

SKAGIT COUNCIL OF GOVERNMENTS TECHNICAL ADVISORY COMMITTEE MEETING

October 7, 2021 – 1:30 p.m.

[GoToMeeting](#)

Dial In: 1 (877) 309-2073

Access Code: 874-132-277

REVISED AGENDA

1. **Call to Order and Roll Call**
2. [September 2, 2021 Technical Advisory Committee Meeting Minutes](#)
3. [2022-2027 Regional Transportation Improvement Program](#) – *Mark Hamilton*
4. [2022 Obligation Authority Plan](#) – *Mark Hamilton*
5. [2021 Skagit Regional Transportation Priorities](#) – *Mark Hamilton*
6. [Order from Superior Court of Washington for Thurston County](#) – *Cody Hart, Town of Concrete*
7. **Roundtable and Open Topic Discussion**
8. **Next Meeting:** November 4, 2021, 1:30 p.m.
9. **Adjourned**

Please contact [Mark Hamilton](#) at (360) 416-7876 if there are any other items that need to be brought up for discussion.

[Meeting Packet](#)

TECHNICAL ADVISORY COMMITTEE MEMBERSHIP AND VOTES

VOTING MEMBERS

Anacortes.....	1
Burlington	1
Mount Vernon	1
Sedro-Woolley	1
Skagit County	3
Skagit Transit.....	1
WSDOT.....	1
Ports	1
• Port of Anacortes	
• Port of Skagit	
Towns.....	1
• Concrete	
• Hamilton	
• La Conner	
• Lyman	
Tribes	1
• Samish Indian Nation	
• Swinomish Indian Tribal Community	

NON-VOTING MEMBERS

Skagit PUD

QUORUM REQUIREMENT

A quorum consists of half the total votes (5), with Skagit County consisting of one seat toward the quorum calculation. Formal recommendations to the Transportation Policy Board can only be made when a quorum is present.

Title VI Notice: SCOG fully complies with Federal civil rights laws and does not discriminate on the basis of race, color, national origin, or sex. For more information, or to obtain a Title VI Complaint Form, visit SCOG’s website at <https://scog.net/about/nondiscrimination/>.

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SKAGIT COUNCIL OF GOVERNMENTS TECHNICAL ADVISORY COMMITTEE MEETING MINUTES

September 2, 2021

GoToMeeting Remote Meeting

AGENCIES REPRESENTED

- City of Anacortes..... Tim Hohmann
- City of Burlington Brian Dempsey
- Samish Indian Nation..... David Strich
- Sedro-Woolley Mark Freiberger (arrived 1:39)
- Skagit County Grace Kane, Forrest Jones
- Skagit PUD..... Chris Shaff (arrived 1:38)
- Skagit Transit..... Brad Windler
- Swinomish Indian Tribal Community Robert Huitt
- Washington State Department of Transportation (WSDOT)..... Mehrdad Moini,
John Shambaugh

STAFF PRESENT

- Skagit Council of Governments Kevin Murphy, Mark Hamilton

OTHERS PRESENT

No one else was present at the meeting.

1. Call to Order: 1:32 p.m.

Roll Call: Roll was taken with a quorum present.

2. July 1, 2021 Technical Advisory Committee (TAC) Meeting Minutes: Mr. Windler moved approval of the July 1, 2021 Technical Advisory Committee Meeting Minutes as presented, and Mr. Hohmann seconded the motion. The motion carried unanimously.
3. 2021 Obligation Authority Plan: Mr. Hamilton reported that the regional obligation authority target has been met for this year, following obligation of Mount Vernon’s Freeway Drive Improvements project. He also noted that the SCOG Admin 2018–2021 project obligated funding in July. Project sponsors with project phases extended until the end of the calendar year were reminded that they need to obligate funding for their project phase prior to January 1, 2022, or the phase will be deprogrammed early next year.
4. 2022–2027 Regional Transportation Improvement Program: Mr. Hamilton presented materials intended to be included in the regional transportation improvement program. He mentioned that the draft document is still being prepared and will be ready the following week to distribute to the Transportation Policy Board. Programming policies and procedures were discussed, along with a new inclusion regarding regionally significant projects.

Mr. Strich asked a clarifying question of Mr. Hamilton related to what occurs when a project phase receives an extension but is unable to obligate prior to the end of the calendar year. Mr. Hamilton responded that the phase is not programmed in the next year’s regional transportation improvement program, but that an appeal can be made to the Transportation Policy Board to reprogram a phase per the procedures. Mr. Hamilton also noted that future phases of a project are still programmed, if there are any, but the extended phase is not programmed in next year’s regional transportation improvement program.

- 5. 2022 Obligation Authority Plan: Mr. Hamilton presented the draft 2022 Obligation Authority Plan. He said that the plan is anticipated for adoption separate from the 2022–2027 Regional Transportation Improvement Program, and will be revised throughout the year as necessary as obligation authority procedures are implemented at SCOG. This practice is consistent with the past two years of obligation authority plans, with adoption occurring in October every year for next year’s plan with revisions made by SCOG staff as necessary throughout the year.

Mr. Dempsey noted the two Burlington projects in the 2022 Obligation Authority Plan and mentioned that the City will work to obligate these projects next year. Mr. Hamilton mentioned that the two Burlington projects and the SCOG Admin project are the only projects expected to obligate federal funding next year that utilize regionally managed funding through SCOG.

- 6. Roundtable and Open Topic Discussion: Technical Advisory Committee members provided project updates for their jurisdictions.
- 7. Next Meeting: October 7, 2021, 1:30 p.m.
- 8. Adjourned: 2:28 p.m.

Attest:

Kevin Murphy, Executive Director
Skagit Council of Governments

Date: _____

ACTION ITEM X.X. – RESOLUTION 2021-XX TO APPROVE 2022–2027 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

Document History

MEETING	DATE	TYPE OF ITEM	STAFF CONTACT	PHONE
Technical Advisory Committee	09/02/2021	Discussion	Mark Hamilton	360-416-7876
Transportation Policy Board	09/15/2021	Release	Mark Hamilton	360-416-7876
Technical Advisory Committee	10/07/2021	Review and Recommendation	Mark Hamilton	360-416-7876
Transportation Policy Board	10/20/2021	Action	Mark Hamilton	360-416-7876

RECOMMENDED ACTION

Skagit Council of Governments (SCOG) staff and Technical Advisory Committee recommend adoption of Resolution 2021-XX to approve the [2022–2027 Regional Transportation Improvement Program](#) (RTIP).

Revisions made to the RTIP since it was released for public comment appear in redline format with additions underlined in red and deletions ~~struck in red~~.

DISCUSSION

The RTIP is a compilation of projects from the various federal, state and local funding programs for all transportation agencies in the Skagit region. Projects included in the program implement the long-range transportation and transit plans for the region, help meet short-range needs and maintain the existing transportation system. SCOG prepares a new RTIP every year and provides for monthly amendments every month, except for November and December.

The primary purpose of the Regional Transportation Improvement Program is to identify and document federally funded and regionally significant projects to be included in the Statewide Transportation Improvement Program. Projects cannot obligate¹ federal funds – even when funds have already been awarded – unless they are included in the RTIP and the Statewide Transportation Improvement Program. Once the project funds have been obligated, the obligated funds will not be included in the next update to the RTIP, even if all of the funds have not been spent. For this reason, the RTIP should be viewed as a document that identifies programs and projects from the Skagit 2045 Regional Transportation Plan and prioritizes them for implementation within the constraints of a reasonable financial forecast – not a listing of federal, state and local transportation spending. SCOG produces an [Annual Listing of Federal Obligations](#) that documents all of the federal fund obligations that have occurred within SCOG’s planning area in the previous calendar year.

¹ Obligation occurs when the project proponent has established a formal agreement with WSDOT and the funds have been designated, or “obligated,” for that particular project.

The Regional Transportation Improvement Program also demonstrates the financial feasibility of the included projects. In other words, the RTIP illustrates that the projects programmed² in the next four years will not cost more than the amount of funding the region expects to be available. Section 5 includes detailed financial tables for the projects programmed in the fiscally constrained³ portion of the RTIP.

KEY UPDATES

The following updates have been made to the 2022–2027 Regional Transportation Improvement Program.

PROJECT LISTS

The project list in the Regional Transportation Improvement Program has been refreshed to identify projects that are federally funded or regionally significant and have secured funding for the years 2022–2025. These projects will also be included in the Statewide Transportation Improvement Program.

- [Fiscally Constrained Project List](#)

Years 2026 and 2027 fall outside of the fiscally constrained portion of the Regional Transportation Improvement Program and serve as an illustrative list of project priorities. These projects cannot be included in the Statewide Transportation Improvement Program, but act as an illustrative list of projects to be included in the fiscally constrained portion of the RTIP if additional funding becomes available or if priorities change in the Skagit region. Only projects that have been competitively selected by SCOG to receive federal funding can be programmed on the illustrative list. The illustrative list also includes planned funding that has not yet been committed to the project, for projects that have not secured 100% funding for a relevant phase.

- [Illustrative Project List](#)

REGIONALLY SIGNIFICANT PROJECTS

SCOG makes a determination on a project-by-project basis of regional significance, and programs regionally significant projects in the RTIP. Projects can be regionally significant whether or not they include federal funding.

- [Determination of Regional Significance](#)

FISCAL CONSTRAINT

The Regional Transportation Improvement Program financial feasibility table depicts the funding programmed for obligation between 2022 and 2025.

- [Financial Feasibility Table](#)

REGIONAL PROJECT SELECTIONS

For federal funds managed by SCOG, programming of project selection decisions are maintained in six-year programming sheets. These sheets are components of the Regional Transportation Improvement Program and all projects appearing on them have been competitively selected for programming.

² “Programmed” means that the funding for the project is scheduled to be obligated (see footnote 1) in a particular federal fiscal year (October 1 through September 30) identified in the RTIP.

³ The fiscally constrained portion of the RTIP includes the first four years of the RTIP that are also included in the Statewide Transportation Improvement Program. The RTIP may include projects programmed to receive regionally managed funding in years five and six — such as Surface Transportation Block Grant Program and Transportation Alternatives funds — but may not be fiscally constrained.

- [Surface Transportation Block Grant Program](#)
- [Transportation Alternatives](#)

ENVIRONMENTAL JUSTICE

To be consistent with federal regulations, SCOG performed an Environmental Justice analysis on the projects included in the Regional Transportation Improvement Program. Based on this analysis, the programming decisions in the RTIP do not have a disproportionate adverse effect on Environmental Justice protected minority and low-income populations.

REGIONAL PERFORMANCE TARGETS

There is a section in the Regional Transportation Improvement Program which documents SCOG's recent work setting regional performance targets, in accordance with federal regulations. This target setting is part of the performance-based planning approach being applied across the United States by metropolitan planning organizations, such as SCOG.

EMERGENT NEED AWARD PROCESS

A section is incorporated into the Regional Transportation Improvement Program, documenting the emergent need award process adopted by the Transportation Policy Board in April 2019.

OBLIGATION AUTHORITY PROCESS

The obligation authority process is included within the Regional Transportation Improvement Program.

- [Obligation Authority Process](#)

POLICIES

Programming policies are included within the Regional Transportation Improvement Program to guide investment priorities.

- [Policies](#)

PUBLIC PARTICIPATION

Following the release of the draft RTIP for public comment by the Transportation Policy Board, a public comment period began on September 17 and concluded on October 8, 2021. The Notice of Public Comment Period was posted in the Skagit Valley Herald on September 21 and 28, and on SCOG's website for the entirety of the public comment period.

ERRATA

The following revisions have been made to the 2022–2027 RTIP since it was released for public comment. Most of the changes would be considered STIP administrative modifications if the 2022–2027 RTIP had already been adopted.

ANACORTES

32nd Street and M Avenue Intersection Improvements: deleted project from 2022–2027 RTIP. Construction obligated on September 16, 2021, so project should not be programmed again next year.

BURLINGTON

George Hopper Interchange Improvements, Phase II: increased total estimated cost of project from \$1,300,000 to \$1,331,000 to account for earlier preliminary engineering obligation.

MOUNT VERNON

River Dike Trail System - Phase 1: removed “10 foot” from project description for consistency with Washington State Department of Transportation (WSDOT) statewide programming guidance. Including lengths and widths in project descriptions are discouraged due to complications these inclusions can later create for a project.

SEDRO-WOOLLEY

SR20/Cascade Trail West Extension Phase 2A, Holtcamp Road to Hodgkin Street: revised expenditure schedule, moving Planned funding to 2026. Construction programming remains in 2024.

SKAGIT COUNTY

Guemes Island Electric Ferry Project: moved construction program year from 2024 to 2026 due to lack of secured funding necessary to complete the phase. Updated expenditure schedule accordingly, showing expenditures in 2026 and 2027.

SKAGIT TRANSIT

Bus Stop Amenities: revised project description to include additional project detail on amenities.

WSDOT – NW

SR 20/Deception and Canoe Pass Bridges - Soil Abatement: added federal aid project number “0020(209)” that was recently assigned to the project.

SR 530/Sauk River Roadway Embankment - Stabilization: deleted project from 2022–2027 RTIP as project sponsor withdrew the project from consideration for programming. The project does not require programming per federal and state regulations. Projects with federal Emergency Relief Program funding, such as this project, do not require programming prior to obligation.



