attend the hearing. A comment period of 30 days beginning from the date of the hearing notice (and at least 10 days beginning from the date of the forum) shall be provided during which comments may be submitted for consideration by the PACTS Policy Committee. The Draft Plan Update shall be made available for inspection at the time of the forum notice. Copies of the update shall be made available at the PACTS office, website, and at the Town and City Offices of the PACTS communities. At the forum, PACTS staff shall present pertinent information contained in the Draft Plan and receive comments from the public.

A summary document of the Transportation Plan will be made available to the attendees at the forum. All substantive comments received during the proceedings will be documented by PACTS staff.

D. **Preparation of Final Transportation Plan Update**

PACTS will prepare the Final Transportation Plan Update after considering all of the comments and input received from the public process. All relevant written or oral comments received on the Draft Plan will be included in the Final Plan.

If the Final Plan contains substantive changes from the one which was made available for public comment, or raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, then PACTS shall provide an additional duly noticed public comment period on the revised Draft Plan of not less than ten days.

The Final Transportation Plan shall contain PACTS responses to all substantive comments received on the Draft and, if necessary, the Final Plan. PACTS shall provide at least one copy of the Final Transportation Plan to each Town or City Hall and municipal library in the PACTS area. As the Plan is updated, so shall these copies be updated.

E. **Significant Amendments to the Transportation Plan Update**

While the Transportation Plan is updated every four years, the USDOT’s Metropolitan Planning Regulations also state that the Plan might be “amended” between updates. This has never happened during the 45 years of the PACTS process. Nevertheless, there is a process for public input in the event of need for a significant amendment to the Plan, as described here.

PACTS will publish the proposed amendment to the Plan with a brief description or
summary of the amendment(s) included. All technical analysis in support of the amendment including any air quality/conformity analysis will be referenced in the public notice and made available to the public for review and comment. A comment period of 30 days beginning from the date of the public notice will be provided during which comments may be submitted to PACTS staff for consideration.

An exemption from the public involvement process may be granted only where proposed projects are determined to be exempt from air quality conformity determination under the provisions of the Clean Air Act Amendments (CAAA) of 1990 and 40 CFR 93.134. For purposes of the Transportation Plan or TIP, these exempt projects would be considered minor in nature. PACTS will consult FHWA and EPA in the determination as to whether an amendment requires public involvement.

VII. Transportation Improvement Program

In January of every year the PACTS Policy Committee endorses a list of federally funded transportation projects for the PACTS Federal Urbanized Area for submission to FHWA, FTA and MaineDOT. This list, and the report in which it is located, is the PACTS Transportation Improvement Program, referred to as the TIP.

The PACTS TIP includes federally funded projects that the PACTS participants have selected for funding and other federally funded projects selected by the MaineDOT. The adoption of the TIP constitutes a formal statement of support by the Policy Committee for the projects in the document that were initiated by MaineDOT. The process of selecting projects is complex due to the many federal programs, state requirements and PACTS rules and guidelines. Interested parties should refer to the PACTS Transportation Improvement Program Policies and Procedures for 2017 and 2018 adopted in September 2016. In the document PACTS encourages the general public to identify problems, to propose possible solutions, and to be involved in municipal and transit provider decision-making processes during the development of projects to be funded via PACTS and MaineDOT.

The PACTS public involvement process for TIP project priority setting is a combination of contacts with member organizations and the general public, as outlined below.

- All feasibility studies funded by PACTS (which often produce funding proposals for capital improvement projects from MaineDOT and/or PACTS) include a public outreach component. Our Enhanced Project Scoping process also includes a public input component. Together, these feasibility studies and project scoping efforts are designed to provide meaningful opportunities for public involvement in regional transportation planning and funding.

- We maintain at all times an up-to-date TIP section on our website, www.pactsplan.org. Comments may be made via the info@pactsplan.org at any time.

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• At the beginning of the project selection process we send an email to our municipal, state, transit, other regional organizations (and to our Interested Parties email list participants) advising of the deadlines for submitting MPO Allocation proposals. See the PACTS Transportation Improvement Program Policies and Procedures for 2017 and 2018 for more on the MPO Allocation.

• We ask that city/town councils, municipal officers and transit system boards submit written endorsements of their TIP proposals submitted to PACTS. We also ask for written endorsement to PACTS for the projects from their municipality that the Policy Committee votes to include in each biennial MPO Allocation list.

Any substantive change in PACTS’ TIP project selection criteria or formula is also subject to public review and comment. Amendments to the TIP selection criteria and formula shall be accomplished before the initiation of the biennial TIP development process. PACTS shall notify the public of its intent to update the TIP selection criteria and/or formula and make said material available to the public for comment.

Program of Projects

The Federal Transit Administration (FTA) requires that each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval a Program of Projects (POP). FTA allows a grantee to rely on the locally adopted public participation requirements for the PACTS Transportation Improvement Program (TIP) in lieu of the process required in the development of the POP if the grantee has coordinated with the MPO and ensured that the public is aware that the TIP development process is being used to satisfy the POP Public Participation requirements.

The PACTS public participation process satisfies the POP participation process requirements for all these FTA Direct Recipients in the PACTS region:

• Biddeford Saco Old Orchard Beach Transit Committee
• Casco Bay Island Transit District
• Greater Portland Transit District
• Maine Department of Transportation
• Northern New England Passenger Rail Authority
• South Portland Bus Service

PACTS’ public notices for the TIP have an explicit statement that public notice of public involvement activities and time established for public review of any comments on the TIP will satisfy the POP requirements.

Amendments to the TIP

The PACTS Policy Committee periodically needs to amend the TIP. An amendment is either the addition or deletion of a project, a major change in a funded project’s budget, or a major change in the design or scope of a project that alters the intent of a project.
Before the Policy Committee makes an amendment, PACTS staff posts to the website the proposed amendment to the TIP for public comment. All technical analysis in support of the amendment including any air quality/conformity analysis will be made available to the public for review and comment. A comment period of 10 days beginning from the date of the posting will be provided during which comments may be submitted to PACTS for consideration.

This PACTS TIP amendment process satisfies the POP participation process requirements for all these FTA Direct Recipients in the PACTS region:

- Biddeford Saco Old Orchard Beach Transit Committee
- Casco Bay Island Transit District
- Greater Portland Transit District
- Maine Department of Transportation
- Northern New England Passenger Rail Authority
- South Portland Bus Service

An exemption from the public involvement process may be granted only where proposed projects are determined to be exempt from air quality conformity determination under the provisions of the Clean Air Act Amendments (CAA) of 1990 and 40 CFR 93.134. For purposes of the TIP, these exempt projects would be considered minor in nature. PACTS will consult FHWA and EPA in the determination as to whether an amendment requires public involvement.

PACTS and MaineDOT make administrative modifications for relatively minor changes that do not require a public comment period. Adjustments cover the following:

- A moderate change in the total cost of a project
- Combining or separating projects that are part of an approved TIP
- Combining or separating phases of a project that are part of an approved TIP
- Adding a new phase to an existing project that does not have a substantial cost associated with it
- Creating a lineage PIN that does not have a substantial cost associated with it
- Making a minor change in the scope of a project, including an insignificant change in the termini and/or
- Making a change to the project termini with no change in overall project cost.

VIII. Summary

This document has outlined the public involvement processes of the Portland Area Comprehensive Transportation System (PACTS) as updated in 2018. In 2019 PACTS will draft additional changes to this document and seek public comment on those changes.

Public participation is essential to the success of any public planning process or project. The region’s general public has many opportunities to participate in the transportation planning and programming work of PACTS and of the other organizations that have transportation decision-making responsibility. Those many organizations share the
responsibilities for soliciting and responding to public input to the planning of the region’s transportation systems. The regular participants in the PACTS process bring the results of their organizations’ public outreach to bear in the decisions of PACTS. Between the direct involvement of the general public in regional transportation planning and the involvement of their elected and appointed representatives, we all strive to make the PACTS transportation planning and programming process a meaningful contributor to the health, economy and quality of life in our great region.
## APPENDIX C: LIST OF ACRONYMS USED IN TRANSPORTATION PLANNING

