

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

TP ransportation lanning

The seal of the Town of Nantucket, Massachusetts, featuring a ship on the water, surrounded by the text "TOWN OF NANTUCKET, MASS." and "INCORPORATED 1671".

Comprehensive Title VI Plan
January 2023

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Front Matter

Use of Federal Funds Disclaimer

This Comprehensive Title VI Plan was funded via grant funds from the Federal Highway Administration (FHWA) of the United States Department of Transportation. The views and opinions of the authors or agency expressed herein do not necessarily state or reflect those of the United States Departments of Transportation (USDOT).

Comprehensive Title VI Plan Introduction

The Nantucket Planning and Economic Development Commission (NP&EDC) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both, also prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within the NP&EDC's Title VI Programs consistent with federal interpretation and administration. Additionally, the NP&EDC provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

The NP&EDC also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry. Likewise, the NP&EDC complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

Each year, the Federal Government requires recipients of federal aid to create a Title VI report to provide evidence of Title VI compliance. Rather than provide a targeted report on a particular compliance area or areas (similar to recent previous cycles), this fiscal year the Federal Government has required Massachusetts Regional Planning Agencies (RPAs) to create comprehensive Title VI Plans.

Part I of this planning document provides a community profile that spatially depicts populations of interest to assist with equitable planning. **Part II** of this planning document provides basic information and resources on reporting, complaint forms, records and procedures, the region's public participation plan (PPP), Language Assistance Plan, and staff training.

Nantucket Planning and Economic Development Commission

The Nantucket Planning and Economic Development Commission (NP&EDC) serves as one of the Commonwealth of Massachusetts' thirteen Regional Planning Agencies (RPA). Ten of these agencies are federally designated Metropolitan Planning Organizations (MPO). Federal regulations require the formation and operation of MPOs in urbanized areas with populations greater than 50,000 persons. While Nantucket does not meet this criterion, the Massachusetts Department of Transportation (MassDOT) provides planning funds for transportation planning in Nantucket, as well as other unique regions, including Martha's Vineyard and Franklin, essentially treating these Transportation Planning Organizations (TPO) as regional MPOs.

The Nantucket TPO consists of a Committee of Signatories comprised of the Massachusetts Department of Transportation (MassDOT) and the NP&EDC. For the purpose of this document, the Committee of Signatories will be referred to as the Nantucket TPO. In its role as a TPO, NP&EDC follows federal transportation planning regulations, including the participation of citizen advisory groups in transportation planning activities.

Current Nantucket Planning & Economic Development Commission Members

Voting Member	Position
Mary Longacre, Vice Chairperson	At-Large
Barry Rector, Vice Chairperson	Planning Board
Seth Engelbourg	Conservation Commission
Kristie Ferrantella	At-Large
Dawn Holdgate	County Commissioners
Wendy Hudson	At-Large
Dave Iverson	Planning Board
Bertyl Johnson	Housing Authority
Nathaniel Lowell	Planning Board
Joseph Topham	Planning Board
John Trudel III	Planning Board
Non-Voting Ex-Officio Member Positions	
Division Administrator, Federal Highway Administration (FHWA)	
Regional Administrator, Federal Transit Administration (FTA)	
STIP & Regional Planning Coordinator, MassDOT	

Part I – Community Profile

Data Sources

In service of the Nantucket TPO, NP&EDC staff prepare community and demographic profiles for the TPO's federally required 3C program (Continuing, Comprehensive, and Cooperative Regional Planning). The charts and data included in this Title VI Comprehensive Plan is sourced from the United States Census Bureau's 2020 Decennial Census and American Community Survey 5-Year Samples, as not all granular Decennial Census data is available at the Block Group Level at this time.

Cluster Maps

Nantucket has larger Census Block Groups due to its relatively small population. When populations are mapped by Census Block Group geographies, it can be challenging to infer spatial patterns. To improve the macro-level depiction of where focus populations live while retaining anonymity at the level of individual records, staff constrained the display of block groups by the shape of built structures. Dots, representing one person or household, are randomly distributed to structures located within the appropriate Census Block Group, creating a more accurate depiction on clustering. The maps included in the document do not depict the exact point at which a particular focus population resides due to the random distribution of dots but improve the value of spatial display by illustrating potential clustering.

Equity, Labor, and Seasonal Variation

Dependence on data products developed by the United States Census Bureau is common across regional and local planning agencies. These credible data products result from robust sampling, review, and quality control undertaken by the Census Bureau. While

reliable and generally accepted, these data alone cannot fully depict equity concerns and needs. Nantucket houses a transient, seasonal labor force whose races, incomes, and needs are not documented by the Census. In some cases, these seasonal employees are from the United States, but in other cases, these employees call other nations "home." Additionally, Nantucket sources a substantial labor population from the mainland, whose places of employment have mainland addresses but require on-island work. To date, there is no data source to document quantity, races, incomes, languages, and needs of these known populations. Future sampling efforts undertaken by the town or region could attempt to devise a way to better document these populations and their needs.

Residents, visitors, and employees alike travel the island by NRTA in the peak season. The image below depicts the local Greenhound, the point of origin for many outbound NRTA trips. Image source: Nantucket Regional Transit Authority.



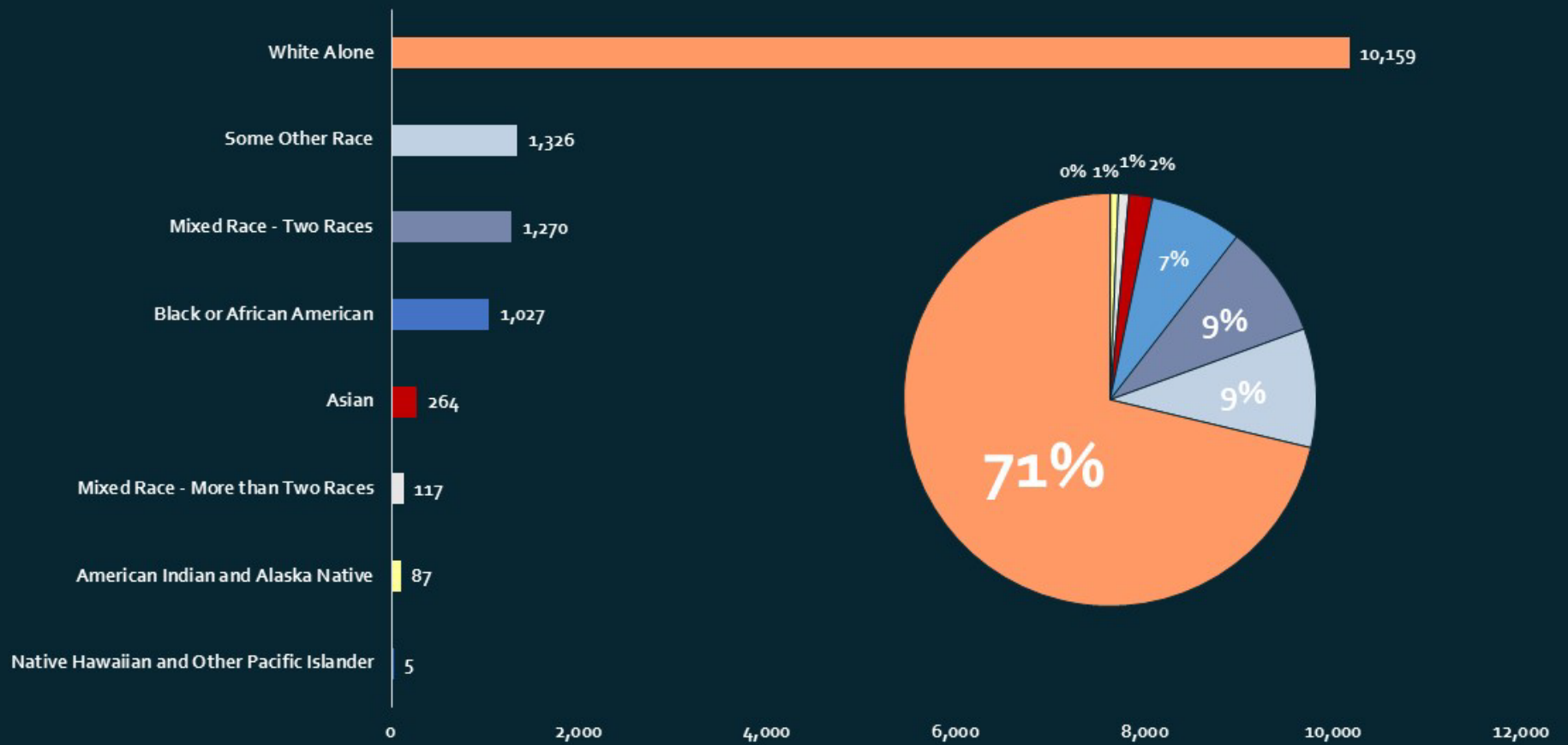
Graphs, Charts, and Analyses

Population by Race – Persons & Percentages

Nantucket is a diverse community. 29% of the island’s year-round population report nonwhite or mixed race status. The Census category “Some Other Race” accounts for 9% of the year-round population, with Mixed-Race and Black or African American persons accounting for another 9% and 7% of the total population, respectively.

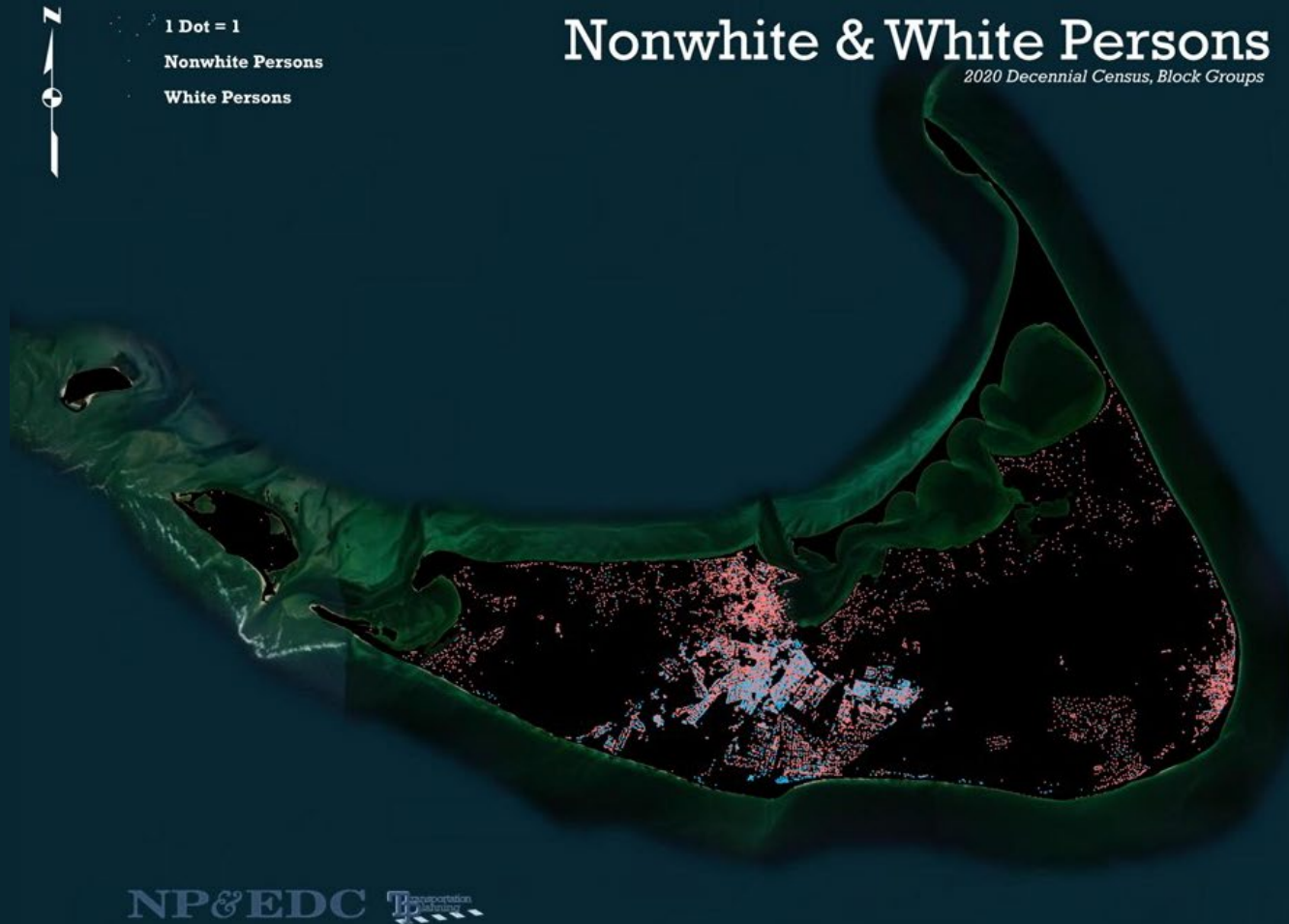
Population – Race

(n = 14,255 persons), 2020 Decennial Census



Spatial Distribution of Nonwhite Persons

The map below depicts the spatial distribution of white (71%, salmon) and nonwhite (29%, blue) persons reporting permanent residence on Nantucket. While there is spatial dispersion of nonwhite persons, clustering is visible around the Mid-Island and South of Town neighborhoods, with some additional clustering in the newer developments north of the airport.