2022–2027 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

DRAFT

Adopted by the Transportation Policy Board on
October 20, 2021

Photo courtesy of Andy Porter Photography

CONTENTS

Metropolitan Planning Area Self-Certification	i
1 Introduction	1
1.1 About SCOG	1
1.2 Purpose of the Regional Transportation Improvement Program	1
2 Document Preparation	2
2.1 Review and Approval	3
2.2 Public Involvement Process	3
2.3 Programming Policies	4
2.4 Project Selection & Prioritization	5
2.5 2021–2026 RTIP Projects Not Included in the 2022–2027 RTIP	5
3 Amendment & Modification Procedures	7
3.1 Amendment Cycle	7
4 Projects	9
4.1 Fiscally Constrained Projects	9
4.2 Illustrative Priorities	10
4.3 Regionally Significant Projects	10
5 Financial Plan	11
5.1 Fiscal Constraint	11
5.2 Financial Feasibility Table	11
6 Environmental Justice Analysis	12
6.1 Data and Methodology	12
6.2 Geographic Proximity Analyses	13
6.3 Conclusions	14
7 Regional Performance Targets	14
7.1 Transit Asset Management	15
7.2 Transit Safety	16
7.3 Highway Safety	16
7.4 Highway Bridge Condition	17
7.5 Highway Pavement Condition	18
7.6 Highway Travel Time and Freight Reliability	19
8 Obligation Authority	20
8.1 2022 Obligation Authority Plan	20
8.2 Obligation Authority Procedures	21

METROPOLITAN PLANNING AREA SELF-CERTIFICATION

In accordance with 23 CFR § 450.336, the Washington State Department of Transportation (WSDOT) and the Skagit Council of Governments (SCOG), the metropolitan planning organization for the Skagit Metropolitan Planning Area, hereby certify that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:

1. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
2. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5. Section 1101(b) of the Fast Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, 38, and 28 CFR Part 35;
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender;
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities; and
11. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200).

SCOG

WSDOT

Kevin Murphy
Executive Director
Skagit Council of Governments

Clifford Hall
Regional Coordinator
Tribal and Regional Planning Office

Date: _____

Date: _____

1 INTRODUCTION

1.1 ABOUT SCOG

The Skagit Council of Governments is a federally designated metropolitan planning organization consisting of Skagit County, all cities and towns within Skagit County, the Swinomish Indian Tribal Community, Samish Indian Nation, Skagit Transit, Skagit PUD, the Port of Anacortes, the Port of Skagit, and Washington State Department of Transportation. SCOG leads the development of the long-range (20+ years) [Skagit 2045 Regional Transportation Plan](#) (Skagit 2045) and a medium-range (6-year) regional transportation improvement program. These efforts are coordinated with the public, United States Department of Transportation, WSDOT, local elected leadership, local planners and engineers.



In addition to being a metropolitan planning organization, SCOG is also a regional transportation planning organization, as designated through Washington state's Growth Management Act. As a regional transportation planning organization, SCOG includes cities, towns, Skagit County, Skagit Transit, ports, tribes, private employer representatives and WSDOT in its planning activities. This includes preparation of a regional transportation plan, certification that countywide planning policies and local transportation elements are consistent with the plan, and development and maintenance of the six-year regional transportation improvement program.

1.2 PURPOSE OF THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

SCOG is required by federal and state regulations to develop a regional transportation improvement program (RTIP) which spans at least four years and is updated at least every two years. SCOG generally updates the RTIP annually and allows amendments to the RTIP on a monthly basis.

The RTIP is a compilation of projects from various federal, state and local funding programs for all transportation agencies in the Skagit region. Projects included in the program implement the long range transportation and transit plans for the region, help meet the short-range needs of the area and provide for maintenance of the existing transportation system.

A primary purpose of the RTIP is to identify and document federally funded and/or regionally significant projects to be included in the Washington Statewide Transportation Improvement Program (STIP). Projects cannot obligate¹ certain federal funds – even though the funds have been awarded – unless they are included in the RTIP and the STIP. Once the project funds have been obligated, the obligated funds will not be included in the next update to the RTIP, even if all of the funds have not been spent. For this reason, the RTIP should be viewed as a document that identifies programs and projects from the regional transportation plan and prioritizes them for implementation within the constraints of a reasonable financial forecast – not a listing of federal, state and local transportation spending. SCOG

¹ Obligation occurs when the project proponent has established a formal agreement with WSDOT and the funds have been designated, or "obligated" for that particular project.

produces an [Annual Listing of Federal Obligations](#) that documents all of the federal fund obligations that have occurred within the Skagit region in the previous calendar year.

The RTIP also demonstrates the financial feasibility of the included projects. In other words, the RTIP illustrates that the projects programmed² in the next four years will not cost more than the amount of funding the region expects to be available. Section 4.3 includes detailed financial tables for the projects programmed in the fiscally constrained³ portion of the RTIP.

2 DOCUMENT PREPARATION



The RTIP is coordinated with the development of capital improvement plans and local comprehensive transportation programs of the member jurisdictions and operating agencies. When developing their comprehensive transportation programs, agencies evaluate their transportation needs for the ensuing six-year period based on local priorities and expected funding levels available to meet those needs. Because the need for transportation improvements is generally greater than the amount of funding available, the local agencies

prioritize their transportation needs to identify a six-year list of projects that they determine to be most important to pursue. Drafts of the comprehensive transportation programs are available for the public, other agencies and internal departments to review. Local agencies then make any revisions deemed necessary before adopting their Comprehensive Transportation Programs, which includes projects with both secured⁴ and planned funding.

Local agencies, tribal governments and WSDOT then submit their programmed projects to SCOG. The RTIP is a compilation of the projects with secured federal funding or regionally significant projects that have secured state or local funding. The project list for the 2022–2027 RTIP is included in Section 4. From these projects, an assessment of region-wide financial feasibility is estimated in Section 4.3.

² “Programmed” means that the funding for the project is scheduled to be obligated (see footnote 1) in a particular calendar year (January 1 through December 31) identified in the RTIP.

³ The fiscally constrained portion of the RTIP includes the first four years of the RTIP that are also included in the STIP. The RTIP may include projects programmed to receive regionally managed funding in years five and six – such as Surface Transportation Block Grant Program and Set-aside (formerly the Transportation Alternatives Program) funds – but may not be fiscally constrained.

⁴ “Secured” means funding has been committed to the project sponsor for the project, including any required match.

2.1 REVIEW AND APPROVAL

Submit comments on the draft 2022–2027 RTIP to:

Mark Hamilton, AICP
Skagit Council of Governments
315 South Third Street, Suite 100
Mount Vernon, WA 98273
markh@scog.net

The draft RTIP is released to the public for review and comment in September, and is presented to the SCOG Technical Advisory Committee⁵ and Transportation Policy Board⁶ by SCOG staff. The Technical Advisory Committee recommends whether the Transportation Policy Board should or should not approve the draft RTIP. Members of the public are encouraged to provide written comments to SCOG staff. The written comments will be included in meeting materials sent to the Transportation Policy Board for their consideration. The public is also welcome to provide comments during the public comment period for the meeting where the draft RTIP is discussed, and the meeting where RTIP adoption is considered.

After considering public input and the recommendation from the Technical Advisory Committee, the Transportation Policy Board decides whether to adopt the draft RTIP. If approved, the adopted RTIP is then submitted to WSDOT. WSDOT will review the RTIP and issue its approval by the end of November. With WSDOT approval of the RTIP, all RTIP projects (Section 4.1) are included in the STIP. Representatives from the Federal Highway Administration and the Federal Transit Administration then review and issue approval of the STIP in early January 2021.

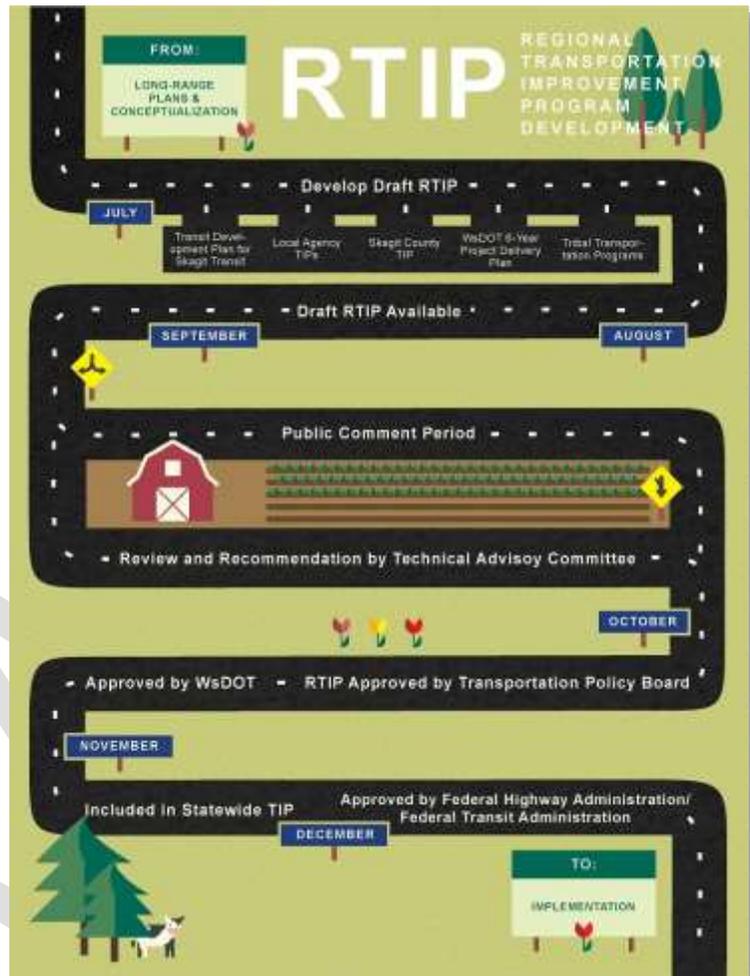


FIGURE 1: RTIP DEVELOPMENT PROCESS

2.2 PUBLIC INVOLVEMENT PROCESS

The RTIP is developed in part from local comprehensive transportation programs that are compiled and adopted annually by local governments in the Skagit region. As required by state law, each local agency conducts a public involvement process in the development and review of their comprehensive transportation program. These processes vary by jurisdiction, but all culminate in a formal public hearing prior to adoption by the local governing boards.

Tribal governments follow federal requirements for preparation of tribal transportation improvement programs prior to including projects in the RTIP. WSDOT includes projects in a 10-year list of statewide

⁵ The Technical Advisory Committee is a SCOG committee consisting of transportation professionals who provide technical advice and recommendations to the Transportation Policy Board.

⁶ The Transportation Policy Board is a governing body of SCOG consisting of local and tribal elected leaders, a WSDOT representative, a private employer representative and state elected leaders.

project priorities referred to as the [Project Delivery Plan](#) that is updated every year, and Skagit Transit includes projects in the six-year [Transit Development Plan](#), which is adopted every year by their board of directors. Both WSDOT and Skagit Transit projects in the Skagit region can be included in the RTIP following inclusion as priorities in their own planning documents.

In most cases, projects that have secured FHWA or FTA federal funding, or have secured another type of funding and are regionally significant, are included in the RTIP. The RTIP is a compilation of these projects, sourced from local comprehensive transportation programs, tribal transportation improvement programs, WSDOT's Project Delivery Plan and Skagit Transit's Transit Development Plan.

After transportation programs have been prepared and reviewed by the public, a supplementary public review process for the RTIP is also conducted. This allows the public to review and comment on the six years of medium-range transportation projects intended to implement the long-range transportation goals identified in *Skagit 2045*. Comments regarding the specifics of projects are often better directed to the project sponsors during the project planning stage. A flowchart that depicts the development of regional transportation projects from the conceptual stage to implementation and the associated opportunities for public input is hyper-linked below.



- [Project Planning Process Flowchart](#)

SCOG posts notifications in the Skagit Valley Herald when the draft RTIP is available for public review. Notice is also posted on SCOG's website where the document is available to view and download. Printed copies of the entire draft RTIP are available from SCOG upon request.

A public comment period was held from September 17 through October 8, 2021. The final draft of the RTIP includes the submitted public comments below and will be presented to the Transportation Policy Board prior to any action taken regarding the adoption of the RTIP.

- (This will be updated following the public comment period.)

The public involvement activities and time established for public review and comments on the RTIP development process satisfy the Federal Transit Administration's Program of Projects requirements that Skagit Transit must follow.

2.3 PROGRAMMING POLICIES

SCOG has developed policies to aid in the preparation and maintenance of the RTIP, and to assist in the effective administration of regionally managed federal grant funds.

- [RTIP Policies](#)

2.4 PROJECT SELECTION & PRIORITIZATION

SCOG is responsible for selecting projects for the regionally managed portion of federal Surface Transportation Block Grant Program and Transportation Alternatives funding in the Skagit region. Projects selected are prioritized and incorporated into the RTIP, along with other FHWA and FTA federally funded projects, and regionally significant projects (see Section 4). SCOG has prepared a flowchart that graphically depicts the timeline for selecting projects to receive regionally managed grant funding and the associated opportunities for public input.