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
</tr>
<tr>
<td>AVL</td>
<td>Automatic Vehicle Location</td>
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<tr>
<td>BOP</td>
<td>Biennial Operations Plan (MaineDOT)</td>
</tr>
<tr>
<td>BSOOB</td>
<td>Biddeford, Saco, Old Orchard Beach Transit Committee</td>
</tr>
<tr>
<td>CAA</td>
<td>Clean Air Act</td>
</tr>
<tr>
<td>CBITD</td>
<td>Casco Bay Island Transit District, or</td>
</tr>
<tr>
<td>CBL</td>
<td>Casco Bay Lines</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CMAQ</td>
<td>Congestion Mitigation Air Quality program (Federal Funds)</td>
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<tr>
<td>CMS</td>
<td>Congestion Management System</td>
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<td>DOE</td>
<td>Department of Energy</td>
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<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
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<tr>
<td>FAST Act</td>
<td>Fixing America’s Surface Transportation Act (2016 – 2020 Federal Transportation Reauthorization, replacing MAP-21)</td>
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<tr>
<td>FFY</td>
<td>Federal Fiscal Year</td>
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<td>FHWA</td>
<td>Federal Highway Administration</td>
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<tr>
<td>FTA</td>
<td>Federal Transit Administration</td>
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<tr>
<td>GPCOG</td>
<td>Greater Portland Council of Governments</td>
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<tr>
<td>HST</td>
<td>Human Services Transportation</td>
</tr>
<tr>
<td>ITS</td>
<td>Intelligent Transportation System(s)</td>
</tr>
<tr>
<td>JARC</td>
<td>Job Access &amp; Reverse Commute</td>
</tr>
<tr>
<td>LCI</td>
<td>Livable Centers Initiative</td>
</tr>
<tr>
<td>LEP</td>
<td>Limited English Proficiency</td>
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<tr>
<td>LUTTA</td>
<td>Land Use and Transit-Supportive Development Implementation Technical Assistance study – Continuation of the Gorham East/West study with additional municipalities</td>
</tr>
<tr>
<td>MAINE DOT</td>
<td>Maine Department of Transportation</td>
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<tr>
<td>MAP-21</td>
<td>Moving Ahead for Progress in the 21st Century (federal 2-year transportation authorization enacted July 2012, replacing SAFETEA-LU; MA-21 extended to end of December)</td>
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<tr>
<td>METRO</td>
<td>Greater Portland Transit District</td>
</tr>
<tr>
<td>MOA</td>
<td>Memorandum of Agreement</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MPA</td>
<td>Metropolitan Planning Area</td>
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<tr>
<td>MPO</td>
<td>Metropolitan Planning Organization (PACTS, KACTS, ATRC, BACTS)</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<td>---------</td>
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<tr>
<td>NEMT</td>
<td>Non-Emergency Medical Transportation</td>
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<tr>
<td>NNEPRA</td>
<td>Northern New England Passenger Rail Authority (Downeaster, contracts with Amtrak)</td>
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<tr>
<td>OWG</td>
<td>PACTS Transit Operations Working Group (now Transit Committee Workshop)</td>
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<td>PACTS</td>
<td>Portland Area Comprehensive Transportation System (Portland Area MPO)</td>
</tr>
<tr>
<td>PTC</td>
<td>PACTS Transit Committee, or Portland Transportation Center (Concord Coach &amp; NNEPRA)</td>
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<tr>
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<td>Regionally Administered Transit Discretionary Fund</td>
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<tr>
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<td>Request for Qualifications</td>
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<td>Regional Transportation Program</td>
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<tr>
<td>RTDP</td>
<td>Regional Transit Development Plan</td>
</tr>
<tr>
<td>RTPI</td>
<td>Real Time Passenger Information</td>
</tr>
<tr>
<td>SAFETEA-LU</td>
<td>Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005</td>
</tr>
<tr>
<td>SMART</td>
<td>Southern Maine Area Transit initiative</td>
</tr>
<tr>
<td>SMTT</td>
<td>Southern Maine Transit Tracker</td>
</tr>
<tr>
<td>SPBS</td>
<td>South Portland Bus Service</td>
</tr>
<tr>
<td>STIP</td>
<td>Statewide Transportation Improvement Program</td>
</tr>
<tr>
<td>STP</td>
<td>Surface Transportation Program (FHWA funds)</td>
</tr>
<tr>
<td>S&amp;S</td>
<td>Regional Bus Sign and Shelter Project</td>
</tr>
<tr>
<td>TEAM</td>
<td>Transportation Electronic Award Management</td>
</tr>
<tr>
<td>TIP</td>
<td>Transportation Improvement Program</td>
</tr>
<tr>
<td>TMA</td>
<td>Transportation Management Area, or Transportation Management Association</td>
</tr>
<tr>
<td>TrAMS</td>
<td>FTA’s Transit Award Management System</td>
</tr>
<tr>
<td>TSAP</td>
<td>Transit Stop Access Project</td>
</tr>
<tr>
<td>UPWP</td>
<td>Unified Planning Work Program</td>
</tr>
<tr>
<td>USDOT</td>
<td>U.S. Department of Transportation</td>
</tr>
<tr>
<td>YCCAC</td>
<td>York County Community Action Corporation</td>
</tr>
<tr>
<td>5303</td>
<td>FTA Planning Program</td>
</tr>
<tr>
<td>5307</td>
<td>FTA Urbanized Area Formula Grants</td>
</tr>
<tr>
<td>5309</td>
<td>Fixed Guideway Capital Investment Grants (&quot;New Starts) for New and Expanded Systems</td>
</tr>
<tr>
<td>5310</td>
<td>Enhanced Mobility of Seniors and Individuals with Disabilities</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>5311</td>
<td>Formula Grants for Rural Areas</td>
</tr>
<tr>
<td>5337</td>
<td>State of Good Repair Grants – includes High Intensity Fixed Guideway Formula for Replacement, Rehabilitation, and Maintenance of existing systems</td>
</tr>
<tr>
<td>5339</td>
<td>Bus and Bus Facilities Formula Grants</td>
</tr>
</tbody>
</table>
PACTS TITLE VI, ENVIRONMENTAL JUSTICE, NON-DISCRIMINATION PLAN

October 1, 2019 – September 30, 2020

This plan was prepared for PACTS by the Greater Portland Council of Governments:

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CHAPTER 1: BACKGROUND AND PURPOSE

ABOUT PACTS

PACTS – the Portland Area Comprehensive Transportation System – was designated in 1975 as the federally mandated Metropolitan Planning Organization (MPO) for the Greater Portland region. The PACTS region encompasses 18 municipalities with a total population of approximately 280,000 people. The region spans two counties and includes rural, suburban, and urban municipalities.

As an MPO, PACTS is responsible for leading the federally required metropolitan transportation-planning process for the Greater Portland region. PACTS uses the 3C planning process – Continuing, Cooperative, and Comprehensive – to develop a vision for the region and then decides how to allocate federal and state transportation funds to programs and projects that support this vision. Transportation activities led by PACTS include plans, studies, and investment programs for roads, bridges, public transportation, and facilities for pedestrians and bicyclists.

FEDERAL REQUIREMENTS AND GUIDANCE

To perform the 3C planning process, PACTS receives funding from both the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA). As a recipient of this federal funding, PACTS is required to comply with various civil rights statutes, executive orders, and regulations that are intended to ensure that traditionally underserved populations are included in the planning process, benefit equally from investments, and do not experience a disparately negative impact from decisions. These civil rights authorities are summarized below:

Title VI

Title VI of the Civil Rights Act of 1964 states that “no persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Title VI requires recipients of federal financial assistance from the U.S. Department of Transportation to assess the nature, extent, and incidence of probable impacts, both negative and positive, from any transportation-related activity on minority, low-income and other disadvantaged populations.

Language Access

Issued in 2000, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” directs federal agencies and recipients of federal funding to provide meaningful language access to their services. Under Title VI, LEP is considered the primary marker of national origin.

Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-income Populations,” issued in 1994, requires federal agencies and recipients of their funding to address EJ concerns. The Executive Order on Environmental Justice strengthened the Title VI protections by adding low-income populations.
Americans with Disabilities Act (ADA)
Signed into law in 1990, the ADA prohibits public entities from discriminating against persons with a disability or excluding them from participation in, or denying them of the benefits of, their services, programs, or activities.

PURPOSE OF PLAN
Both the FTA and FHWA require PACTS to comply with these civil rights mandates by developing programs to include underserved populations and by monitoring and reporting regularly on the programs’ success. PACTS strives to ensure that the PACTS planning process and its decisions on funding transportation projects attain equitable distribution of services, facilities and resources within the PACTS planning area. In response to the above civil rights mandates outlined above, PACTS maintains this plan, which is developed in accordance with all relevant federal laws and regulations. The plan includes:

- Federal and State Reporting Requirements
- Demographic profiles including the methodology and analysis used to identify relevant groups covered by Title VI
- PACTS Language Access Plan
- All Required Certifications and Assurances
- PACTS Complaint Procedures
- Accomplishments of PACTS Civil Rights Program for the most recent Federal Fiscal Year
- Goals of PACTS Civil Rights Program for the next Federal Fiscal Year
CHAPTER 2: RESPONSIBILITIES AND REPORTING

The GPCOG Transportation Director has the lead responsibility for ensuring compliance with Title VI, Environmental Justice, and the Americans with Disabilities Act. PACTS compliance is monitored by FTA, FHWA, and the Maine Department of Transportation (MaineDOT). To maintain compliance under these civil rights authorities, PACTS has the following responsibilities and must provide the related assurances.

TITLE VI COMPLIANCE PLAN

PACTS is required to maintain this plan – the PACTS Title VI, Environmental Justice, ADA Plan – and update it each year by October 1.

ANNUAL TITLE VI CERTIFICATIONS & ASSURANCES

PACTS FTA and FHWA Title VI assurances for FFY 2020 are included as Appendices of this document.

PUBLIC NOTICE TO BENEFICIARIES

PACTS is required to post information about Title VI protections on its website and in public areas of its office. PACTS will disseminate the Title VI, Environmental Justice, Non-Discrimination Plan to PACTS members, staff, stakeholders and the general public.

SUBRECIPIENT OVERSIGHT & GUIDANCE

This Title VI plan will be submitted to subrecipients and contractors. PACTS will include Title VI assurances in consultant contracts and will post the PACTS Policy Statement on the PACTS website.

PACTS ENDORSEMENT

PACTS endorsement is included as an Appendix A at the end of this document.

COMPLAINT PROCEDURES

If any individual believes that she/he or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or handicap, she/he may exercise their right to file a complaint with PACTS. Complaints may be filed with the GPCOG Transportation Director. Every effort will be made to resolve complaints informally at the lowest level. Complaints may also be filed directly with the appropriate federal agency. The procedures and complaint form are available on the PACTS website and included as Appendix C.

TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

PACTS did not receive any Title VI complaints in FFY19, nor has PACTS been involved in any investigations or lawsuits.

PACTS LANGUAGE ACCESS PLAN

To ensure meaningful access to and participation in PACTS programs by LEP persons, PACTS has developed a Language Access Plan (LAP). The LAP outlines how PACTS assesses the need
MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES
PACTS does not currently have any planning or advisory bodies for which PACTS selects the membership. As outlined in the 2019 update to the PACTS Public Involvement Plan, PACTS has the goal of piloting approaches for supporting meaningful involvement by underrepresented communities on the PACTS governance committees. PACTS often consults the Transportation & Community Well-Being Network for input on projects and programs. The Network is an ad hoc group of stakeholders including representatives from health care, housing, aging and disability organizations, as well as people with lived experience of transportation barriers. The Network is convened by GPCOG.

PUBLIC INVOLVEMENT
During the development and adoption of its federally mandated plans and programs, PACTS identifies and implements strategies for meaningfully engaging protected populations. The PACTS Public Involvement Plan (Appendix H) outlines the numerous ways that PACTS informs, engages, and involves Title VI populations, and LEP in particular. A summary of outreach conducted in FFY 2019 is included in Appendix G, Annual Goals & Accomplishments Report.