Source: 2020 Decennial Census Data, Block Groups, Table P1

Map Display

- Salmon – White Persons
- Blue – Nonwhite Persons
- 1 Dot = 1 Person

Production Notes & Documentation

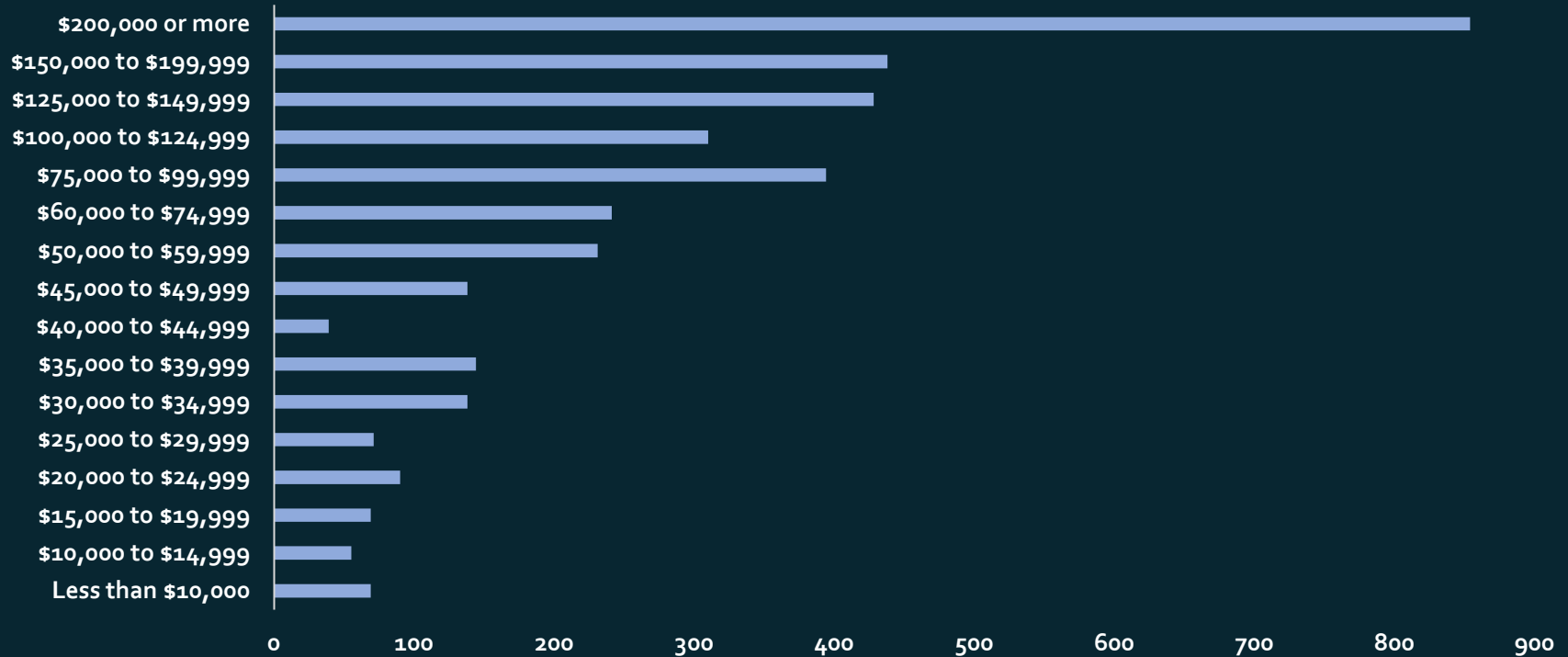
- Dots distributed by Census Block Groups
- Block Groups constrained by location of existing structures
- Output depicts high-level spatial household clustering
- Dots do not reflect *actual* locations of residence

Household Income

Across the 3,709 households included in the American Community Survey (ACS) 5-year sample data, the majority of households report earning \$200,000 or more per year. The United States Department of Housing and Urban Development (HUD) set the Fiscal Year 2021 Family median Income for Nantucket at \$122,800. This number is used by the local housing authority to determine different eligibility thresholds for its programs. 50 percent of Family Median Income for FY21 is \$61,400. Based on this and Census reporting brackets, the income map shown depicts the spatial dispersion of households earning \$60,000 or less.

Household Income

(n = 3,709), 2020 American Community Survey 5-Year Sample



Spatial Distribution of Households Earning Less than \$60,000 Annually



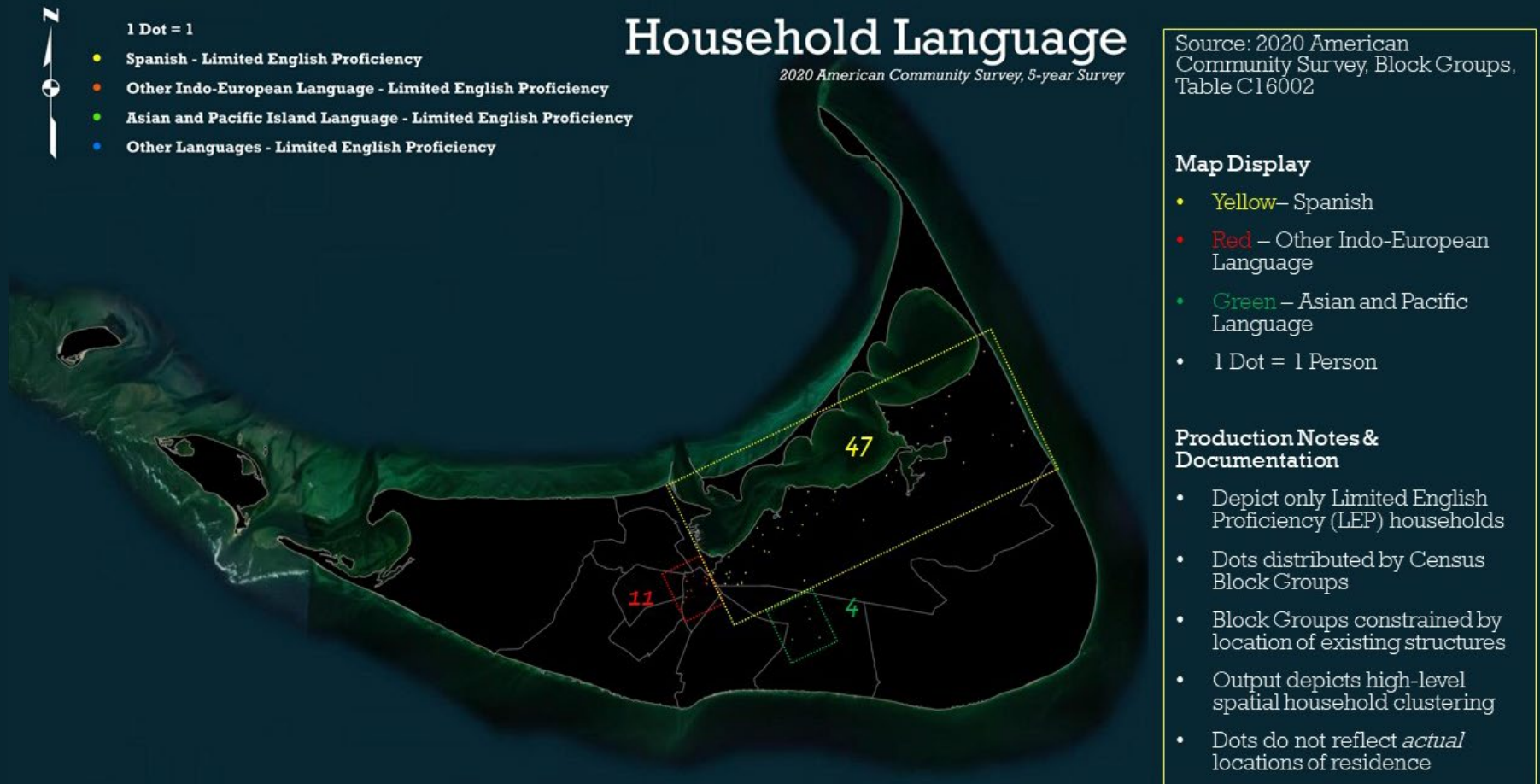
Appx. 50% of Median Family Income

2020 American Community Survey, 5-year Survey; 2021 HUD Median Family Income for Nantucket



Language

Despite significant linguistic diversity on the island, the 2020 American Community Survey estimates that only 1.67% of permanent resident households possess limited English proficiency (LEP). The ACS estimates that the majority of these households' predominant language is Spanish (47 households), while 11 households' predominant language is another Indo-European language, and 4 speak an Asian or Pacific Island language. These households appear to each be located somewhere within the same Census Block Group as depicted in the map below. Note that due to GIS limitations, **dots on the map representing non-English proficient households are shown as being dispersed throughout the Census Block Group geography; however, they may be clustered together within the Census Block Group.** Future fieldwork may locate micro-level clustering trends to better support these households.



Regional Environment Justice Plus Communities

Over the past year, the Massachusetts Department of Transportation (MassDOT) has been working to spatially map Regional Environmental Justice Plus Communities (REJ+). While remaining under development, the geographic designation is intended to depict areas that are most impacted by transportation change. REJ+ communities are mapped at the Block Group level. The following criteria determine whether a Block Group receives an REJ+ designation:

At least one of the following three EJ criteria must be true:

- Annual median household income \leq MPO 25th percentile
- Percent of minorities \geq MPO 75th percentile
- Percent of Households with Limited English Proficiency (LEP) \geq MPO 75th percentile

At least one of the following three transportation criteria must be true:

- Percent of households with zero vehicles \geq MPO 75th percentile
- Percent of households with disabilities \geq MPO 75th percentile
- Percent of seniors (65+ years) \geq MPO 75th percentile

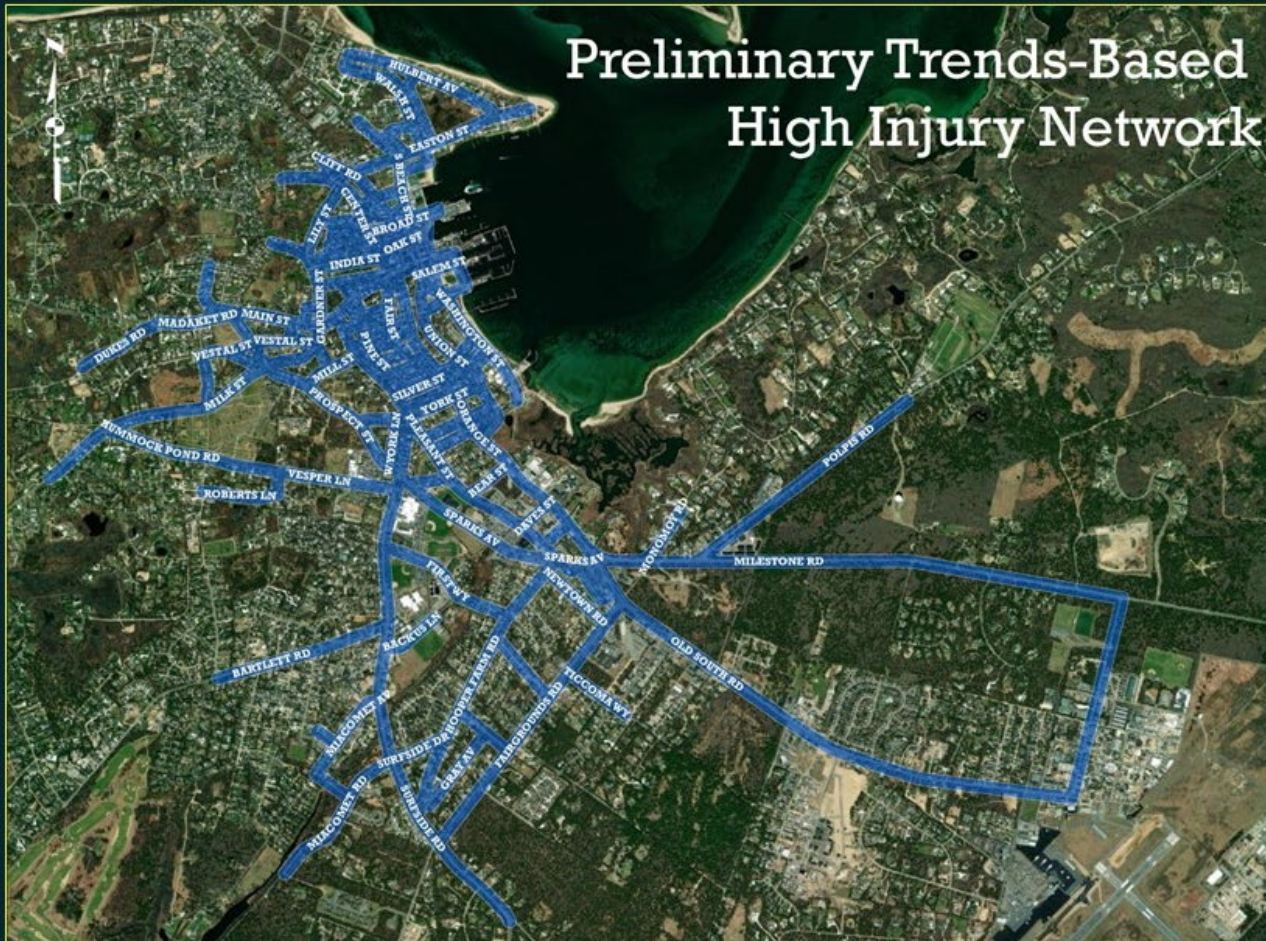
The criteria are relative to the region rather than State or nation to account for local costs and contexts. As of this writing, MassDOT has developed regional thresholds for REJ+ designation as shown in the adjacent table.

Once finalized, the Nantucket TPO will integrate the REJ+ communities into its decision-making framework for investment decisions.

Region	Income	Minority	LEP	Disability	Zero-Vehicle	Senior
Berkshire	\$ 49,835	17%	0%	36%	10%	31%
Boston Region	\$ 72,237	47%	7%	28%	17%	21%
Cape Cod	\$ 62,444	15%	1%	30%	6%	42%
Central Massachusetts	\$ 53,780	41%	7%	33%	13%	21%
Franklin	\$ 51,655	14%	1%	38%	9%	27%
Martha's Vineyard	\$ 61,957	22%	0%	22%	5%	35%
Merrimack Valley	\$ 58,737	67%	8%	32%	10%	21%
Montachusett	\$ 53,686	31%	2%	32%	8%	21%
Nantucket	\$ 80,312	26%	1%	32%	9%	33%
Northern Middlesex	\$ 70,603	46%	5%	31%	8%	19%
Old Colony	\$ 70,178	51%	4%	31%	6%	22%
Pioneer Valley	\$ 43,895	59%	7%	37%	17%	24%
Southeast Massachusetts	\$ 49,891	28%	8%	36%	13%	23%

Addressing the Mobility Needs of Minority Populations

The spatial analyses developed suggest that primary areas of focus fall just east and south of town, as well as in the Mid-Island area and areas north of the airport. Being more dense, these areas are also prioritized for investment for safety purposes. The roadways shown in the map below are intended to demonstrate where investment should be prioritized based on 20-year records of crashes resulting in injury and crashes involving nonmotorists. These roadways were selected based on a statistical spatial analysis, which found crash frequencies for these categories of crashes were less likely to be random and more likely to be associated with an underlying pattern. In this case, the underlying pattern found in the analysis is likely attributable to roadway volumes and resident and visitor population density. These roadways additionally align well with the Town Overlay District, which is shown in the map depicting previous project distribution.



Preliminary Trends-Based High Injury Network

- Includes all **public** roads located within or intersecting high injury and nonmotorist focus areas
- Two fatality locations:
 - Bartlett Farm Road & Surfside Road
 - Milestone Road & Polpis Road
- Adds segment of Milestone and Old South to Nobadeer Farm based on crash frequency
- Excludes private roadways
- Future Consideration:
 - Major nonmotorist focus ways, including all of Milestone, Polpis, Madaket, Surfside, Old South, and Fairgrounds
 - Public roadways in newer, denser development areas, such as Richmond

Vehicle ownership on Nantucket is expensive when accounting for portage costs and fuel costs. MassDOT's REJ+ data suggests that at least one Census Block Group has rates of Zero-Vehicle Ownership above 9%, which is 75th percentile threshold for the region. As they REJ+ data develops further, staff will monitor spatial needs for transit and nonmotorists improvements.

Demographic Maps and Charts of Funding Distribution & Analysis of Previous Investments

Nantucket has made exemplary strides over the last few decades to advance supportive transportation networks. These include the introduction of the Nantucket Regional Transit Authority in 1995, and the initiation of year-round NRTA operations on select routes in 2018. The Your-Island-Ride reservation-based shuttle service began in 2001 and provides rides free of charge for people with disabilities and persons over 60 years of age.

