

SKAGIT COUNCIL OF GOVERNMENTS TRANSPORTATION POLICY BOARD MEETING

November 17, 2021 - 1:30 p.m.

[GoToMeeting](#)

Dial In: 1 (877) 309-2073

Access Code: 731-135-413

AGENDA

1. **Call to Order and Roll Call**
2. **Written Public Comments** – *Mark Hamilton*
3. **Consent Agenda**
 - a. Approval of [October 20, 2021 Transportation Policy Board Meeting Minutes](#)
4. **Action Items**
 - a. [Unified Planning Work Program Amendment](#) – *Mark Hamilton*
5. **Discussion Items**
 - a. [Skagit Regional Transportation Priorities](#) – *Grant Johnson*
6. **Chair's Report**
7. **Executive Director's Report**
8. **Roundtable and Open Topic Discussion**
9. **Next Meeting:** December 15, 2021, 1:30 p.m., [GoToMeeting](#)
10. **Adjourned**

Information:

[2021 Obligation Authority Plan](#)

[Title VI Plan Annual Report](#)

[Monthly Financial Update](#)

[Meeting Packet](#)

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TRANSPORTATION POLICY BOARD OFFICERS

Mayor Julia JohnsonChair

Commissioner Peter BrowningVice-Chair

TRANSPORTATION POLICY BOARD MEMBERSHIP AND VOTES

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- Burlington1
- Mount Vernon1
- Sedro-Woolley1
- Skagit County3
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- Ports1
 - Port of Anacortes
 - Port of Skagit
- Towns.....1
 - Concrete
 - Hamilton
 - La Conner
 - Lyman
- Tribes1
 - Swinomish Indian Tribal Community
 - Samish Indian Nation

NON-VOTING MEMBERS

- Major Employer Representative
- Skagit PUD
- State Representatives
- State Senators

QUORUM REQUIREMENT

A quorum consists of a simple majority (6) of the total votes (11), provided there is at least one Skagit County representative present.

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Notificación del Título VI: El SCOG cumple plenamente con las leyes de derechos civiles federales sin discriminar por motivos de raza, color, nacionalidad o género. Si desea más información o tener acceso al formulario de denuncia del Título VI, visite la página web del SCOG: <https://scog.net/about/nondiscrimination/>.

SKAGIT COUNCIL OF GOVERNMENTS TRANSPORTATION POLICY BOARD MEETING MINUTES

October 20, 2021

GoToMeeting Remote Meeting

MEMBERS PRESENT

Mayor Julia Johnson, City of Sedro-Woolley, Chair; Commissioner Peter Browning, Skagit County, Vice-Chair (1:33 p.m.); Mayor Jill Boudreau, City of Mount Vernon (1:32 p.m.); Todd Carlson and Chris Damitio, Washington State Department of Transportation; Mayor Laurie Gere, City of Anacortes (1:33 p.m.); Commissioner Ken Goodwin, Port of Anacortes; Commissioner Lisa Janicki, Skagit County; Commissioner Germaine Kornegay, Skagit PUD (1:32 p.m.); Commissioner Steve Omdal, Port of Skagit; Mayor Steve Sexton, City of Burlington; and Commissioner Ron Wesen, Skagit County.

STAFF PRESENT

Kevin Murphy, Executive Director; Mark Hamilton, Senior Transportation Planner; and Grant Johnson, Associate Planner.

OTHERS PRESENT

Three members of the public attended the meeting.

MINUTES

1. Call to Order: Mayor Johnson called the meeting to order at 1:30 p.m.
Roll Call: Roll was taken with a quorum present.
2. Written Public Comments: Mayor Johnson stated that public comments had been received from Mr. Cody Hart. Mr. Hamilton said that a public comment period was held from October 13-19 and that the procedure is to read any public comment received into the record. Mr. Hamilton read Mr. Hart's public comments regarding the September 29, 2021 Superior Court of Washington for Thurston County order into the record. Verbatim comments submitted by Mr. Hart are included as an attachment to the meeting minutes.
3. Consent Agenda
 - a. Approval of September 15, 2021 Transportation Policy Board Meeting Minutes
Mayor Boudreau moved approval of the September 15, 2021 meeting minutes as presented, and Commissioner Wesen seconded the motion. The motion carried unanimously.
4. Action Items
 - a. Resolution 2021-05 to Approve 2022-2027 Regional Transportation Improvement Program: Mr. Hamilton explained that he had presented the 2022-2027 Regional Transportation Improvement Program (RTIP) as a discussion item at the September 15, 2021 Transportation policy Board meeting, and that the Board had released it for a public comment period lasting from September 17, 2021 to October 8, 2021. Two public notices were published in the Skagit Valley Herald, and a notice was posted on the SCOG website. No public comments were received. A redline version of the document was included for the Board to show revisions made since the September 15, 2021 discussion, and no changes were made due to public comment. All revisions were made due to changes in projects. The 32nd Street and M Avenue project was

