



## BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

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Stephanie Pollack, MassDOT Secretary and CEO and MPO Chair  
Karl H. Quackenbush, Executive Director, MPO Staff

### **MEMORANDUM**

**DATE:** May 24, 2018  
**TO:** Boston Region Metropolitan Planning Organization Disparate Impact and Disproportionate Burden Working Group  
**FROM:** Betsy Harvey  
**RE:** Summary of First DI/DB Working Group Meeting

This memo summarizes the Boston Region Metropolitan Planning Organization's (MPO) first meeting of its Disparate Impact and Disproportionate Burden (DI/DB) working group.

**Date:** May 21, 2018  
**Location:** Northeastern Crossing, 1175 Tremont Street, Roxbury, MA 02120  
**Time:** 5:30 PM–7:30 PM

The following stakeholders were in attendance:

- Amy Laura Cahn, Conservation Law Foundation
- Len Diggins, Massachusetts Bay Transportation Authority (MBTA)
- Maria Foster, TRIPPS
- Louisa Gag, LiveableStreets
- Tom Kadzis, Boston Transportation Department (Boston Region MPO member representative)
- Derek Krevat, Massachusetts Department of Transportation (MassDOT) (Boston Region MPO member representative)
- Sheryl Leary, Hessco Elder Services
- Vivian Ortiz, Mattapan Food and Fitness Coalition
- Tegin Teich, City of Cambridge (Boston Region MPO member representative)

The following MPO staff were in attendance:

- Karl Quackenbush, Executive Director
- Annette Demchur, Director of Policy and Planning
- Scott Peterson, Director of Technical Services
- Betsy Harvey, Transportation Equity Program Manager
- Ali Kleyman, Manager of Certification Activities
- Jen Rowe, Public Participation Program Manager

- Anne McGahan, Long-Range Transportation Plan (LRTP) Program Manager
- Róisín Foley, Administrative and Communications Assistant

## Meeting Overview and Discussion of Transportation Challenges

The meeting began with staff introductions. K. Quackenbush welcomed attendees and gave opening remarks. B. Harvey then discussed the purpose of the working group, the goals of which are twofold: 1) to reach consensus on a DI/DB Policy recommendation for the MPO's LRTP, and 2) to identify and prioritize the impacts that the MPO should use to assess the equity of the LRTP program of projects. B. Harvey then stated the goals, dates, times, and locations of the subsequent working group meetings and the public workshop. J. Rowe then led an ice-breaker activity for the working group, in which each stakeholder stated their name, the organization they represent, and a transportation challenge that they or people in communities they represent have encountered. B. Harvey documented these challenges and assigned each to one of seven categories. The challenges that the stakeholders identified were:

- **Access**
  - A lack of transportation options
  - Difficulty making first-mile/last-mile connections
  - Getting across town borders—some services are only available within certain towns—and across transit agency borders
  - Difficulty for older adults to access places they want to get to, such as seeing family, if they lack transportation options
- **Economic**
  - The rise in ridesharing may reduce transit ridership and therefore revenues for transit operators
- **Environmental**
  - A lack of bus service in rural areas makes it more difficult to address automobile emissions for these areas
- **Mobility**
  - Excessive bus travel times during rush hour
  - The rise in transportation network companies (TNCs)—such as Uber and Lyft—has made it harder to get a taxi because it is hard for taxis to compete with TNCs. For those who qualify for The RIDE, using Uber and Lyft can be challenging for the vision-impaired—for example, it can be hard or impossible to read license plate numbers in order to find the car they're looking for

- **Other**
  - Ridesharing is increasing congestion and reducing transit ridership
- **Reliability**
  - Schedules of regional transit authorities (RTAs) don't always line up with MBTA commuter rail schedules
  - Roadway improvements for bicyclists and pedestrians, as well as the maintenance of these facilities, vary between neighborhoods
- **Safety**
  - Making streets safer for pedestrians and bicyclists, and reducing injuries and fatalities
  - People not wanting to bicycle because of lack of safe facilities
  - Lack of safe bicycling facilities in Mattapan
  - Lack of education among drivers about how to share the road with bicyclists, and among bicyclist about how to use bicycle facilities

## DI/DB Presentation Summary

B. Harvey then gave a presentation on DI/DB policies. Topics that were covered included the purpose of a DI/DB policy, federal Title VI and environmental justice (EJ) regulations that underpin DI/DB policies, how the MPO's DI/DB policy will be used to evaluate the MPO's LRTP program of projects, what the LRTP is, and which types of projects are included in the LRTP program of projects. Key points that were discussed included:

- The DI/DB policy will identify when the expected impacts of the LRTP program of projects may result in disparate impacts on minority populations or disproportionate burdens on low-income populations
- The DI/DB policy will ensure the MPO complies with federal EJ and Title VI regulations by identifying disparate impacts and disproportionate burdens
- A disparate impact refers to a facially neutral policy that affects members of a group identified by race, color, or national origin, where the policy or practice lacks a substantial legitimate justification and where there exist one or more alternative policies or practices that would serve the same legitimate objectives but with a less disproportionate effect on the basis of race, color, or national origin
- A disproportionate burden results from a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations

- The LRTP program of projects consists of major infrastructure projects programmed in the LRTP—including highway, transit, and bridge projects—that cost at least \$20 million and/or increase the capacity of the transportation system

## Working Group Questions and Discussion

Stakeholders then asked questions and discussed what they heard in the presentation. A.L. Cahn asked for clarification about the distinction between disparate impacts and disproportionate burdens. B. Harvey responded that “disparate impact” is the term used when assessing the impacts on minority populations, and “disproportionate burden” is the term used when assessing the impacts on low-income populations. Minority populations are protected by Title VI of the Civil Rights Act of 1964, while both minority and low-income populations are protected by the EJ executive order; recipients of federal funds have more stringent requirements to address disparate impacts than they do to address disproportionate burdens.

S. Leary asked what data is available that the MPO can use to evaluate impacts. S. Peterson responded that, among others, the MPO uses U.S. Census data, the Massachusetts household travel survey, INRIX travel-time data, and crash data. The MPO’s travel demand model also provides future traffic conditions, travel times, environmental impacts such as carbon dioxide and vehicle-miles traveled. The MPO is always looking for more data to supplement these existing datasets.

A.L. Cahn asked whether census data is the only demographic data that the MPO uses, which may not reflect rapidly changing neighborhoods. S. Peterson answered that the MPO also uses data from the American Community Survey (ACS), which is a moving sample and can look at one-year, three-year, and five-year averages. The MPO tries to adapt based on feedback from stakeholders, but ACS data is the starting point.

T. Teich noted that having a threshold that exceeds zero means that discrimination would never go away and would continue to be perpetuated. Over time, the gap could increase. T. Teich asked how this policy speaks to that. B. Harvey responded that it’s not meant to address current inequities in transportation. The MPO could adopt other policies to address those. T. Teich said that the MPO could still be widening the gap between two populations over time if any disparity is allowed. She said the MPO policy should acknowledge this and try to limit it.

A.L Cahn said it was good to know the constraints of the DI/DB policy and the MPO's work. Ultimately, the working group should better understand what the limits are and what the working group can do within those constraints. A. Demchur noted that the policy identifies the maximum threshold that the MPO would permit. The MPO could have an LRTP where protected populations are benefiting significantly. On the other hand, changing projects in the LRTP's program of projects may not offset a disparity, and there are other issues that need to be considered. S. Peterson noted that the MPO could do studies to better understand current disparities that exist in the transportation system. This must be done before the MPO can determine which disparities are most egregious.

A.L. Cahn suggested that a second deliverable of the working group could be other equity-related recommendations for the MPO to consider going forward.

D. Krevat asked whether identifying impacts that the MPO assesses for disparate impacts and disproportionate burdens is part of this working group. B. Harvey said that that is part of the goal of the second meeting.

T. Kadzis remarked that the MPO only analyzes the impacts of its transportation investments in the context of assessing the LRTP program of projects for disparate impacts and disproportionate burdens.

T. Teich asked if a different threshold could be used for each metric analyzed for disparate impacts. B. Harvey replied that the plan for now is to have one threshold for all metrics. Since it's a difficult concept, it is not practical within the time frame and data we have available to refine the policy enough to establish different thresholds for each metric. If this group feels that each metric should have a threshold, staff can report this to the MPO.

L. Diggins said if, for example, there is good transit service in the core, and the MPO wants to expand service outside the core, disparate impacts may show up. But if transit service is good in the core, the populations there should be able to tolerate disparate impacts in a particular plan.

M. Foster asked how the MPO staff will guide the working group through these issues over the next meetings. B. Harvey replied that the MPO staff will take feedback into account when putting together upcoming meetings, and make sure that concerns raised at one meeting will be addressed further in future meetings.

## Public Comment

Two people then gave public comments. W. Zamore said that the MPO should be looking at the health impacts of projects on a smaller scale, not at the regional scale. People who live near a highway or large pollution source have greater health risks. This type of impact is especially severe for EJ populations and immigrants.

A. Nocher noted that in 2042 the racial and ethnic makeup of the United States will be majority non-White and/or Hispanic or Latino. He also agreed that the MPO should think about local impacts instead of regional impacts, especially in terms of air quality. He stated that the MPO's low-income threshold of \$45,392 was too high and does not allow the MPO to capture the impacts of its transportation investments on the poorest of the poor.