



# Title VI Plan

**MAY 17, 2017 – MAY 16, 2020**

**ADOPTED OCTOBER 2004**

**UPDATED AUGUST 2006**

**UPDATED MAY 2014**

**UPDATED MAY 2017**

**[UPDATED MAY 2018](#)**

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## INTRODUCTION

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Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. The Skagit Council of Governments (SCOG) is committed to ensuring that no person is excluded from participation in the Transportation Program, or denied the benefits of its services on the basis of race, color, sex or national origin.

SCOG developed the first Title VI Plan in October 2004, one year after the designation of the Skagit Metropolitan Planning Organization (SMPO) by Governor Locke for the Mount Vernon Urbanized Area. SMPO was incorporated fully into SCOG in May 2014 through a governance agreement executed by SCOG's member jurisdictions. SCOG, which staffed SMPO since its designation, is responsible for complying with Title VI, including Environmental Justice and limited English proficiency requirements imposed by Executive Orders under President Clinton.

SCOG amended the Title VI Plan in August 2006 making a minor change to when annual reviews and reports would be conducted and submitted every year.

The May 2014 amendment to the Title VI Plan included many changes to the original 2004 Title VI Plan adopted ten years prior. This May 2017 update to the Title VI Plan meets both Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requirements for a Title VI Plan. The Title VI Plan has a three-year plan horizon and will expire after May 16, 2020, though it may be updated annually if the need arises prior to the expiration date.

Any references in this plan to the "reporting period" are for the three years leading up to the Title VI Plan update, May 2014 - May 2017. This three-year reporting period is an FTA requirement to ensure Title VI requirements are being met. The FHWA requires that Title VI reports be submitted annually. All reports, and this plan, are submitted to the Washington State Department of Transportation (WSDOT), from which SCOG receives federal funds as a sub-recipient. WSDOT, as the direct recipient of federal funds from FHWA and FTA, has Title VI oversight responsibilities over SCOG as a sub-recipient.

Because SCOG receives federal funds for its Transportation Program, all plans, programs and activities within the Transportation Program are subject to Title VI and its nondiscrimination requirements. Since SCOG indirectly receives funds from both FHWA and FTA, additional requirements apply to the Transportation Program than if funding was received from one source or the other.

## BOARD APPROVAL

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The Skagit Council of Governments Transportation Policy Board approved this Title VI Plan at our regular meeting on ~~May 17<sup>th</sup>, 2017~~ June 20<sup>th</sup>, 2018.

~~Mayor Laurie Gere~~ Commissioner Ron Wesen  
Transportation Policy Board Chair

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Kevin Murphy  
Executive Director

\_\_\_\_\_  
Date

## POLICY OF NONDISCRIMINATION

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The Skagit Council of Governments (SCOG) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any SCOG sponsored program or activity.

SCOG further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event SCOG distributes federal aid funds to another entity, SCOG will include Title VI language in all written agreements and will monitor for compliance.

SCOG's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other SCOG responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

\_\_\_\_\_  
Kevin Murphy  
Executive Director

\_\_\_\_\_  
Date

The following is a list of locations where the Notice to the Public or abbreviated Notice to the Public is posted in English and Spanish:

- All SCOG public meeting agendas;
- SCOG's website; and
- SCOG offices located at ~~204 West Montgomery Street~~, 315 South Third Street, Suite 100, Mount Vernon, WA 98273.

## **AUTHORITIES**

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Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

## **ADDITIONAL CITATIONS**

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; and 28 CFR 50.3.

## **NOTICE TO THE PUBLIC IN ENGLISH AND SPANISH**

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Skagit Council of Government (SCOG) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, Executive Order 13166 on limited English proficiency, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which SCOG receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with SCOG. Any such complaint must be in writing and filed with SCOG's Title VI Coordinator within 180 calendar days following the date of the alleged discriminatory occurrence. Title VI Complaint Forms may be obtained from SCOG at no cost and are available on SCOG's website.

Por medio de la presente, el SCOG notifica de manera pública que la política del organismo es garantizar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Recuperación de Derechos Civiles de 1987, el Decreto Presidencial 12898 sobre Justicia Ambiental, el Decreto Presidencial 13166 sobre Dominio Limitado del Idioma Inglés, así como los estatutos y reglamentos relacionados en todos los programas y actividades. De acuerdo con lo estipulado en el Título VI, ningún individuo de los Estados Unidos de América deberá, con fundamento en su raza, color, sexo o nacionalidad, ser excluido de participar en, que se le nieguen los beneficios de, o ser víctima de discriminación en virtud de cualquier programa o actividad por el cual el SCOG reciba fondos federales.