- [Regionally Managed Project Selection Timeline](#)

SURFACE TRANSPORTATION BLOCK GRANT PROGRAM AND TRANSPORTATION ALTERNATIVES

SCOG receives an annual allocation of Surface Transportation Block Grant Program and Transportation Alternatives funds to be committed to priority projects in the Skagit region. Projects are selected by the SCOG Transportation Policy Board using a competitive process guided by evaluation criteria designed to ensure that projects are prioritized consistent with *Skagit 2045*.

SCOG programs four years of prioritized Surface Transportation Block Grant Program and Transportation Alternatives projects into the RTIP and the STIP. SCOG typically programs an additional two years of projects to provide flexibility in project timelines. Calls for projects are usually conducted by SCOG every two years. Years five and six of the project selection serve as an illustrative list of projects that can be included in the fiscally constrained portion of the RTIP if funding becomes available (see Section 4.2). SCOG ensures that Surface Transportation Block Grant Program and Transportation Alternatives projects are competitively selected to receive funding based on their ability to address priorities identified in *Skagit 2045*. A formal project selection process has been developed to provide clarity on how projects will be regionally prioritized for funding and is hyperlinked below.

- 2021 [Regional Call for Projects](#) and [Project Application Form](#)
- [Projects currently programmed using Surface Transportation Block Grant Program funds](#)
- [Projects currently programmed using Transportation Alternatives funds](#)

EMERGENT NEED PROJECT SELECTION

The Transportation Policy Board approved a process to allocate additional federal funds to projects in certain emergent needs instances. Projects can only receive an emergent need award if they have been competitively selected by SCOG to receive federal funding for construction, and experience an unanticipated need during the construction phase. Emergent need allocation decisions are made on a case-by-case basis by the Transportation Policy Board.

- [Project Application Form](#)

2.5 2021–2026 RTIP PROJECTS NOT INCLUDED IN THE 2022–2027 RTIP

The following projects were included in the fiscally constrained portion of the 2021–2026 RTIP, including amendments to the RTIP that added new projects, but are not included in the fiscally constrained portion of the 2022–2027 RTIP. There are various reasons why a project would no longer be programmed in the RTIP. For example, a project could be completed, underway, cancelled or delayed.

See the following table for a summary of 2021–2026 RTIP projects that are not programmed in the 2022–2027 RTIP.

AGENCY	PROJECT NAME	DESCRIPTION	TOTAL COST (EST.)	STATUS
Anacortes	32nd Street and M Avenue Intersection Improvements	Construct a roundabout with Rectangular Rapid Flashing Beacons (RRFBs) at pedestrian crossings and lane width reductions.	\$1,700,000	Construction Underway
Burlington	George Hopper Road Signal Enhancements	The project will improve traffic signal phasing, coordination and operations, improve signal visibility, and ADA accessibility.	\$841,249	Construction Underway
Mount Vernon	Freeway Drive Improvements (Cameron Way to College Way)	Add center left turn lane to increase capacity; include traffic calming measure(s); additional lighting; bicycle lanes; minimum 4-foot paved shoulder with fog strip; add or improve sidewalks/walkways; and physical buffer between pedestrians and roadway.	\$2,167,514	Construction Underway
SCOG	SCOG Admin 2018-2021	SCOG Administration for FFY 2018-2021	\$774,756	Project Underway
Sedro Woolley	SR20/SR9N - Township Intersection Improvements	Intersection channelization improvements to allow concurrent north-south left turns and improve signal sequencing, including sidewalk/path improvements.	\$828,000	Construction Pending
Skagit County	Active Warning Signs (Install Active Warning Signs)	Project would install Active Warning Signs for Icy Road Conditions on Alger Cain Lake Road and South Skagit Highway.	\$124,526	Construction Pending
Skagit County	Francis Road Section 1	Rehabilitate and widen Francis Road to current standards to improve safety and stabilize the road base.	\$3,635,017	Construction Pending
Skagit County	Guemes Ferry Terminal (Girder Replacement)	Replace three most eastern girders at Guemes Island Ferry Terminal (Anacortes)	\$641,784	Construction Underway
Skagit County	Illuminate Channelized Intersections	Install Illumination at three channelized intersections: Havekost Road at Marine Drive ;Best Road at Chilberg Road; and S. Skagit Hwy at Concrete Sauk Valley Road	\$72,000	Construction Pending
Skagit County	Install/Upgrade Guardrail with Reflectors	Remove and replace existing sub-standard guardrail at locations on South Skagit Hwy (07000) and Concrete Sauk Valley Road (08000)	\$615,700	Construction Underway
Skagit County	Prairie Road Guidance Improvements	Install Signing and Roadway Guidance Improvements	\$70,000	Construction Pending
Skagit Transit	Bus Stop Sign Project	Purchase of reflective bus stop signage for passenger safety	\$50,000	Project Underway
Skagit Transit	Paratransit Passenger Portal Software	Purchase of add on software to existing paratransit scheduling software. The project includes installation and training services	\$85,000	Project Underway
Skagit Transit	Skagit Transit Bus Stop Re-Construction	Construction project to upgrade various bus stops to ADA guidelines	\$128,929	Project Underway
WSDOT - NW	SR 20/Fish Creek & Lorenzan Creek - Fish Passage	Remove the existing fish passage barriers and replace them with fish passable structures	\$4,521,665	Construction Underway
WSDOT - NW	SR 9/Tributary to Lake McMurray and Norway Park Creek - Fish Passage	Remove the existing fish passage barriers and replace them with fish passable structures	\$8,071,770	Construction Underway

3 AMENDMENT & MODIFICATION PROCEDURES

Transportation priorities and funding strategies change over time. It is likely the project list programmed in the RTIP will need to be altered at some during calendar year 2022. Federal requirements stipulate that in most cases jurisdictions cannot utilize FHWA or FTA federal funds on a project until it is programmed in the RTIP and STIP, even though the jurisdiction already has secured funding for that project. SCOG has developed RTIP amendment and modification procedures to ensure that new projects and changes to existing projects can be included in the RTIP efficiently. These procedures are hyperlinked below.

- [RTIP Amendment and Modification Procedures](#)

3.1 AMENDMENT CYCLE

Agencies are generally ready and willing to obligate federal funds soon after they are secured. To accommodate faster implementation of transportation projects, SCOG allows amendments to the RTIP on a monthly basis (excluding November and December). In order to ensure that sufficient time is available for decision makers and the public to review the proposed amendment prior to formal action being taken, project sponsors must adhere to the deadlines listed in the following table.

SUBMIT REQUEST TO SCOG*	TAC REVIEW/ RECOMMENDATION	SCOG TPB ACTION	WSDOT REVIEW	FHWA/FTA REVIEW**	AMENDMENT INCLUDED IN STIP
12/29/2021	1/6/2022	1/19/2022	1/21/2022	2/4/2022	2/18/2022
1/26/2022	2/3/2022	2/16/2022	2/18/2022	3/4/2022	3/18/2022
2/23/2022	3/3/2022	3/16/2022	3/18/2022	4/1/2022	4/15/2022
3/30/2022	4/7/2022	4/20/2022†	4/15/2022	4/29/2022	5/13/2022
4/27/2022	5/5/2022	5/18/2022	5/20/2022	6/3/2022	6/17/2022
5/25/2022	6/2/2022	6/15/2022	6/17/2022	7/1/2022	7/15/2022
6/29/2022	7/7/2022	7/20/2022†	7/15/2022	7/29/2022	8/12/2022
7/27/2022	8/4/2022	8/17/2022	8/19/2022	9/2/2022	9/16/2022
8/24/2022	9/1/2022	9/21/2022†	9/16/2022	9/30/2022	10/14/2022
9/28/2022	10/6/2022	10/19/2022	10/21/2022	11/4/2022	11/18/2022

Notes: Meeting dates and request deadlines are subject to change

*Request must include documentation of funding award and proof that project is included in local or tribal TIP.

**Administrative modifications do not require FHWA/FTA approval. Administrative modifications will be included in STIP at this date.

†If WSDOT review deadline occurs before SCOG Transportation Policy Board action, SCOG will submit amendment to WSDOT at deadline and verify the SCOG TPB action once it occurs.

Refer to Figure 2 for an illustrative representation of the RTIP and STIP amendment process.

RTIP AMENDMENT PROCESS

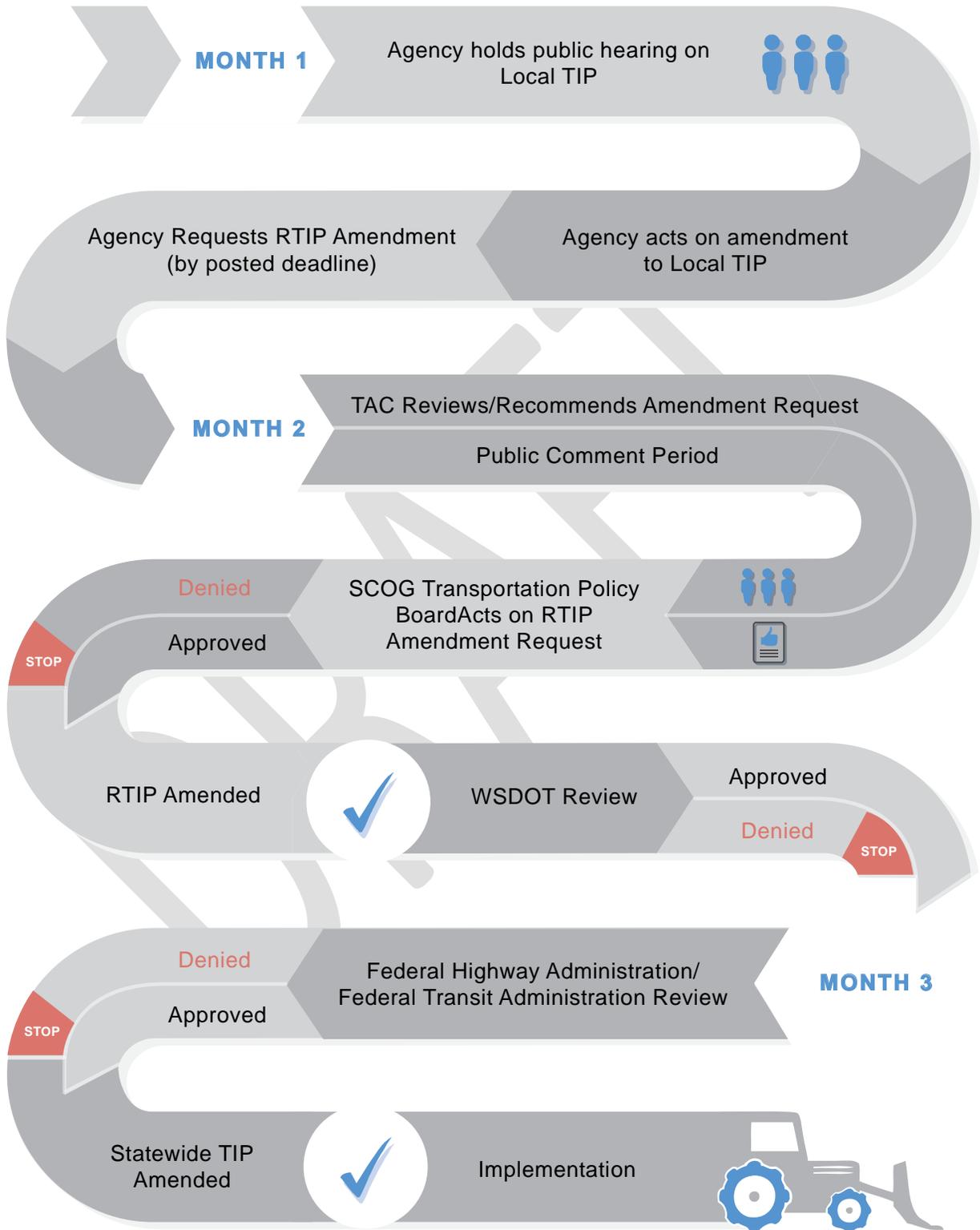


FIGURE 2: RTIP AMENDMENT CYCLE

4 PROJECTS

4.1 FISCALLY CONSTRAINED PROJECTS

The 2021–2024 fiscally constrained RTIP project list includes projects that have secured FHWA or FTA federal funding, or have secured funding from another source and are also regionally significant. This project list is updated as amendments are made to the RTIP. Projects included in the four-year fiscally constrained portion of the RTIP are forwarded to WSDOT for inclusion in the STIP. Section 4.2 includes projects that have been selected to receive regionally managed Surface Transportation Block Grant Program and Transportation Alternatives funds in years five and six (2026 and 2027) of the RTIP.