DEMOGRAPHIC PROFILES
PACTS is required to maintain updated demographic profiles of protected populations. These are provided in Chapter 3 of this document.

ANALYSIS OF BENEFITS & DISPARATE IMPACTS
PACTS has developed an equitable target areas map of the region (see Chapter 3). This dataset will be used in the development of the Unified Planning Work Plan (UPWP), Transportation Improvement Plan (TIP), and Long Range Transportation Plan (LRTP). In FFY 2020, PACTS will develop an analysis and public-facing interactive map that shows these areas relative to capital and public transportation investments.

MOBILITY NEEDS OF TITLE VI POPULATIONS
PACTS has been working with GPCOG to better integrate the needs of those who rely on public transit, volunteer driver programs, and rides from family and friends into its overall transportation planning. Using focus groups with partner organizations, outreach in multiple languages, and other face-to-face engagement techniques, PACTS is working to reflect the needs and perspectives of protected populations in its planning process and its decisions on funding transportation projects. PACTS 2020-2021 priorities include: “Expand Mobility for All: To better meet the diverse transportation needs of people with mobility challenges, PACTS will integrate mobility management solutions into our public transportation and capital improvements planning.” The 2019 PACTS Public Involvement Plan (Appendix H) provides a set of goals and strategies for advancing the inclusion of underrepresented communities. These include:

- Expanding use of inclusive engagement in PACTS plans and studies
- Strengthening partnerships to engage underrepresented communities
- Piloting approaches for meaningful involvement by underrepresented communities on PACTS Governance Committees
FTA TITLE VI COMPLIANCE REVIEWS
At least every three years in August, a report will be submitted to FTA in accordance with FTA Circular 4702.1B, Title VI Program Guidelines for Federal Transit Administration recipients. The report may be submitted more often should conditions warrant.

ANNUAL GOALS AND ACCOMPLISHMENTS
An annual report will be prepared and submitted to MaineDOT by September 30th of each year. This report will outline goals for the coming year and review the accomplishments achieved toward the previous year's goals. See Appendix G for the 2019 report.
CHAPTER 3: DEMOGRAPHIC PROFILES OF PROTECTED POPULATIONS

This section provides a mapping and data analysis of protected population groups, and some additional groups with barriers to transportation access, in the PACTS region. Using U.S. Census American Community Survey 2013-2017 5-year estimates, the following population groups were mapped and evaluated:* 

- Population Living Below Poverty Level
- Racial/Ethnic Minority Population
- Population Over 65 Years Old
- Population with Limited English Proficiency
- Population with Disabilities
- Households with No Vehicles
- Foreign Born Population
- Equitable Target Areas (ETAs)\(^1\)

*A more detailed description of data sources is provided at the end of the section

PACTS uses these maps to inform plans, studies, and programs, in particular the UPWP and the TIP, to evaluate the equitable distribution of transportation benefits and potentially adverse impacts caused by future projects. These maps can also be used to verify past compliance with Title VI. Identifying prior PACTS projects and mapping them against these maps will let PACTS know if fair and equitable distribution of services, facilities, and resources within the PACTS planning area has been achieved.

\(^1\) In addition to the individually themed maps, PACTS and GPCOG staff have developed an “Equitable Target Areas” map. This map is a composite of all mapped data points for each census tract. Each parameter received equal weighting. The ETAs were then categorized into three levels of ETA concentrations: Very High, High, and Medium.
MINORITY POPULATION

Percent Minority Population

- < 5%
- 5.1% - 10%
- 10.1% - 15%
- 15.1% - 20%
- > 20%

Data Source: U.S. Census 2013-2017 ACS 5-yr Estimate | Geography: Census Block Group
POPULATION OVER 65 YEARS OLD

Percent of Population Age 65 and Over

- < 5%
- 5.1% - 10%
- 10.1% - 15%
- 15.1% - 20%
- > 20%

Data Source: U.S. Census 2013-2017 ACS 5-yr Estimate | Geography: Census Block Group
POPULATION WITH LIMITED ENGLISH PROFICIENCY

Percent of Population Age 5 and Over with Limited English Proficiency

- < 5%
- 5.1% - 10%
- 10.1% - 15%
- 15.1% - 20%
- > 20%

Data Source: U.S. Census 2013-2017 ACS 5-yr Estimate | Geography: Census Block Group
HOUSEHOLDS WITH NO VEHICLES

Percent of Households with No Vehicle Available

- < 5%
- 5.1% - 10%
- 10.1% - 15%
- 15.1% - 20%
- > 20%

Data Source: U.S. Census 2013-2017 ACS 5-yr Estimate | Geography: Census Block Group
The Equitable Target Area (ETA) Index is a composite of all previously mapped data points for each census tract. Each parameter received equal weighting. The ETAs were then categorized into three levels of ETA concentrations: Very High, High, and Medium.
REGIONAL DATA SUMMARY

Table 1, below, provides totals for the PACTS region for each of the six population groups identified for Title VI / Environmental Justice analysis.

Table 1: Protected Population Groups in the PACTS Region

<table>
<thead>
<tr>
<th>Population Group</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population Living Below Poverty Level</td>
<td>29,558 People</td>
<td>11%</td>
</tr>
<tr>
<td>Minority Population</td>
<td>27,651 People</td>
<td>10%</td>
</tr>
<tr>
<td>Households with No Vehicles</td>
<td>9,721 Occupied Housing Units</td>
<td>8%</td>
</tr>
<tr>
<td>Population Over 65 Years Old</td>
<td>45,469 People</td>
<td>16%</td>
</tr>
<tr>
<td>Population Living with a Disability</td>
<td>32,688 People</td>
<td>12%</td>
</tr>
<tr>
<td>Population with Limited English Proficiency</td>
<td>8,093 People</td>
<td>3%</td>
</tr>
<tr>
<td>Foreign Born Population</td>
<td>18,883 People</td>
<td>7%</td>
</tr>
</tbody>
</table>

According to the latest 2013-2017 American Community Survey 5-Year Estimate, the 18 municipalities that comprise PACTS are home to approximately 280,499 people and 116,378 households. From these totals, considerable portions of the population fall within one (or more) of the population groups of high concern shown above. Table 2, below, provides a breakdown of race/ethnicity totals for the PACTS region.

Table 2: Race/Ethnicity in the PACTS Region

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>8,695</td>
<td>3%</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>16</td>
<td>0.01%</td>
</tr>
<tr>
<td>White</td>
<td>252,849</td>
<td>90%</td>
</tr>
<tr>
<td>Asian</td>
<td>6,173</td>
<td>2%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>6,063</td>
<td>2%</td>
</tr>
<tr>
<td>American Indian</td>
<td>691</td>
<td>0.3%</td>
</tr>
<tr>
<td>Single Race Other</td>
<td>336</td>
<td>0.3%</td>
</tr>
<tr>
<td>Two or More Races Other</td>
<td>5,676</td>
<td>2%</td>
</tr>
<tr>
<td>Total</td>
<td>280,499 People</td>
<td>100%</td>
</tr>
</tbody>
</table>
About the Data

The following is a brief description of data sources used in the previous analysis. All data values are taken from the U.S. Census Bureau's 2013-2017 American Community Survey 5-Year Estimate.

- **Population Living Below Poverty Level:** This dataset contains the estimated number of persons with income in the past 12 months who are below the poverty level and for whom poverty status can be determined. (Poverty status cannot be determined for people in institutional group quarters such as prisons or nursing homes, college dormitories, military barracks, or living situations without conventional housing). The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If the total income for a family falls below the relevant threshold, then the family (and every individual in it) or unrelated individual is considered in poverty.

- **Minority Population:** The data values were calculated by taking the total population minus the white (not Latino, Not Hispanic) population.

- **Households with No Vehicles:** This dataset represents the count of occupied housing units, categorized by the number of vehicles available. There are four vehicle availability categories (no vehicle, one vehicle, two vehicles, and three or more vehicles).

- **Population Over 65 Years Old:** This dataset represents the population age 65 and over.

- **Population Living with a Disability:** This dataset represents the civilian noninstitutionalized population living with a disability. The civilian noninstitutionalized population is defined as “all U.S. civilians not residing in institutional group quarters facilities such as correctional institutions, juvenile facilities, skilled nursing facilities, and other long-term care living arrangements.” The Census Bureau defines a disability as a “long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.”

- **Population with Limited English Proficiency:** This dataset represents the count of people age 5 and over categorized into two groups based on the ability to speak English. The first grouping includes people who speak English very well. The second group are those individuals who speak a language other than English at home and who speak English less than very well.

- **Foreign Born Population:** This dataset represents the count of people who are foreign born. Foreign-born is defined by the American Community Survey as “people who are not U.S. Citizens at birth. This includes naturalized U.S. citizens, lawful permanent residents (immigrants), temporary migrants (such as foreign students), humanitarian migrants (such as refugees and asylees), and persons illegally present in the United States.”
CHAPTER 4: LANGUAGE ACCESS PLAN

Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, which requires meaningful access to all federally assisted programs and activities by persons with Limited English proficiency (LEP), was signed into law in August 2000. Executive Order 13166 states that individuals who do not speak English well and who have a limited ability to read, write, speak or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter. It reads in part:

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Federal agencies are required to prepare LEP plans, and all recipients of federal financial assistance must comply with Title VI and LEP guidelines of the federal agency from which funds are provided. The FHWA has mandated that all “…recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services and information those recipients provide, free of charge…”

Who is a Limited English Proficient Person?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be considered limited English proficient. The U.S. Census Bureau reports data based on four categories of English-speaking ability: very well, well, not well, and not at all. In this Plan, LEP refers to anyone age 5 and over who reported speaking English “less than very well.” Language for LEP persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by PACTS or other government agencies.

Framework for Deciding When Language Services are Needed

As a recipient of federal funds, PACTS must take reasonable steps to ensure meaningful access to the information and services it provides. Under guidance from the U.S. Department of Transportation, and in accordance with Circular FTA 4702.1B, four factors are considered in determining “reasonable steps.” This “Four-Factor Analysis” is outlined below:

- **Factor 1**: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient;
- **Factor 2**: The frequency with which LEP persons come in contact with the program;
- **Factor 3**: The nature and importance of the program, activity, or service provided by the program to people’s lives; and
- **Factor 4**: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.
DETERMINING THE NEED OF LIMITED ENGLISH PROFICIENCY

The following is a self-assessment of need in the PACTS region in relation to the four-factor analysis and the transportation planning process.