Toda persona que se considere agraviada por una práctica discriminatoria e ilícita en virtud del Título VI tiene derecho a presentar una denuncia formal ante el SCOG. Cualquier denuncia de este tipo debe presentarse por escrito ante el coordinador del Título VI del SCOG en un periodo de 180 días naturales a partir de la fecha de la presunta discriminación. El SCOG pone a disposición del público los formularios de denuncia del Título VI de manera gratuita en su página web.

### **ABBREVIATED NOTICE TO THE PUBLIC IN ENGLISH AND SPANISH**

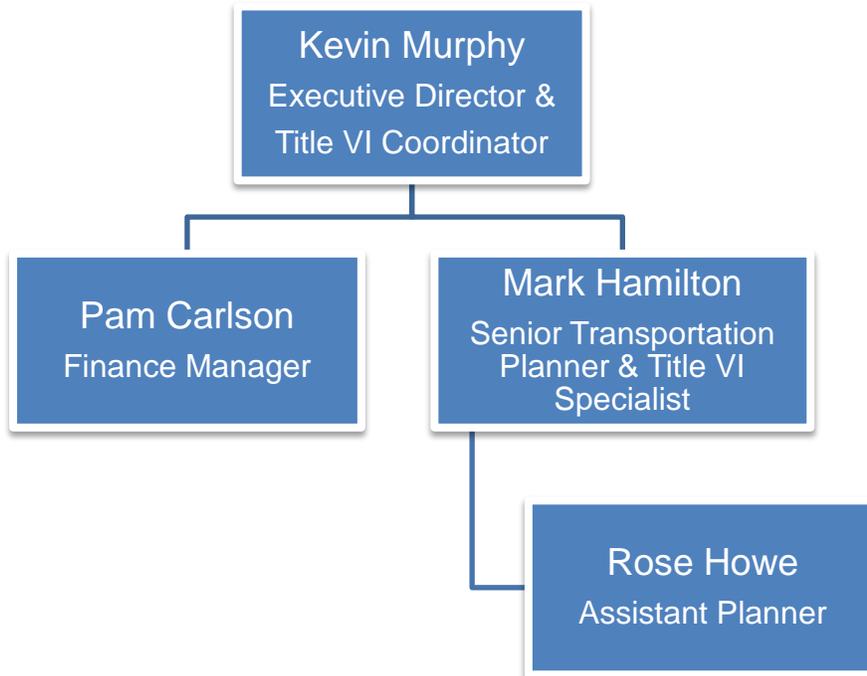
Title VI Notice: SCOG fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations. For more information, or to obtain a Title VI Complaint Form, visit SCOG's website at <http://scog.net/about/nondiscrimination/>.

Notificación del Título VI: El SCOG cumple plenamente con el Título VI de la Ley de Derechos Civiles de 1964, así como los estatutos y reglamentos relacionados. Si desea más información o tener acceso al formulario de denuncia del Título VI, visite la página web del SCOG <http://scog.net/about/nondiscrimination/>.

# TITLE VI COORDINATION AND RESPONSIBILITIES

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## ORGANIZATIONAL CHART



## TITLE VI COORDINATOR

The Executive Director of SCOG will be or will appoint a Title VI Coordinator. The Title VI Coordinator is responsible for ensuring the implementation of SCOG's Title VI Program as well as the overall management and day-to-day administration of the Program.

## GENERAL RESPONSIBILITIES OF TITLE VI COORDINATOR

SCOG's Title VI Coordinator shall be responsible for coordinating the overall administration of the Title VI Program, Plan, and Assurances. The Title VI Coordinator will also be responsible for the day-to-day administration of the Title VI Program with assistance from Title VI Specialists if necessary.

SCOG's Title VI Coordinator's responsibilities are as follows:

1. Process the disposition of Title VI complaints received by SCOG. Attempt to resolve complaints at the local or regional level informally.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of, federally funded programs using a variety of sources, which include, but are not limited to, Office of Financial Management (OFM), Census data and Office of Superintendent of Public Instruction (OSPI).
3. Review Environmental Impact Statements prepared by SCOG for Title VI and Environmental Justice compliance.