- [2022–2025 Fiscally Constrained Projects](#)

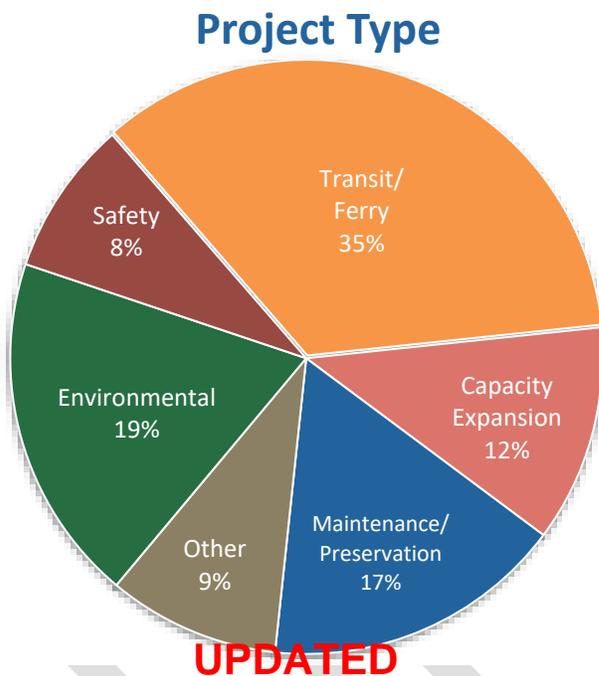


FIGURE 3: FUNDING BY PROJECT TYPE

A summary of the funding by project type in the fiscally constrained portion of the RTIP as of October 20, 2021 is presented in Figure 3. Many transportation projects planned to occur on non-regionally significant routes are not included in the RTIP. For example, jurisdictions' repaving programs, other than WSDOT's, are not included in the RTIP. Also, many of the project type categories overlap. As another example, a capacity expansion project often includes safety, non-motorized and environmental elements.

Thirty-~~nine~~five percent (~~39~~35%) of secured funding included in the fiscally constrained portion of the 2022–2025 RTIP is dedicated to Skagit Transit and Guemes Island Ferry projects. ~~Seventeen~~Nineteen percent (~~17~~19%) of secured funding is committed to environmental projects designed to improve fish passage under WSDOT facilities. ~~Nine~~Eight percent (~~9~~8%) of secured funding is devoted to safety projects, with ~~fifteen~~seventeen percent (~~15~~17%) to maintenance/preservation projects – most being WSDOT repaving projects on state routes. ~~Eleven~~Twelve percent (~~11~~12%) of secured funding is slated to expand capacity of the transportation system, and the remaining nine percent (9%) of secured funding is programmed to other project types. Project funding that has not yet been secured, and all funding in 2026 and 2027, is not included in these percentages.

Figure 4 illustrates the proportion of federal, state and local funds programmed in the fiscally constrained portion of the RTIP. Forty-~~four~~percent (~~40~~44%) of the secured funding for fiscally constrained RTIP projects is from federal sources, with ~~thirty~~twenty-four percent (~~30~~24%) from state sources. Thirty-~~two~~percent (~~30~~32%) of project funding is from local sources, which are commonly used as matching funds to federal grants received by project sponsors. Many transportation projects utilizing only state and/or local funds are not included in the RTIP, so are not included in this financial analysis.

4.2 ILLUSTRATIVE PRIORITIES

To ensure that SCOG has a fully programmed four-year RTIP, SCOG typically selects projects to ensure that at least six years' worth of Surface Transportation Block Grant Program and Transportation Alternatives funding is programmed. The first four years in the RTIP are fiscally constrained and included in the STIP (see Section 4.1). The additional two years' worth of programmed projects function as Illustrative Priorities if additional funding becomes available to SCOG. Examples of ways that additional funds can become available include:

- A project currently in the fiscally constrained portion of the RTIP is unable to proceed and the agency returns the funds to SCOG;
- A project which previously obligated Surface Transportation Block Grant Program or Transportation Alternatives funds de-obligates⁷ its funds, including if a project closes out using less than the amount of federal funds awarded; and
- Allocations of Surface Transportation Program Block Grant or Transportation Alternatives funds are higher than anticipated at the time of RTIP adoption.

If additional funds are obtained by SCOG, the projects can be moved to the fiscally constrained portion of the RTIP in the next RTIP update, or through the amendment process. Additional considerations (e.g. lower costs, project readiness) may be used in the determination of projects that will be added to the fiscally constrained portion of the RTIP from the Illustrative Priorities. The 2026–2027 Illustrative Priorities are hyperlinked below.

- [2026–2027 Illustrative Project List](#)

4.3 REGIONALLY SIGNIFICANT PROJECTS

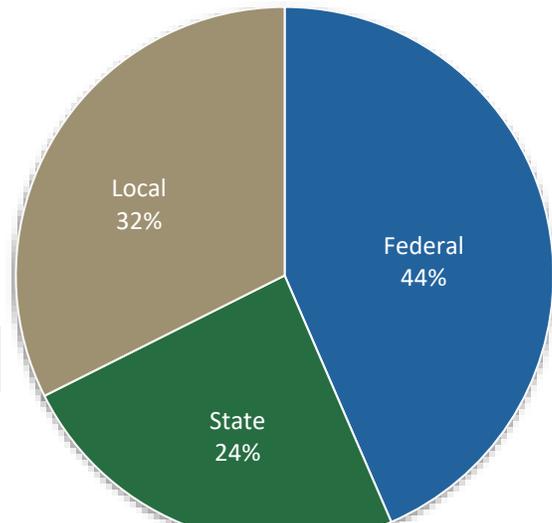
Regionally significant projects are projects that serve regional transportation needs on the existing or proposed regional transportation system. Per the [23 CFR 450.104](#) definition of a regionally significant project, examples of these types of projects include "...access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals..." and would normally be included in modeling of SCOG's regional transportation network.

The determination of whether or not a project is regionally significant is made by SCOG as a metropolitan planning organization. Regionally significant projects are programmed in the RTIP, even if there is no federal funding associated with the project. Examples of projects that are and are not regionally significant are hyperlinked below.

- [Determinations of Regional Significance](#)

⁷ De-obligation occurs when the project sponsor has obligated (see Footnote 1) funds for a particular project and then the project is unable to move forward for some reason, or a project closes out with federal funds remaining that were not expended. The funds are essentially "returned to the pot" of regionally managed funds.

Funding Source



UPDATED

FIGURE 4: FUNDING BY SOURCE

5 FINANCIAL PLAN

5.1 FISCAL CONSTRAINT

The RTIP is required to include a financial plan that demonstrates how the program of projects can be implemented. The detailed financial tables located in Section 5.2 include the estimated amount of available funds, programmed funds and remaining funds by fund type for each program year. Agencies with projects in the RTIP have indicated that they have the financial resources available to provide matching funds to complete project phases with fully secured funding.

FINANCIAL PLANNING ASSUMPTIONS

ACCOUNTING FOR INFLATION

The project costs reported in the RTIP include an adjustment to account for annual inflation of prices. *Skagit 2045* accounts for the effect of inflation scheduled in the mid- and long-range horizons. However, the process used to account for inflation on RTIP projects is left to the judgment of the project sponsors, as they have a better sense of short-term inflationary pressures on their particular projects.

Fiscal Constraint: the RTIP demonstrates that the programmed projects will not cost more than the expected amount of funding available.

FEDERAL REVENUE PROJECTIONS

Revenue projections for WSDOT managed federal funds (e.g. National Highway Performance Program, Highway Safety Improvement Program, etc.) generally equal the amount programmed in the RTIP. Because SCOG has no control over project funding decisions for these fund types, only federal funds that have been secured by project sponsors are assumed to be reasonably available. For future year allocations in the RTIP, SCOG managed federal funds are assumed to be the same as 2021 regional allocations.

STATE REVENUE PROJECTIONS

Several state sources of funding are identified in the RTIP that have historically been used for transportation purposes. These state projections include projects that have secured funding, including match, to fully complete a phase, as well as available funds that have not yet been secured. State funding is often used with federal funding and any required match to complete a phase of a project, or used alone without any federal funding or match.

LOCAL REVENUE PROJECTIONS

Revenue projections from local sources are funds expected to reasonably be available outside of federal and state sources. These funds are typically used as match for other funds sources, but may be higher than any required match. In addition to meeting match requirements, project sponsors will often use this category of revenues to fill a gap in a project phase and ensure fully secured funding to complete the phase.

5.2 FINANCIAL FEASIBILITY TABLE

SCOG has prepared a financial table that identifies all of the funding programmed in the fiscally constrained portion of the RTIP and documents the amount of funding that is reasonably expected to be available. The table, linked below, demonstrates that the first four years of the 2022–2027 RTIP are fiscally constrained and financially feasible. Programmed expenditures are balanced with funding reasonably expected to be made available over the programming period.

- [2022–2025 Financial Feasibility Table](#)

6 ENVIRONMENTAL JUSTICE ANALYSIS

Environmental Justice principles are considered in RTIP project programming to protect minority populations and low-income populations from disproportionate adverse effects of plans, programs, policies and activities funded by the U.S. Department of Transportation. By accepting federal funds through the Federal Highway Administration and Federal Transit Administration, SCOG and any recipients of federal funds through SCOG must incorporate Environmental Justice into their transportation plans, programs, policies and activities.

The concept of Environmental Justice was first promulgated by [*Executive Order No. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Poverty Populations*](#). While related, this order is distinct from Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin.

Investment in transportation projects can have both positive and negative impacts on the surrounding area. Negative impacts can include creating barriers within communities, restricting access to public facilities, safety risks, as well as environmental impacts such as noise, water pollution and reduced air quality. On the other hand, transportation projects can reduce travel times, increase mobility and accessibility and support the local economy. SCOG has performed an analysis on the projects included in the RTIP (at the time of adoption) to determine the spatial distribution of RTIP project priorities as they relate to Environmental Justice populations.

6.1 DATA AND METHODOLOGY

DEMOGRAPHIC DATA

In 2020, SCOG updated the [*Skagit County Regional Demographic Profile*](#). Based on data from the Decennial Census and American Community Survey five-year estimates, this document identifies protected populations in Skagit County at the Census block or tract level. SCOG uses the analysis from the Demographic Profile to identify geographic areas with relatively high concentrations of Environmental Justice populations.

The key demographic groups used in the Environmental Justice assessment of the RTIP are defined as:

- **Minority:** A person was considered a minority if they self-identified as: American Indian, Alaska Native, Asian, Black, Hawaiian, Pacific Islander, Hispanic or Latino. In 2010, 23.3% of Skagit County's population identified as a minority. Any Census block having 10 or more persons and with more than 23.3% of its population describing itself as other than non-Hispanic White is considered a minority block for the Environmental Justice analysis.
- **Poverty:** Any person whose household income is below the federal poverty level. According to the 2014-2018 American Community Survey estimates, 12.8% of Skagit County's population was below the federal poverty level. Any Census tract with more than 12.8% of its population below the poverty level was considered a low-income tract for the Environmental Justice analysis.

RTIP PROJECT DATA

This analysis is based on the geographic location of the projects included in the RTIP at the time of its adoption. Any Census block or tract that within 100 feet of an RTIP project is considered to be impacted by the programming in the RTIP (projects that include the entire county in its area or a public transportation benefit area, such as Skagit Transit's Operating Funds project or the SCOG Administration 2022–2025 project, were not included in this analysis). The analysis does not include projects that were in previous RTIPs and not carried over into the 2022–2027 RTIP.

6.2 GEOGRAPHIC PROXIMITY ANALYSES

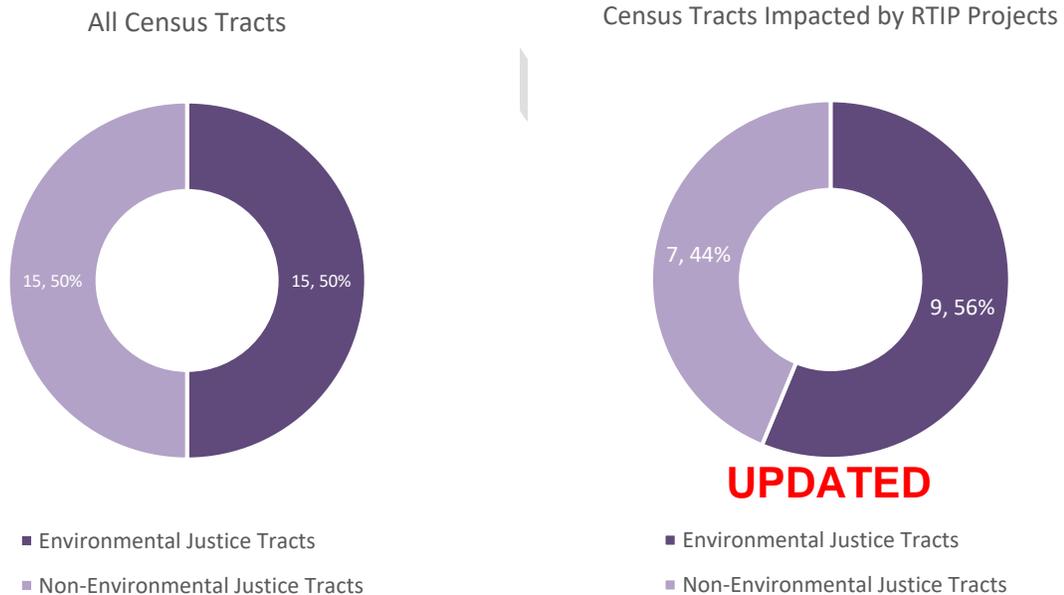
The Skagit County Demographic Profile summarizes the data for Environmental Justice protected populations at two geographies, as designated by the Census Bureau: blocks and tracts. Information regarding minority status is obtained in the Decennial Census so it is available at the smaller Census block geography. Information regarding poverty is obtained in the American Community Survey five-year estimates. Larger analysis geography (Census tracts) is necessary to have reasonable confidence in the results, because it is based on a sample of the population.