Factor 1: The number and proportion of LEP persons likely to be encountered by PACTS.

The first step in determining components of an LEP Plan is to understand the proportion of LEP persons who may encounter the PACTS regional transportation planning process, their literacy skills in English, their native language, and the location of their communities and neighborhoods.

To do this, PACTS evaluated the level of English literacy and to what degree individuals in our planning area speak a language other than English and what those languages are. PACTS conducted this analysis using the most recent U.S. Census American Community Survey 2013-2017 5-year estimate data. As Table 3 shows, in the PACTS region there are an estimated 8,093 residents over age 5 who report speaking English less than very well. This accounts for approximately 3% of the total PACTS population (over age 5) which is estimated at 266,701 people. (The most recent estimate for the total PACTS population, including those under age 5, is 280,499 people).

Table 3: Ability to Speak English in the PACTS Region

<table>
<thead>
<tr>
<th>Ability to Speak English</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Well</td>
<td>258,608</td>
<td>97%</td>
</tr>
<tr>
<td>Less Than Very Well</td>
<td>8,093</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>266,701</td>
<td>100%</td>
</tr>
</tbody>
</table>


Highest Limited English Proficiency Neighborhoods

Table 4 shows specific Census estimates of counts and percentages for the 10 census tracts (listed by approximate neighborhood), with the highest proportion of people with limited English proficiency. (These census tracts are also shown in the “Population with Limited English Proficiency” map in the Demographics section).

Table 4: Highest Limited English Proficiency Neighborhoods in the PACTS Region

<table>
<thead>
<tr>
<th>Approximate Neighborhood</th>
<th>City</th>
<th>Total*</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bayside</td>
<td>Portland</td>
<td>2,508</td>
<td>760</td>
<td>30.3%</td>
</tr>
<tr>
<td>East Bayside</td>
<td>Portland</td>
<td>2,993</td>
<td>458</td>
<td>15.3%</td>
</tr>
<tr>
<td>Riverton</td>
<td>Portland</td>
<td>5,301</td>
<td>774</td>
<td>14.6%</td>
</tr>
<tr>
<td>Parkside</td>
<td>Portland</td>
<td>2,599</td>
<td>369</td>
<td>14.2%</td>
</tr>
<tr>
<td>West End</td>
<td>Portland</td>
<td>4,514</td>
<td>483</td>
<td>10.7%</td>
</tr>
<tr>
<td>Nason's Corner</td>
<td>Portland</td>
<td>3,533</td>
<td>325</td>
<td>9.2%</td>
</tr>
<tr>
<td>Portland Downtown / Waterfront</td>
<td>Portland</td>
<td>2,442</td>
<td>210</td>
<td>8.6%</td>
</tr>
<tr>
<td>Downtown Biddeford</td>
<td>Biddeford</td>
<td>7,095</td>
<td>525</td>
<td>7.4%</td>
</tr>
<tr>
<td>Broadview / Stanwood Park</td>
<td>South Portland</td>
<td>3,069</td>
<td>221</td>
<td>7.2%</td>
</tr>
<tr>
<td>Libbytown</td>
<td>Portland</td>
<td>2,645</td>
<td>164</td>
<td>6.2%</td>
</tr>
</tbody>
</table>

The census tracts with the highest concentration of LEP individuals are largely in Portland, with one tract in Downtown Biddeford and one tract in South Portland.

For more information on what specific languages are spoken in these households, PACTS has found that the most reliable and detailed source of information is the local school departments. According to the Portland Public School Department, approximately one out of every three students in Portland schools speak a primary language other than English at home. Of the 60 languages spoken, the most commonly identified by students/families are shown in descending order in Table 5 below. According to school department staff, Portuguese, French, and Lingala speakers are currently the fastest growing language groups, and Portuguese recently passed Arabic as the second highest non-English language spoken at home in the district.

Table 5: Most Common Non-English Languages Spoken at Home by Portland Public School Students

<table>
<thead>
<tr>
<th>Language</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somali</td>
<td>416</td>
<td>20%</td>
</tr>
<tr>
<td>Portuguese</td>
<td>341</td>
<td>16%</td>
</tr>
<tr>
<td>Arabic</td>
<td>321</td>
<td>15%</td>
</tr>
<tr>
<td>French</td>
<td>295</td>
<td>14%</td>
</tr>
<tr>
<td>Spanish</td>
<td>247</td>
<td>12%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>82</td>
<td>4%</td>
</tr>
<tr>
<td>Kinyarwanda</td>
<td>68</td>
<td>3%</td>
</tr>
<tr>
<td>Khmer</td>
<td>66</td>
<td>3%</td>
</tr>
<tr>
<td>Lingala</td>
<td>57</td>
<td>3%</td>
</tr>
<tr>
<td>Other</td>
<td>221</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,114</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*2018-2019 data provided by the Portland Public School Department.

**Factor 2: How LEP persons interact with PACTS, and the frequency with which LEP persons come in contact with programs, activities or services of PACTS.**

PACTS has identified the languages, outlined above in Factor 1, as the most prevalent languages spoken by the LEP population in the PACTS area. The LEP population in this region will likely continue to grow, increasing the probability of future contact with PACTS.

PACTS conducts regular committee meetings and public hearings throughout the year. Community outreach and the PACTS website are the main sources of potential contact between PACTS and LEP persons. As a result, the frequency of contact is difficult to anticipate. The PACTS Public Involvement Plan highlights the need for outreach opportunities that engage the population groups that are traditionally not involved in the transportation process.
Factor 3: The nature and importance of programs, activities or services to the LEP population.

PACTS programs use federal funds to implement and plan for future transportation improvements and projects, and therefore this work impacts every resident of the region. PACTS does not manage any direct services or programs that provide vital, immediate or emergency assistance, such as medical treatment or services for basic needs like food or shelter. Further, PACTS does not conduct required activities such as applications, interviews, or other activities prior to participation in its programs or events. Involvement by any citizen with PACTS or its committees is voluntary. However, PACTS is committed to ensuring that all segments of the population, including LEP persons, are involved or have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the Federal Environmental Justice program and policy.

Factor 4: The resources available to the recipient and overall costs to provide LEP assistance.

PACTS is committed to ensuring that its public meetings, documents, and website are accessible to people with limited English proficiency. To support this, PACTS allots financial resources and staff time for all plans and programs as budgets allow. PACTS regularly contracts with the Maine Access Immigrant Network and House of Languages to provide translation and interpreter services.
The Portland Area Comprehensive Transportation System (PACTS) is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants and to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any PACTS program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. PACTS assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

PACTS conducts its Title VI / Environmental Justice Program in a team approach involving all PACTS personnel. The Director of PACTS is responsible to ensure compliance by PACTS with the Title VI / EJ implementing regulations.

Inquiries concerning PACTS policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI / Environmental Justice may be directed to the Director, Portland Area Comprehensive Transportation System, 970 Baxter Boulevard, Suite 201, Portland, Maine, telephone 207-774-9891.

This policy statement must be circulated throughout PACTS and be included by reference in all contracts, agreements, programs and services administered by PACTS.

Sara Zografos, GPCOG Transportation Director
October 16, 2019
APPENDIX B: PACTS TITLE VI ASSURANCE

The United States Department of Transportation (USDOT)
FHWA STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES
DOT Order No. 1050.2A

The Portland Area Comprehensive Transportation System (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal
Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Portland Area Comprehensive Transportation System, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d -4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
   b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

FHWA may include additional Specific Assurances in this section.

By signing this ASSURANCE, the Portland Area Comprehensive Transportation System also agrees to comply (and require any subrecipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA and USDOT access to records, accounts, documents,
information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA and USDOT. You must keep records, reports, and submit the material for review upon request to FHWA and USDOT, or their designees in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Portland Area Comprehensive Transportation System gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation. This ASSURANCE is binding on the Portland Area Comprehensive Transportation System, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in its programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DATED: October 16, 2019

Sara Zografos
GPCOG Transportation Director

Appendices A, C, D, and E
APPENDIX C: DISCRIMINATION COMPLAINT PROCEDURES

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination. At the discretion of the complainant, the complaint may be filed with the federal department, the state recipient, or the agency providing the service (e.g., Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or Maine Department of Transportation (MaineDOT). The complaint may be filed through a legal representative. The identity of the complainant is not necessary, provided the information is sufficient to determine the identity of the recipient and indicates the possibility of a violation. If the complaint is submitted to PACTS, then the following procedures will be followed.

A. All complaints, written or verbal, made to PACTS shall be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made shall reduce the elements of the complaint to writing.

B. Complaints, whether written or verbal, should contain the following information:
   i. Name, address and telephone number of the complainant if available.
   ii. Name and location of the entity delivering the service.
   iii. Nature of the incident that led the complainant to believe discrimination was a factor.
   iv. Basis of the complaint, i.e., race, color or national origin.
   v. Names, addresses and phone numbers of people who may have knowledge of the event.
   vi. Date or dates on which the alleged discriminatory event or events occurred.
   vii. A complaint log shall be kept by PACTS for the record and date of submission of the complaint by PACTS to the proper federal authorities.

C. Complaints
   i. Complaints shall be handled within 90 days of their receipt by PACTS, depending on the nature of the complaint and the complexity of the investigation.
   ii. A certified letter shall be sent by PACTS acknowledging receipt of the complaint to the complainant and MaineDOT.
   iii. A preliminary inquiry shall be conducted by PACTS on all complaints to substantiate or refute the allegations.
   iv. If the preliminary inquiry by PACTS indicates that the complaint is valid, then a full complaint investigation shall be initiated. A certified letter shall be sent by PACTS to the complainant and any persons of interest notifying them that an investigation has begun, and they should contact PACTS to schedule a date, time, and place for their statement to be taken. The complainant, along with any additional persons of interest, shall also be notified at this time that no discussion should take place regarding this complaint other than with the investigator without prior approval and knowledge from the investigator.
   v. If the allegations are not substantiated, a certified letter shall be sent by PACTS to the
complainant and MaineDOT that contains a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made.

vi. If the allegations are found to have merit, a certified letter shall be sent by PACTS to the complainant and MaineDOT that contains the results of the investigation, recommendations, and a detailed plan of action as well as a means and time frame for follow-up to the recommendations. The complainant or his/her representative and MaineDOT will be advised of each step of the process by PACTS.