4. Conduct Title VI reviews of all consultant contractors and recipients of federal funds directly distributed by SCOG.
5. Assist Washington State Department of Transportation (WSDOT) in the distribution of information on training programs for SCOG employees regarding Title VI and related statutes. Organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors as necessary. WSDOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office may be asked to provide applicable training. A summary of trainings attended and or facilitated by SCOG will be reported in the annual report.
6. Prepare the Annual Title VI Update and Accomplishment Report. Conduct annual Title VI reviews of Special Emphasis Program Areas to determine the effectiveness of program activities at all levels as part of the annual report. The annual report will be submitted to WSDOT in August of each year and will include Title VI goals and objectives for the upcoming year.
7. Review and update the Title VI Plan as needed or required. Present updated plan to SCOG Transportation Policy Board for approval and submit amended plan to WSDOT upon approval.
8. Disseminate Title VI Program information to SCOG employees, contractors, and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Agency's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in Spanish.
9. Identify, investigate, and eliminate discrimination when found to exist in connection with any SCOG program.
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 calendar days.
11. Title VI compliance reviews of consultants with SCOG will be conducted prior to final payment and project closeout. The reviews will determine the contractor's compliance with Title VI contractual provisions. Reviews are to be conducted on those sub-recipients that have already received SCOG federal funds.

# ALLEGATIONS OF DISCRIMINATION

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## RECORD OF COMPLAINTS

SCOG did not receive any Title VI complaints alleging discrimination on the basis of race, color and/or national origin during the three-year reporting period, from May 2014 – May 2017. SCOG has never been involved with any Title VI investigation or Title VI lawsuit.

## COMPLAINT FORMS

Title VI compliant forms are available at SCOG offices and on SCOG's website. The complaint form includes the complaint procedures below.

The complaint form can be accessed in English at:

<http://scog.net/TitleVI/SCOGTitleVIComplaintForm-English.pdf>.

In Spanish, the form can be accessed at:

<http://www.scog.net/TitleVI/SCOGTitleVIComplaintForm-Spanish.pdf>

## COMPLAINT PROCEDURES

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by SCOG as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

SCOG will not investigate a discrimination complaint against itself. Any complaint alleging discrimination by SCOG, which is received by SCOG, will be forwarded to the WSDOT Office of Equal Opportunity.

## PROCEDURES

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with SCOG's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against a sub-recipient of federal highway funds, SCOG will assume jurisdiction and will investigate and adjudicate the case.

3. Once SCOG decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five (5) business days. The complaint will receive a case number and will then be logged in SCOG's records identifying its basis and the race, color, national origin, and gender of the complainant.
4. In cases where SCOG assumes the investigation of the complaint, SCOG will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 business days to furnish SCOG his/her response to the allegations.
5. Within 60 calendar days of receipt of the complaint, SCOG's investigator will prepare an investigative report for the Executive Director's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This can be a Title VI Specialist, SCOG's Title VI Coordinator, or other person designated by the Coordinator.
6. The investigative report and its findings will be sent to SCOG's legal counsel for review.
7. Any comment(s) or recommendations from SCOG's legal counsel will be reviewed by SCOG's investigator. The Investigator will discuss the report and recommendations with the Executive Director. The report will be modified as needed and made final for its release.
8. Once SCOG's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
9. SCOG's investigative report and a copy of the complaint will be forwarded to WSDOT's Office of Equal Opportunity with 60 calendar days of the receipt of the complaint. The Office of Equal Opportunity will share the report with FHWA, Washington Division Office, or FTA, Office of Civil Rights, as part of its Annual Title VI Update and Accomplishment Report.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal SCOG's determination to the WSDOT Office of Equal Opportunity. If a complaint is still not satisfied, the next appeal is to FHWA, Washington Division Office; FTA, Office of Civil Rights; United States Department of Transportation (USDOT); or the United States Department of Justice (USDOJ). Appeals must be filed within 180 calendar days after SCOG's final resolution. Unless new facts not previously considered come to light, reconsideration of SCOG's determination will not be available.
11. SCOG will serve as appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by a sub-recipient. SCOG will analyze the facts of the case and will issue its conclusion to the appellant within 60 calendar days of the receipt of the appeal.
12. An annual log of complaints will be maintained by SCOG and will contain the following information for each complaint filed:

- The name and address of the person filing the complaint;
- The date of the complaint;
- The basis of the complaint;
- The disposition of the complaint; and
- The status of the complaint.