Regional thresholds have been established to identify Census blocks and tracts that contain higher proportions of populations to be considered in the Environmental Justice analysis. Any Census block or tract that is above its associated regional threshold is considered an Environmental Justice block or tract.

Geographic analysis was performed to determine how many of the projects included in the fiscally constrained portion of the RTIP are within 100 feet of an Environmental Justice block or tract. This helps identify spatial patterns of transportation investment decisions and how they impact populations. However, this analysis does not determine whether protected populations are benefitted or disproportionately burdened by specific projects. A project-level Environmental Justice analysis is needed to make this determination, which is conducted by project sponsors closer to project implementation.

POVERTY POPULATION ANALYSIS

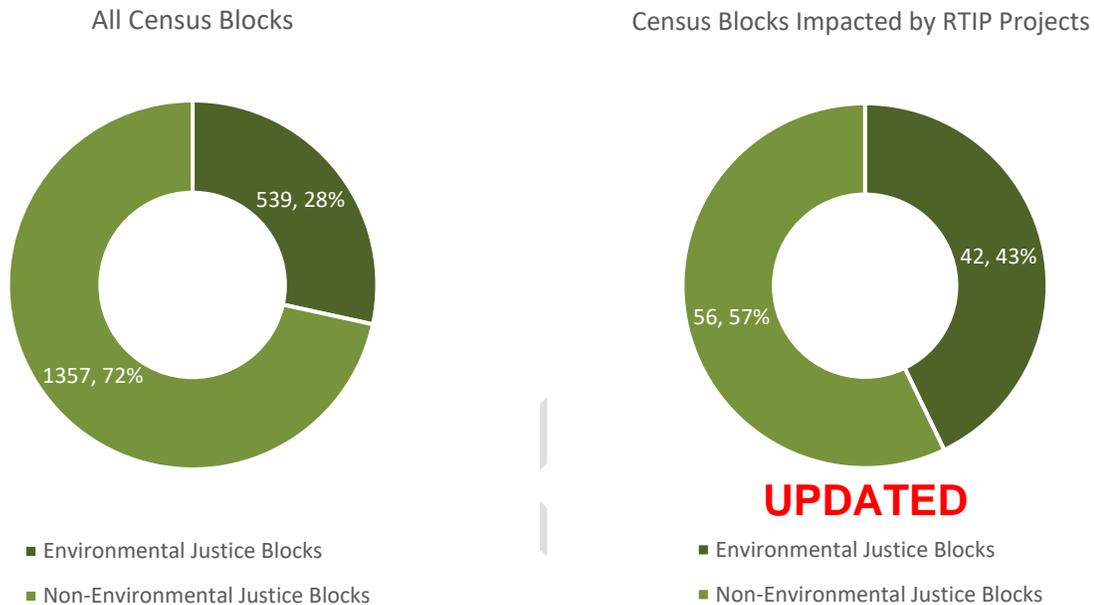
In Skagit County, 12.8% of the population was below the federal poverty level between 2014 and 2018. Of all the census tracts in Skagit County, 15 tracts (50%) had a poverty rate at or above the regional threshold (12.8%). Of the ~~17~~16 tracts impacted by projects in the RTIP, 9 (~~53~~56%) were at or above the regional threshold for poverty. Therefore, the proportion of investments identified in the RTIP which impact tracts with poverty rates above the regional threshold is slightly more than the total proportion of tracts above the regional threshold for poverty throughout Skagit County.



MINORITY POPULATION ANALYSIS

Of all 1,896 census blocks with populations over 10 in Skagit County, 539 (28%) were above the regional threshold for minority populations (23.3%). Of the total census blocks with populations over 10, ~~101~~98 were impacted by projects included in the RTIP, and 42 of these (~~42~~43%) were blocks that were above the regional threshold. Therefore, the proportion of minority census blocks affected by

projects in the RTIP is greater than the proportion of minority census blocks in the region as a whole. Minority geographies do not seem to be disproportionately impacted or burdened by projects in the RTIP.



6.3 CONCLUSIONS

The results of this analysis show that transportation investments are not having a disproportionate adverse effect on Environmental Justice blocks and tracts. However, project-level analysis should be completed to ensure Environmental Justice protected populations will not be disproportionately burdened by projects included in the RTIP.

7 REGIONAL PERFORMANCE TARGETS

SCOG is responsible for setting regional performance targets for the nationwide approach to performance-based planning. The Moving Ahead for Progress in the 21st Century Act, signed into law in 2012, introduced many new requirements for state departments of transportation, transit agencies and metropolitan planning organizations. As a metropolitan planning organization, these requirements apply to SCOG. Statewide performance targets are documented in folios on [WSDOT’s website](#).

The applicable federal administrations and categories of performance targets are listed below:

- Federal Transit Administration (FTA)
 - Transit Asset Management Targets
 - Transit Safety Targets
- Federal Highway Administration (FHWA)
 - Highway Safety Targets
 - Highway Bridge Condition Targets
 - Highway Pavement Condition Targets
 - Highway Travel Time and Freight Reliability Targets

Initial regional performance targets for transit asset management were set by SCOG in June 2017 and highway safety targets were set in February 2018. For transit asset management targets, SCOG

set targets for buses, other passenger vehicles, ferries, non-revenue service vehicles, administration and maintenance, as well as passenger and parking facilities. For highway safety targets, SCOG agreed to plan and program projects in the Skagit region to contribute toward the accomplishment of WSDOT statewide safety performance targets for the five safety measures – each related to fatalities and serious injuries.

Initial regional performance targets for highway bridge condition, highway pavement condition, highway travel time and freight reliability were set by SCOG in October 2018. For each of these categories, SCOG agreed to plan and program projects in the Skagit region to contribute toward the accomplishment of WSDOT statewide performance targets.

SCOG set initial regional performance targets for transit safety in November 2020. The seven transit safety performance measures are related to fatalities, injuries, safety events and system reliability.

Deadlines for target setting and related target-setting dates at SCOG are in the following table.

PERFORMANCE TARGETS CATEGORY	UPCOMING SCOG DEADLINE TO SET TARGETS	LATEST TARGETS SET BY SCOG
FTA: Transit Asset Management	N/A*	7/19/2017
FTA: Transit Safety	N/A*	11/18/2020
FHWA: Highway Safety	2/27/2022	2/17/2021
FHWA: Highway Bridge Condition	11/16/2022	10/17/2018
FHWA: Highway Pavement Condition	11/16/2022	10/17/2018
FHWA: Highway Travel Time and Freight Reliability	11/16/2022	10/17/2018
Note: *Initial deadline to set Transit Asset Management targets was 6/28/2017 and initial deadline to set Transit Safety targets was 2/15/2021. Per FTA guidance, SCOG may choose to revise or maintain these targets when RTIP or Skagit 2045 is updated, in consultation with WSDOT and Skagit Transit.		

7.1 TRANSIT ASSET MANAGEMENT

Regional performance targets for transit asset management were adopted by the SCOG Transportation Policy Board on June 21, 2017, and revised on July 19, 2017. Regional performance targets by asset class for this category are in the following table, and have been maintained since 2017.

NUMBER	NAME	DESCRIPTION	REGIONAL PERFORMANCE TARGET
1	Buses	Percent of Buses that exceed Useful Life Benchmark	No greater than 10%
2	Other Passenger Vehicles	Percent of Other Passenger Vehicles that exceed Useful Life Benchmark	No greater than 10%
3	Ferries	Percent of Ferries that exceed Useful Life Benchmark	No greater than 0%
4	Non-revenue Service Vehicles	Percent of Non-revenue Service Vehicles that exceed Useful Life Benchmark	No greater than 10%
5	Administration and Maintenance	Percent of Administration and Maintenance facilities that have a Transit Economic Requirements Model condition rating below 3 (“Adequate”)	No greater than 15%
6	Passenger and Parking	Percent of Passenger and Parking facilities have a Transit Economic Requirements Model condition rating below 3 (“Adequate”)	No greater than 15%

The owners of assets that these regional performance targets apply to are the WSDOT Ferries Division and Skagit Transit. SCOG initially coordinated with both these agencies in 2017 to get an inventory of current assets and targets set by WSDOT and Skagit Transit. Condition information for assets

and performance targets for 2018 was made available to SCOG after both organizations prepared transit asset management plans in late 2018. Skagit Transit updated their asset inventory and targets in 2019, and provided them to SCOG.

7.2 TRANSIT SAFETY

Regional performance targets for transit safety measures were adopted by the SCOG Transportation Policy Board on November 18, 2020. There are seven performance measures for which targets were set for this category. Adopted regional performance targets for fixed-routes buses and not-fixed-route buses are included in the following table.

NUMBER	NAME	DESCRIPTION	REGIONAL PERFORMANCE TARGET BY MODE	
			FIXED-ROUTE BUS*	NON-FIXED-ROUTE BUS**
1	Fatalities	Five-year (2016–2020) rolling average of fatalities	0	0
2	Fatality Rate	Five-year (2016–2020) rolling average of fatalities per 100,000 vehicle revenue miles by mode	0.00	0.00
3	Injuries	Five-year (2016–2020) rolling average of injuries	2	1
4	Injury Rate	Five-year (2016–2020) rolling average of injuries per 100,000 vehicle revenue miles by mode	0.20	0.08
5	Safety Events	Five-year (2016–2020) rolling average of safety events	20	12
6	Safety Event Rate	Five-year (2016–2020) rolling average of safety events per 100,000 vehicle revenue miles by mode	1.40	0.80
7	System Reliability***	Five-year (2016–2020) rolling average of mean distance between major mechanical failures by mode	74,874	69,582

Notes: *Fixed-route Bus targets by mode apply to local and express (40X, 80X, 90X) services; **Non-fixed-route Bus targets by mode apply to paratransit and vanpool services; and ***System reliability is calculated as the mean distance between major mechanical failures.

Transit safety requirements apply to Skagit Transit, which set their initial safety targets in August 2020 and included them within their adopted Public Transportation Agency Safety Plan – a related federal requirement for performance-based planning. The plan was provided to SCOG in August 2020. Skagit Transit updated their plan in 2021 and provided it to SCOG in August 2021. Skagit Transit safety targets remain unchanged from the targets they adopted in August 2020.

7.3 HIGHWAY SAFETY

SCOG – along with all other metropolitan planning organizations in Washington state – worked to set regional performance targets for highway safety earlier this year. *Target Zero*, with the goal of eliminating all roadway fatalities and serious injuries by 2030, is Washington state’s Strategic Highway Safety Plan and is used as the foundation for the target setting process at the statewide level. While the goal of Target Zero remains, the statewide methodology for setting safety targets was modified in 2018, and updated in 2019, to make them less aspirational and more data-driven, realistic and achievable. Highway safety performance measures and targets apply to all public roadways.

The five highway safety measures are included in the following table.

NUMBER	NAME	DESCRIPTION
1	Fatalities	Five-year rolling average of fatalities on all public roadways in the Skagit region
2	Fatality Rate	Five-year rolling average of fatalities per 100 million vehicle miles traveled in the Skagit region
3	Serious Injuries	Five-year rolling average of serious injuries on all public roadways in the Skagit region
4	Serious Injury Rate	Five-year rolling average of serious injuries per 100 million vehicle miles traveled in the Skagit region
5	Non-motorist Fatalities and Serious Injuries	Five-year rolling average of non-motorist fatalities and serious injuries on all public roadways in the Skagit region

Metropolitan planning organizations across the U.S. are given a choice through applicable federal regulations when setting regional highway safety targets. The choice is either to:

1. Agree to plan and program projects so that they contribute toward the accomplishment of the state DOT (WSDOT) safety target for that performance measure; or
2. Commit to quantifiable safety targets for performance measures in their metropolitan planning area (the Skagit region).

On February 17, 2021, the Transportation Policy Board took action agreeing to plan and program projects in the Skagit region so that they contribute toward the accomplishment of WSDOT statewide safety performance targets. Programming of projects that help meet statewide safety targets can be accomplished when SCOG includes projects in the RTIP that aim to reduce fatalities and serious injuries in the Skagit region.

An [inventory showing statewide and regional safety trends](#) was prepared by SCOG in 2021 using data provided by WSDOT.

7.4 HIGHWAY BRIDGE CONDITION

The condition of bridges on the National Highway System is assessed by WSDOT in the Skagit region and across Washington state. Condition is evaluated for bridge decks, superstructure, substructure and culverts. A rating system is used to classify overall condition as either “Good”, “Fair” or “Poor”. SCOG worked to set regional performance targets for highway bridge condition in fall 2018.

The two highway bridge condition measures are included in the following table.

NUMBER	NAME	DESCRIPTION
1	Good Bridge Condition	Percent of National Highway System bridges in the Skagit region classified in Good condition
2	Poor Bridge Condition	Percent of National Highway System bridges in the Skagit region classified in Poor condition

Metropolitan planning organizations across the U.S. are given a choice through applicable federal regulations when setting regional highway bridge condition targets on the National Highway System. The choice is either to:

1. Agree to plan and program projects so that they contribute toward the accomplishment of the state DOT (WSDOT) National Highway System bridge condition target for that performance measure; or
2. Commit to quantifiable National Highway System bridge condition targets for performance measures in their metropolitan planning area (the Skagit region).