removed due to construction funding obligation on September 16, 2021. Mr. Hamilton explained that several projects were revised due to changes in cost estimates. The SR 530/ Sauk River Roadway Embankment project was removed because due to federal Emergency Relief Program funding which does not require programming prior to obligation. The Fiscally Constrained Projects section was revised due to the project changes, as was the Environmental Justice Analysis section. Mr. Hamilton stated that the RTIP is a six-year document with the first four years limited to fiscally constrained projects, while the last two years include unconstrained projects. He explained that the RTIP would go into the statewide transportation improvement program, which goes through a comment period and review by the Federal Highway Administration and Federal Transit Administration. The statewide transportation improvement program goes into effect in January of every year following federal approval. Mr. Hamilton finished his presentation by stating that the SCOG staff and Technical Advisory Committee recommendation is to approve Resolution 2021-05 to Approve the 2022-2027 Regional Transportation Improvement Program.

Mayor Johnson thanked Mr. Hamilton for the presentation and opened the floor for questions.

Commissioner Wesen stated that he had read that the Burlington City Council had not approved the George Hopper Interchange project and asked if Mayor Sexton had anything to add regarding the project. Mayor Sexton stated that he fully expected that project to go forward, and that the vote was on the Burlington Transportation Improvement Program, which is currently being revised.

Mayor Boudreau moved to approve Resolution 2021-05 to Approve the 2022-2027 Regional Transportation Improvement Program as presented. Mayor Sexton seconded the motion and it carried unanimously.

- b. 2022 Obligation Authority Plan: Mr. Hamilton presented the 2022 Obligation Authority Plan, explaining that this is the third iteration of the plan, the first was in 2020 when SCOG implemented new obligation procedures. He stated that the plan includes all projects in the first year of the RTIP that have Surface Transportation Block Grant program or Transportation Alternatives program funding, and that every year the Washington State Department of Transportation gives SCOG an obligation target, which has been met the past two years. Mr. Hamilton then explained that the plan is kept separate from the RTIP so it can be revised through the year as needed. He explained that there are several gap strategies available for implementation when projects do not obligate as expected to meet the obligation authority target. The Skagit Transit Bus Stop Amenities project was mistakenly omitted from the plan presented on September 15, 2021 as a discussion item that has been added to the final version of the plan, and the expected obligations has been revised to reflect the addition of that project. Mr. Hamilton then stated that the total expected obligations for 2022 are \$2,040,819, and the estimated obligation target is \$1,178,500, and that the region will not know what the actual target is until January. He also stated that there are over \$1,000,000 in project extensions from the 2021 Obligation Authority Plan that can obligate funding before the end of the calendar year. The level of federal surface transportation funding could also impact the target next year. Mr. Hamilton explained that the 2022 Obligation Authority Plan went before the Technical Advisory Committee on October 7, 2021 where they recommended the plan for approval. He then stated that SCOG staff also recommends the 2022 Obligation Authority Plan for approval.

Mayor Johnson opened the floor for questions. No questions were asked.

Mayor Sexton motioned to approve the 2022 Obligation Authority Plan as presented. Mayor

Boudreau seconded the motion, and the motion carried unanimously.