A Title VI complaint may be filed with any of the following offices:

- Skagit Council of Governments  
Attn: Title VI Coordinator  
~~204 West Montgomery~~ [315 South Third Street, Suite 100](#)  
Mount Vernon, Washington 98273  
Phone: (360) 416-7871
- Washington State Department of Transportation  
Public Transportation Division  
Attn: Title VI Coordinator  
PO Box 47387  
Olympia, WA 98504
- Washington State Department of Transportation  
Office of Equal Opportunity, Title VI Program  
PO Box 47314  
Olympia, WA 98504  
(360) 705-7082
- Federal Highway Administration  
Washington State Division Office  
711 Capitol Way South, Suite 501  
Olympia, WA 98501  
(360) 534-9325
- Federal Transit Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590
- United States Department of Justice  
Civil Rights Division  
Federal Coordination and Compliance Section – NWB  
950 Pennsylvania Avenue NW  
Washington, DC 20530

## SPECIAL EMPHASIS PROGRAM AREAS

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### PUBLIC PARTICIPATION PROGRAM

A comprehensive, coordinated and continuous transportation planning process is used in Skagit County, which is the metropolitan planning area for SCOG. The planning process entails the monitoring and collection of varied data pertaining to transportation issues and incorporates input from the public.

Authorities: 23 CFR 450; RCW 47.06 - Statewide Transportation Planning; RCW 47.80 - Regional Transportation Planning Organizations (RTPO)

### THE PAST THREE YEARS OF COMMUNITY OUTREACH, MAY 2014 – MAY 2017

Community outreach is a requirement of Title VI. Recipients and sub-recipients of federal funds are required to seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. SCOG has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities.

*Website – [scog.net](http://scog.net)*

SCOG's website is regularly updated with materials related to its Transportation Program. There is a nondiscrimination webpage which includes SCOG's Title VI Notice to the Public and Title VI Complaint Form along with many other webpages that describe SCOG activities and provide hyperlinks to SCOG documents. A blog feature is available at the homepage where events and SCOG activities are posted on a regular basis. Recent posts include a notification of a competitive Surface Transportation Program project selection process for federal funds, the annual listing of federal obligations, an update on the opening of a state route, upcoming meetings at SCOG, a proposed amendment to the regional transportation improvement program and notice of a public comment period.

SCOG has contracted with a language translation company during the three-year reporting period to provide English to Spanish translations of documents – such as executive summaries and introductions of plans – after documents are adopted. Spanish translations are posted to SCOG's website along with Spanish webpages explaining documents. SCOG also has a language translation tool that allows any webpage on the website to be translated into 75 different languages.

#### *Email*

SCOG maintains several group email lists and sends email invites, often including meeting agendas, to various groups. Many of these groups are technical staff and elected officials. SCOG has an Interested Parties email group list and a Media group list whereby meeting notifications and other correspondence are regularly delivered.

#### *Coordinated Public Transit-Human Services Transportation Plan*

The Coordinated Public Transit-Human Services Transportation Plan (HSTP) is prepared every 4 years ~~and encompasses both Skagit and Island counties~~. The HSTP includes specific

opportunities to advance special needs coordinated transportation across the ~~two-county~~ region. Opportunity for public comment is provided prior to adoption of the HSTP. SCOG administers the planning process for the HSTP, including associated consultant contract(s), and coordinates with transit agencies and other providers of special needs transportation services on HSTP planning.

The HSTP is available on SCOG's website at:

<http://www.scog.net/HSTP/Skagit-IslandHumanServicesTransportationPlan2014-FINAL.pdf>.

Hard copies are available free-of-charge to the public at SCOG offices located at ~~204 West Montgomery~~ [315 South Third Street, Suite 100](#), Mount Vernon, WA 98273.

The HSTP and the public participation process leading up to its adoption were conducted during the three-year reporting period. An update to the HSTP was adopted in December 2014. The public engagement process is documented on Page 10-17 of the HSTP. Contacts during the planning processes included communications with Spanish-speaking persons, seniors, persons with disabilities, youth and homeless persons.

### ***Public Participation Plan***

SCOG has developed a comprehensive Public Participation Plan (PPP) which outlines the goals and objectives for public participation. The PPP includes procedures for engaging the public in SCOG decisions, including the mobility needs of minority populations.

The PPP is available on SCOG's website at:

[http://www.scog.net/PPP/2015\\_PPP\\_web.pdf](http://www.scog.net/PPP/2015_PPP_web.pdf).

Hard copies are available free-of-charge to the public at SCOG offices located at ~~204 West Montgomery~~ [315 South Third Street, Suite 100](#), Mount Vernon, WA 98273.