On October 17, 2018, the Transportation Policy Board took action agreeing to plan and program projects in the Skagit region so that they contribute toward the accomplishment of WSDOT statewide highway bridge condition performance targets. Programming of projects that help meet targets can be accomplished when SCOG includes projects in the RTIP that aim to improve National Highway System bridge condition in the Skagit region.

EXAMPLES OF INVESTMENT PRIORITIES

The I-5/Soundbound Samish River – Bridge Deck Overlay project is an example of a RTIP programming decision made by SCOG linking investment priorities toward achieving performance outcomes. The bridge at this location is on the National Highway System, and was identified by SCOG in 2018 – using WSDOT bridge condition information – [as the only National Highway System bridge in Poor condition](#) in the Skagit region. Subsequently, the project was programmed in the RTIP, with the construction phase expected to obligate funding in 2022 and construction beginning the same year. Full funding has been secured to complete this project and improve the condition of this bridge, with federal funding coming through the National Highway Performance Program.

7.5 HIGHWAY PAVEMENT CONDITION

The condition of pavement on the National Highway System is assessed by WSDOT in the Skagit region and across Washington state. Assessment of pavement condition is based on the International Roughness Index, cracking, rutting of asphalt pavement and faulting of jointed concrete pavement. Pavement is classified as either in “Good”, “Fair” or “Poor” condition. SCOG worked to set regional performance targets for pavement condition in fall 2018.

The four highway pavement measures are included in the following table.

NUMBER	NAME	DESCRIPTION
1	Good Interstate Pavement Condition	Percent of pavement of the Interstate System in Good condition in the Skagit region
2	Poor Interstate Pavement Condition	Percent of pavement of the Interstate System in Poor condition in the Skagit region
3	Good Non-Interstate Pavement Condition	Percent of pavement on the National Highway System in Good condition in the Skagit region, excluded the Interstate System
4	Poor Non-Interstate Pavement Condition	Percent of pavement on the National Highway System in Poor condition in the Skagit region, excluded the Interstate System

Metropolitan planning organizations across the U.S. are given a choice through applicable federal regulations when setting regional highway pavement condition targets for the National Highway System. The choice is either to:

1. Agree to plan and program projects so that they contribute toward the accomplishment of the state DOT (WSDOT) National Highway System pavement condition target for that performance measure; or
2. Commit to quantifiable National Highway System pavement condition targets for performance measures in their metropolitan planning area (the Skagit region).

On October 17, 2018, the Transportation Policy Board took action agreeing to plan and program projects in the Skagit region so that they contribute toward the accomplishment of WSDOT statewide performance targets for highway pavement condition on the National Highway System. Programming of projects that help meet targets can be accomplished when SCOG includes projects in the RTIP that aim to improve pavement condition in the Skagit region’s portion of the National Highway System.

A [pavement inventory of the National Highway System in the Skagit region](#) was prepared in 2018. The inventory used the most recently available WSDOT highway pavement condition information for the Skagit region.

EXAMPLES OF INVESTMENT PRIORITIES

WSDOT programmatic projects are used to assist in meeting pavement related performance outcomes for the National Highway System. An example of this type of project is the Asphalt/Chip Seal Preservation programmatic project for the Skagit region. While programmed as one project in the RTIP, this is actually a grouping of projects by type of work, often referred to as “pavers” (i.e. preservation of pavement via asphalt or chip seal). This programmatic project is supported by National Highway Performance Program and Surface Transportation Block Grant Program funds programmed in the RTIP.

7.6 HIGHWAY TRAVEL TIME AND FREIGHT RELIABILITY

Highway travel time and freight reliability relates to how well the National Highway System is performing for travelers. Reliability is assessed using the National Performance Management Research Data Set – a data set available to WSDOT and SCOG that is derived from vehicle/passenger probe data, such as GPS information, navigation units, cell phones and truck transponders. These data are used to compare travel times between 50th, 80th and 95th percentile speeds to ascertain reliability of the National Highway System, both for Interstates and non-Interstates. The measure for Interstate Freight Reliability is calculated using a different methodology than the other two measures.

The three highway travel time and freight reliability measures are in the following table.

NUMBER	NAME	DESCRIPTION
1	Interstate Travel Time Reliability	Percent of person-miles traveled on the Interstate System that are reliable in the Skagit region
2	Non-Interstate Travel Time Reliability	Percent of person-miles traveled on the National Highway System that are reliable in the Skagit region, excluding the Interstate System
3	Interstate Freight Reliability	Truck Travel Time Reliability Index on the Interstate System in the Skagit region

Metropolitan planning organizations across the U.S. are given a choice through applicable federal regulations when setting regional National Highway System travel time reliability and Interstate System freight reliability performance targets. The choice is either to:

1. Agree to plan and program projects so that they contribute toward the accomplishment of the state DOT (WSDOT) National Highway System travel time reliability and Interstate System freight reliability targets for that performance measure; or
2. Commit to quantifiable National Highway System travel time reliability and Interstate System freight reliability targets for performance measures in their metropolitan planning area (the Skagit region).

On October 17, 2018, the Transportation Policy Board took action agreeing to plan and program projects in the Skagit region so that they contribute toward the accomplishment of statewide performance targets for National Highway System travel time reliability and Interstate System freight reliability. Programming of projects that help meet statewide targets can be accomplished when SCOG includes projects in the RTIP that aim to improve travel time and freight reliability in the Skagit region's portion of the National Highway System.

Inventories of highway [travel time reliability](#) and [freight reliability](#) were prepared by SCOG in 2018 using data from the National Performance Management Research Data Set.

8 OBLIGATION AUTHORITY

SCOG is subject to a statewide deadline of obligating regionally managed FHWA funds by the end of the federal fiscal year, along with all other metropolitan planning organizations in Washington state. These statewide requirements are detailed in the Local Agency Federal OA Policy. Washington state, along with all other states, is at risk of losing federal funds every year if statewide obligating authority targets are not met by the end of each federal fiscal year. The federal fiscal year ends on September 30, 2022.

RTIP projects programmed in 2021 are an “agreed to” list of projects that can obligate federal funding by implementing agencies, following approval of the Statewide Transportation Improvement Program in January 2022. Obligation does not occur until project sponsors enter into an agreement with WSDOT for the project/project phase programmed in the RTIP. Funds can also be “flexed” between FHWA and FTA programs in certain circumstances, but must be in the first year of the RTIP (2022) for approval of these transfers.

8.1 2022 OBLIGATION AUTHORITY PLAN

An obligation authority plan is prepared by SCOG for 2022. The purpose of the plan is to provide project tracking information and communicate expected 2022 obligations and dates to partners, including implementing agencies and WSDOT. At a minimum, the obligation authority plan includes all projects selected to receive SCOG regionally managed FHWA funds that are programmed in 2022.

The 2022 Obligation Authority Plan may include projects implementing the following gap strategies, in prioritized order, if the SCOG regional obligation authority target will not be met by April 1, 2022:

1. **Advancing 2023–2025 Fiscally Constrained Projects;**
2. **Advancing 2026–2027 Illustrative Projects;**
3. **Advancing Contingency List Projects; and**

4. Adding to Past Federal Project Awards.

Descriptions of gap strategies, along with procedures used to implement each strategy, are included in the RTIP Obligation Authority Procedures. A process to request extensions on the April 1 obligation deadline is also included in the procedures.

The 2022 Obligation Authority Plan is not incorporated into the 2022–2027 RTIP, and is revised by SCOG as necessary to meet the October 1 regional obligation authority target.

8.2 OBLIGATION AUTHORITY PROCEDURES

Obligation authority procedures – including extension requests, gap strategies and appeals – have been established to clearly demonstrate how SCOG will actively manage the obligation authority process to meet the regional obligation authority target by the end of every federal fiscal year. The procedures are included in the following hyperlink.

- [RTIP Obligation Authority Procedures](#)

The RTIP Obligation Authority Procedures are incorporated as an element of the 2022–2027 RTIP.

DRAFT

ACTION ITEM X.X. – 2022 OBLIGATION AUTHORITY PLAN

Document History

MEETING	DATE	TYPE OF ITEM	STAFF CONTACT	PHONE
Technical Advisory Committee	09/02/2021	Review	Mark Hamilton	(360) 416-7876
Transportation Policy Board	09/15/2021	Discussion	Mark Hamilton	(360) 416-7876
Technical Advisory Committee	10/07/2021	Recommendation	Mark Hamilton	(360) 416-7876
Transportation Policy Board	10/20/2021	Action	Mark Hamilton	(360) 416-7876

RECOMMENDED ACTION

Skagit Council of Governments (SCOG) staff and Technical Advisory Committee recommend approval of the [2022 Obligation Authority Plan](#).

Revisions made to the draft 2022 Obligation Authority Plan since the September Transportation Policy Board and Technical Advisory Committee meetings appear in redline format, with additions underlined in red and deletions ~~struck in red~~.

DISCUSSION

The Transportation Policy Board adopted obligation authority procedures at the October 2020 meeting to guide federal project obligations this year. Revised procedures are included for 2021 within the draft 2022–2027 Regional Transportation Improvement Program (RTIP). Staff recommends not including the 2022 Obligation Authority Plan as a component of the RTIP, so that the plan can be revised quickly if necessary to assist with meeting the 2022 regional obligation authority target.

OBLIGATION AUTHORITY PROCEDURES

Obligation authority procedures – including extension requests, gap strategies and appeals – are proposed to clearly demonstrate how SCOG will actively manage the obligation authority process to meet the regional obligation authority target by October 1 each year.

Following are proposed gap strategies from the procedures, in prioritized order:

1. Advancing 2023–2025 Fiscally Constrained Projects;
2. Advancing 2026–2027 Illustrative Projects;
3. Advancing Contingency List Projects; and
4. Adding to Past Federal Project Awards.

[Draft Obligation Authority Procedures](#) (from RTIP)

2022 OBLIGATION AUTHORITY PLAN

A draft obligation authority plan is prepared for 2022. The purpose of the plan is to provide project tracking information and communicate expected 2022 obligations and dates to partners, including implementing agencies and WSDOT. At a minimum, the obligation authority plan includes all projects selected to receive SCOG regionally managed FHWA funds that are programmed in 2022.

DRAFT

2022 OBLIGATION AUTHORITY PLAN

The following projects have to obligate federal funding by **April 1, 2022**. Projects that do not obligate by April 1, 2022 will be deprogrammed by deletion from the RTIP by SCOG staff.

AGENCY	TITLE	STIP ID	PHASE	FUNDS OBLIGATED	STBG/TA FUNDS
City of Burlington	SR20 / Skagit Street Signalization Project	WA-03951	CN	(Not Yet)	\$1,513,750
City of Burlington	Pease Road Cascade Mall Nonmotorized Connection	WA-07782	CN	(Not Yet)	\$280,392
<u>Skagit Transit</u>	<u>Bus Stop Amenities</u>	<u>WA-13988</u>	<u>ALL</u>	<u>(Not Yet)</u>	<u>\$56,100</u>

The following project must obligate federal funding by **August 1, 2022**, or it will be deprogrammed by deletion from the RTIP by SCOG staff.

AGENCY	TITLE	STIP ID	PHASE	FUNDS OBLIGATED	STBG/TA FUNDS
SCOG	SCOG Admin 2022-2025	SCOG 22-25	PL	(Not Yet)	\$190,577

TOTAL EXPECTED STBG-TA OBLIGATIONS¹: \$1,984,719,040,819
ESTIMATED OBLIGATION AUTHORITY TARGET: \$1,178,500

¹ Total 2021 obligation authority extensions outstanding as of 8/26/2021 are \$1,162,926. These extensions are not included in this estimate of STBG-TA obligations.

Extensions

The following projects have been granted an extension to obligate federal funding by **December 31, 2022**. These projects will be deprogrammed with expiration of the 2022–2027 RTIP on January 1, 2023.

To be granted an extension, any extension request must be received by SCOG no later than **March 30, 2022**. A project phase may only be granted one extension request.

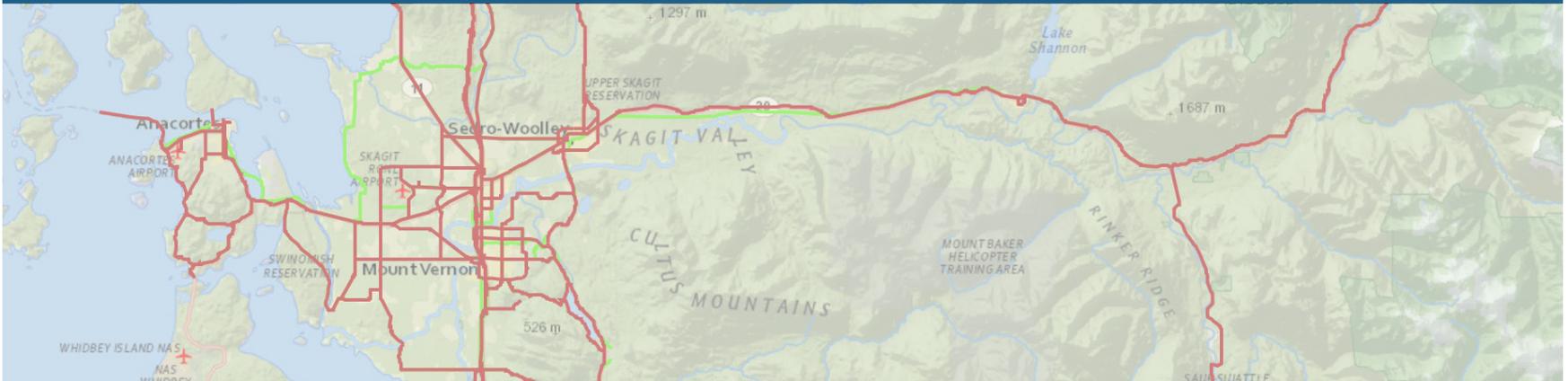
AGENCY	TITLE	STIP ID	PHASE	FUNDS OBLIGATED	STBG/TA FUNDS
(None)	N/A	N/A	N/A	N/A	N/A

TOTAL STBG-TA EXTENSIONS: \$0

DRAFT

SKAGIT REGIONAL TRANSPORTATION PRIORITIES

December 16, 2020



Above: Skagit Regional Transportation Systems

The Skagit Council of Governments (SCOG) is the Metropolitan Planning Organization and Regional Transportation Planning Organization in Skagit County. SCOG works cooperatively with local governments, the Washington State Department of Transportation (WSDOT), Skagit Transit and other stakeholders to plan for all modes of transportation.