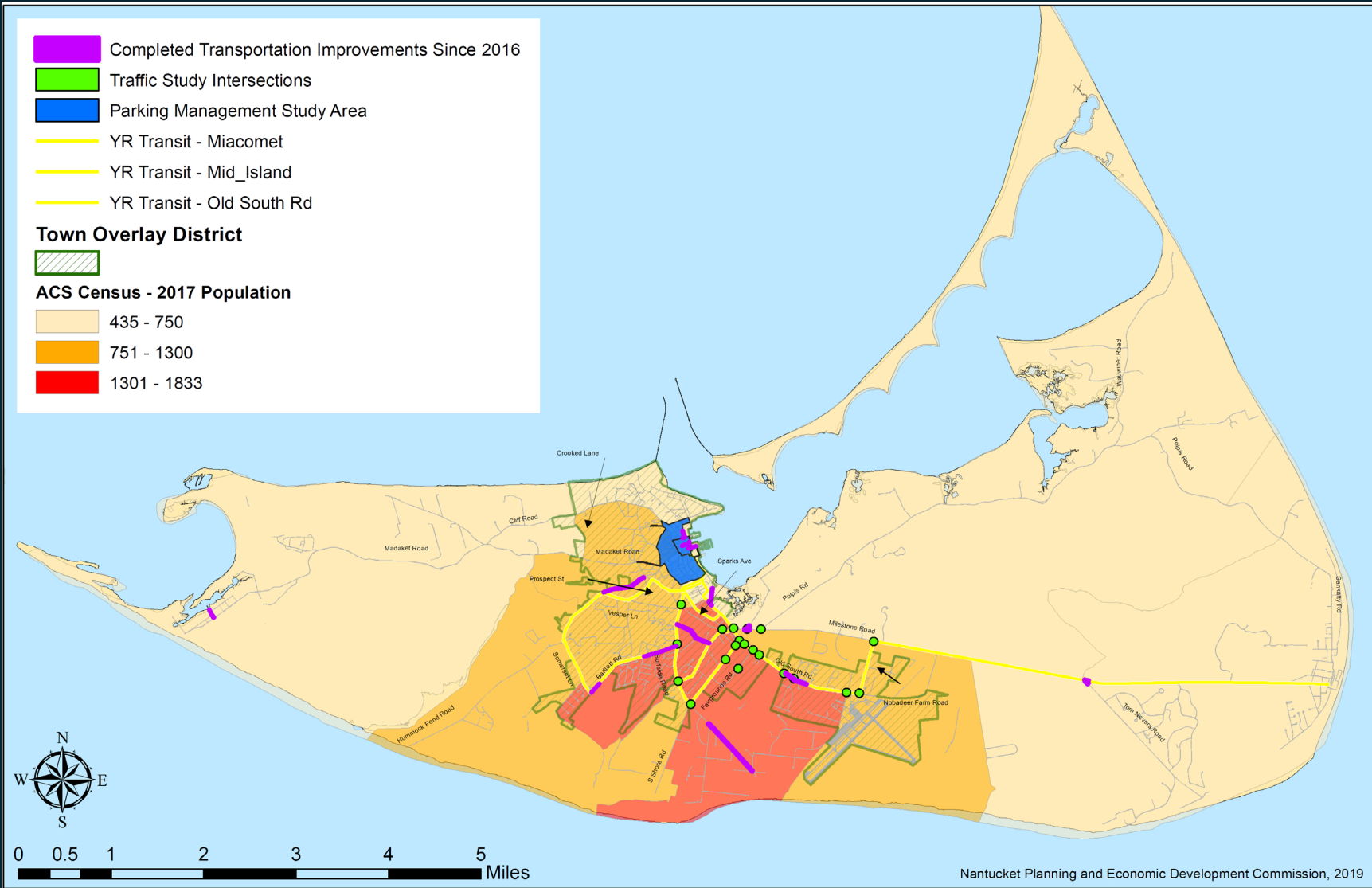
The town and region have implemented numerous paths for pedestrians, cyclists, and other rollers, and continues to design new nonmotorists paths for residents and visitors. No new projects have advanced since 2018; however, several are in development including the Mill Hill Connector (lead by the Land Bank), the Wauwinet Sidepath, the Tom Nevers Sidepath, and the sidewalk improvements in the Mid-Island vicinity.

The map below depicts the location of previous projects and year-round transit routes. Investments have been focused within the Town Overlay District. Investment is prioritized in this area per the Nantucket Master Plan. These portions of the island are more densely settled with commercial uses, housing, and utility infrastructure, and also align with clusters of larger need. As shown using 2020 American Community Survey Block Group data, the Town Overlay District encompasses a concentration of households at and below median family income. Future path project investments—

Wauwinet and Tom Nevers, extend beyond the Town overlay district. These project help connect areas within the Town overlay district, including equity focus areas south of Town, Mid-Island, and east of Town, with conservation and recreation opportunities elsewhere on the island. These projects also support mobility for individuals without access to a vehicle.

The NRTA has provided year-round transit service on select routes since 2018. Image source: Nantucket Regional Transit Agency.





Part II – Title VI Resources

Title VI/Nondiscrimination Assurances - The United States Department of Transportation (U.S. DOT) Order No. 1050.2A

The Massachusetts Department of Transportation (MassDOT) (hereinafter 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 (including limited English proficiency));
- 49 C.F.R. Part 21 (entitled *Non-discrimination 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 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 assurances that:

No person in the United States shall, on the grounds of race, color, 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 U. S. DOT, including FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination 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 non-discrimination 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 gives the following Assurances:

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 its programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The Massachusetts Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby affirmatively ensures that for any contract entered into pursuant to this advertisement, all bidders, including disadvantaged business enterprises, will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, 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 the 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 for the duration of Recipient ownership of the facility and future deeds, leases, licenses, permits, or similar transfers where the use of the facility remains transportation related (see Specific Assurance #8, below).
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 (Appendix C);
 - b. and 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 (Appendix D).
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 by 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.

By signing this Assurance, the Massachusetts Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's 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. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee 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 Massachusetts Department of Transportation 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 under the Federal-aid Highway Program. This Assurance is binding on the Massachusetts Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the Recipient.

SIGNED FOR THE RECIPIENT:



2/15/2021

Jamey Tesler

Date

Acting Secretary/CEO

Massachusetts Department of Transportation

Subrecipient Title VI/Nondiscrimination Assurances

The Nantucket Planning and Economic Development Commission (hereinafter referred to as the “Sub-Recipient”), hereby agrees that, as a condition of receiving any Federal financial assistance from the United States Department of Transportation (U. S. DOT), Federal Highway Administration (FHWA), from the Commonwealth of Massachusetts, through its Department of Transportation (Recipient), it is subject to and must comply with the Acts and Regulations detailed in this document.

This Assurance is given in consideration of and for the purpose of obtaining any and all 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 Department of Transportation under the FHWA Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors’, transferees, successors in interest, and any other participants in the FHWA Programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

SIGNED FOR THE SUB-RECIPIENT:

 1-25-2023

Andrew Vorce **Date**
Director of Planning
Nantucket Planning and Economic Development Commission

Assurance Appendices – Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Massachusetts Department of Transportation (MassDOT) or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to MassDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Nondiscrimination provisions of this contract, MassDOT will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a control, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as MassDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction,

the contractor may request MassDOT to enter into any litigation to protect the interests of MassDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Assurance Appendices – Appendix B

Clauses for Deeds Transferring United States Property

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

“Now, therefore, the U.S. Department of Transportation (hereinafter referred to as “U.S. DOT”), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as “FHWA”) of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof.”

Habendum Clause:

“To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Massachusetts Department of Transportation, its successors and assigns.

The Massachusetts Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

(1) no person will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the Massachusetts Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of

Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;

(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, U.S. DOT will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.¹

Assurance Appendices – Appendix C

Clauses for Transfer of Real Property Acquired or Improved Under the Activity Facility or Program

The following clauses will be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7a:

- 1. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:*
 - a. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
- 2. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.¹*
- 3. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.¹*

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

Assurance Appendices – Appendix D

Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility, or Program

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7b.

1. *“The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.²*
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.²*

Assurance Appendices – Appendix E: Pertinent Non-Discrimination Authorities

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

- 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); and 49 CFR Part 21
- 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)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27

² Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

- 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 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 (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits 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)
- 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 (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 People 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 Act of 1972, as amended (20 U.S.C. 1681 et seq.) (prohibits discrimination on the basis of sex in education programs or activities)

Federal Transit Administration Certifications and Assurance

NP&EDC Civil Rights Notice to the Public

The Nantucket Planning and Economic Development Commission complies with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin (including limited English proficiency). Related federal and state nondiscrimination laws prohibit discrimination on the basis of age, sex, disability, and additional protected characteristics. The NP&EDC is committed to nondiscrimination in all activities.

Individuals who believe they have been discriminated against may file a complaint with NP&EDC at:

Andrew Vorce, AICP
Director of Planning
2 Fairgrounds Road
Nantucket, MA 02554
508-325-7587
avorce@nantucket-ma.gov

Individuals may also file complaints directly with MassDOT and/pr the United States Department of Transportation (USDOT) at:

MassDOT/MBTA Title VI Specialists

Office of Diversity and Civil Rights – Title VI Unit
10 Park Plaza, Suite 3800
Boston, MA 02116
Phone: (857) 368-8580 or 7-1-1 for Relay Service
Email: MassDOT.CivilRights@state.ma.us or MBTAcivilrights@mbta.com

U.S. Department of Transportation

Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590
Website: civilrights.justice.gov/

For additional information, language service requests, or reasonable accommodations visit mass.gov/nondiscrimination-in-transportation-program.

Civil Rights Notice Translations

MassDOT's translation vendor is preparing translations of the Civil Rights Notice to the Public. These will be provided online on NP&EDC's website once they are produced and available.

English: Discrimination is prohibited at NP&EDC. If you believe discrimination has occurred you have the right to file a complaint. For translations of this notice visit mass.gov/service-details/title-vi-rights-and-protections or mbta.com/titlevi

Portuguese:
Spanish:
Chinese Simplified: (mainland & Singapore):
Chinese Traditional: (Hong Kong & Taiwan):
Russian:
Haitian Creole:
Vietnamese:
French:
Italian:
Khmer:
Arabic:

Title VI Complaint Procedures

Purpose and Applicability

The purpose of this document is to establish procedures for the processing and disposition of both discrimination complaints filed directly with the Massachusetts Department of Transportation (MassDOT) or the Massachusetts Bay Transportation Authority (MBTA), and discrimination complaints that MassDOT/MBTA have the delegated authority to process under Title VI of the Civil Rights Act of 1964 (Title VI) and related state and federal nondiscrimination authorities, including the Americans with Disabilities Act (ADA).

The processing of discrimination complaints will follow the steps outlined below and are further detailed throughout this document.

- Step 1: Complainant submits their complaint.
- Step 2: MassDOT/MBTA issues the complainant an acknowledgment letter.
- Step 3: Complaint is assigned to, and reviewed by, an investigator.
- Step 4: Investigator conducts interviews of complainants, witnesses, and the respondent.
- Step 5: Investigator reviews the evidence and testimonies to determine whether a violation has occurred.
- Step 6: Complainant and Respondent are issued a letter of resolution or a letter of finding and offered appeal rights.
- Step 7: Once the appeal period has expired, the investigation is closed.

The procedures describe an administrative process aimed at identifying and eliminating discrimination in federally funded programs and activities. The procedures do not provide an avenue for relief for complainants seeking individual remedies, including punitive damages or compensatory remuneration; they do not prohibit complainants from filing complaints with other state or federal agencies; nor do they deny complainants the right to seek private counsel to address acts of alleged discrimination.

The procedures described in this document apply to MassDOT/MBTA and their subrecipients, contractors, and subcontractors in their administration of federally funded programs and activities.

As part of their efforts to comply with Title VI, subrecipients of federal financial assistance through MassDOT/MBTA are encouraged to adopt these complaint procedures. In so doing, these subrecipients acknowledge their obligation to afford members of the public with an opportunity to file complaints alleging violations of nondiscrimination policies in place across their organization and in their programs, services, and activities. In accordance with federal guidance, subrecipients of transit-related funds understand they have the authority to process Title VI complaints and will inform their recipients, MassDOT/MBTA, of complaints received and the outcome of investigations as the matters are resolved.

Subrecipients of highway-related funds further understand they do not have the authority to investigate Title VI violation claims filed against their organization (where their organization is the respondent or party alleged to have violated Title VI). All such claims will be forwarded to the MassDOT/MBTA Office of Diversity and Civil Rights (ODCR) to determine the appropriate investigative authority. Highway-funding subrecipients retain the right to consider Title VI violation allegations as a matter of Assurance and/or internal policy compliance but are precluded from making determinations as to possible violations of Title VI. MassDOT/MBTA encourages all subrecipients to communicate with ODCR's Title VI Specialists, the Director of Title VI and Accessibility, and/or the Director of Investigations when/if Title VI complaints are received to ensure proper handling.

Definitions

Complainant – A person who files a complaint with MassDOT/MBTA.

Complaint – Written, verbal or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Where a complaint is filed by a person with a disability, the term complaint encompasses alternative formats to accommodate the complainant's disability.

Discrimination – That act or inaction, whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, or bases covered by other nondiscrimination authorities, such as gender, age, or disability, has been subjected to unequal treatment or disparate impact under any program or activity receiving federal assistance.

Operating Administrations – Agencies of the U.S. Department of Transportation, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMSCA), that fund transportation programs or activities.

Respondent – The person, agency, institution, or organization alleged to have engaged in discrimination.

Filing of Complaints

This section details procedures for processing Title VI discrimination complaints (on the basis of race, color, or national origin, including language) and complaints alleging discrimination on the basis of additional federal nondiscrimination provisions (on the basis of age, sex, and disability). Federal law and regulations governing Title VI of the Civil Rights Act of 1964 (Title VI) places the overall coordination authority for the investigation of civil rights complaints in the United States Department of Justice, which works collaboratively with federal agencies that carry out this responsibility. In the transportation sector, this investigative authority rests with the US Department of Transportation (US DOT) and its agencies for the different modes of transportation, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). In coordination with USDOT requirements, FHWA and FTA have

established regulations and guidance that require recipients and subrecipients of federal financial assistance to establish procedures for processing Title VI complaints filed with these organizations.

The procedures described below, modeled on recommended complaint procedures promulgated by the US Department of Justice (US DOJ), are designed to provide a fair opportunity to have complaints addressed that respect due process for both complainants and respondents. In addition to the formal complaint resolution process detailed herein, MassDOT/MBTA shall take affirmative steps to pursue informal resolution of all Title VI complaints, when possible.

The Complaint Process

1. Who can file a complaint?

ANY member of the public, along with all MassDOT/MBTA customers, applicants, contractors, or subrecipients who believe that they themselves, a third party, or a class of persons were mistreated or treated unfairly because of their race, color, or national origin (including limited English proficiency) in violation of Title VI of the Civil Rights Act of 1964, related federal and state laws and orders, or MassDOT/MBTA's Anti-Discrimination/Harassment Prevention (ADHP) Policy. Retaliation against a member of the public on the basis of race, color, or national origin is also prohibited under Title VI and the ADHP Policy.