The PPP was updated during the three-year reporting period with adoption in May 2015. The public engagement strategy is described on Page 3-5 of the PPP. A section on limited English proficiency is included on Page 12 and a section on Environmental Justice is included on Page 13. Procedures, tools, and techniques for public participation - including outreach to minority, low-income and limited English proficient populations - are included on Page 14-20 of the PPP.

### ***Skagit 2040 Regional Transportation Plan***

The Skagit 2040 Regional Transportation Plan (Skagit 2040) is a requirement of federal and state law and a product of the transportation planning process. The RTP has a 20+-year plan horizon and leads to the development of an integrated multimodal transportation system in Skagit County. It is updated at least every 5 years and includes an extensive public participation process leading up to its adoption.

Skagit 2040 is available on SCOG's website at:

[http://www.scog.net/MTP-RTP/2016/Skagit2040RTP\\_Approved.pdf](http://www.scog.net/MTP-RTP/2016/Skagit2040RTP_Approved.pdf).

Hard copies are available free-of-charge to the public at SCOG offices located at ~~204 West Montgomery Street~~ 315 South Third Street, Suite 100, Mount Vernon, WA 98273.

Public participation for Skagit 2040 is described on Page 12–15 of the plan. Some examples of the extensive public outreach done as part of this plan update include: information booths set up at 14 locations around Skagit County; project briefings with small groups during the planning process; consultation with federally-recognized Indian tribes and others; a public comment period; and a transportation finance exercise where funding was prioritized by the public across different transportation modes. A public involvement plan was developed for the Skagit 2040 update which included making outreach materials available in Spanish and providing interpretation services as requested.

### *Board and Committee Meetings*

All regular and subcommittee meetings of SCOG governing bodies are open to the public. SCOG includes public comment periods at regular meetings and offers different avenues for comment including written, oral, formal, informal and electronic. SCOG meetings are in ADA accessible locations and efforts are made to ensure that meetings are accessible to those who rely on public transportation.

Regular SCOG governing body meetings are held every month with the location and date of the next meeting posted one month in advance. Title VI information forms, in both English and Spanish, were made available at SCOG governing body meetings to ascertain participants gender, race, ethnicity, language spoken, national origin and any comments the person may have. A drop box was made available for submittal of these voluntary forms during the three-year reporting period. However, no one elected to fill out these forms during the reporting period and SCOG has determined that continuing to make these forms available is not having the desired effect of finding out demographic information about who is attending meetings. Due to requirements in Washington state law, SCOG cannot require meeting attendees to fill out these forms to attend a meeting. Therefore, SCOG is discontinuing the practice of making Title VI forms available at all SCOG governing body meetings.

SCOG facilitates several standing committee meetings that are advisory in nature. One of these is a bicycle and pedestrian committee, and another is a technical advisory committee made of primarily of public works directors that recommends decisions on transportation funding for projects and programming. SCOG also has other committees that are not part of the Transportation Program, including a revolving loan fund committee and a Growth Management Act technical advisory committee. All committee meetings at SCOG are open to the public other than the revolving loan fund committee which reviews sensitive financial information of loan applicants, though committee documentation and records can be obtained via public records requests. SCOG does not have any standing committees with non-elected members that are solely public transportation oriented but did have two ad hoc committees that were transit related, one in 2014 and another in 2016. These two committees helped with updating the HSTP in 2014, and prioritizing human services transportation projects in both 2014 and 2016. Racial and ethnic information was collected from these committees in accordance with Federal Transit Administration requirements and is reported in Table 1.

**Table 1. Racial and Ethnic Information for Members of Transit-related Committees at SCOG**

Race	Committee Responses		Skagit County ACS Estimates*
	2014	2016	2011-2015
American Indian and Alaska Native	11.1%	16.7%	1.4%
Asian	11.1%	8.3%	1.9%
Black or African American	0	0	0.8%
Hawaiian and Other Pacific Islander	0	0	0.6%
White	66.7%	58.3%	85.6%
Some Other Race	11.1%	16.7%	6.2%
Ethnicity			
Hispanic or Latino	50%	12.5%	17.5%
Not Hispanic or Latino	50%	87.5%	82.5%

Notes: \*does not include "two or more races" responses which is 3.5% for Skagit County; "ACS" is U.S. Census Bureau's American Community Survey; and some committee members' racial or ethnicity responses were incomplete.

SCOG held or facilitated over 100 meetings in the reporting period including workshops, study sessions and open houses. Every regular governing body meeting of SCOG has a public comment period and members of the public often attend advisory committee meetings as well.

**SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:**

- Ensure that all aspects of the Public Participation Program comply with Title VI.
- Sending out and/or posting notices for public meetings, open houses and projects through mail, media (local papers including papers that are specific to certain communities when available) and the SCOG website, at least 7 calendar days prior to the event.
- Encouraging affected communities through solicitation of ideas, suggestions, and concerns using various forums such as meetings and open houses where comment forms are available. The SCOG website is also available for comments.

**CONSULTANT CONTRACTS PROGRAM**

SCOG periodically is responsible for the selection, negotiation and administration of consultant contracts. Selection is generally made by a Consultant Selection Committee, which is

established for each major project. The committee is typically composed of SCOG staff members, technical staff from local areas, and staff from affected agencies.

Authorities/Guidance: WSDOT Consultant Services Procedural Manual (M 27-50); 48 CFR 31; 23 CFR 172; RCW 39.29; RCW 39.80

### **SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:**

- Monitor Disadvantage Business Enterprise (DBE) program requirements and seek to actively achieve WSDOT DBE program goals.
- Ensure that all federally funded consultant contracts have the appropriate Title VI provisions included.
- Distribute the Title VI Contractor Compliance Checklist to each consultant that contracts directly with SCOG, utilizing Federal Highway Administration and/or Federal Transit Administration funds in the contract; review checklist for compliance prior to final payment and project closeout.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the Annual Title VI Update and Accomplishment Report.

### **SUB-RECIPIENT REVIEW AND REMEDIAL ACTION PROCEDURES**

SCOG will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all administrative program requirements, both within SCOG and with SCOG's sub-recipients. If irregularities occur in the administration of the Transportation Program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on sub-recipients, SCOG will reduce to writing a remedial action when agreed upon by SCOG and WSDOT to be necessary, all within a period not to exceed 90 calendar days.

SCOG will seek the cooperation of sub-recipients in correcting deficiencies found during the review. SCOG will also provide the technical assistance and guidance needed to aid the sub-recipients to comply voluntarily. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar days after receipt of the deficiency letter, to voluntarily correct deficiencies.

If a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, SCOG will submit to WSDOT and Federal Highway Administration/Federal Transit Administration two copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 calendar days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, SCOG may, with WSDOT, FHWA's/FTA's concurrence, initiate sanctions per 49 CFR 21.

## ENVIRONMENTAL JUSTICE PROGRAM

SCOG seeks to identify and address disproportionately high and adverse effects of programs, policies and activities on minority populations and low-income populations across Skagit County. To identify these populations, and those of seniors, persons with disabilities, and persons with limited English proficiency; SCOG analyzed available data and published a demographic profile in March 2017. The demographic profile uses data from the 2010 decennial Census, American Community Survey and State of Washington's Office of Superintendent of Public Instruction to ascertain locations of these populations of concern. A series of maps are included in the demographic profile showing minority populations and low-income populations at Census block and Census tract geographies.

The demographic profile is available on SCOG's website at:

<http://www.scog.net/Demographics/SkagitCountyDemographicProfile-2017.pdf>.

Hard copies are available free-of-charge to the public at SCOG offices located at ~~204 West Montgomery~~ [315 South Third Street, Suite 100](#) Street, Mount Vernon, WA 98273.

In March 2017, SCOG also completed an Environmental Justice assessment of all funds awarded through the Transportation Alternatives Program and Surface Transportation Program from May 2014 – May 2017 through SCOG competitive selection processes for transportation projects in Skagit County. The assessment includes maps of minority populations and low-income populations as well as an analysis of the impacts of transportation funding decisions on these protected populations. The findings of the assessment indicate that SCOG decisions on funding transportation projects in Skagit County are not having a disproportionately high and adverse impact on minority and low-income populations.

The assessment is available on SCOG's website at:

[http://www.scog.net/Demographics/2014-2017\\_EnvironmentalJusticeAssessmentOfSCOGFederallyFundedProjects.pdf](http://www.scog.net/Demographics/2014-2017_EnvironmentalJusticeAssessmentOfSCOGFederallyFundedProjects.pdf).

Hard copies are available free-of-charge to the public at SCOG offices located at ~~204 West Montgomery~~ [315 South Third](#) Street, [Suite 100](#), Mount Vernon, WA 98273.

Authorities/Guidance: Executive Order 12898 on Environmental Justice; USDOT Order 5610.2(a); FHWA Order 6640.23A; FTA Circular C 4703.1

### SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

- Ensure that minority populations, low-income populations and persons with disabilities are included and have access to public meetings, open houses and projects whenever possible. Events will be held at facilities that will allow for and accommodate the needs of those physically challenged and will be accessible by public transportation whenever possible.
- Ensure that participation of a cross section of various social, economic, racial and ethnic interest groups are represented in the planning process by disseminating Transportation Program information to minority media and related organizations.