D. Records and investigative working files shall be kept for a period of three years.
PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM

Discrimination Complaint Form

1. Name:

2. Address:

3. Telephone Number:

4. Name of person charged with discrimination (respondent):

5. Date of alleged discriminatory act:

6. Type of discrimination:

7. Please write a summary of the facts supporting your complaint (use additional pages as necessary):

8. Names of witnesses to the alleged discriminatory act:

9. What do you want as a remedy for the alleged discrimination?

Signed: _____________________________

Date: _______________________________
APPENDIX D: DEFINITIONS

Adverse Effects
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: (See Appendix B for additional discussion of “significant.”)

- bodily impairment, infirmity, illness or death
- air, noise, and water pollution and soil contamination
- destruction or disruption of man-made or natural resources
- destruction or diminution of aesthetic values
- destruction or disruption of community cohesion or a community’s economic vitality
- destruction or disruption of the availability of public and private facilities and services
- adverse employment effects
- displacement of persons, businesses, farms, or nonprofit 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 PACTS programs, policies, or activities

Significant Adverse Effects on Minority and Low-Income Populations
An adverse effect that:

a. is predominately borne by a minority population and/or a low-income population, or
b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population

Limited English Proficiency
Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the transportation provider or other PACTS recipient.

Federal Assistance
Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, Federal property of any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Low-Income
A person whose median household income is at or below the Department of Health and Human Services poverty guidelines. (http://aspe.os.dhhs.gov/poverty/poverty.htm)

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 will be similarly affected by a proposed Portland Area Comprehensive Transportation System (PACTS) program, policy or activity.

**Minority**
A person who is:

- **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;
- **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; or
- **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.

**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 PACTS program, policy or activity.

**Noncompliance**
A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI/ Environmental Justice and related statutes.

**Persons**
Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic,” “Asian or Pacific Islander,” “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Program**
Includes any multi-modal or bridge project including project planning or any activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

**Recipient**
Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

**Sub-Recipient**
An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through the State DOTs and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.
APPENDIX E: APPENDICES TO STANDARD TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating of sex in education programs or activities (20 U.S.C. 1681 et seq.).
CHAPTER III

GENERAL REQUIREMENTS AND GUIDELINES

1. **INTRODUCTION.** This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT’s Title VI regulations.

2. **REQUIREMENT TO PROVIDE TITLE VI ASSURANCES.** In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA’s annual certifications and assurances is available on FTA’s website.

3. **REQUIREMENTS FOR FIRST-TIME APPLICANTS.** First-time applicants must submit a Title VI Program that is compliant with this Circular and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:
   
   a. The purpose or reason for the review.
   
   b. The name of the agency or organization that performed the review.
   
   c. A summary of the findings and recommendations of the review.
   
   d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.
   
   e. In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

4. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to “keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule].” FTA requires that all direct and primary recipients document their compliance with DOT’s Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years.
or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State’s Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts. Such Programs may be submitted and stored electronically at the option of the primary recipient. Subrecipients may choose to adopt the primary recipient’s notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, or lawsuits. Subrecipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. Subrecipients must submit all the above information to the primary recipient on a schedule requested by the primary recipient. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. **Contents.** Every Title VI Program shall include the following information:

1. A copy of the recipient’s Title VI notice to the public that indicates the recipient complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.

2. A copy of the recipient’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.

3. A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.

4. A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient’s targeted public
participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.

(5) A copy of the recipient’s plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.

(6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

(7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.

(8) If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

(9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.

b. **Upload Title VI Program to TEAM.** Direct and primary recipients must upload their Title VI Program into FTA’s Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.

c. **Determinations.** The status of a direct or primary recipient’s Title VI Program will be noted in TEAM. The three status determinations are:

(1) **Concur.** This status indicates that the recipients’ Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.

(2) **In review.** This status indicates that the recipient’s Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. “In review” status is only effective for sixty days and grants may be processed while a Title VI Program has an “in review” status.

(3) **Expired/Expiration.** This status indicates that the recipients’ Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.
(4) Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA’s University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT’s Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.

5. **REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI.** Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient’s obligations under DOT’s Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency’s website and in public areas of the agency’s office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.

   a. **Contents.** The Title VI notice shall include:

      (1) A statement that the agency operates programs without regard to race, color, or national origin.

      (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient’s Title VI obligations.

      (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

   b. **Effective Practices for Fulfilling the Notification Requirement.**

      (1) **Dissemination.** Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient’s discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT’s Title VI regulations with regard to the recipient’s program.

      (2) **Document translation.** Notices detailing a recipient’s Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient’s language assistance plan.
6. **REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM.** In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient’s website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT’s Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.

7. **REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS.** In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.

8. **PROMOTING INCLUSIVE PUBLIC PARTICIPATION.** The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient’s established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient’s public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient’s decision-making process. FTA has developed a Circular, 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” that includes many examples of effective strategies for engaging minority and low-income populations. FTA encourages
recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.

b. Employing different meeting sizes and formats.

c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.

d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.

e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities. Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

9. **REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS.** Consistent with Title VI of the Civil Rights Act of 1964, DOT’s implementing regulations, and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). This Circular contains only a summary of the LEP requirements as they apply to FTA recipients; recipients are encouraged to review DOT’s LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf. Recipients are also encouraged to review DOJ’s guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at www.lep.gov.
a. **Four Factor Analysis.** In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis is an individualized assessment that balances the following four factors:

1. **The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.** This population will be program-specific. In addition to the number or proportion of LEP persons served, the recipient’s analysis should, at a minimum, identify:

   a) How LEP persons interact with the recipient’s agency;

   b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;

   c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and

   d) Whether LEP persons are underserved by the recipient due to language barriers.

2. **The frequency with which LEP persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

   a) Use of bus and rail service;

   b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;

   c) Participation in public meetings;

   d) Customer service interactions;

   e) Ridership surveys;

   f) Operator surveys.

3. **The nature and importance of the program, activity, or service provided by the program to people’s lives.** Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO’s regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific transportation needs of seniors and people with disabilities
will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

(4) **The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

b. **Developing a Language Assistance Plan.** After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance. A recipient may formally request an exemption from this requirement if it believes it fits within the exception described.

Recipients have considerable flexibility in developing a Language Assistance Plan, or LEP Plan. An LEP Plan shall, at a minimum:

(1) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;

(2) Describe how the recipient provides language assistance services by language;

(3) Describe how the recipient provides notice to LEP persons about the availability of language assistance;

(4) Describe how the recipient monitors, evaluates and updates the language access plan; and

(5) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

FTA will solely determine, at the time the recipient submits its Title VI Program or subsequent to a complaint investigation or compliance review, whether a recipient’s
plan is sufficient to ensure meaningful access and thus ensure the recipient is not engaging in discrimination on the basis of national origin.

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the translation of vital documents into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient’s programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person’s rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

c. Safe Harbor Provision. DOT has adopted DOJ’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES. Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial
breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

11. PROVIDING ASSISTANCE TO SUBRECIPIENTS. Title 49 CFR Section 21.9(b) states that if “a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.” See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT’s Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:

   a. Sample notices to the public informing beneficiaries of their rights under DOT’s Title VI regulations, procedures on how to file a Title VI complaint, and the recipient’s Title VI complaint form.

   b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.

   c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.

   d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.

12. MONITORING SUBRECIPIENTS. In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

   a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:

      (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.

      (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
(3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

13. DETERMINATION OF SITE OR LOCATION OF FACILITIES. Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this
showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

14. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT’s Title VI regulations.
GOALS FOR FFY 2020

1. Ensure Accessibility of Key Information
   a. Evaluate website accessibility for protected populations.
   b. Develop Language Access Procedures and provide training to staff, consultants, and other relevant stakeholders.
   c. Develop and disseminate a basic “Introduction to PACTS” document that is screen reader friendly and translated into the top five languages.
   d. Update the PACTS Title VI Brochure to include Arabic and Portuguese translations and ensure screen reader compliance. Disseminate to libraries, town halls and community locations.

2. Assess Equity Impacts
   a. Develop an equity analysis of the Transportation Improvement Program.
   b. Prepare a public-facing interactive map that shows the geographical distribution of investments relative to equitable target areas.
   c. Develop performance measures for public engagement.

3. Engage Protected Populations in Plans and Programs
   a. Require use of the Inclusive Transportation Planning Toolkit by staff and consultants.
   b. Work with the Transportation & Community Well-Being Network, the Mobility Liaisons, and stakeholder organizations to engage Title VI, Environmental Justice, and ADA-protected populations in PACTS forums, public meetings, and planning opportunities.
   c. Host at least two focus groups with protected populations, where PACTS committee members are invited and have the opportunity to learn more about the transportation needs and experiences of underrepresented communities.
   d. Utilize social media to increase engagement with PACTS by protected populations.
   e. Pilot approaches for supporting meaningful involvement by underrepresented communities on PACTS Governance Committees.
   f. Pilot the Community Transportation Leaders Training as an opportunity for protected community members to gain the knowledge and tools for meaningful participation in transportation planning and decision-making.

4. Support Public Transportation Agencies with Title VI Compliance
   a. Provide technical assistance to the region’s seven transit agencies with meeting their Title VI responsibilities. This may include mapping, data procurements, and analysis.
ACCOMPLISHMENTS OF FFY 2019

I. Project Input
Throughout FFY2019, GPCOG convened the Transportation & Community Well-Being Network as a forum to engage Title VI, Environmental Justice, and ADA-protected populations in PACTS’ initiatives. Studies, plans and projects that have used the Network meeting and/or its members to get input from these populations in FFY2019 include:

- Transit Stop Access Project Phase II
- METRO Peninsula Loop Reboot Project
- Regional Traffic Management System Phase II
- Moving Southern Maine Forward Implementation (PACTS short-term transit plan)

II. General Engagement
Throughout FFY2019, GPCOG used social media to increase engagement with PACTS by protected populations. GPCOG posted regularly to its Facebook page with items about the Inclusive Transportation Planning Project using the hashtag #Plan2IncludeMe. GPCOG created this brief film to assist with engagement https://www.facebook.com/watch/?v=377139319816291. The film has over 2,000 views.