5. Chair’s Report: Mayor Johnson had nothing to report.
6. Executive Director’s Report: Mr. Murphy stated that the federal infrastructure bill is delayed, but that federal funds are still flowing to projects. He also said that Washington state legislators are starting to talk about a transportation package, and that they are starting to look at projects for funding. Mr. Murphy informed the board that staff would be presenting the list of legislative priorities for the Board to act upon within the next couple months. He stated that the Skagit Travel Survey is in progress and that staff are fielding inquiries from the public about the survey.
7. Roundtable and Open Topic Discussion: Commissioner Wesen brought up the comment by Mr. Hart and the court case referenced. He asked if there were any actions the SCOG would need to take to comply. Mr. Murphy stated that staff would be looking at the project selection process including cost estimates and bring back a discussion to the Board asking what kind of information the Board wants for project selection in the future.
8. Next Meeting: The next meeting is November 17, 2021, at 1:30 p.m., via the GoToMeeting remote meeting platform.
9. Adjourned: Mayor Johnson adjourned the meeting at 1:58 p.m.

Information: The Board was provided with an administrative modification to the 2021–2026 Regional Transportation Improvement Program; the Unified Planning Work Program Annual Performance and Expenditure Report; draft minutes from the October 7, 2021 Technical Advisory Committee meeting; a Skagit Transit letter of support; the most recent version of the 2021 Obligation Authority Plan; and a monthly financial update.

Approved,

Kevin Murphy, Executive Director
Skagit Council of Governments

Date: _____

Mayor Julia Johnson, Sedro-Woolley
Transportation Policy Board Chair
Skagit Council of Governments

Date: _____

From: [Cody Hart](#)
To: [Kevin Murphy](#); [Mark Hamilton](#)
Subject: SCOG Transportation Policy Board - October Meeting - Cody Hart Public Comment: Superior Court Verdict: Jay Inslee and Bob Ferguson Guilty
Date: Tuesday, October 12, 2021 3:12:54 PM
Attachments: [9-29-21 JUDGEMENT AGAINST JAY INSLEE BOBB FERGUSON AND STATE OF WASHINGTON.pdf](#)

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Skagit County Transportation Policy Board,

My name is Cody Hart and I am submitting this email as public comment for the upcoming October Board meeting.

Specifically, I am writing the Board as a community member who is also a licensed Skagit County Professional Engineer that wishes to make the BOARD aware that on September 29th, 2021 the Thurston County Superior Court issued a historic guilty verdict against Governor Jay Inslee, AG Ferguson, and the WA Board of Engineers (see attached) that directly impacts you as a Board and also every Local Agency in the County.

Upon review of the attached Thurston County Superior Court ruling and other court documents available through the Superior Court, you will find that the Court has determined that state officials have been willfully and intentionally violating state law relating the illegal practice of engineering and the use of the title "Engineer".

While the extent of impact to each agency will differ, agencies who in the last several years were involved with WSDOT, WSDOT Local Programs, the Department of Ecology, or another state agency, likely interacted with multiple unlicensed state employees identified as an "Engineer" and that the court has confirmed broke the law.

Beyond this matter being portrayed as a simple title misrepresentation, it has been found that many of these same unlicensed state employees claiming to be an "Engineer" improperly portrayed an expertise to the public, elected officials, and government boards that in many cases impacted local agency planning, local agency funding approvals, and local agency project selections. Unfortunately, it has also been found that in some of these instances, the state agency performing the misrepresentation benefited financially from what occurred in such ways as direct reimbursement by Local Agency funds for "Engineer" activities and more concerning, by their illegal actions and misrepresentations impacting the award of project funds on some occasions to the state agency or a local agency who had contracted with the state agency if funding was awarded.

I wish to especially emphasize my concern that if any of these same unlicensed state employees approved any documents as an "Engineer" such as cost estimates, plans,

or “Engineer” administrative approvals, the implications may be much more consequential to your agency and I will advise you almost certainly requires notification to the federal agency associated with the project of what has happened to comply with your funding agreement.

While this is an unfortunate situation that will ultimately result in unnecessary complications to all local agencies, should there be any financial losses or public harm associated with what has occurred to your BOARD or the Local Agency you represent, I will emphasize to you the Court ruling has found this matter so egregious, there is NO immunity for those involved and your agency is entitled to pursue financial reimbursement and if appropriate criminal charges.

Thank you in advance for your time on this matter.

Cody Hart P.E.
Sedro-Woolley, WA

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.
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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.