2. How do I file a complaint?

A complaint may be filed with the following:

NP&EDC

Andrew Vorce, AICP
Director of Planning
2 Fairgrounds Road
Nantucket, MA 02554
508-325-7587
avorce@nantucket-ma.gov

MassDOT/MBTA Title VI Specialists

Office of Diversity and Civil Rights – Title VI Unit
10 Park Plaza, Suite 3800
Boston, MA 02116
Phone: (857) 368-8580 or 7-1-1 for Relay Service
Email: MassDOT.CivilRights@state.ma.us or MBTAcivilrights@mbta.com

MassDOT/MBTA, Assistant Secretary and Chief Diversity Officer

Office of Diversity and Civil Rights – Investigations Unit
10 Park Plaza, Suite 3800
Boston, MA 02116
Phone: (857) 368-8580
Email: odcrcomplaints@dot.state.ma.us

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590
Website: civilrights.justice.gov/

Please note:

- When FTA receives a Title VI complaint regarding MassDOT, a subrecipient, or a contractor, the FTA may request the matter be investigated by MassDOT.
- If a Title VI complaint is filed with MassDOT that alleges a violation by MassDOT's Highway Division, then it will be forwarded to the local FHWA Division Office which will then forward the complaint to the FHWA Headquarters Office of Civil Rights (HCR) for processing.
- If a Title VI complaint is received by MassDOT that is filed against a subrecipient of the MassDOT Highway Division, then MassDOT may process and investigate the complaint or may refer to HCR for investigation.
- If FMCSA receives a complaint filed against MassDOT, FMCSA will forward the complaint to MassDOT for a written response. This allows MassDOT to either resolve the complaint or to provide a written response to the allegations. The written response is used to determine what steps FMCSA will take to process the complaint.

3. What do I need to include in a complaint?

A Title VI/Nondiscrimination Complaint form is available electronically on the NP&EDC website, the [MassDOT Title VI website](#), or in hardcopy at the MassDOT/MBTA Office of Diversity and Civil Rights.

Alternatively, a complainant may submit correspondence in an alternative format that should include:

- Your name, signature and, current contact information (i.e., telephone number, email address and postal mailing address);
 - The name and badge number (if known and applicable) of the alleged perpetrator;
 - A description of how, when, and where the alleged prohibited conduct occurred;
 - A detailed description of why you believe you were treated differently;
 - Names and contact information of any witnesses; and
 - Any other information you believe is relevant to your complaint.
- A. In cases where the complainant is unable to provide a written statement, a verbal complaint may be made to the Office of Diversity & Civil Rights (ODCR). Complainants will be interviewed by a Civil Rights Investigator (CRI). If necessary, the CRI will assist the person in converting the verbal complaint to writing. All complaints should be signed by the complainant.
- B. Anonymous complaints may be filed in the same manner. Anonymous complaints shall be investigated in the same manner as any other complaint.
- C. Complaints will be accepted in any recognized language. Multi-lingual complaint forms are available.

4. How long do I have to file a complaint?

A complaint alleging violation of Title VI and/or MassDOT/MBTA's ADHP policy should be filed no later than one hundred and eighty (180) days from the date of the alleged violation. Complaints alleging violations of state or federal law must be filed within the time frames established by statute, regulation, or case law – in certain instances up to three hundred (300) days from the date of the alleged violation.

5. How will my complaint be handled?

When a complaint is received, it is assigned to a Civil Rights Investigator (CRI). The CRI will:

- A. Determine Jurisdiction: ODCR has jurisdiction if the complaint:
 - 1) involves a statement or conduct that violates:
 - i. MassDOT legal obligation and commitment to prevent discrimination, harassment, or retaliation on the basis of a protected characteristic with regard to any aspect of the Agency's service to the public;
 - ii. or
The commitment made by subrecipients and contractors working with MassDOT to adhere to MassDOT policies;
 - AND
 - 2) is timely filed.
- B. Acknowledge receipt of the complaint and provide jurisdictional determination within ten (10) business days of receipt of the complaint.
 - 1) If the CRI determines that any complaint does not have the potential to establish a civil rights violation, then the CRI shall notify the complainant and Title VI Specialist in writing of its finding and the matter shall be closed.
- C. Conduct a thorough investigation of the allegations contained in the complaint in accordance with the MassDOT Internal Complaint Procedures.

6. Findings and Recommendations?

At the conclusion of the investigation, the CRI will transmit to the complainant and the respondent one of the following three letters based on the findings:

- A. A letter of resolution that explains the steps the respondent has taken or will take to comply with Title VI.
- B. A letter of finding that is issued when the respondent is found to be in compliance with Title VI. This letter will include an explanation of why the respondent was found to be in compliance and provide notification of the complainant's appeal rights.
- C. A letter of finding that is issued when the respondent is found to be in noncompliance.

This letter will include each violation referenced as to the applicable regulations, a brief description of findings/recommendations, the consequences of failure to achieve voluntary compliance, and an offer of assistance in devising a remedial plan for compliance, if appropriate.

7. Can I appeal a Finding?

If a complainant or respondent does not agree with the findings of the CRI then he/she/they may appeal to the Assistant Secretary and Chief Diversity Officer. The appealing party must provide any **new information that was not readily available during the course of the original investigation that would lead MassDOT to reconsider its determinations**. The request for an appeal and any new information must be submitted within thirty (30) days of the date the letter of finding was transmitted. After reviewing this information, MassDOT/MBTA will respond either by issuing a revised letter of resolution or by informing the appealing party that the original letter of resolution or finding remains in force.

Complaint Forms by Language

Complaints can be filed directly with the NP&EDC or to MassDOT or USDOT as NP&EDC is a subrecipient of federal funds. MassDOT has prepared the a complaint form, which is translated into several languages. These forms can be mailed to MassDOT at the address listed on the form or mailed to the NP&EDC's Title VI Coordinator at:

Andrew Vorce, AICP
Director of Planning
2 Fairgrounds Road
Nantucket, MA 02554
508-325-7587
avorce@nantucket-ma.gov

The following pages include copies of the complaint form in the following languages:

- English
- Portuguese
- Spanish
- Chinese Simplified (mainland & Singapore)
- Chinese Traditional (Hong Kong & Taiwan)
- Russian
- Haitian Creole
- Vietnamese
- French
- Italian
- Khmer
- Arabic

Complaint Log

Each year, the NP&EDC is required to include a log of any Title VI complaints filed within the last fiscal year. At the time of this writing and to the best of our knowledge, no Title VI complaints have been filed against the NP&EDC or its staff. As such, no log is included in this Comprehensive Title VI Plan.

Discrimination Complaint Form

Please provide the following information in order for us to process your complaint. This form is available in alternate formats and multiple languages. Should you require these services or any other assistance in completing this form, please let us know.

Name: _____

Address: _____

Telephone Numbers: (Home) _____ (Work) _____ (Cell) _____

Email Address: _____

Please indicate the nature of the alleged discrimination:

Categories protected under *Title VI of the Civil Rights Act of 1964*:

Race Color National Origin (including limited English proficiency)

Additional categories protected under related Federal and/or State laws/orders:

Disability Age Sex Sexual Orientation Religion Ancestry

Gender Ethnicity Gender Identity Gender Expression Creed

Veteran's Status Background Low-Income

Who do you allege was the victim of discrimination?

You A Third Party Individual A Class of Persons

Name of individual and/or organization you allege is discriminating:

Do you consent to the investigator sharing your name and other personal information with other parties to this matter when doing so will assist in investigating and resolving your complaint?

Yes No

Жалоба о Дискриминации

Пожалуйста, предоставьте следующую информацию для того, чтобы мы могли обработать вашу жалобу. Эта форма доступна в альтернативных форматах и на нескольких языках. Если вам потребуются эти услуги или любая другая помощь в заполнении этой формы, пожалуйста, сообщите нам об этом.

ФИО: _____

Адрес: _____

Телефонные номера: (Дом) _____ (Раб) _____ (Моб) _____

Электронный адрес: _____

Пожалуйста укажите характер предполагаемой дискриминации:

Категории, защищаемые в соответствии с Титулом VI Закона о Гражданских Правах 1964 года:

- Раса Цвет кожи Национальное происхождение (в том числе ограниченное знание английского языка)

Дополнительные категории, защищаемые соответствующими законами/ приказами на уровне федерации и/или штата:

- Инвалидность Возраст Пол Сексуальная Ориентация Религиозные убеждения Происхождение
- Гендер Этничность Гендерная Идентичность Гендерное Выражение
- Убеждения Статус Ветерана Биография Низким уровнем дохода

Кто, согласно Вашим предположениям, являлся жертвой дискриминации?

- Вы Третье лицо Класс лиц

Имя лица и / или название организации, которые, согласно Вашим предположениям, осуществляют дискриминацию:

Согласны ли Вы, чтобы рассматривающий жалобу предоставил Ваше имя и прочую личную информацию другим сторонам, если это окажет помощь в расследовании и разрешении Вашей жалобы?

Đơn Khiếu nại Phân biệt đối xử

Vui lòng cung cấp các thông tin sau để chúng tôi xử lý khiếu nại của quý vị. Đơn này có sẵn ở các định dạng khác nhau và bằng nhiều ngôn ngữ. Hãy cho chúng tôi biết nếu quý vị cần các dịch vụ này hoặc bất kỳ hỗ trợ nào khác để điền đơn này.

Tên: _____

Địa chỉ: _____

Số điện thoại: (Nhà) _____ (Cơ quan) _____ (Di động) _____

Địa chỉ email: _____

Vui lòng cho biết bản chất của sự việc bị cho là phân biệt đối xử:

Các thể loại được bảo vệ theo Đạo luật VI của Luật dân quyền năm 1964:

Chủng tộc Màu da Quốc gia xuất xứ (bao gồm tiếng Anh không thông thạo)

Các thể loại bổ sung được bảo vệ theo luật/lệnh liên quan của Liên bang và/hoặc Tiểu bang:

Khuyết tật Tuổi Giới tính (Sex) Định hướng tình dục

Tôn giáo Tổ tiên

Phái tính (Gender) Dân tộc Xác định phái tính Thể hiện phái tính

Tín điều (Creed) Tình trạng thương binh Lý lịch Thu nhập thấp

Ai là người quý vị cho là nạn nhân của phân biệt đối xử?

Quý vị Một cá nhân thứ ba Một lớp người

Tên của Cá nhân và/hoặc tổ chức mà quý vị cho là đang phân biệt đối xử:

Quý vị có đồng ý cho điều tra viên chia sẻ tên và các thông tin cá nhân khác của quý vị với các bên khác về vấn đề này để hỗ trợ việc điều tra và giải quyết khiếu nại của quý vị không?

Có Không

نموذج شكوى حول وقوع حالة تمييز

يُرجى توفير المعلومات التالية لكي نتعامل مع الشكوى التي تقدمتم بها. يتوفر هذا النموذج بأشكال بديلة وبلغات متعددة. إذا رغبتكم بهذه الخدمات أو أي مساعدة أخرى لتعبئة هذا النموذج، يُرجى إبلاغنا.

الاسم: _____

العنوان: _____

أرقام الهواتف: (المنزل) _____ (العمل) _____ (الجوال) _____

البريد الإلكتروني: _____

يُرجى الإشارة إلى طبيعة التمييز الذي تدّعون:

الفئات التي يحميها القسم السادس من قانون حقوق الانسان لعام 1964:

العرق اللون الأصل الوطني أو القومي (بما في ذلك الكفاءة المحدودة في اللغة الانجليزية)

الفئات الاضافية التي تحميها القوانين/ الاوامر الفيدرالية و/ أو الخاصة بالولاية ذات الصلة:

الإعاقات العمر الجنس التوجه الجنسي الدين سُلالة المرء

النوع الاثنية هوية النوع التعبير عن النوع

العقيدة الوضع كمحارب قديم الخلفية لون الشعر لون العينين

من هو الشخص الذي تدّعون بأنه ضحية عمل تمييزي؟

أنت فرد آخر أو طرف ثالث مجموعة أفراد

اسم الفرد و/ أو المنظمة التي تدعون بأنها تُمارس التمييز؟

هل توافقون على أن يقوم المحقق بمشاركة اسمكم ومعلوماتكم الشخصية الأخرى مع أطراف أخرى متعلقة بهذا الموضوع إذا كانت هذه المشاركة ستساعد في عملية التحقيق وإيجاد حل لشكواكم؟

نعم لا

Fòmilè pou Pote Plent pou Diskriminasyon

Tanpri, ekri enfòmasyon yo mande la yo, pou ede nou travay sou plent ou pote a. Ou ka jwenn fòmilè sa a nan lòt fòm, ak nan plizyè lang. Si ou bezwen li nan lòt fòm oubyen lòt lang, oubyen si ou vle mande lòt kalite asistans pou reponn kesyon nan fòmilè sa a, tanpri fè nou konnen.

Non ou: _____

Adrès: _____

Nimewo telefòn: (Lakay ou) _____ (Nan Travay ou) _____ (Tel. Selilè) _____

Adrès elektwonik: _____

Tanpri, ekri pi ba la a pou ki kalite diskriminasyon w ap pote plent:

Kategori ki pwoteje dapre *Tit 6 nan Lwa sou Dwa Sivik 1964* la:

Ras Koulè Nasyonalite (oubyen moun ki pa konn pale angle byen)

Lòt kategori ki pwoteje dapre lwa/òdonnans Eta a oswa gouvènman federal la:

Andikap Laj Gason oubyen Fi Oryantasyon seksyèl Relijyon Zansèt

Gason ak Fanm Gwoup Etnik Idantite gason oswa fanm Deklarasyon idantite Gason oswa Fanm Kwayans Kondisyon Veteran Antesedan Touche Ti Salè

Ki moun ou vle di ki viktim diskriminasyon an?

Oumenm Yon Lòt Moun Yon Gwoup Moun

Di non moun ak/oswa òganizasyon ou kwè ki fè diskriminasyon an:

Èske ou dakò pou moun k ap mennen ankèt la bay lòt moun ki fè pati nan ka a, non ou ak lòt enfòmasyon pèsònèl sou ou, si sa kapab ede nan ankèt sou plent ou fè a, oswa rezoud pwoblèm lan?

Wi Non

Formulaire de plainte pour discrimination

Veillez fournir les informations suivantes afin que nous puissions considérer votre plainte. Ce formulaire est disponible dans d'autres formats et en plusieurs langues. Si vous avez besoin de ces services ou de toute autre assistance pour remplir ce formulaire, merci de nous le faire savoir.

Nom : _____

Adresse : _____

Numéro de téléphone : (Domicile) _____ (Travail) _____ (Portable) _____

Courriel : _____

Veillez indiquer la nature de la discrimination alléguée :

Catégories couvertes en vertu du *titre VI de la loi sur les droits civils (Civil Rights Act) de 1964* :

Race Couleur de peau

Nationalité d'origine (Inclus connaissance limitée de l'anglais)

Catégories supplémentaires couvertes en vertu des lois/ordonnances fédérales et/ou des États :

Handicap Age Sexe Orientation sexuelle Religion Filiation

Genre Ethnicité Identité de genre Expression sexuelle

Croyance Statut d'ancien combattant Antécédent Faibles revenus

Qui, d'après vous, serait victime de discrimination?

Vous Un tiers Un ensemble de personnes

Nom de la personne et/ou de l'organisation qui, d'après vous, exercerait la discrimination :

Consentez-vous que l'enquêteur communique votre nom et informations personnelles à d'autres parties à ce sujet, sachant que votre accord assistera dans l'examen des faits et la décision de votre plainte?