III. Inclusive Transportation Planning Project
This project is engaging older adults, people with disabilities, and people of color in driving more inclusive regional transportation planning. The project includes both the PACTS and GPCOG geography. The key deliverable for the first phase was to develop and present strategies for more inclusive planning to PACTS leadership.

In Fall 2018, six focus groups were conducted to inform the project. Each session was hosted at a community location in partnership with a stakeholder organization and attended by transit agency staff. Partners included Age Friendly organizations in Biddeford, Raymond, Old Orchard Beach, and Saco, Catholic Charities of Maine, the Cities of Biddeford and South Portland, Maine Immigrant Access Network, Portland Housing Authority, and South Portland Housing Authority. The focus groups were held in Portland, Raymond, Saco, and South Portland and included 70 older adults, people with disabilities, and people of color.

The Inclusive Transportation Planning Recommendations were presented to the PACTS Policy Committee in January 2019. The Committee unanimously approved the recommendations to be used to inform the Public Involvement Plan update.

A second round of funding from the Transit Planning 4 All initiative, beginning in 2019, is allowing GPCOG and PACTS the Community Transportation Leaders (CTL) Training Program and develop the Inclusive Planning Toolkit. The Inclusive Planning Toolkit will be presented for adoption in October as an appendix of the Public Involvement Plan.

In Spring and Summer of 2019, GPCOG staff began planning for a pilot program called the Community Transportation Leaders Training. The training is an opportunity for protected community members to gain the knowledge and tools for meaningful participation in transportation planning and decision-making. The Planning Group is composed of older adults, people with disabilities, people of color, PACTS members, and representatives from aging and disability organizations. The training pilot will happen in Fall 2019 and include at least 20 participants.
APPENDIX H: PACTS PUBLIC INVOLVEMENT PLAN
INCLUSIVE TRANSPORTATION PLANNING TOOLKIT
November, 2019
Congratulations and thank you for making a commitment to leading more inclusive transportation planning!

The first goal of this Inclusive Transportation Planning (ITP) Toolkit is to help staff and consultants of PACTS and PACTS member communities more easily find and access guidance on inclusive transportation planning and decision-making.

Secondly, the Toolkit is meant to direct those users to a curated array of tools and resources that they can consult, use, and adapt to strengthen their capacity for engaging underrepresented communities in transportation planning and decision-making.

Finally, the Toolkit aims to help PACTS and its member communities integrate into their transportation planning and decision-making, protocols and practices that make them more inclusive and responsive to the particular needs of underrepresented communities.

Staff and consultants who utilize this Toolkit as a guide will strengthen day-to-day implementation, near-term outputs, and longer-range outcomes of their work. Teams can thereby help their organizations become more attractive to funders who often require evidence of inclusive, equitable, and culturally competent practices. Thus, the ITP Toolkit includes expectations for PACTS and its member communities to work toward in terms of integrating more inclusive practices, and corresponding recommendations for ways to meet those expectations.
Phase I of the ITP Project was initiated in 2018 to ensure that PACTS decision-making involves underrepresented communities, which is defined here as older adults, people with disabilities, people of color, people with low incomes and others who have traditionally lacked representation within mainstream planning processes.

To move PACTS toward inclusive decision-making, the Project Steering Committee prepared the document titled Inclusive Transportation Planning Recommendations. The document, designed to inform the 2019 update of the PACTS Public Involvement Plan and the update to the PACTS Title VI and Non-Discrimination Plan, was presented to the PACTS Policy Committee and approved by unanimous vote in January 2019.

In that document, the ITP Steering Committee identified six strategies for encouraging more inclusive decision-making across PACTS, its decision-making bodies, and those of its member communities.

One of these recommendations provides an over-arching mandate and framework for developing guidance materials—this Toolkit—to support PACTS and its member communities:

**Develop protocols and guidance for inclusive engagement in PACTS-funded plans and studies.**
**Develop and adopt procedures for PACTS meetings and communications to be used by staff and consultants that draw from best practices in the field of public participation.**

In spring 2019, PACTS secured funding from the Transit Planning 4 All initiative for Phase II of the ITP project. Phase II is focused on development and curation of an ITP Toolkit, outlined here, for use by PACTS staff, leadership, consultants, and member communities, and development of a companion ITP Training Curriculum to build the capacity of representatives of underrepresented communities who wish to engage as leaders in transportation planning and decision-making.

### BACKGROUND AND CONTEXT FOR THE TOOLKIT

**INCLUSIVE TRANSPORTATION PLANNING RECOMMENDATIONS**

*Developed and Presented to PACTS by the Steering Committee of the Inclusive Transportation Planning Project*

1. Develop protocols and guidance for inclusive engagement in PACTS-funded plans and studies.
2. Strengthen partnerships with local organizations to provide ongoing connections with underrepresented communities.
3. Cultivate champions who can represent the interests of underrepresented communities in transportation planning.
4. Explore approaches for supporting meaningful involvement by underrepresented communities on PACTS Governance Committees.
5. Adjust the PACTS funding decision process to consider the needs of underrepresented communities.
6. Engage PACTS members in opportunities to learn more about the transportation needs and experiences of underrepresented communities.
As outlined in the guiding document Public Involvement Policies and Practices of the Portland Area Comprehensive Transportation System (PACTS), PACTS must follow federal and state rules and regulations regarding public participation in transportation planning. As a regional planning organization, PACTS encourages its member communities to follow these requirements for public participation in transportation planning, particularly those that relate to groups that have been historically underrepresented, including people who experience barriers to transportation.

With respect to solicitation of public input among people who experience barriers to transportation (i.e., underrepresented communities), PACTS leadership encourages its member communities to:

*Develop and integrate strategies for soliciting meaningful and constructive input from underrepresented communities— including older adults, people with disabilities, people of color, people with low incomes, and others— throughout any process of designing or implementing transportation plans and projects.*

As the federally mandated Metropolitan Planning Organization (MPO) for the Portland region, PACTS must follow certain federal and state rules and regulations. Similarly, Maine’s Sensible Transportation Policy Act (STPA) requires the state’s four metropolitan planning organizations to establish and follow public participation processes that are effective, timely, and efficient.
MAKING IT HAPPEN

Designing and implementing an inclusive and engaging transportation planning process takes attention to detail, a commitment to robust public participation, and, perhaps most importantly, time. Below is a collection of guidance and resources curated to support and guide staff and consultants of PACTS member communities working to fulfill PACTS leadership’s aspirations for advancing more inclusive and engaging transportation planning process.

1. DEVELOP PARTNERSHIPS TO REACH & ENGAGE SPECIFIC COMMUNITIES.

Learn To Forge Partnerships And Be A Good Partner
To best reach populations that are underrepresented in transportation planning and decision-making, work to establish and formalize partnerships with nonprofit groups and organizations led by, and with deep ties to, the specific population(s) you seek to engage. Invest in building relationships with people affiliated with these groups. Offer authentic connections to decision-makers, and personalized invitations to join decision-making processes. Over time, you’ll become more engaged with the audience(s) most relevant to your project.

Developing partnerships is by nature an open-ended process that requires time, effort, and dedicated resources. Be clear about your organization’s goals. When contemplating a new initiative, consider and proactively engage with other organizations working in this arena. Prepare in advance of partnership conversations. Work to build trust and rapport with others. When sharing your respective missions and goals, work together to identify points of overlap and complementarity between your organizations.

Be prepared to provide fair compensation to those who do the work of connecting your organization with relevant audiences. Ask those affiliated with your prospective partner organization for a quote that includes scope of work, specific expectations and deliverables (what you’ll get as a result of the work), hours required to complete the work, and hourly rate. Plan to pay for these services from the outset by building your grant proposals and project budgets with a dedicated line item for compensating outreach and engagement partners.

Here are a few resources to guide your partnership-building work:

- Read this guiding document on developing partnerships and organizational collaboration to gain insight on how to develop your team’s partnership strategy.
- See Appendix A for a list of organizations across the PACTS region that can provide access and outreach to underrepresented communities.
- Create a Memorandum of Understanding (MOU) to memorialize your community engagement partnership. Review and borrow language and structure from this sample MOU template to create your own. Be sure the MOU describes the project timeframe, scope of work, and expectations pertaining to specific goals, tasks, and outcomes.

2. USE ESTABLISHED BEST PRACTICES WHEN SOLICITING INPUT.

Seeking input, especially from people who have historically been underrepresented in planning and decision-making, takes careful management, a firm grasp of the “big picture”, and sustained attention to details. Below are several field-tested, time-tested recommendations that draw from the discipline of community organizing.
Plan Universally Accessible Meetings

It is important to ensure that the meeting setting is conducive to the attendance and participation of all, particularly individuals with disabilities. The excellent resources below offer tips on designing and facilitating a meeting that goes the extra mile in terms of thoughtfulness and accessibility.

The “Planning Friendly Meetings” tips sheet (Transit Planning 4 All, 2015) offers simple considerations and guidance to help meeting organizers consider the experience and perspective of a person with a disability as they are:

- Getting to the meeting
- Navigating the area outside the meeting place
- Moving and participating inside the meeting facility

The “Accessible Information Exchange: Meeting on a Level Playing Field” guiding document (US Department of Justice, 2009) offers more detailed information and guidance on how to plan a meeting that is universally accessible, including:

- Accessible meeting location
- Accessible room set-up
- Accessible presentation of meeting content, including provision of auxiliary aids and services
- Evaluating the accessibility of a meeting site:
  - Parking and passenger drop-off areas
  - Routes to the building entrance
  - Building entrance
  - Routes to the meeting space
  - Meeting space
  - Restrooms
- Temporary barrier removal suggestions

Meet People Where They Are

Going directly to underrepresented communities for their input, rather than expecting them to come to you, will help improve the quality of your public engagement strategy, especially with those who have historically been least involved in planning and decision-making. This also helps to drive home the value of people's input.