SCOG has identified a number of high priority transportation projects that further the Skagit region's plans. The projects are organized below into either countywide projects or projects that occur in a particular legislative district. Project order does not necessarily indicate the level of priority.





WSDOT HIGHWAY SYSTEM NEEDS

Maintenance, preservation, safety, operations, seismic resilience, environmental retrofit and other needs are estimated at approximately **\$61 million per year** for the Skagit region. These needs are for Interstate 5 and state routes in Skagit County. Currently, **36%** of these needs are funded.

Environmental retrofits, principally to improve fish passage, are the highest estimated need.

HIGHWAY SYSTEM NEEDS ON I-5 AND STATE ROUTES ARE ESTIMATED AT AROUND \$61 MILLION PER YEAR



WSDOT



LOCAL ROADWAY SYSTEM NEEDS

The vast majority of the roadway network in the Skagit region is owned and maintained by local jurisdictions. Maintenance and preservation needs for these local facilities is estimated at **\$27 million** per year.

Of these local needs, nearly 60% are being met with available revenues (~\$16 million) and the other 40% are unmet needs (~\$11 million).

Transportation benefit districts have been utilized in recent years by local jurisdictions to provide funding for maintenance and preservation, but these districts have not provided the funding necessary to address all unmet needs.

Deferred maintenance due to these unmet needs are leading to further degradation of local roadways.



REGIONAL CONNECTOR TRANSIT SERVICES

Regional Connector transit services continue to relieve congestion and improve mobility by providing commuter-based transit services.

This effort will meet increasing demand for public transportation options between Island, Skagit, and Whatcom counties with the Seattle metropolitan region.

With the recent addition of mid-day trips during the week and new weekend service, the Regional Connector is able to assist the public in reaching critical services in the Seattle area.

This includes Skagit Transit Routes 80X and 90X which connect Bellingham and Mount Vernon to Everett seven days a week.



Riders traverse counties on a regional connector transit route

PROJECT SPONSOR: SKAGIT TRANSIT

OPERATING FUNDS REQUESTED: \$1,700,000 PER YEAR

FRANCIS ROAD RECONSTRUCTION (SECTIONS 1,3 & 4)



Existing conditions on Francis Rd. Section 1

PROJECT SPONSOR: SKAGIT COUNTY

PROJECT COST: \$10,713,000

EXISTING FUNDING: \$5,609,013

FUNDING NEEDED: \$5,103,987

Francis Road Reconstruction began in 2012 with the reconstruction of section 2 to current standards (12 foot lanes and 8 foot shoulders).

Section 1 is scheduled for construction in 2021 and will begin where section 2 ended near De'bay-Isle Road, and will tie into the State Route 9 Roundabout. The remaining sections 3 & 4 will continue the realignment to decrease the radii of the curves and widen to current standards.

Section 3 has begun work on the Design Phase, and includes a survey of the existing roadway and area topography.

In addition, sections 3 & 4 have two bridges that will need to be addressed by replacement, widening, or removal, once the alignment is determined.

Francis Road is a logical extension of the Anderson LaVenture Road Extension in Mount Vernon. This route was used extensively during the 2013 Skagit River Bridge collapse to relieve pressure off of local city routes. Since that time volumes have increased from 3,300 vehicles a day to over 5,000 in 2019, a 34% increase in volume. When fully constructed, it will provide a safe and efficient alternative route from Interstate 5 to State Route 9, linking Mount Vernon to Sedro-Woolley and the surrounding Clear Lake area.

JONES/JOHN LINER/TRAIL ROAD CORRIDOR PROJECTS



PROJECT SPONSOR: CITY OF SEDRO-WOOLLEY

PROJECT COST: \$34,729,000

EXISTING FUNDING: \$1,075,000

FUNDING NEEDED: \$33,654,000

The City of Sedro-Woolley is proposing to construct a system of roadway and rail transportation improvements to stimulate economic development around the State Route 20 corridor and support the transition from the timber-based past to a modern technology based future.

The Jones/John Liner Road BNSF Railroad Undercrossing and Road Extension project is the vital first element to make this east-west corridor possible.

The city is partnering with the BNSF Railroad for design and construction of the undercrossing itself.

Legislative District 39

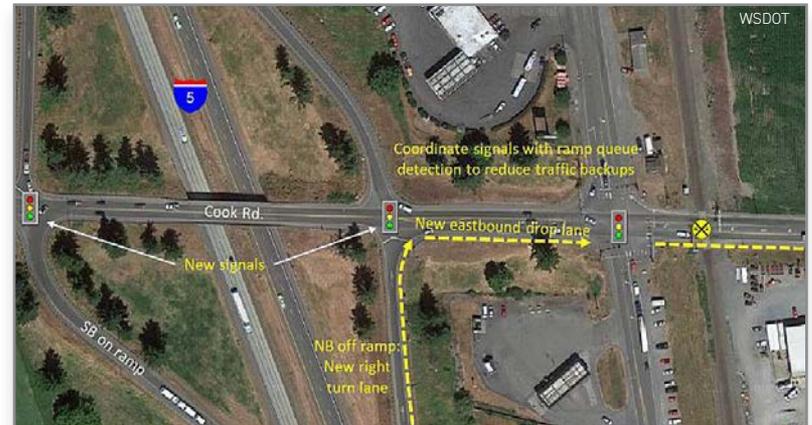
I-5/Cook Road Interchange Vicinity Improvements

Drivers experience long delays and backups during peak commute times at the Interstate 5/Cook Road interchange. Ramp traffic routinely backs up onto the 70 mph lanes on Interstate 5, increasing the risk for collisions involving inattentive drivers.

This practical solution will widen the northbound off-ramp to two lanes, signalize both the southbound and northbound ramp intersections and integrate these new signals with the existing Cook Road/Old Hwy 99 signal and BNSF rail-crossing signal. The project will also add an additional eastbound lane on Cook Road beginning at the Interstate 5 northbound ramp intersection and extending a few hundred feet past Green Road.

This project will reduce the potential for traffic backups on this busy off-ramp; reduce travel times; and improves traffic flow – particularly for trucks headed to local businesses and Sedro-Woolley industrial areas.

These improvements are intended to be mid-term practical solution and forward compatible with the ultimate concept for the interchange. The improved safety and traffic flow will also benefit travel times for commuter transit service on Interstate 5. The project is scalable and, though not as efficient, could be broken up into phases.



I-5 and Cook Rd. Vicinity

PROJECT SPONSOR: WSDOT

PROJECT COST: \$6,453,307

EXISTING FUNDING: \$0

FUNDING NEEDED: \$6,453,307

Legislative District 40

GUEMES ISLAND FERRY REPLACEMENT

The Guemes Island Ferry owned by Skagit County travels a short 5/8 of a mile to serve the Guemes Island community. The current vessel is 39 years old and burns 65,000 gallons of diesel fuel every year.

All electric technology is moving at a rapid pace with ferry vessels going into service in Norway, Sweden and Denmark. Skagit County has hired Glostén of Seattle to design the new all-electric replacement ferry and coordinate the design of shore-side facilities. The County has been very aggressive in seeking funding to move forward with the construction of this project. The County was awarded \$7.5 million in funding through the County Road Administration Board and \$1.5 million in the State Capital Budget, and will continue to seek additional state and federal funding as opportunities arise.

Skagit County's all-electric vehicle ferry in Puget Sound, could lead the way for the State of Washington. Washington State Ferries burn 18 million gallons of diesel every year. This is not sustainable into the future. The time for change is now.

Ferries, water taxis, freighters, buses and automobiles are converting to all-electric every day. Momentum and opportunity continue to grow. Skagit County is committed and ready to launch Puget Sound's first all-electric ferry by 2021.

Legislative District 40



Conceptual design for new electric ferry

PROJECT SPONSOR: SKAGIT COUNTY

PROJECT COST: \$19,000,000

EXISTING FUNDING: \$10,400,000

FUNDING NEEDED: \$8,600,000

JOSH WILSON ROAD RECONSTRUCTION (PHASE 1,2, 3 & 4)

Josh Wilson Road reconstruction design began in 2017 on phase 1 of the project from Avon Allen Road to Jensen Lane (1.10 miles). Construction of the project is scheduled for completion in 2021.

The projects will include the reconstruction of phase 1-4 to current standards (12 foot lanes and 8 foot shoulders). Phase 1 will also address a failing culvert at the western end of the project limits.

Josh Wilson Road is a major collector and truck route that provides an alternate access to the Port of Skagit County and Interstate 5, the community of Bayview, and a list of growing industries in the area.

The remaining phases 2, 3, and 4 will continue with the reconstruction of the failing road base and widening to current standards.

Josh Wilson provides an alternate route for State Route 20 during collisions and roadwork that require closures, and is an alternative route that is becoming more popular due to increased congestion on State Route 20 and at the interchange. As industry grows at the Port of Skagit, Skagit County anticipates increased volumes of both vehicles and trucks utilizing Josh Wilson Road as an alternative to SR 20.



Existing conditions on Josh Wilson Rd.

PROJECT SPONSOR: SKAGIT COUNTY

PROJECT COST: \$8,000,000 - \$10,000,000

EXISTING FUNDING: \$2,652,083

FUNDING NEEDED: \$5,347,917 - \$7,347,917

Legislative District 40

JOSH WILSON ROAD/FARM TO MARKET ROAD INTERSECTION IMPROVEMENTS

The Josh Wilson Road/Farm to Market Road Intersection Improvement Project has reviewed the intersection for countermeasures to improve overall safety and increase the level of service of the intersection.

Preliminary reviews of the intersection and data that includes crashes, volumes, and current and future traffic flows, indicate that the construction of a roundabout at this location would provide the best countermeasure to improve traffic safety, traffic flow, and accommodate future growth in the area.

Skagit County began design on the project in late 2019, and will be completing design of the roundabout in 2020. The project is scheduled to go to construction in early summer of 2021.

This intersection provides a direct route to State Route 11 and Interstate 5 to the east, and State Route 20 to the South. This is a vital link to the Port of Skagit and businesses along its western and northern borders.



Intersection at Josh Wilson / Farm to Market Rd.

PROJECT SPONSOR: SKAGIT COUNTY

PROJECT COST: \$1,600,000

EXISTING FUNDING: \$200,000

FUNDING NEEDED: \$1,400,000

Legislative Districts 10, 40

SOUTH COMMERCIAL AVENUE CORRIDOR PLAN

Commercial Avenue in Anacortes, Washington is a combination of a main street and a state highway spur leading to a WSDOT Ferry Terminal. The terminal services both the San Juan Islands and Sydney, B.C., in Canada.

The north end of Commercial Avenue, after the highway turns, is a city street and is vibrant with tourism and commerce; however, the state highway portion of Commercial Avenue, while serviceable and functioning, is **not friendly** for bicycle riders and pedestrians and also is not conducive to the wandering and exploring that tourists and locals both like to do.

This project proposes to **increase safety** for non-motorized users of the street by:

- widening sidewalks
- separating bicycle riders from the driving lanes
- creating and enhancing pedestrian crossing opportunities along the corridor
- creating more park-like spaces, encouraging physical activity
- calming traffic with narrower lanes (without compromising vehicular throughput)
- modernizing the stormwater facilities for water quality and water detention
- beautifying the corridor to draw pedestrian and bicycle scale businesses and thereby strengthening economic development.

Legislative District 40



Above: Current conditions Below: Proposed corridor



PROJECT SPONSOR: CITY OF ANACORTES

PROJECT COST: \$25,000,000

EXISTING FUNDS: \$1,621,188

FUNDING NEEDED: \$23,378,812

I-5/KINCAID INTERCHANGE VICINITY IMPROVEMENTS

Kincaid Street serves as a gateway to downtown Mount Vernon. Due to the close spacing of intersections and the presence of the Burlington Northern Santé Fe rail mainline, access to adjacent land uses, safety and mobility are significantly challenged.

This corridor improvement project will improve safety, mobility, circulation and economic vitality by focusing upgrades to the southbound and northbound Interstate 5 ramp intersections, and the intersection of Kincaid Street and Third Street.