- Ensure equal opportunity for participation on transit-related advisory committees regardless of racial, ethnic or economic status.
- Update the demographic profile for Skagit County every three years.
- Ensure that Environmental Justice principles and practices are incorporated into transportation plans, programs, policies and activities of SCOG.

## **LANGUAGE ASSISTANCE PROGRAM**

SCOG is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

The United States is home to millions of national origin minority individuals who have limited English proficiency (LEP). That is, their primary language is not English and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with recipients of federal financial assistance.

Because of language differences and the inability to effectively speak or understand English, persons with LEP may be subject to exclusion from programs or activities, experience delays or denials of services. These individuals may be entitled to language assistance with respect to a particular type of service. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide.

Authorities/Guidance: Executive Order 13166 on limited English proficiency; Department of Justice Guidance in Federal Register Vol. 67, No. 117 (2002) and Vol. 70, No. 239 (2005); FTA Circular C 4702.1B

## **FOUR FACTOR ANALYSIS**

### *Factor No. 1: The proportion of LEP persons in Skagit County*

SCOG member jurisdictions cover Skagit County, which are largely English speaking. The vast majority of the population with which SCOG interacts is English speaking.

SCOG uses 1- and 5-year estimates provided by the American Community Survey to ascertain persons with limited English proficiency. The latest estimates available at the time SCOG's demographic profile was completed, were the 2015 estimates and the 2011–2015 estimates, tables C16004 and B16001, respectively. The 2015 estimates indicated that 9,540 persons had limited English proficiency in Skagit County out of 114,428 for persons over the age of 5. This equates to an LEP population of 8.3%.

For those who speak English less than “very well”, Spanish or Spanish Creole speaking in households represents 4.9% of the population in Skagit County, according to 2011–2015 ACS estimates. All languages, other than English, in households that speak English less than “very well” total 6.5% of the population in Skagit County, according to these ACS data. Language tables with ACS data are on Page 20–22 of SCOG's demographic profile.

***Factor No. 2: The frequency with which LEP individuals come into contact with SCOG's Transportation Program***

SCOG infrequently comes into contact with LEP individuals. Because of the nature of SCOG's work as a planning organization, SCOG is most likely to encounter LEP individuals through participation in public meetings and customer service interactions.

SCOG public meetings occur every month with locations varying around Skagit County. Public hearings, open houses and other opportunities for public input occur as needed to implement the annual work program.

Customer service interactions occur on a daily basis. Most interactions are with staff and elected officials of member jurisdictions of SCOG. Communications with the general public typically occur via telephone, email or in-person. During the three-year reporting period, SCOG staff estimates that a total of 10 customer service interactions were had with Spanish-speaking persons who seemed to speak English less than very well. All of these encounters were asking for directions to other services/businesses in downtown Mount Vernon and no interactions were related to SCOG activities. In each instance, SCOG staff was able to assist in providing directions.

Through an event during one planning process, the update to the Coordinated Public Transit-Human Services Transportation Plan, there were a few encounters with Spanish-speakers who seemed to speak English less than very well. The event host provided competent interpreters who assisted these Spanish-speakers in their interactions with SCOG staff. Input from these Spanish-speakers was recorded in a summary of the event and informed the plan's development.

***Factor No. 3: The nature and importance of the Transportation Program provided by SCOG***

SCOG conducts a regional transportation planning process in Skagit County which is cooperative, coordinated and consistent. Persons living in Skagit County are likely to be affected or potentially affected by regional transportation projects for which SCOG has a lead role in planning and programming.

Three significant planning processes occurred during the reporting period of this Title VI plan: (1) an update to the Coordinated Public Transit-Human Services Transportation Plan; (2) an update to the Public Participation Plan; and (3) an update to the Skagit 2040 Regional Transportation Plan. Being regional in nature, each planning effort was impactful to persons throughout Skagit County, including those with limited English proficiency.

***Factor No. 4. The resources available to SCOG and costs to assure meaningful access to the Transportation Program by LEP persons***

SCOG is a small metropolitan planning organization (MPO) with only four full-time employees, while the metropolitan planning area of the MPO includes a population of over 100,000. The relative small size of the MPO staff and limited budget provides limited opportunities to provide language assistance services.