This case study features how the Indian Nation Council of Governments in Tulsa, Oklahoma met transportation users where they were by creating and using a mobile transit lab as part of their community outreach strategy (see the section titled “Reaching Out Physically and Virtually” on pp. 44). With the mobile lab, the organization was able to set up an engagement station wherever needed, eliminating the need for people to travel to a specific location for a meeting.

Develop A Thoughtful & Effective Community Engagement Strategy

The wider the variety of world views and lived experiences that inform a visioning or planning process, the more likely it is that the resulting plan or project will address the needs and opportunities of even the most vulnerable people in the community. Meaningful community engagement can take shape in a variety of ways. It requires time and flexibility. Building trusting relationships with people—and finding a variety of ways to enable their connection to a project, a process, or a group of people—requires thoughtful strategy and sustained effort.

“When INCOG needed to gather citizen input to identify priority corridors for long-term transit development, the agency took an ordinary, 40-foot bus and transformed it into a mobile transit lab. The bus, which traveled to 117 stops in 12 different jurisdictions over a four-month period in 2011, featured video screens, interactive displays and other educational tools. It went to community events, schools, libraries and shopping malls, welcoming more than 2,000 visitors, 88 percent of whom reported that they had never participated in a transportation planning event.” For more information, please consult pp. 44-45 of Transportation for America’s The Innovative MPO report.
The Boston Metropolitan Area Planning Council’s Community Engagement Guide walks through details and considerations associated with the five steps to take when creating a community engagement and outreach strategy. The five steps include thinking through:

1. **Purpose of Engagement** - Why are people’s input and involvement necessary to the process? What information and/or actions do you need from the community to help accomplish the project’s goals?

2. **Stakeholders** - Who will be directly or indirectly impacted by the outcomes of the project? Think about local leaders, community groups, non-profits, business owners, and City or Town commissions that could influence the project and its implementation.

3. **Resources, Opportunities & Scale of Engagement** - Conduct an honest assessment of available resources and funding that may be allocated to outreach and engagement activities in the project. What are some restrictions, if any? What are some opportunities to take advantage of?

4. **Messaging** - Craft a message that will appeal to your audience and encourage their participation. The message is extremely important. The wrong message may turn people away. What message can be used to engage each person or group?

5. **Approach & Tips** - Now that you have chosen the purpose and scale of your engagement, and have identified a list of specific stakeholders and messages, you are ready to think through diverse approaches to reach stakeholders.

---

3. **DEVELOP AND DISTRIBUTE MATERIALS WITH CONSIDERATION.**

*Plan, Prepare, And Share Flexibly, And Well In Advance*

Developing and sharing agendas and related materials for review at least one week prior to a meeting (and longer if possible) will provide ample breathing room for both participants and organizers to prepare. An extended timeframe between the distribution of agendas and materials and the meeting itself allows participants to:

1. Review and comprehend written materials;
2. Generate thoughtful questions or commentary;
3. Request language translation or formatting specific to their need(s), especially readers who use assistance technology (such as a Braille reader, a screen reader, or TTY), people whose first language is not English, and/or people who are English language learners;
4. Determine whether virtual participation (i.e., via conference call or video conference call) for a particular meeting is plausible given the proposed agenda.
Provide Written Information In Multiple Languages

Prioritize the primary language of each committee member or meeting attendee to ensure they are able to participate and contribute substantively to a meeting conversation. There may be wide variation in the answers you receive in your community when you ask “what are the most commonly spoken languages here?”. Because of this, be sure to ask before translating, and before assuming English competency—a person’s primary spoken language may be different than their primary written language.

- Consult Maine Department of Transportation’s Title VI Program Implementation Plan to see a list of interpretation and translation service providers in Maine (beginning on pp. 44).

Ensure Material Developed Is Useful To People With Diverse Abilities

Because of the wide variation in learning styles, and in the ways, people access information, how you develop materials for review (including meeting agendas) matters. Some people learn to grasp a new concept by seeing it in action. Others learn from reading or listening to a story about the idea. Still others learn best by doing an interactive, hands-on activity. Below are tips and resources for creating materials that are accessible to most people, and/or are flexible enough to accommodate a variety of accessible formats.

- Consider the Seven Principles of Universal Design as a resource for designing communications materials and meeting agendas.
- Use a combination of written and non-written (graphical and video) communication methods to share new and complex concepts.
- Refer often to, and encourage colleagues’ use of, the Disability Language Style Guide developed by the National Center on Disability and Journalism.
- Review these reminders about how to develop and present meeting content accessibly.
- Learn how to fulfill accessible formatting requirements from Maine Department of Labor’s Bureau of Rehabilitation Services Accessibility Guide.

Use Relationships & Technology To Make Participation Convenient

Today there are more digital technologies than ever before to enable remote or virtual participation in meetings. Practices such as making personal phone calls to participants in advance of meetings, using online applications to assist with scheduling, offering call-in capability for all meetings, arranging rides to and from meetings, and other flexible accommodations can make all the difference in ensuring an individual’s participation in a planning process.

- Google Hangouts is a cost-free, internet-based application that allows for video conferencing, provided both users have access to a video camera or smartphone.
- Doodle is a cost-free, internet-based application that allows many potential meeting participants to review and share their availability for multiple meeting dates and times on one single screen.
- Anyone with a smart phone can organize a ride for another person using Uber “Request for a Guest” or Lyft (see company passenger use policies and options here). A passenger does not need to have smart phone to receive a ride you organize, though a phone that can send and receive text messages is helpful.
THE SEVEN PRINCIPLES OF UNIVERSAL DESIGN

Principle 1: Equitable Use
The design is useful and marketable to people with diverse abilities.

Principle 2: Flexibility in Use
The design accommodates a wide range of individual preferences and abilities.

Principle 3: Simple and Intuitive Use
Use of the design is easy to understand, regardless of the user’s experience, knowledge, language skills, or current concentration level.

Principle 4: Perceptible Information
The design communicates necessary information effectively to the user, regardless of ambient conditions or the user’s sensory abilities.

Principle 5: Tolerance for Error
The design minimizes hazards and the adverse consequences of accidental or unintended actions.

Principle 6: Low Physical Effort
The design can be used efficiently and comfortably and with a minimum of fatigue.

Principle 7: Size and Space for Approach and Use
Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user’s body size, posture, or mobility.
4. **INVEST IN THE CAPACITY AND KNOWLEDGE OF YOUR TEAM.**

*Increase Staff Awareness & Capacity For Navigating Difference*

Helping staff, consultants, and decision-makers in your planning process become better attuned to the expectations, norms, and unique transportation barriers experienced by older adults, people with disabilities, people of color, and other underrepresented communities and people will encourage increased accessibility of planning and decision-making process. Trainings and dialogues can cultivate understanding and empathy, and can encourage the development of a shared language and understanding of equity, diversity, and inclusion across all members of a team, a community, and the transit system that connects the people within it.

- Use, and encourage colleagues’ use of, person-centered language, especially when engaging people with disabilities and others who experience barriers to transportation. Person-centered language names the person first and identity second (i.e., people of color, woman who uses wheelchair). Refer to, and share, this tool developed by the Centers for Disease Control and Prevention as a guide.

- Seek opportunities for, and offer incentives to staff who participate in, professional development trainings on cultural competency, implicit bias, gender in the workplace, using person-centered language, etc. Add such training goals to professional development plans for any and all planning, engineering, and transportation professionals across your transit system, including public works staff, transit operators (i.e., bus and van drivers), ticketing agents, etc.

- Create opportunities for hands-on experiential learning in pairs or small groups about transportation barriers and needs. Take a look at the Greater Portland Council of Governments’ Stupendous Tournament of Transit event for ideas and inspiration.
CONCLUSION

The guidance and resources contained in this Toolkit are meant to inspire more inclusive and engaging transportation planning practices. We encourage you to test the concepts and resources that resonate with you, your team, and your community. Let the PACTS team know about your experiences. While these practices aren’t yet a requirement for PACTS member communities to fulfill, integrating them into your funding proposals will make your projects dramatically more competitive and attractive to funding decision-makers. It will also yield better and more responsive results on the ground and in your transportation system. Good luck!
Q1 Please select the municipality you represent:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Answered</th>
<th>Skipped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arundel</td>
<td></td>
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<tr>
<td>Biddeford</td>
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<tr>
<td>Cape Elizabeth</td>
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<tr>
<td>Cumberland</td>
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<tr>
<td>Falmouth</td>
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<tr>
<td>Freeport</td>
<td></td>
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<tr>
<td>Gorham</td>
<td></td>
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<tr>
<td>North Yarmouth</td>
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<tr>
<td>Old Orchard Beach</td>
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<tr>
<td>Portland</td>
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<td>Raymond</td>
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<td>Saco</td>
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<td>Scarborough</td>
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<td>South Portland</td>
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<td>Standish</td>
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<td>Westbrook</td>
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<td>Windham</td>
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<td>Yarmouth</td>
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</table>

If you represent an...
Q2 Which of the following best describes your role or department?

<table>
<thead>
<tr>
<th>Role/Department</th>
<th>Answered</th>
<th>Skipped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected Leader</td>
<td>27.50%</td>
<td>11</td>
</tr>
<tr>
<td>Town/City Manager</td>
<td>17.50%</td>
<td>7</td>
</tr>
<tr>
<td>Planning</td>
<td>22.50%</td>
<td>9</td>
</tr>
<tr>
<td>Public Works</td>
<td>5.00%</td>
<td>2</td>
</tr>
<tr>
<td>Engineering</td>
<td>2.50%</td>
<td>1</td>
</tr>
<tr>
<td>Transit Agency Representative</td>
<td>15.00%</td>
<td>6</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>10.00%</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100.00%</td>
<td>40</td>
</tr>
</tbody>
</table>

Q3 Are you a member of any PACTS governance committees? (Select all that apply)

Answered: 40  Skipped: 0
Q4 Establishing seats on one or more PACTS committees to be held by individuals from underrepresented communities? If so, which ones?