These improvements will provide a long term solution on a state route that serves an existing multimodal train/bus terminal, a planned \$26 million dollar community center, city library, multilevel parking facility and a planned six-acre mixed use development in downtown Mount Vernon.

When completed, the corridor will operate more efficiently and reduce Interstate 5 and State Route 536 congestion facilitating safer access to services and centers of trade in the Puget Sound region.



Locations of proposed improvements on Kincaid St.

PROJECT SPONSOR: CITY OF MOUNT VERNON

PROJECT COST: \$10,000,000

EXISTING FUNDING: \$0

FUNDING NEEDED: \$10,000,000

Legislative Districts 10, 40

CONSTRUCTION OF NEW MAINTENANCE, OPERATIONS, AND ADMINISTRATION FACILITY

Skagit Transit's current facility is inadequate to support ongoing and future transit service support activities.

The facility was completed in 1998, the facility did not include sufficient room for growth, and the addition of commuter services (vanpool and commuter bus) were not envisioned at the time the facility was designed.

Skagit Transit recently purchased property sufficient to support current and future expansion of transit services - the project is ready to enter into phased construction activities.

Project construction will be accomplished in three phases, with the first phase under construction as of 2020.

Phase I - completion of the energy envelope of the south and east section of the facility, laying the foundation for the construction activities planned for the next phase.

Phase II - completion of the administrative, operations and public use areas of the facility.

Phase III - completion of the vehicle maintenance shop, ancillary facilities and site improvements.

Phases II and III will begin as funding is secured.



PROJECT SPONSOR: SKAGIT TRANSIT

PROJECT COST: \$37,500,000

EXISTING FUNDING: \$12,500,000

FUNDING NEEDED: \$25,000,000

Legislative District 10

SR 20/CAMPBELL LAKE ROAD INTERSECTION IMPROVEMENT

The State Route 20 corridor provides the primary access to Whidbey Island, as well as local Skagit County Fidalgo Island communities; serving over 19,000 vehicles and 1,000 trucks/buses a day in 2018. The intersection of State Route 20 and Campbell Lake Road has seen a **20% increase in traffic** over the past five years and is just southwest of recent corridor improvements at Sharpe's Corner and Gibraltar Road.

The Samish Indian Nation approached WSDOT about corridor improvements to maintain safe access to nearby tribal property between Gibraltar Road and Campbell Lake Road. The Samish Indian Nation partnered with WSDOT and Skagit County to develop a practical solution to improve safety and access. Several options were evaluated.

A feasibility/constructability analysis pointed to a **single-lane, three-legged roundabout** as the most practical solution at the intersection of State Route 20 and Campbell Lake Road.

This improvement will support development and existing property access, improve regional mobility and safety, reduce environmental impacts, right of way needs, and costs compared with the other options considered. It will also accommodate projected growth in the area and improve resilience of local and regional transportation networks; both for emergency preparedness and routine road construction.



Existing conditions on SR 20 and Campbell Lake Rd.

PROJECT SPONSOR: SAMISH INDIAN NATION

PROJECT COST: \$3,200,000

EXISTING FUNDING: \$1,520,000

FUNDING NEEDED: \$1,680,000

Legislative Districts 10, 40

1 EXPEDITE
2 No hearing set
3 Hearing is set
4 Date: September 17, 2021
5 Time: 9:30 a.m.
6 Judge/Calendar: Honorable Sharonda D.
7 Amamilo

8 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

9 FISHERIES ENGINEERS, INC., a
10 Washington Corporation, PAUL TAPPEL, an
11 individual and professional engineer,

12 Petitioners,

13 v.

14 THE STATE OF WASHINGTON,
15 GOVERNOR JAY INSLEE, in his official
16 capacity, ATTORNEY GENERAL BOB
17 FERGUSON, in his official capacity, and
18 BOARD OF REGISTRATION FOR
19 PROFESSIONAL ENGINEERS & LAND
20 SURVEYORS, an agency of the State of
21 Washington,

22 Respondents.

NO. 18-2-04658-34

[PROPOSED] ORDER GRANTING
PETITIONERS' MOTION FOR SUMMARY
JUDGMENT AND DENYING
RESPONDENTS' MOTION FOR
SUMMARY JUDGMENT

23 THIS MATTER having come before the Court on Petitioners' Motion for Summary
24 Judgment, and the Court having considered the following:

- 25 1. Petitioners' Motion for Summary Judgment;
- 26 2. Declaration of Paul Tappel in Support of Petitioners' Motion for Summary
Judgment, with exhibits thereto;
3. Declaration of Alan Schuchman in Support of Petitioners' Motion for Summary
Judgment, with exhibits thereto;

ORDER GRANTING PETITIONERS' MOTION FOR
SUMMARY JUDGMENT - 1

CAIRNCROSS & HEMPELMANN, P.S.
ATTORNEYS AT LAW
524 2nd Ave, Suite 500
Seattle, WA 98104
office 206 587 0700 fax: 206 587 2308

1 4. Respondents' Response in Opposition to Petitioners' Motion for Summary
2 Judgment;

3 5. Petitioners' Reply in Support of Their Motion for Summary Judgment;

4 6. Declaration of Alan Schuchman in Support of Petitioners' Reply in Support of
5 Their Motion for Summary Judgment, with the exhibit thereto;

6 7. Respondents' Motion for Summary Judgment, with appendices thereto;

7 8. Petitioners' Opposition to Respondents' Motion for Summary Judgment;

8 9. Respondents' Reply in Support of their Motion for Summary Judgment;

9 10. Declaration of I. Vandewege in Support of Respondents' Reply in Support of
10 Motion for Summary Judgment;

11 11. Declaration of S. Nicholson in Support of Respondents' Reply in Support of Motion
12 for Summary Judgment;

13 12. Petitioners' Surreply and Motion to Strike Respondents' Reply in Support of
14 Motion for Summary Judgment and Related Declarations in Whole or Part;

15 13. Respondents' Amended Reply in Support of Respondents' Motion for Summary
16 Judgment;

17 14. Respondents' Response to Petitioners' Surreply and Motion to Strike;

18 15. Petitioners' Supplemental Brief in Support of Motion for Summary Judgment;

19 16. Respondents' Supplemental Briefing on Statutory Immunity under RCW
20 18.235.190;

21 17. Petitioners' Response to Respondents' Supplemental Briefing on Statutory
22 Immunity under RCW 18.235.190;

23 18. Respondents' Response to Petitioners' Supplemental Brief in Support of Motion
24 for Summary Judgment;

25 19. The pleadings filed in this action;

26 20. The files and records herein; and

ORDER GRANTING PETITIONERS' MOTION FOR
SUMMARY JUDGMENT - 2

CAIRNCROSS & HEMPELMANN, P.S.
ATTORNEYS AT LAW
524 2nd Ave, Suite 500
Seattle, WA 98104
office 206 587 0700 fax: 206 587 2308

1 21. Oral argument by all parties.

2 **I. FINDINGS OF FACT & CONCLUSIONS OF LAW**

3 The Court, being fully advised, and based on the undisputed material facts submitted,
4 hereby enters the following Findings of Fact and Conclusions of Law:

5 1. Petitioners sought declaratory and injunctive relief against Respondents Board of
6 Professional Engineers & Land Surveyors (the “Board”), the Attorney General, and the State of
7 Washington. (Petitioners no longer seek relief against Respondent Governor Jay Inslee.)
8 Specifically, Petitioners brought claims under common law, the Uniform Declaratory Judgment
9 Act (“UDJA”), and/or the Administrative Procedures Act (“APA”) for declaratory and injunctive
10 relief against the Board and the State of Washington. Petitioners sought declaratory relief against
11 the Attorney General under common law and the UDJA.

12 2. As a licensed professional engineer, Petitioners Paul Tappel and his engineering
13 firm Fisheries Engineers, Inc. have a recognized interest in ensuring that others in their profession
14 abide by the same rules and requirements. *See Day v. Inland Empire Optical, Inc.*, 76 Wn.2d 407,
15 416–17 (1969). Petitioners fall within the zone of interest contemplated by Chapter 18.43 RCW
16 (the “Act”) which governs their profession. Petitioners have also sustained an injury-in-fact as a
17 result of Respondents’ undisputed actions as set forth herein. Accordingly, this Court finds that
18 Petitioners have standing under common law, the APA, and the UDJA to bring this challenge
19 against the Board and the State of Washington, and Petitioners have standing under common law
20 and the UDJA to bring this challenge against the Attorney General.

21 3. RCW 18.235.190 does not confer immunity upon the Board, or any of the other
22 Respondents, in this dispute. Per its plain terms, RCW 18.235.190 provides immunity to individual
23 board members related to disciplinary actions and other officials acts; it does not apply to the
24 Board, the State of Washington, or Attorney General for this type of challenge under the common
25 law, APA, and UDJA.

1 4. RCW Chapter 18.43 (the “Act”) sets forth the law upon which the qualifications,
2 testing, licensure, and regulation of professional engineers and land surveyors in the State is based.

3 5. The Act delegates authority to the Board and Attorney General of Washington (the
4 “Attorney General”) to interpret and enforce the Act.

5 6. The Act provides in relevant part that “In order to safeguard life, health, and
6 property, and to promote the public welfare . . . it shall be unlawful for any person . . . to use in
7 connection with his or her name or otherwise assume, use, or advertise any title or description
8 tending to convey the impression that he or she is a professional engineer or a land surveyor, unless
9 such person has been duly registered under the provisions of this act.” RCW 18.43.010.

10 7. The Act also defines the Practice of Engineering as including representing “himself
11 or herself to be a professional engineer, or through the use of some other title implies that he or
12 she is a professional engineer.” RCW 18.43.020 (8)(b). Unlicensed individuals are not permitted
13 under the Act to engage in the Practice of Engineering as defined. RCW 18.43.010 and .120.

14 8. The Act also defines the term “engineer” to mean a “professional engineer” as
15 thereafter defined by the Act. RCW 18.43.020(3). The terms “professional engineer” and
16 “engineer” are used interchangeably in the Act itself, in other legislation, in the Washington
17 Administrative Code, and by the Respondents and advertisements with the public.

18 9. Accordingly, per the plain language of the statute, it is unlawful for an unlicensed
19 person to use the title “Engineer” when doing so “tend[s] to convey the impression” or “implies”
20 that he or she is a professional engineer. *See* RCW 18.43.010, .020.

21 10. While the use of the title “Engineer” may not tend to convey the impression of
22 licensure in every context, this Court finds that the use of the title “Engineer,” or any variation
23 thereof, necessarily tends to convey the impression of licensure when it is used by someone who
24 either engages in the practice of engineering (as it is defined under RCW 18.43.020(8)(a)), or who
25 works within an agency, organization, or business that engages in or offers engineering services
26 and is not a registered professional engineer. Under those circumstances, there is no meaningful

1 way to distinguish between the licensed engineers and the unlicensed individuals who work under
2 them, if both are permitted to use the professional title "Engineer."

3 11. The Court finds that at one point both the Board and Attorney General properly
4 interpreted the Act.

5 12. The Court finds that the Board's and Attorney General's current adopted
6 interpretation and enforcement policy violates the Act.

7 13. The Court further finds that Respondent State of Washington has violated the Act
8 by advertising and providing Engineer titles to its employees who are not duly licensed under the
9 Act.

10 II. ORDER & JUDGMENT

11 It is, therefore, ORDERED, ADJUDGED AND DECREED that:

12 1. Respondents' Motion for Summary Judgment is DENIED.

13 2. Petitioners' Motion for Summary Judgment is GRANTED as follows:

14 a. Respondents' affirmative defenses, asserted on the grounds of mootness,
15 standing, common law immunity and/or immunity under RCW 18.235.190, and lack of jurisdiction
16 under the APA, are hereby DISMISSED with prejudice;

17 b. Declaratory Judgment is hereby entered against Respondents Board of
18 Professional Engineers and Land Surveyors and the Attorney General of Washington, adjudging
19 that: (i) the Board's and Attorney General's enforcement policy and de facto rule regarding the
20 unlicensed use of the title "Engineer" is unlawful and inconsistent with the plain text of the Act,
21 and (ii) that the use of the title "Engineer," or any variation thereof, is unlawful when used by
22 someone who engages in the practice of engineering (as it is defined under RCW 18.43.020(8)(a))
23 or who works within an agency, organization, or business that engages in or offers engineering
24 services if that person is not a registered professional engineer, because under such circumstances,
25 the title necessarily tends to convey the impression of licensure, which is prohibited under the Act;
26 and

ORDER GRANTING PETITIONERS' MOTION FOR
SUMMARY JUDGMENT - 5

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1 c. Judgment for Injunctive Relief is hereby entered against the State of
2 Washington, enjoining the State from allowing its employees to use the title "Engineer" in a
3 manner that violates the Act's requirements as set forth herein.

4 3. Petitioners shall submit a separate post-judgment motion related to their entitlement
5 to costs under RCW 7.24.100 within 30 days of this Order and Judgment.

6 4. This matter is otherwise hereby CLOSED, and all remaining trial dates shall be
7 stricken.

8 ORDERED this 29th day of September, 2021.

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12 _____
HONORABLE SHARONDA D. AMAMILO

13 Prepared and Presented By:

14 CAIRNCROSS & HEMPELMANN, P.S.

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ORDER GRANTING PETITIONERS' MOTION FOR
SUMMARY JUDGMENT - 6

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