All employees of SCOG speak only English, but Spanish translation services can be provided if requested. If these translation services are requested, SCOG will consider contracting with

Skagit County's court system, local interpreter services or seek out assistance from community organizations that provide Spanish interpreter services. Any and all contracts would have to adhere to SCOG procurement policies.

The SCOG website has a function whereby content can be translated into a number of languages other than English, including Spanish, the second most common language in Skagit County. SCOG always seeks to apply technological advances, such as the free language translation service available on the website, to seek equal access for those with limited English proficiency to the services that SCOG offers so that persons are not discriminated against on the basis of national origin and inability to speak English.

SCOG provided some translation services during the reporting period, translating several documents and webpages into Spanish. These costs were generally \$100-\$500 each time translation was needed and translations were conducted by a local business that specializes in translation and interpretation services. SCOG proactively translated these documents but received no requests for translations nor interpretations during the three-year reporting period.

#### **SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:**

- Send out mailings and/or post notices to the SCOG website and in specific local print media, regarding LEP affected communities utilizing Spanish when necessary, at least 7 calendar days prior to the event.
- Print and disseminate materials for a specific project translated into Spanish when necessary. Provide Spanish translation of executive summaries of planning documents – including the MRTP, PPP and HSTP – as practicable.
- Seek out and work with community-based organizations that will reach LEP communities, to include civic representatives specific to LEP communities, economic development associations, chambers of commerce, etc.
- Maintain records of attendance of minority and low-income populations, as practicable, at public involvement forums and records of direct comments at public meetings and open houses.
- Review the Language Assistance Program annually, including any contacts with LEP persons, to determine the frequency of contacts, the language used, and how the contacts were handled.

#### **ENVIRONMENTAL STUDIES**

SCOG may periodically undertake environmental studies, which may include a systematic process to study and evaluate all necessary environmental aspects of a proposed project, including social and economic issues. A National Environmental Policy Act (NEPA) and/or State Environmental Policy Act (SEPA) environmental review may be completed, depending upon the scope, complexities and impacts of the proposed project.

Authorities/Guidance: Executive Order 12898 on Environmental Justice; 49 CFR 622, 640, 712, 771 and 790

### **SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:**

- Ensure that all aspects of the environmental review process comply with Title VI.
- Conduct meetings to review project impact.
- Disseminate to the public their rights to call or write the agency to review plans and discuss environmental issues.
- Coordinate the gathering of environmental information for the Annual Title VI Update and Accomplishment Report, including awards to Disadvantage Business Enterprises (DBE) firms.
- Notify and make accessible to affected protected populations any public hearings or meetings regarding a proposed project.
- Develop mechanisms to identify populations affected by a project.
- Ensure Title VI and Environmental Justice compliance in all environmental studies prepared by SCOG.

### **EDUCATION, TRAINING AND DATA COLLECTION**

Every SCOG employee is encouraged to participate in professional development and training. In keeping with SCOG's policy of nondiscrimination, all employees have equal access to applicable educational and training opportunities. SCOG staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

Authorities/Guidance: SCOG Personnel Handbook

### **SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:**

- Ensures that all SCOG employees have equal access to training.
- Notify staff of training opportunities offered through WSDOT's Office of Equal Opportunity.
- Facilitate the provision of training sessions for consultants, contractors, and subcontractors periodically.
- Maintain program administration documentation and data necessary for preparation of the Annual Title VI Update and Accomplishments Report.

# ASSURANCES

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## TITLE VI ASSURANCES

The Skagit Council of Governments (the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance through the Washington State Department of Transportation, including the U.S. Department of Transportation and the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility", as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

"The Skagit Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award."

3. That the Recipient shall insert the clauses of Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufacturers in every contract subject to the Act and Regulations.

4. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
5. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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.
6. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
7. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

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Kevin Murphy  
Executive Director

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Date

## **TITLE VI ASSURANCES FOR CONSULTANTS, CONTRACTORS, SUBCONTRACTORS, SUPPLIERS AND MANUFACTURERS**

SCOG will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of federal financial assistance:

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as "DOT"), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

**2. Nondiscrimination**

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

**4. Information and Reports**

The Contractor shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Skagit Council of Governments or the Washington State Department of Transportation to be pertinent to ascertain compliance with such regulations, orders, 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 shall so certify to the Skagit Council of Governments, or the Washington State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance**

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Skagit Council of Governments and the Washington State Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions**

The Contractor shall include the provisions of paragraphs (1) through (5) above in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Skagit Council of Governments or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Skagit Council of Governments enter into such litigation to protect the interests of the Skagit Council of Governments and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.