Oui Non

Veillez décrire la discrimination alléguée. Vous devez inclure des détails précis comme des noms, des dates, des rendez-vous, des témoins ainsi que toute autre information qui pourrait

歧視投訴表

請提供以下信息以便我們處理您的投訴。本文檔具有特殊版式以及多個語種版本供選用。如您需要此類版本或其它任何協助以報告投訴，請聯系我們。

姓名：_____

地址：_____

電話號碼：（家）_____（工作）_____（手機）_____

電子郵件地址：_____

請 投訴歧視的性質：

1964年頒發的民權法案第六章保護的類別：

種族 膚色 國籍（包括有限的英文水平）

相關的聯邦和/或州法律/條例保護的其它類別：

殘障 年齡 性別 性取向 宗教 祖籍 低收入群體

社會性別 族群 性別認同 性別表達 教義 退伍軍人身份 背景

您投訴的歧視受害者是誰？

本人 第三方個人 一個類別的人士

您投訴的歧視的個人和/或組織的姓名或名稱：

您同意讓調 同其他相關方共享您的姓名和其它個人信息以協助調 ？

是 否

Formulario de queja por discriminación

Por favor, complete la siguiente información para que podamos tramitar su queja. Este formulario está disponible en otros formatos y en varios idiomas. Si usted necesitara estos servicios o cualquier otro tipo de asistencia para completar este formulario, por favor, avísenos.

Nombre: _____

Dirección: _____

Nos. de teléfono: (Casa) _____ (Trabajo) _____ (Celular) _____

Dirección de correo electrónico: _____

Por favor, indique la índole de la presunta discriminación:

Categorías protegidas por el *Artículo VI de la ley de derechos civiles de 1964*:

Raza Color Origen nacional (incluido un nivel limitado del idioma inglés)

Otras categorías protegidas por leyes o disposiciones federales y/o estatales:

Discapacidad Edad Sexo Orientación sexual Religión Abolengo

Género Etnia Identidad de género Expresión de género Credo

Categoría de veterano Origen Bajos ingresos

¿Quién afirma usted que fue víctima de discriminación?

Usted Un tercero Una clase de personas

Nombre de la persona u organización que usted afirma que está discriminando:

¿Consiente usted en que el investigador facilite su nombre y otros datos personales a otras partes de este asunto con el fin de que ayuden en la investigación para poder resolver su queja?

Sí No

Modulo di denuncia per discriminazione

Si prega di fornire le seguenti informazioni per consentirci di elaborare la denuncia. Questo modulo è disponibile in formati alternativi e in più lingue. Se si necessita usufruire di tali servizi o di qualsiasi altro tipo di assistenza nella compilazione del modulo, La preghiamo di farcelo sapere.

Nome: _____

Indirizzo: _____

Numeri di telefono: (Casa) _____ (Ufficio) _____ (Cellulare) _____

Indirizzo e-mail: _____

Indicare la natura della presunta discriminazione:

Categorie protette in virtù del *Title VI of the Civil Rights Act of 1964*:

Razza Colore

Origine nazionale (compresa la limitata padronanza della lingua inglese)

Altre categorie protette da norme/ordinanze federali e/o statali:

Disabilità Età Sesso Orientamento sessuale Religione Stirpe

Gender Etnicità Identità di genere Espressione di genere Fede

Veterano Storia personale Basso reddito

Chi ritiene essere stato vittima di discriminazione?

Lei stesso/a Una terza persona Un gruppo di persone

Nome della persona e/o dell'organizzazione che Lei ritiene abbia compiuto l'azione discriminante:

Rilascia il consenso all'investigatore di condividere il Suo nome ed altre informazioni personali con altre parti inerenti a questo caso quando così facendo si collabora nell'investigazione e nella risoluzione del Suo reclamo?

Formulário de Reclamação por Discriminação

Por favor, preencha com as seguintes informações para que possamos processar sua reclamação. Este formulário está disponível em formatos alternativos e em múltiplas línguas. Se você precisar de outro tipo de formulário ou de auxílio no preenchimento, por favor, avise um de nossos funcionários.

Nome: _____

Endereço: _____

Números de Telefone: (Res.) _____ (Com.) _____ (Celular) _____

Endereço de Email: _____

Por favor, indique a natureza da discriminação alegada:

Categorias protegidas sob o *Título VI da Lei de Direitos Civis de 1964*:

Raça Cor Origem Nacional (incluindo proficiência limitada do inglês)

Categorias adicionais protegidas sob leis e/ou disposições federais e estaduais:

Deficiência Idade Sexo Orientação Sexual Religião Antepassados

Gênero Etnia Identidade de Gênero Expressão de Gênero Credo

Condição de Veterano Antecedentes De baixa renda

Quem você alega ter sido a vítima da discriminação?

Você Terceiro Uma Classe de Pessoas

Nome do indivíduo e/ou organização que você alega estar discriminando:

Você consente que seu nome e suas informações pessoais sejam compartilhados pelo investigador com as outras partes, auxiliando na resolução de sua reclamação?

Sim Não

Public Participation Plan

The Public Participation Plan (PPP) serves as a guide for the NP&EDC's public involvement process by detailing the continuing, comprehensive, and coordinated (3C) planning process for stakeholders. The document ensures the ongoing opportunity for broad based participation in the development and review of regional plans and programs. The NP&EDC's current PPP, last amended in March 2020, is included in this Comprehensive Title VI Plan.



PUBLIC PARTICIPATION PLAN

FOR TRANSPORTATION PLANNING ACTIVITIES

AMENDED MARCH 16, 2020

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION
2 FAIRGROUNDS ROAD
NANTUCKET, MA 02554
(508) 325-7587
WWW.NANTUCKET-MA.GOV

Notice of Nondiscrimination Rights and Protections to Beneficiaries

Federal "Title VI/Nondiscrimination" Protections

The Nantucket Planning and Economic Development Commission (NP&EDC) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of **race, color, or national origin** (including **limited English proficiency**), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of **age, sex, and disability**. These protected categories are contemplated within the NP&EDC's Title VI Programs consistent with federal interpretation and administration. Additionally, the NP&EDC provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

State Nondiscrimination Protections

The NP&EDC also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on **race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry**. Likewise, the NP&EDC complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on **race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status** (including Vietnam-era veterans), or **background**.

Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Andrew Vorce, Director of
Planning
Nantucket Planning and
Economic Development
Commission
2 Fairgrounds Road
Nantucket, MA 02554
508-325-7587
avorce@nantucket-ma.gov

Title VI Specialist
MassDOT, Office of Diversity and Civil
Rights (ODCR)
10 Park Plaza
Boston, MA 02116
857-368-8580
TTY: 857-368-0603
MASSDOT.CivilRights@state.ma.us

Complaint Filing

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist (above) within 180 days of the alleged discriminatory conduct.

To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02109
617-994-6000
TTY: 617-994-6196

Translation

English: If this information is needed in another language, please contact the MassDOT Title VI Specialist at 857-368-8580.

Portuguese: Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do MassDOT pelo telefone 857-368-8580.

PUBLIC PARTICIPATION PLAN FOR TRANSPORTATION PLANNING ACTIVITIES

1. Introduction

1.1 Purpose

This document outlines a strategy for collecting thoughts and questions of the public during the preparation of transportation planning documents for the Nantucket Planning and Economic Development Commission (NP&EDC). The awareness and involvement of persons interested in governmental processes are critical to successful regional transportation planning and programming. When the public is engaged in the process, its feedback helps assure projects address community needs. Likewise, the public gains a better understanding of the tradeoffs and constraints associated with transportation planning. This Public Participation Plan (PPP) serves as a guide for the NP&EDC's public involvement process as well as the continuing, comprehensive, and coordinated (3C) planning process among stakeholders to ensure the ongoing opportunity for broad based participation in the development and review of regional plans and programs.

1.2 Community Profile

Nantucket is located 25 miles off the south shore of Cape Cod in Nantucket Sound. The main island of Nantucket is approximately 45.9 square miles, and is 14 miles long and varies in width from 3 to 6 miles. Two other barrier islands, Tuckernuck and Muskeget, lie to the west of Nantucket.

Much of Nantucket's economy is income generated from tourists and other visitors, retirees, and second-home owners. Therefore, the community depends greatly upon the survival of these natural and historic resources, as well as the marine resources, to maintain the island as a premier destination. Nantucket's appeal as a year round residence is evident in the island's increasing population figures, which doubled between the 1980 and 2010 US Census from 5,087 to 10,172. And although dwellings are located throughout the island, a majority the year round population is concentrated in the central portion of the island, or "mid-island", which accounts for 55% of the year round population on 9% of the island.

The NP&EDC is committed to ensuring that no person is excluded from participation in, or denied benefits of its services on the basis of race, religion, color, age, ancestry, national origin, gender, disability, or sexual orientation as protected by Title VI of the Civil Rights Act of 1964. As part of the latest update of the NP&EDC's Regional Transportation Plan (RTP), planning staff included mapping of Title VI and Environmental Justice populations using the latest data available from the American Community Survey (ACS) for 2009-2013. Neighborhoods with high minority, limited English proficiency, low-income, and foreign-born populations have been identified with data from the American Community Survey (ACS) for 2009-2013. Other populations have also been identified to ensure protection and prohibit discrimination or disproportionate adverse impacts based on gender, disability status, and age. The areas with higher concentrations of lower income, minority, limited English proficiency, and/or disabled populations are primarily in the mid-island and Airport area neighborhoods. These areas are also within the Town Overlay District where not only density and future growth are focused, but also transportation services and

facilities, such as public transportation and multi-use paths, are available or future investments in this infrastructure is targeted.

As reflective of the seasonal tourist economy, most jobs are in the retail and service sectors. A large portion of the employment is also in construction and manufacturing, which is indicative of the growth the island experienced in the last 30 years. Transportation plays a critical role in the local economy. It is important that the island maintain the natural and historic qualities while providing a safe and efficient means for visitors and residents to travel to and around the island. Traffic gridlock threatens Nantucket's aesthetics and character, as do contemporary solutions to traffic problems.

Outreach to all user groups, including protected and workforce populations, is primarily accomplished through the notification to and participation of identified transportation stakeholders, who are listed in Section 2.2.5. This includes sending email notifications of scheduled meetings or events to the identified contacts that provide or oversee public services or represent public committees and agencies charged with either providing transportation services or advocating for Title VI protected populations, such as the elderly and disabled, or economically disadvantaged populations.

1.3 NP&EDC Authority

The NP&EDC serves as one of the Commonwealth of Massachusetts' thirteen Regional Planning Agencies. Ten of these agencies are federally designated Metropolitan Planning Organizations (MPO). Federal regulations require that an MPO be formed in urbanized areas with a population of 50,000 or more. While the Nantucket region (as well as the Martha's Vineyard region) do not meet these criteria, the Massachusetts Department of Transportation (MassDOT) provides funds for transportation planning in these regions, essentially treating them as MPOs.

The Nantucket MPO is a decision-making body consisting of MassDOT, and the NP&EDC. For the purpose of this document, the Committee of Signatories will be referred to as the Nantucket MPO. In this role the NP&EDC follows federal transportation planning regulations, including the participation of citizen advisory groups in transportation planning activities.

The NP&EDC is charged with planning for the “orderly and coordinated development and protection of the physical, social and economic resources for the Island of Nantucket” (Mass. General Law, Chapter 561 of the Acts of 1973, “An Act Establishing the Nantucket Planning & Economic Development Commission”). The NP&EDC consists of twelve members:

- 5 elected members of the Nantucket Planning Board,
- 1 member appointed by the Conservation Commission,
- 1 member appointed by the County Commissioners,
- 1 member appointed by the Housing Authority,
- 1 Director of the Department of Public Works as an ex-officio member, and
- 3 at-large members appointed by the NP&EDC.

1.4 Legislative Mandate

The Federal Aid Highway Act of 1962 passed by Congress made transportation planning a condition for receipt of federal highway funds. This legislation encouraged “a *Continuing, Comprehensive* transportation planning process carried on *Cooperatively* by the states and local communities”, known as the “3-C” planning process. An array of subsequent and current highway bills further increased the need for the transportation planning process. These bills were/are:

- Federal Highway Act of 1970
- FHWA/Urban Mass Transportation Administration Joint Regulations (UMTA) (1975)
- Federal Aid Highway Act of 1982
- Revised FHWA/UMTA Joint Regulations (1983)
- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
- Transportation Equity Act of the 21st Century (TEA-21) 1998
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) 2005
 - As part of the Federal SAFETEA-LU transportation bill all MPOs must develop a **Public Participation Plan** in consultation with affected agencies and groups that the plan is intended to reach.
- Moving Ahead for Progress in the 21st Century Act (MAP-21) 2012
 - MAP-21 requires the Metropolitan Planning Organizations (MPOs) to provide for consideration of projects and strategies that will serve to implement six (6) transportation planning factors as follows:
 - *Strengthens America’s Highways*
 - *Establishes a Performance-Based Program*
 - *Creates Jobs and Supports Economic Growth*
 - *Supports the Department of Transportation’s (DOT) Aggressive Safety Goals*
 - *Streamlines Federal Highway Transportation Programs*
- Accelerates Project Delivery and Promotes Innovation Fixing America’s Surface Transportation Act (FAST) – 2015
 - This bill establishes a new National Highway Freight Program
 - MPOs must provide for the development and integrated management of “intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter van providers.”
 - Public Transit representatives shall have same authority as other MPO committee members
 - MPOs are encouraged to consult with State agencies that plan for tourism and natural disaster reduction
 - New planning factors: system resiliency and reduce/mitigate stormwater impact on surface transportation and

- MPO Plans shall identify public transportation facilities and intercity bus facilities

1.5 Update of the Public Participation Plan

The update of this plan began with a review of the previous plan approved in June 2007. The review identified areas that needed to conform to changes in federal and state regulations, and also identified new ways the public could be engaged to maximize participation. This step was conducted simultaneously with a review of plans prepared by other RPAs around the country to identify progressive strategies to engage the public.

As part of the update of this PPP, staff contacted stakeholders to: 1) provide the agencies and committees with an overview of the plan, 2) request participation in a review of the plan, and 3) solicit comments to improve the engagement strategies and to identify other agencies or committees that should be considered key stakeholders in the process.

Written comments and a description of changes made to this plan as a result of the public review period are included in this plan in section 3.