Answered: 35    Skipped: 5
Q5 The creation of an official PACTS committee composed of individuals from underrepresented communities?

Answered: 36  Skipped: 4
Q6 The creation of a PACTS advisory committee composed of individuals from underrepresented communities?

Answered: 36  Skipped: 4

Yes, I support this 72.22% 26
No, I do not support this 16.67% 6
Not Sure 11.11% 4
TOTAL 36

Q7 Of the ideas mentioned in questions 4-6, which do you feel would most effectively include people from underrepresented communities in the PACTS planning process?

Answered: 36  Skipped: 4

Establishing seats on PACTS committees 44.44% 16
Creating an official PACTS committee 5.56% 2
Creating an advisory PACTS committee 36.11% 13
Q8 Would you support the use of "Equitable Target Areas (ETAs)" in project scoring? ETA's would be census tracts identified as having significantly higher proportions of vulnerable and underrepresented population groups.

![Bar Chart]

Answered: 37  Skipped: 3

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>56.76%</td>
</tr>
<tr>
<td>No</td>
<td>21.62%</td>
</tr>
<tr>
<td>Not Sure</td>
<td>21.62%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

Q9 What additional thoughts or ideas do you have to help PACTS better address and consider the needs of underrepresented communities?

Answered: 19  Skipped: 21

Q10 What leaders and/or organizations do you think should know about PACTS?

Answered: 20  Skipped: 20

Q11 What leaders and/or organizations do you think should be more directly involved in PACTS?

Answered: 19  Skipped: 21

Q12 At what events should PACTS have a presence at? (Info table, presenter, sponsor, etc.)

Answered: 13  Skipped: 27

Q13 This year we are planning to develop promotional materials to help explain PACTS to the general public. As part of this effort, we would ask our municipal members to help distribute these materials within their communities. In your opinion, which promotional materials would be most
Q14 Do you have any ideas on what key visuals and information should be included in promotional materials explaining PACTS to laypeople?

Answered: 19  Skipped: 21

Q15 Can you think of example promotional materials that we could try and emulate? (From other MPOs, local governments, state agencies, etc.)

Answered: 12  Skipped: 28

Q16 What outlets should PACTS use to share information about plans, studies, and public involvement opportunities? Please name specific newspapers, newsletters, blogs, social media pages, etc.

Answered: 18  Skipped: 22

Q17 Do you have any other comments, questions, or concerns?

Answered: 7  Skipped: 33
### Goals and Strategies

<table>
<thead>
<tr>
<th>Goal A: Increase the Public’s Awareness of PACTS’ Role and Priorities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategy 1</strong> Develop high-level messaging about transportation planning and investments in the PACTS region</td>
</tr>
<tr>
<td>1a Work with PACTS Committees, stakeholders, and staff to develop a message that is easily understood by the average person</td>
</tr>
<tr>
<td><strong>Strategy 2</strong> Produce communications and materials that the public can easily understand</td>
</tr>
<tr>
<td>2a Develop a PACTS brochure and poster that describes who we are, what we’ve accomplished, and where we are going, based on the high-level messaging</td>
</tr>
<tr>
<td>2b Develop a transportation data dashboard as part of GPCOG’s community profiles</td>
</tr>
<tr>
<td>2c Develop a “Resident’s Guide to Regional Planning” based on the guide produced by the Atlanta Regional Commission</td>
</tr>
<tr>
<td><strong>Strategy 3</strong> Adopt Contemporary Communications Strategies and Tools</td>
</tr>
<tr>
<td>3a Roll out project and committee portals using the new PACTS website</td>
</tr>
<tr>
<td>3b Develop a social media policy and cultivate a social media presence on Facebook, Twitter, and Snapchat or Instagram</td>
</tr>
<tr>
<td>3c Develop a “Resident’s Guide to Regional Planning” based on the guide produced by the Atlanta Regional Commission</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal B: Build Relationships with Key Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategy 4</strong> Increase communication and engagement with key regional leaders and organizations</td>
</tr>
<tr>
<td>4a Identify the best approaches for engaging thought leaders, anchor institutions, and organizations from sectors outside of transportation – including business, education, healthcare, environment, and human services</td>
</tr>
<tr>
<td>4b Partner with Chambers to survey the business community and conduct interviews with key stakeholders.</td>
</tr>
<tr>
<td>4c Offer meaningful channels for ongoing contact with key leaders and organizations</td>
</tr>
<tr>
<td>4d Refine and maintain the list of key leaders and organizations</td>
</tr>
<tr>
<td>4e Develop means of keeping stakeholders engaged after involvement with a project or plan ends</td>
</tr>
<tr>
<td>4f Begin sending a “News from the Transportation Director”</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Advance the Inclusion of Underrepresented Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategy 6</strong> Expand use of best practices tools and techniques for inclusive engagement in PACTS plans and studies.</td>
</tr>
<tr>
<td>6a Require use of the Inclusive Transportation Planning Toolkit by staff and consultants</td>
</tr>
<tr>
<td>6b Engage PACTS members in opportunities to learn more about the transportation needs and experiences of underrepresented communities</td>
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</tbody>
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<thead>
<tr>
<th><strong>Strategy 7</strong> Strengthen partnerships with local organizations and champions to better inform and engage underrepresented communities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7a Pursue formal arrangements with key organizations to provide engagement support to staff and consultants during the implementation of the two-year Unified Planning Work Program. Tasks may include translation and interpreter services, in-person survey collection, and culturally appropriate community outreach</td>
</tr>
<tr>
<td>7b Explore adopting the Community Transportation Leaders Training (being piloted in Fall 2019) as an ongoing opportunity for community members to gain the knowledge and tools for meaningful participation in transportation planning and decision-making</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Strategy 8</strong> Pilot approaches for supporting meaningful involvement by underrepresented communities on PACTS Governance Committees.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8a Adopt changes to the PACTS Committee structure that allow for membership by individuals from underrepresented communities</td>
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</tbody>
</table>
## Goals and Strategies

### Goal D: Make Involvement More Accessible and Engaging

<table>
<thead>
<tr>
<th>Strategy 9</th>
<th>Make use of technology to engage different audiences</th>
</tr>
</thead>
<tbody>
<tr>
<td>9a</td>
<td>Use new and innovative tools for engagement and outreach like instant polling and gamified survey platforms</td>
</tr>
<tr>
<td>9b</td>
<td>Support participation of people with disabilities and other barriers to access using approaches such as simultaneous translation, audio support, and virtual meetings</td>
</tr>
</tbody>
</table>

### Strategy 10 | Meet people where they are

| 10a     | Conduct quarterly listening sessions in which PACTS staff and members visit other agencies, groups, and organizations to solicit input and involvement |

### Strategy 11 | Partner to reach out in fun, creative, and interesting ways

| 11a     | Enlist stakeholders and members of the public to become hands-on partners in community engagement efforts |
| 11b     | Use games, art, and new partnerships to attract more participation |

### Goal E: Assess the Effectiveness of PACTS Public Involvement

<table>
<thead>
<tr>
<th>Strategy 12</th>
<th>Adopt Measures of Effectiveness</th>
</tr>
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<tbody>
<tr>
<td>12a</td>
<td>Draw on best practices of innovative MPOs to develop performance measures</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Strategy 13</th>
<th>Map and Evaluate Public Involvement Efforts</th>
</tr>
</thead>
<tbody>
<tr>
<td>13a</td>
<td>Develop a Measures of Effectiveness report to monitor, assess, and communicate progress made on goals and objectives</td>
</tr>
</tbody>
</table>
Inclusive Transportation Planning Recommendations

Developed and Presented to PACTS by the Steering Committee
Inclusive Transportation Planning Project

The Inclusive Transportation Planning Project seeks to ensure that PACTS decision-making involves older adults, people with disabilities, people of color, people with low incomes, and other underrepresented communities. To move PACTS toward inclusive decision-making, the Project Steering Committee prepared the following recommendations to inform the 2019 update of the PACTS Public Participation Plan and the update to the PACTS Title VI and Non-Discrimination Plan.

1. **Develop protocols and guidance for inclusive engagement in PACTS-funded plans and studies.**
   - Develop and adopt procedures for PACTS meetings and communications to be used by staff and consultants that draw from best practices in the field of public participation. These may include: using a combination of written and non-written communications (graphics and videos); providing information in multiple languages and for extended timeframes; providing audio support at meetings; offering low-tech access to meetings and surveys (using outreach workers); and offering screen-reader compatibility, among other strategies.

2. **Strengthen partnerships with local organizations to provide ongoing connections with underrepresented communities.**
   - Pursue contracts and/or memorandums of understanding with key organizations to provide engagement support to staff and consultants during the implementation of the two-year Unified Planning Work Program. Tasks may include translation and interpreter services, in-person survey collection, and culturally appropriate community outreach.

3. **Cultivate champions who can represent the interests of underrepresented communities in transportation planning.**
   - Develop and implement an ongoing training for community members to gain the knowledge and tools for meaningful participation in transportation planning and decision-making.

4. **Explore approaches for supporting meaningful involvement by underrepresented communities on PACTS Governance Committees.**
   - Research promising practices from around the country and identify an appropriate model for PACTS, which could include the creation of a Community Members Advisory Group.

5. **Adjust the PACTS funding decision process to consider the needs of underrepresented communities.**
   - Research practices used by Metropolitan Planning Organizations to include consideration of the needs of underrepresented communities in funding decisions – and identify an appropriate model for PACTS. For example, the Broward MPO uses a Transportation Planning Equity Assessment.

6. **Engage PACTS members in opportunities to learn more about the transportation needs and experiences of underrepresented communities.**
   - Coordinate with the region’s transportation agencies to offer periodic trainings and listening sessions with underrepresented communities that allow for gathering feedback, making connections, and increasing mutual awareness and understanding.

*In January 2019, the PACTS Policy Committee voted unanimously to approve using these recommendations to inform updates to the PACTS Public Involvement Plan and PACTS Title VI Non-Discrimination Plan.*