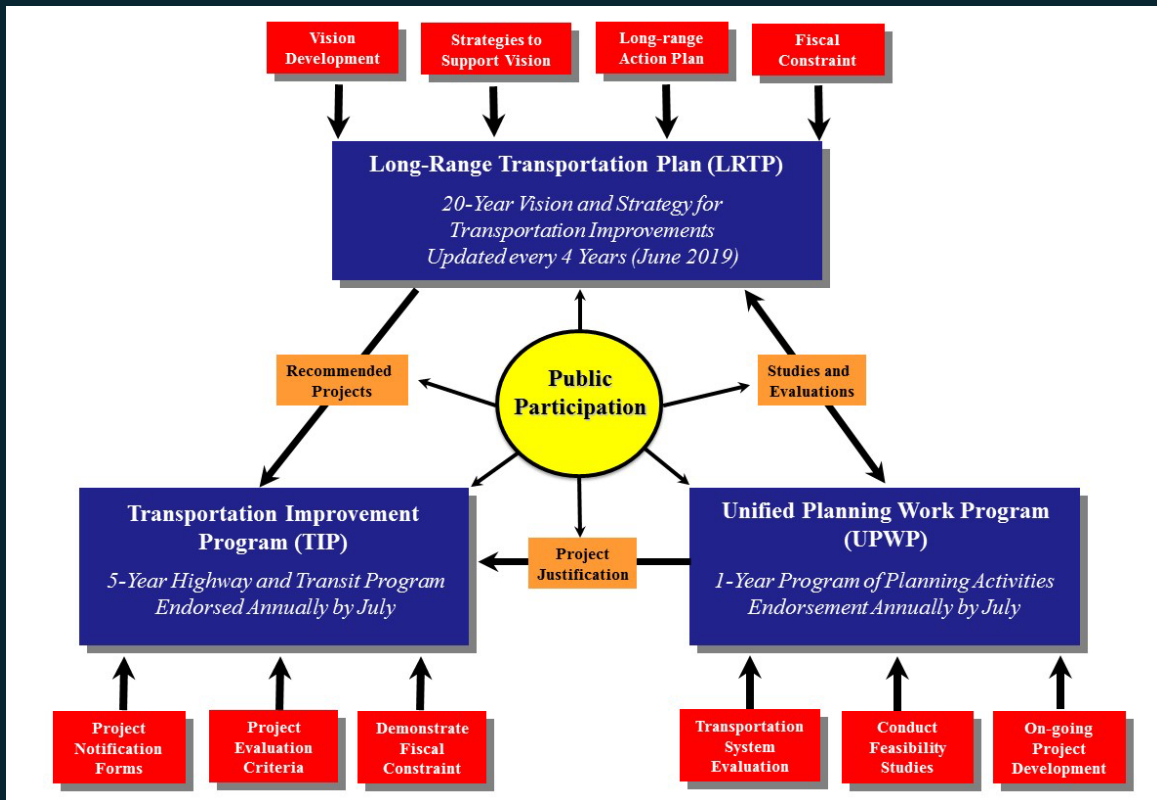
2. Public Participation Plan

This Public Participation Plan (PPP) provides the opportunity for interested parties to comment on the transportation planning that the NP&EDC does for the region. This includes:

- Making Regional Transportation Plans (RTP), Transportation Improvement Programs (TIP), Unified Planning Work Programs (UPWP), and other transportation studies available for public review 30 days in advance of NP&EDC meetings where documents will be endorsed.
- Scheduling opportunities for the public to comment at convenient and accessible places and times.
- Using visualization techniques in transportation documents and planning activities. These techniques may vary, but can include maps, charts, transportation models, and animation.
- Providing the RTP, TIP, UPWP, and other transportation studies in electronic and accessible format on the Town’s website.

2.1 Resource Documents

This section describes the documents that are routinely updated and will be required to adhere to the PPP. The chart below depicts the relationship between these documents.



2.1.1 Regional Transportation Plan (RTP)

The RTP is required under federal SAFETEA-LU law, and is a comprehensive report, updated every four years, that identifies existing conditions, as well as problems and deficiencies, of the Island's transportation infrastructure. The infrastructure includes roadways, public transportation, bike and pedestrian facilities, parking facilities, ferry facilities, and airport facilities. The RTP also articulates the goals and objectives for future projects and programs to improve the system and provides a 25-year fiscally constrained schedule for implementing the recommended improvements.

The draft RTP shall be developed in consultation with state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, as well as with representatives of public transportation, freight transportation, bicycle and pedestrian facilities, and disabled populations. The draft shall be made available for public review at least thirty days prior to the NP&EDC endorsement. Copies shall be made available at the NP&EDC office, Board of Selectmen's office, and the Nantucket Atheneum, as well as in an electronic format on the NP&EDC webpage. At least one public hearing shall be held before the endorsement to solicit public comments and questions.

2.1.2 Transportation Improvement Program (TIP)

This is the short-range transportation programming document that includes a prioritized listing of improvement projects (both roadway and transit projects) identified in the RTP that would utilize federal funding for implementation. The TIP must be financially constrained and endorsed annually by the NP&EDC.

The draft TIP shall be developed in consultation with the Town of Nantucket, Nantucket Regional Transit Authority, and MassDOT. The draft shall be made available for public review at least thirty days prior to the NP&EDC endorsement. Copies shall be made available at the NP&EDC office, Board of Selectmen's office, and the Nantucket Atheneum, as well as in an electronic format on the NP&EDC webpage. At least one public hearing shall be held before the endorsement to solicit public comments and questions.

2.1.3 Unified Planning Work Program (UPWP)

The UPWP is a document that describes all of the transportation planning activities expected to be undertaken in the Nantucket region during the year. The UPWP is endorsed annually by the NP&EDC and is one of the federal requirements for a certified transportation planning process that is a prerequisite for the receipt of federal funding for transportation improvements for roads or transit in the region.

The draft UPWP is prepared with input from the Town of Nantucket and MassDOT. The draft shall be made available for public review at least thirty days prior to the NP&EDC endorsement. Copies shall be made available at the NP&EDC office, Board of Selectmen's office, the Nantucket Atheneum, as well as in an electronic format on the NP&EDC webpage. At least one public hearing shall be held before the endorsement to solicit public comments and questions.

2.1.4 Amendments, Adjustments, and Administrative Modifications

Following the endorsement of the RTP, TIP, or UPWP, there may arise an issue that will require that these documents be changed. The following are definitions and criteria for determining which procedure to follow to make the necessary changes.

Definitions of STIP Revision Procedures

Amendment: A revision to a 3C document that requires public review and demonstration of financial constraint. The public process for an amendment requires a publicly advertised 21-day public comment period and for the NP&EDC to address any public commentary prior to sending to MassDOT, the Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) for review and approval.

Adjustment: A revision to a 3C document that does not require a public process but does require NP&EDC action to accept the revision and demonstrate financial constraint to MassDOT for FHWA/FTA approval.

Administrative Modification: A revision to a 3C document that is minor enough in nature to require neither a public process nor MassDOT/FHWA/FTA approval but does involve a notification to federal partners.

Highway Project Revision Definitions and Procedures

Type of Revision	Definition	Procedure	Notes
Major Project Cost Change	Increase or decrease of \$500,000 or greater for projects programmed under \$5,000,000 and greater than 10% of the total cost for projects programmed over \$5,000,000.	Amendment	The “increase” or “decrease” in cost is relative to the Total Federal Participating Cost (TFPC) of a project.
Minor Project Cost Change	Increase or decrease of \$499,999 or less for projects programmed under \$5,000,000 and less than 10% of the total cost for projects programmed over \$5,000,000.	Adjustment	See above.
Project Description Change	Change in the description of the project as it is listed in the STIP.	Adjustment or Administrative Modification	Project description changes are treated as administrative modifications for minor changes (e.g. spelling errors, more detailed descriptions, adding mile-markers, etc.).

Type of Revision	Definition	Procedure	Notes
Major Project Scope Change	A revision to the project scope large enough to necessitate an additional review by MassDOT's Project Review Committee (PRC) – typically accompanied by major project cost change.	Amendment	In some cases, a major scope change will require the initiation of a new project through MassDOT's Project Initiation Form (PIF), and review/approval by PRC. This would require deactivation and removal of the currently programmed project.
Minor Project Scope Change	A minor revision to the project scope that does not significantly alter the original PRC- approved scope of work.	Adjustment	In many cases, changes in this category will also include a minor cost change.
Project Addition	The programming of a new project in any federal fiscal year of the active TIP.	Amendment or Adjustment	Project additions are treated as amendments if the project was not part of any previously approved STIP that has been vetted through the public process.
Project Removal	The removal of a project in any federal fiscal year of the active TIP.	Amendment	Exception: if a project is removed from an active TIP or the STIP due to it being previously advanced/advertised, or is moved to the statewide list from a regional TIP, the action would be considered an adjustment.
Change in Funding Source	A change in the project's funding source, including federal and non-federal sources which fall within the project cost change revisions listed above.	Adjustment	Changes in funding sources for projects are permissible for advertisement purposes if the FHWA Division Office has been consulted.
Change in Additional Information	A change in any item listed in the "Additional Information" column of the STIP not covered in any other item listed here (e.g. earmark details, project proponent, etc.)	Administrative Modification	N/A
Change in Year of Programming	Moving a currently programmed project earlier or later than an originally programmed year.	Amendment	Changes to a project delivery schedule (advancement or delay) requires an amendment for the change in programmed FFY.

Transit Project Revision Definitions and Procedures

Type of Revision	Definition	Procedure	Notes
Major Project Cost Change	Increase or decrease of \$500,000 or greater for projects under \$5,000,000 and greater than 10% of the total cost for projects exceeding \$5,000,000.	Amendment	The “increase” or “decrease” in cost is relative to the combined federal and non- federal aid participating cost of the project.
Minor Project Cost Change	Increase or decrease of \$499,999 or less for projects under \$5,000,000 and less than 10% of the total cost for projects exceeding \$5,000,000.	Adjustment	See above.
Project Description Change	Change in the description of the project as it is listed in the STIP.	Adjustment or Administrative Modification	Project description changes are treated as administrative modifications for minor changes (e.g. spelling errors, more detailed descriptions, etc.).
Major Project Scope Change	A revision to the project scope deemed large enough to require public review and comment (e.g. changing the number of stations)	Amendment	In many cases, changes in this category will also include a major cost change.
Minor Project Scope Change	A minor revision to the project scope that does not significantly alter the original scope of work (e.g. changes to the bus model for vehicle replacement projects).	Adjustment	In many cases, changes in this category will also include a minor cost change.
Project Addition	The programming of a new project in any federal fiscal year of the current TIP.	Amendment or Adjustment	Project additions are treated as amendments if the project was not part of any previously approved STIP that has been vetted through the public process.
Project Removal	The removal of a project in any federal fiscal year of the current TIP.	Amendment	Exception: if a project is removed from a TIP or the STIP due to it being previously advanced/advertised or is moved to the statewide list from a regional TIP, the action would be considered an adjustment.

Type of Revision	Definition	Procedure	Notes
Change in Funding Source	Change in the funding source, including federal and non-federal sources that fall within project cost change revisions listed in the first two rows.	Adjustment	Changes in funding sources for projects are permissible for obligation purposes with written notice from the FTA region office.
Change in Year of Programming	Moving a currently programmed project earlier or later than the originally programmed year.	Amendment or Adjustment	Note: Federal funds shall be programmed in the federal fiscal year in which the award will occur. Changes in year of programming are only treated as adjustments if they involve advancing federal funds to align with the year of the grant award.

Exceptions

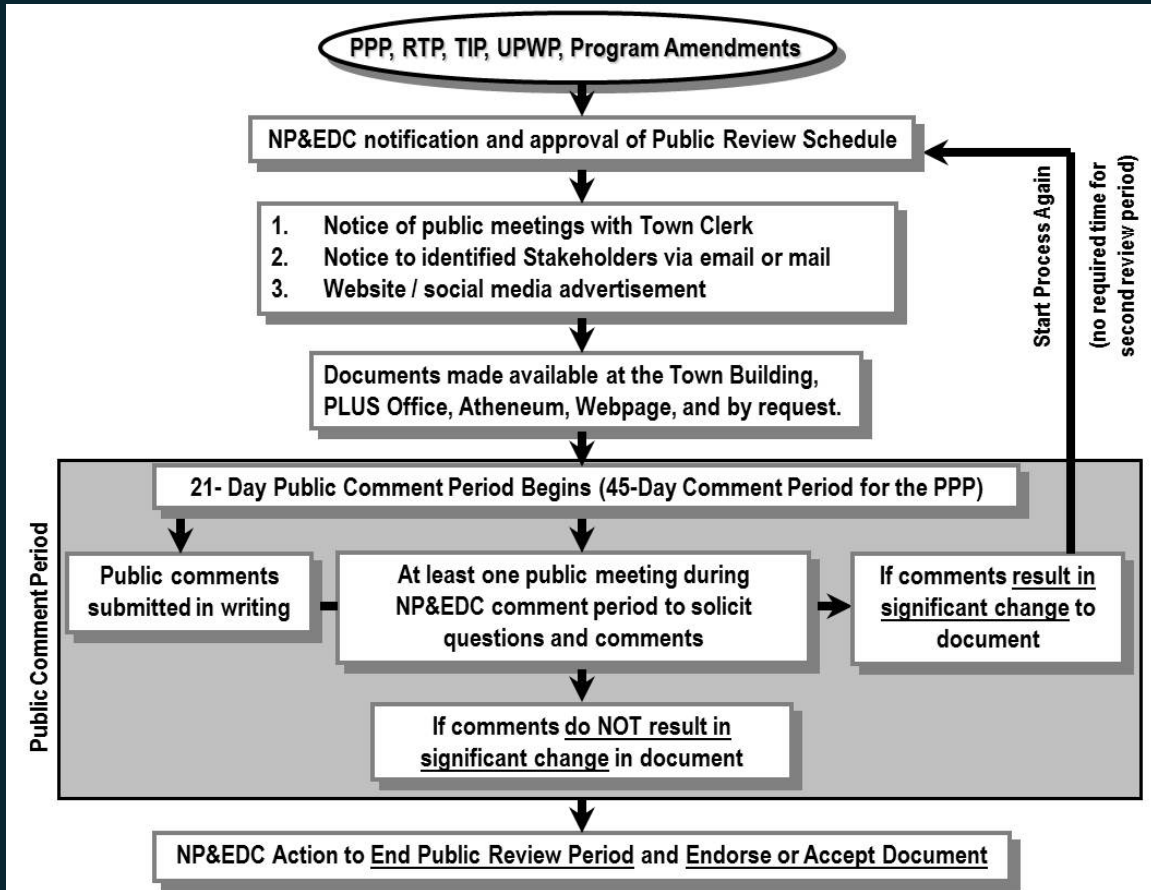
Although MassDOT typically holds a 21-day public comment period for amendments, in the event of extenuating circumstances beyond the agency’s control, the comment period may be shortened or waived in consultation with FHWA Division Office and/or the FTA Regional Office. Additionally, MassDOT may make exceptions to the procedures outlined above and treat amendments as adjustments and/or adjustments as administrative modifications, but these exceptions will also require coordination with and concurrence by MassDOT’s federal partners and the affected MPO.

2.1.5 Transportation Planning Studies

These studies are routinely undertaken by the NP&EDC to address the goals and objectives stated in the RTP, and to provide required information and potential recommendations for the TIP. Funding for these studies can originate from the UPWP, but can be provided through other sources, such as the Town of Nantucket.

A draft study shall be developed with input from identified stakeholders. Copies shall be made available at the NP&EDC office, Board of Selectmen’s office, the Nantucket Atheneum, as well as in an electronic format on the Town’s website. At least one public meeting shall be held to present the contents and conclusion(s) of the study. This will be an opportunity for the public, as well as the NP&EDC, to comment and ask questions before action to accept a study and incorporating any recommendations into the RTP or any other implementation strategies.

2.2 Public Review Process



2.2.1 NP&EDC Notification

The NP&EDC shall be informed by the Planning Office (staff to the NP&EDC) at the beginning of the development of, or amendment/adjustment to, the Regional Transportation Plan, TIP, UPWP, or transportation planning study, and shall have an opportunity to provide comments on the scope and ways to involve the public in the process. At the time of notification, the NP&EDC should discuss and approve the scheduling of future public meetings required as part of the public participation process.

2.2.2 Public Meeting Notice

Notices of meetings where these plans, programs and studies will be discussed shall be made not less than 48-hours in advance through the Nantucket Town Clerk, which is posted in the Town Clerk's office, on the meeting notice board of the Town and County Building located at 16 Broad Street, and on the Town's website – www.nantucket-ma.gov.

The notice of meetings shall also be sent to all interested parties listed in the NP&EDC's mailing list (see item 2.2.5 below), and anyone who has subscribed to receive notices posted with the Town Clerk.

If the NP&EDC schedules a public hearing for any planning issues, a notice of the hearing notice will be advertised in the local newspaper – the *Inquirer and Mirror* – which issues weekly editions every Thursday.

2.2.3 Advertisement

Advertisements announcing the 21-day public review period, the availability of draft copies of the RTP, TIP, UPWP, or amendments to these documents, and the opportunity to review and comment on the document will be published on the Town of Nantucket’s website – www.nantucket-ma.gov – and social media outlets such as Facebook and Twitter - @TownofNantucket. A forty-five-day period will be advertised for any changes to the PPP.

Other advertisement strategies, such as press releases, should be used as needed to maximize public notification in the transportation planning decision making process.

Although amendments, as described in section 2.1.4, to the RTP, TIP, and UPWP are considered significant and require notice of a public comment period, adjustments are considered minor and do not require advertisement.

2.2.4 Review of Drafts

There will be at least a twenty-one (21) day review period prior to the endorsement of the RTP, TIP, UPWP, or Amendments to these documents. There will be at least a forty-five-day period will be advertised for any changes to the PPP.

Although amendments to the RTP, TIP, and UPWP are considered significant, adjustments to these documents is considered minor and do not require a public comment period.

Copies of the drafts shall also be readily available to the general public at the PLUS office, Town Building, Nantucket Atheneum, or by request via telephone, email, or fax.

An accessible electronic version of the draft will be made available on the Town’s webpage – www.nantucket-ma.gov – during the public review period.

At least one public meeting will be held when developing or amending/adjusting the PPP, RTP, TIP, UPWP, or transportation planning study. The number of public meetings will be in proportion to the significance of the item under consideration.

If the public comments or interagency comments result in significant changes to the draft document, then an additional public review period will be started to allow review of the changes. There is no required time for the additional review period, but a two-week (14 day) period could be used. Written comments and a summary of changes to a draft document resulting from these will be made part of the final RTP, TIP, UPWP, or major transportation planning study.

The NP&EDC staff is available to meet with local officials or any other interested community members to discuss or receive written comments on the RTP, TIP, UPWP or major transportation planning study.

Although the community is well below the recommended threshold for providing translation services, staff for the NP&EDC will attempt to translate any document using free online services, or by contacting other public agencies for assistance with oral translation. The NP&EDC will also rely on the bi-lingual network setup by the Nantucket Regional Transit Authority (NRTA).

As part of the NP&EDC's public outreach planning staff consults with a variety of stakeholders representing outside agencies and population groups, such as the Commission on Human Services, NRTA Advisory Board, and Housing Authority. Such consultation was part of the update of the RTP in FY 2015. Each of these agencies and committees are consulted with to solicit issues and concerns, even on an anecdotal level, for all population groups including LEP populations.

2.2.5 Transportation Stakeholder List

- This list contains the following interested parties:
 - Representatives of Nantucket in the Federal and State Legislature
 - MassDOT liaison
 - Wampanoag Tribe of Gay Head – Cultural Resource Protection
 - Woods Hole, Martha's Vineyard and Nantucket Steamship Authority
 - NP&EDC members
 - Town Manager
 - Nantucket Regional Transit Authority Administrator
 - Nantucket Natural Resources Coordinator
 - Nantucket Public Schools Administrator
 - Roads and Right of Way Committee
 - Bicycle and Pedestrian Advisory Committee
 - Council on Aging
 - Council for Human Services
 - Housing Nantucket
 - Commission on Disabilities
 - Nantucket Interfaith Council
 - Fire Department
 - Police Department
 - Department of Public Works
 - *The Inquirer and Mirror* newspaper
 - And members of the general public, if requested

- Anyone can be added to the list upon written request to the NP&EDC.

- Anyone that has subscribed to receive alerts/notices through the Town of Nantucket website will also receive NP&EDC notifications.

- Planning staff will be available to meet and review drafts with any committee or agency upon request during regular business hours.

2.2.6 Summary of Public Participation Opportunities

Program	Public Meeting Requirements	Comment Period (Minimum)	Advertising
Public Participation Plan (PPP)	One meeting prior to start of public comment period and one additional meeting during public comment period	45 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.
Regional Transportation Plan (RTP)	One meeting prior to start of public comment period and one additional meeting during public comment period	21 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.
Transportation Improvement Program (TIP)	One meeting prior to start of public comment period and one additional meeting during public comment period	21 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.
Unified Planning Work Program (UPWP)	One meeting prior to start of public comment period and one additional meeting during public comment period	21 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.

Program	Public Meeting Requirements	Comment Period (Minimum)	Advertising
Amendments to RTP, TIP, or UPWP	One meeting prior to start of public review of amendment and one additional meeting for approval	21 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.
Adjustments to RTP, TIP, or UPWP	One meeting for approval of adjustments	None	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media.
Transportation Studies	One meeting at start of study and one additional meeting to present results and recommendations	None. Outreach efforts to identified stakeholders will be identified before start of study	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.

3. Public and Staff Written Comments during the Public Review Period

The written letters attached to this section were received by the Planning Office during the 45-day review period from the public and various agencies concerning the draft version of this PPP. Other written comments are from staff addressing the comments received in these letters.

Language Assistance Plan & Four-Factor Analysis

Neither the Town of Nantucket nor the NP&EDC have adopted a formal language assistance plan or policy. Based on American Community Survey (ACS) data depicted in the community profile, the Nantucket region, at 1.67%, has a relatively small population of Limited English Speakers (LEP).

The recommended safe harbor threshold for providing translation services is 5% or 1,000 people in the community that speak English less than very well. Although no expenditures or resources were necessary to translate, interpret, or provide other accommodations to participate in planning activities, staff does attempt to reach out to populations by posting flyers in churches, markets, and other areas with high concentration of minority, LEP, low income, disabled, or elderly populations. The NP&EDC will attempt to translate any document using free online services, contracting with a vendor, using the in-house Public Outreach Coordinator, or by contacting other public agencies, such as the local Police and Nantucket Community Hospital, for assistance with oral translation. The NP&EDC will also rely on the bilingual network setup by the Town of Nantucket's Public Outreach Coordinator and the Nantucket Regional Transit Authority (NRTA). The NP&EDC did not receive any request for translation of any documents in FY22 and did not expend any funds for language or disability related accommodations; however, the NP&EDC is prepared and equipped to provide these services should they be requested.

As part of the NP&EDC's public outreach, planning staff notifies a variety of stakeholders representing outside agencies and population groups, such as the Interfaith Council, Commission on Human Services, NRTA Advisory Board, and Housing Authority. Such notification is part of the development of all program documents and studies. Each of these agencies and committees are consulted with to solicit issues and concerns, even on an anecdotal level, for all population groups. Planning staff will continue this effort to ensure input on transportation needs for Title VI and EJ populations who may not participate in open public meetings.

Four Factor Analysis Summary:

- Proportion: The proportion of LEP persons served by the NP&EDC is estimated to be 1.67% of the population total.
- Frequency of Interaction: While the frequency of interaction to date has been limited, staff will continue to make their best reasonable efforts to provide translation, upon request, and where appropriate, in advertisement and public notice.
- The Nature of the Program: The NP&EDC is responsible for transportation planning, which can benefit LEP populations as well as the broader population. The NRTA is responsible for transit-related services.
- Costs associated with Service: Reasonable accommodation will be made for professional translation upon request. For other occasions, free and/or network based translation services (as described above) will continue to be employed by the NP&EDC.

Subrecipient Monitoring Process

To date, the NP&EDC does not and has not passed federal aid through to additional subrecipients. As such, no additional monitoring processes are required; however, should the occasion arise in which the NP&EDC would identify a subrecipient of federal aid, a Title VI monitoring provision would be developed.

Title VI Program Approval, Organization and Staffing & Program Review

The Director of Planning is NP&EDC's designated Title VI official. The official can be contacted at the following address:

NP&EDC

Andrew Vorce, AICP
Director of Planning
2 Fairgrounds Road
Nantucket, MA 02554
508-325-7587
avorce@nantucket-ma.gov

Staff of the NP&EDC are also engaged in Title VI compliance. The Bylaws of the Nantucket Planning and Economic Development Commission (NP&EDC) are included as Appendix A and detail the NP&EDC's approach to personnel. Beyond the Director of Planning, the NP&EDC staff includes a Deputy Director, Land Use Specialist, and the Transportation Program Manager, each of whom report to the Director of Planning.

NP&EDC staff monitor demographic trends as new rounds of American Community Survey (ACS) data are released. Additionally, staff coordinate with the locality's

Data Collection/Reporting/Analysis

In the past calendar year, NP&EDC participated in coordination at Massachusetts' Transportation Manager's Group prior to preparing this plan, in which MassDOT provided various updates and supporting documents. Staff compiled Census and American Community Survey data to identify and map the demographic profile of the regional population, including income and language profiles (see Section 1).

In addition to the collection of data and mapping, staff consulted a variety of stakeholder groups with connections with Title VI and EJ population during the development of all planning documents and studies, including Nantucket's Interfaith Council, Commission on Disability, Council on Aging, Council for Human Services, Nantucket Housing Authority, and Nantucket Housing Office.

Title VI Training

This previous year, NP&EDC staff attended a presentation from MassDOT on new Regional Environmental Justice Plus (EJ+) Communities to expand staff understanding spatial need. An EJ+ community is a census block that has at least one of the following characteristics: 1) median income is less than or equal to the 25th percentile income of the region; 2) percent of minorities is greater than or equal to the 75th percentile of the region; or 3) percent of households with limited English proficiency (LEP) is greater than or equal to the 75th percentile of the region. Additionally, at least one of the following three transportation criteria must be true: 1) the percent of households with zero vehicles is greater than or equal to the 75th percentile of the region; 2) percent of households with disabilities is greater than or equal to the 75th percentile of the region; or 3)

Dissemination of Title VI Information

Title VI information is provided to all Commissioners and is available to the general public on-line and in hard-copy in the office at 2 Fairgrounds Road by request. The Town of Nantucket, the NP&EDC's municipal partner, has hired a Diversity, Equity, and Inclusion Director who is also available to connect members of the public requesting Title VI information with regional staff upon request.

Appendix A – Bylaws of the Nantucket Planning and Economic Development Commission

A copy of the Regional Bylaws are provided following this page.

NP&EDC



NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

BYLAWS

OF THE

**NANTUCKET PLANNING &
ECONOMIC DEVELOPMENT
COMMISSION**

Approved: March 6, 2000
Revised: August 7, 2000
Revised: October 13, 2000
Revised: September 9, 2004
Revised: July 7, 2005
Revised: October 3, 2005
Revised: August 4, 2008

NP&EDC
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Nantucket, MA 02554

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**NANTUCKET PLANNING
& ECONOMIC DEVELOPMENT COMMISSION
BYLAW**

Authority

The Nantucket Planning and Economic Development Commission (hereinafter referred to as “NP&EDC” or “Commission”) was created by Warrant Article 5 of the January 25, 1973 Special Town Meeting of the Town of Nantucket and by the Commonwealth of Massachusetts pursuant to Chapter 561 of the Acts of 1973, as amended by Warrant Article 117 of the 1980 Annual Town Meeting and Chapter 98 of the Acts of 1981 and Warrant Article 57 of the Annual Town Meeting of 1991 and Chapter 458 of the Acts of 1991. (See Appendix “A”.) NP&EDC is the only regional planning agency (RPA) representing one town, the Town of Nantucket.

Purpose

In Section 1 of the enabling legislation, the Commission was established “In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the Island of Nantucket.”

In Section 2, “The Commission shall be responsible for the preparation of comprehensive plans for the physical, social, and economic development of said county and town and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to, the preparation of studies, research reports and maps of natural resources, land utilization, economic development, recreation and conservation, transportation and population characteristics”

In Article 5, 1973 STM, "Such Commission shall plan for the future of the villages of Wauwinet, Quidnet, Siasconset, Surfside, Madaket, Pocomo, Tom Nevers, Dionis, Cisco and the Town of Nantucket and make any recommendations it deems beneficial.

The effective date of this bylaw is March 6, 2000 as modified to August 4, 2008.

1.00 Membership

1.01 General

- A. Membership of the Commission shall consist of:
- Five members of the Planning Board
 - Superintendent of the Dept. of Public Works or authorized designee.
 - One representative of the County Commissioners.
 - One representative of the Conservation Commission.
 - One representative of the Housing Authority.
 - Three “At Large” legal residents of the Town of Nantucket.

1.02 Planning Board Members

- A. Planning Board members serving as Commission members shall be duly elected officials of the Town of Nantucket in the years concurrent with their elected official terms.

1.03 Representative Members

- A. Representative members and the DPW superintendent or designee shall serve for a period of one year. Representative members may serve in consecutive terms without limitation if duly appointed or elected by the agency they represent. Letters of appointment from the appropriate appointing authority must be received and voted by the Commission before a representative may assume the duties and responsibilities of a Commission member.

1.04 “At Large” Members

- A. “At Large” members shall serve for a period of three years. “At Large” Members may serve consecutive terms without limitation.

1.05 Interim Appointees Deemed Duly Elected Officials

- A. For the purposes of these Bylaws, the term “duly elected officials” shall also include those individuals appointed by the Board of Selectmen to fill the unexpired term of a Planning Board member or County Commissioner, or the individual jointly appointment by the Board of Selectmen and Housing Authority for the unexpired term of a Housing Authority member elected in the general town election.

2.0 Meetings

2.01 Regular Meetings

- A. The Commission shall conduct its public meetings at a time and place established by the Commission and duly posted.
- B. The Commission shall conduct its meetings in accordance with “Robert’s Rules of Order”, latest edition.
- C. Meetings shall be subject to all requirements of the Massachusetts Open Meeting Law.
- D. A quorum of seven members present at a duly noticed meeting is required before the Commission may exercise any official act or vote. With an established quorum, the approval or disapproval of any matter before the Commission shall be accomplished with a majority vote of those present at a duly noticed meeting, unless otherwise stated herein.

- E. The Chairman and the Director of Planning shall prepare the agenda for each meeting. The agenda may include, but not be limited to, the following:
- Call to Order
 - Confirmation of Quorum
 - Approval of Minutes
 - Public Hearing, if any.
 - Director's Report
 - Report Items
 - Other Business
 - Public Comment
 - Executive Session, if any
 - Adjournment

2.02 Annual Meeting

- A. The June regular monthly meeting shall serve as the Annual Meeting of the Commission.

2.03 Other Meetings

- A. Special Meetings may be called by the Chairman subject to any requirement or condition of 2.01 above.

3.0 Rules & Practices

3.01 Attendance

- A. Commission members are required to attend at least four meetings per fiscal year. (July 1 to June 30)
- B. In the event that a Commission member is in non-compliance, the Commission shall authorize the Chairperson to request the reason(s) for the lack of attendance. The member may respond to the Chairperson at least seven (7) days prior to a regular meeting or may respond to the full Commission at a meeting.
- C. An exception to the attendance meeting requirement may be granted by the Commission for any reason which may include, but is not limited to, prolonged personal or family illness and scheduling conflicts with other town agency meetings.
- D. If the Commission denies any member an exception to the attendance meeting requirement, the Commission shall send a letter of reprimand to the offending member.

In the case of an agency representative, the Commission may request the agency rescind the offending member's appointment and to appoint a replacement.

In the case of an At-Large member, the Commission may revoke the appointment.

In the case of a Planning Board Member: see recall provision of the Charter of the Town of Nantucket (Chapter 289, Acts of 1996, Article 5 Section 5.4)

3.02 Vacancies

- A. Upon the creation of a vacancy by an officer, the Commission shall elect a replacement using the same procedures as employed at the annual election. The elected officer shall serve out the remaining term of the vacancy.
- B. Upon the creation of a vacancy by an “At Large” member, the Commission shall elect a replacement to serve out the remaining term of the vacancy using the same procedure as required at the annual election.
- C. Upon the creation of a vacancy by any representative member (including the DPW superintendent or designee), the agency of the representative shall be requested by the Commission to appoint a replacement to serve out the remaining term of the vacancy.
- D. Upon the creation of a vacancy by a Planning Board member, the Board of Selectmen shall be requested by the Commission to appoint a replacement to serve out the remaining term of the vacancy.

3.03 Conduct of Members

- A. The conduct of Commission members shall be governed by the Conflict of Interest Law for Municipal Employees, M.G.L.c.268A, latest edition.
- B. All matters relating to perceived violations of the Conflict of Interest Law may be referred to the Legal Division of the State Ethic Commission by either the Commission or the Commission member whose conduct is in question.

3.04 Reimbursements

- A. Commission members shall not be compensated for their time spent at meetings or conducting their official duties but may be reimbursed for out-of-pocket expenses related to the purpose of said Commission. All reimbursements shall be processed in accordance with procedures and rules and regulations established by the Town of Nantucket.

3.05 Record of Proceedings

1. The approved minutes of the Commission shall be the official Record of

Proceedings.

2. Minutes shall include all items as stipulated in Robert's Rules of Order, latest edition.

3. Minutes shall be recorded in the third person. Minutes shall contain what is done and not what is said. Personal opinions of praise or criticism shall not be recorded.

4. Any legal or official document requested by a Commission member to be part of the record may be included in the minutes if such inclusion is approved by a majority vote of the quorum present.

Minutes shall be made available for public review at the Planning Office.

4.0 Officers

4.01 Positions

- A. The officers of the Commission shall be the Chairperson and Vice Chairperson.
- B. Officers are entitled to vote on all matters requiring a vote of the Commission.

4.02 Duties of Officers

- A. Duties of Chairperson:
 - 1. To officiate at all regular and special meetings.
 - 2. To execute contracts and agreements authorized by the Commission.
 - 3. To sign all correspondence authorized by the Commission.
 - 4. To approve a final agenda with assistance from the Director of Planning.
 - 5. To serve as Commission representative when representation is required.
- B. Duties of Vice Chairperson:
 - 1. To assume the duties of the Chairperson in his/her absence.

4.03 Chairperson Pro Tem

- A. The Chairperson Pro Tem shall be a member of the Commission. The Chairperson Pro Tem shall be elected by a majority vote of the quorum present at a duly noticed meeting when the services of a Chairperson Pro Tem are sought by the Commission. The Chairperson Pro Tem shall not be a candidate for election as Chairperson or Vice Chairperson.
- B. Duties of Chairperson Pro Tem.
 - 1. To assume the duties of the Chairperson and Vice Chairperson in their collective absence.
 - 2. To officiate as Chairperson during the election process of Chairperson and Vice Chairperson.
 - 3. To conduct any meeting or part of a meeting at the request of the Chairperson.

5.0 Elections

5.01 Election of Officers

- A. Nominees for Chairperson and Vice Chairperson shall present themselves at the June Meeting, for election at the June meeting. Nominations from the floor shall be accepted.
- B. Officers shall be elected in the order of Chairperson and Vice Chairperson.
- C. Officers shall be elected by acclamation. If so requested by a Commissioner, then a hand count shall be recorded.
- D. The Chairperson shall be elected by a majority vote of the quorum present at a duly noticed meeting. If a candidate does not receive a majority vote in the first round of voting, the procedures for electing a Chairperson shall be conducted as required for the election of an “At Large” candidate.
- E. The Vice Chairperson shall be elected by a majority vote of the quorum present at a duly noticed meeting. If a candidate does not receive a majority vote of the quorum present at a duly noticed meeting in the first round of voting, the procedures for electing a Vice Chairperson shall be as required for the election of an “At Large” candidate. (see 5.02 section D.E. and F.)
- F. Officers may serve consecutive terms without limitation.

5.02 Election of “At Large” Members

- A. Prior to the expiration term of an “At Large” member, the Planning Office shall place an advertisement in a local newspaper soliciting letters of interest from candidates. Letters of interest received by the Commission after the deadline posted in the advertisement shall be cause for rejection.
- B. An “At Large” candidate shall be elected a member of the Commission if the person receives a majority vote of the quorum present at a duly noticed meeting.
- C. The Commissioners shall present the names of the candidates in alphabetical order. “At Large” candidates shall be elected by acclamation. If so requested by a Commissioner, then a hand count shall be recorded.
- D. In the event a single candidate does not receive a majority vote of the quorum present at a duly noticed meeting in the first round, candidates who have not received a vote or received only one vote shall be eliminated. A second round of voting shall commence in the same manner

as the first round.

- E. In the event a single candidate does not receive a majority vote of the quorum present at a duly noticed meeting in the second round, any candidate with two or fewer votes shall be eliminated. A third round of voting shall commence in the same manner as the first round.
- F. This procedure shall continue in successive rounds of voting with the number of eliminated candidates being consistent with the number of voting rounds until a majority vote of the quorum present at a duly noticed meeting for a single candidate is obtained.
- G. Incumbent “At Large” members running for concurrent terms shall recuse themselves from this election process.

6.0 Committees

6.01 General

- A. Committee meetings shall be conducted in compliance with the Open Meeting Law. All meetings shall be posted with the Town Clerk at least forty-eight (48) hours in advance. All members shall be provided with at least forty-eight (48) hours of advance notice of any committee meeting.
- B. Planning staff members shall not be voting members of a Committee appointed by the Commission but may serve in an “ex officio” capacity.
- C. Committee activity shall be limited to the scope of the work program and time limits imposed by the Commission. Each Committee shall have the responsibility for submitting timely reports and recommendations to the Commission for final disposition.
- D. Committees shall not encumber or expend any monies unless such expenditures are approved by the Commission.

6.02 Bylaw

- A. The Bylaw Committee shall consist of three Commission members.
- B. Proposals for amendments to the Bylaws shall be submitted to the Bylaws Committee by any Commission member or the Director of Planning at any time. Proposed amendments shall be in writing, dated, and accompanied with detailed justification and the rationale for submitting the amendment(s).
- C. The Committee shall convene at its convenience to evaluate all proposed bylaw amendments. The Committee shall prepare and submit an annual report at the annual meeting in June. The report shall include all proposed

amendments and Bylaws Committee recommendations with respect to each proposed amendment.

- D. When any proposed bylaw amendment is determined by the Committee to be advisable, the Committee shall be required to place its recommendation regarding the proposed amendment before the Commission at the next regular meeting. Members shall be given at least seven days notice of any meeting to be convened to consider a Bylaw amendment. Notice may be given at a regular meeting or by certified mail.
- E. A 2/3 vote of the quorum present at a duly noticed meeting shall be required before the adoption of any Bylaw amendment.
(Examples: Vote of 5 w/ 7 members present, Vote of 6 w/ 8 or 9 members present, Vote of 7 w/ 10 or 11 members present, Vote of 8 w/ 12 members present)

6.03 Special Committees

- A. The Commission may create Special Committees, including Ad Hoc Committees, at its discretion. The number of non-commission members, if any, on special committee shall be determined by the Commission.

6.04 Special Appointments

- A. The Commission shall appoint a Commission member as representative to the following committees at the annual meeting to serve for a period of one year.
 - 1. Nantucket Capital Programs Committee
 - 2. Human Services Grant Review Committee
 - 3. Mass. Association of Regional Planning Agencies
- B. Appointed Commission representatives shall report monthly to the Commission any Committee or Agency projects under discussion, actions taken, future plans, or any other subject that may warrant Commission consideration

7.0 Administration

7.01 Planning Office: A professional and administrative department, the Planning Office, has been established to assist the Commission, the Town/County of Nantucket and the Planning Board with its activities.

7.02 Personnel: Staff positions may include, but are not limited to the following: Director of Planning, Deputy Director of Planning, Senior Planner, Land Use Planner, Housing Planner, Transportation Planner (I or II), Office Administrator(s), Administrative Specialist(s), Planning Assistant and Interns (Temporary).

In addition, the Commission may approve the supervision, by the Director of Planning, of other positions proposed by the Town Manager, including but not limited to the Zoning Board administrator and Town Surveyor.

The Commission may propose additional staff positions during the development of the annual budget.

A. Director of Planning:

The Director of Planning shall be appointed by majority vote of the quorum present at a duly noticed meeting, shall serve as the Department Head of the Planning Office and will be responsible for its operation. Required qualifications and duties shall be described in a job description which has been approved and may only be amended by the Commission.

The Director shall be compensated in accordance with a written Contract Agreement with the Commission and the Town of Nantucket. The Agreement shall establish annual salary, benefits, and any other considerations agreeable to both parties.

B. Other Personnel: The Director of Planning shall be responsible for the appointment of staff. If the Commission does not consent to a proposed appointment, it shall adopt a resolution of disapproval by majority vote of the quorum present at a duly noticed meeting within a 15-day period following the day on which notice of the proposed appointment is filed with the Chairman of the Commission (general compliance with procedure in the Town Charter, Article III, 3.4 (4)).

Staff shall be compensated and receive employee benefits in accordance with contract agreements entered into by the Town of Nantucket.

Any changes to job descriptions shall be presented to the Commission for their consent.

7.03 Reports

A. The Commission may authorize the preparation of studies, research reports and maps of natural resources, land utilization, economic development, recreation, conservation, transportation and population characteristics or any other topic it wishes to advise upon by majority vote of the quorum present at a duly noticed meeting.

B. The Commission shall approve an Annual Report, prior to submission to the Town Manager.

C. The Commission shall review and evaluate any report submitted to the

Commission which was not prepared by the Planning Office. In its review and evaluation, it may determine bias, completeness, relevance, and objectivity, etc. The Commission may approve by a 2/3 majority of the quorum present at a duly noticed meeting, or accept, amend, reject or take any such action it deems appropriate in regard to such reports by majority vote of the quorum present at a duly noticed meeting. Acceptance of a report does not constitute approval.

7.04 Use of Town Counsel

- A. The Commission has access to the services of Town Counsel subject to procedures established by the Town Manager or Board of Selectmen. Under special circumstances, the Commission may retain separate counsel subject to an affirmative 2/3 vote of the quorum present (see page 9 for examples) at a duly noticed meeting and appropriate funding.

8.0 Funds

8.01 Annual Budget

- A. The Commission shall adhere to the guidelines adopted by the Town Manager in requesting allocations of funding for its annual budget submission to the Town Meeting.
- B. The annual budget shall be approved by the Commission prior to submission to the Town Manager.
- C. Ordinary operating expenses up to \$5,000 shall be administered by the Director. Extraordinary expenses shall be authorized by the Commission before funds may be expended.

8.02 Funding from Other Sources

- A. The Commission may submit applications for grants to fund its activities. A majority vote of the quorum present at a duly noticed meeting shall be required to submit any grant application for the Commission. The Planning Office shall be responsible for the administration of any approved grant request.
- B. The Commission may, upon request or, on its own initiative, propose to submit grant request applications to the appropriate body on behalf of the Town of Nantucket or the County of Nantucket.
- C. The Commission may receive grants, donations and/or gifts of funds, equipment or supplies from private entities. The acceptance and disposition of such funds, equipment or supplies shall be subject to policies established by the Town of Nantucket, and shall require a majority vote of the quorum present at a duly noticed meeting

APPENDIX "A"

ENABLING LEGISLATION

ACTS, 1973. CHAP. 561
AN ACT ESTABLISHING THE NANTUCKET PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION

Be it enacted, etc., as follows:

SECTION 1. In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Commission." Said Commission shall consist of the" members of the Planning Board of the TOWN of Nantucket. the Superintendent of the Department of Public Works of said town; one (1) representative from each of the following Commissions or Authorities, to be appointed annually by said Commissions or Authorities: the County Commissioners of the County of Nantucket and the Conservation Commission, the Housing Authority and the Historic District Commission of said town; and one (1) person appointed at large from the County and Town of Nantucket by the Commission for a term of one (1) year.

SECTION 2. The Commission shall be responsible for the preparation of comprehensive plans for the physical, social and economic development of said county and town and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to; the preparation of studies, research reports and maps of natural resources, land utilization, economic development, recreation and conservation, transportation and population characteristics. In order to carry out these responsibilities, the Commission may retain such experts as may be required.

SECTION 3. To meet the expenses incurred under this Act, the Commission may expend from the treasury of the Town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this Act shall be accompanied by proper vouchers and shall be paid by the Town Treasurer of said town only on warrants approved by the Commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said Commission. No moneys expended under this Act shall be used for recreational advertising or promotion.

SECTION 4. The Commission shall elect a Chairman and such other officers as it may, by rule, provide and may make such other rules and regulations not inconsistent with the provisions of this Act as it may, by majority vote, provide. Each member of the Commission shall have one (1) vote. Members of the Commission shall serve without compensation.

SECTION 5. This Act shall take effect upon its passage.

Approved August 2, 1973 (A30025)

ACTS, 1981. CHAP. 98

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT
COMMISSION - MEMBERSHIP

AN ACT RELATIVE TO THE MEMBERSHIP OF THE NANTUCKET PLANNING
AND ECONOMIC DEVELOPMENT COMMISSION

Be it enacted, etc., as follows:

SECTION 1. Section 1 of Chapter 561 of the Acts of 1973 is hereby amended by striking out the second sentence and inserting in place thereof the following sentences:

The Commission shall consist of the members of the Planning Board of the Town of Nantucket; the Superintendent of the Department of Public Works of said town or his designee, who shall be designated by the Board of Selectmen of said town; one (1) representative of the County Commissioners of Nantucket County, to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission, to be appointed annually by said Conservation Commission; and three (3) persons from the Town of Nantucket appointed at large by the Commission, one (1) for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years.

After the initial appointments, such persons appointed at large shall be appointed for terms of three (3) years and until their successors have been qualified.

SECTION 2. This Act shall take effect upon its passage.

Approved April 24, 1981

A30027

3-25-84

Chapter 458.

AN ACT INCREASING THE MEMBERSHIP OF THE NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 561 of the acts of 1973 is hereby amended by striking out the second sentence, as amended by section 1 of chapter 98 of the acts of 1981, and inserting in place thereof the following sentence:- The commission shall consist of the members of the planning board of the town of Nantucket; one representative of the Nantucket Housing Authority to be appointed annually by said Authority; the superintendent of the department of public works of said town or his designee who shall be designated by the board of selectmen of said town; one representative of the county commissioners of Nantucket county to be appointed annually by said county commissioners; one representative of the conservation commission to be appointed annually by said conservation commission; and three persons from said town appointed at large by the commission; one for a term of one year, and one for a term of two years and one for a term of three years.

SECTION 2. This act shall take effect upon its passage.

Approved December 30, 1991.