9
10
11 
12 HONORABLE SHARONDA D. AMAMILO

13 Prepared and Presented By:

14 CAIRNCROSS & HEMPELMANN, P.S.

15
16 

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26 Inc. and Paul Tappel

ORDER GRANTING PETITIONERS' MOTION FOR
SUMMARY JUDGMENT - 6

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ACTION ITEM 4.A. – UNIFIED PLANNING WORK PROGRAM AMENDMENT

Document History

Meeting	Date	Type of Item	Staff Contact	Phone
Transportation Policy Board	11/17/2021	Action	Mark Hamilton	(360) 416-7876

RECOMMENDED ACTION

Skagit Council of Governments (SCOG) staff recommends approval of an amendment to the [Unified Planning Work Program for State Fiscal Year 2022](#).

Revisions made to the document appear in redline format with additions underlined in red and deletions ~~struck in red~~.

FISCAL IMPACT

There is no fiscal impact to the proposed amendment.

DISCUSSION

SCOG is responsible for preparing a unified planning work program (UPWP) that documents the transportation planning work activities and related tasks to be accomplished during state fiscal year 2022 (July 1, 2021 through June 30, 2022). The UPWP identifies work tasks, their associated costs and applicable funding sources. The Transportation Policy Board approved the UPWP at the May 19, 2021 meeting.

The UPWP was amended on July 21, 2021 to continue funding the Skagit County Walking Trail Guide update this state fiscal year

This proposed amendment includes a minor update to SCOG’s [Title VI Plan](#). A major update to this plan is expected in 2023, but interim revisions should be made prior to 2023 for consistency with Washington State Department of Transportation (WSDOT) Title VI updates. SCOG’s last update to the Title VI Plan occurred in May 2020. Following this plan update, WSDOT updated their Title VI Plan and the Local Area Guidelines Manual earlier this year. Title VI changes made by WSDOT created several inconsistencies with statewide requirements and SCOG’s Title VI Plan. The intent of SCOG’s Title VI Plan minor update is to address these new inconsistencies between the two Title VI programs.

UNIFIED PLANNING WORK PROGRAM



Adopted by the
Transportation Policy Board on
May 19, 2021

Amended
July 21, 2021
November 17, 2021

State Fiscal Year

2022

July 1, 2021 – June 30, 2022

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Preparation of this document was funded by grants from the Federal Highway Administration, Federal Transit Administration, Washington State Department of Transportation and with contributions by SCOG member jurisdictions.

SCOG ensures full compliance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 by prohibiting discrimination against any person on the basis of race, color, national origin, sex or disabilities in the provision of benefits and services resulting from its federally assisted programs and activities.

For more information, or to obtain a Title VI Complaint Form, contact the Title VI Coordinator, Kevin Murphy, at (360) 416-7871 or visit <http://scog.net/nondiscrimination/>.

Cover photograph courtesy of Andy Porter Photography.

PLANNING ORGANIZATION OVERVIEW

Authorized by federal law, metropolitan planning organizations (MPOs) exist throughout the United States in all urbanized areas with populations greater than 50,000 people. MPOs plan, program and prioritize federal funding used on transportation projects in metropolitan areas.

The Skagit Council of Governments (SCOG) is the federally designated MPO in Skagit County, Washington, as enabled by federal law [23 USC 134](#) and [49 USC 5303](#). In coordination with the United States Department of Transportation (USDOT), the Washington State Department of Transportation (WSDOT) and stakeholders in the planning area – SCOG leads the development of the region’s long-range regional transportation plan and short-range regional transportation improvement program.

Washington state’s Growth Management Act of 1990 authorized the creation of regional transportation planning organizations (RTPOs). Through its [governance agreement](#), SCOG is designated as the RTPO for Skagit County. Through the RTPO, SCOG convenes cities, towns, counties, transit agencies, tribes, ports, private employers and WSDOT as the Skagit region plans for the future. Examples of RTPO duties include: preparing a regional transportation plan; certifying that countywide planning policies and local transportation elements are consistent with the regional transportation plan; and maintaining a six-year regional transportation improvement program.

For a listing of Transportation Policy Board membership, refer to Appendix A: Board Membership. For a graphical representation of the board and advisory committee structure, refer to Appendix B: SCOG Organizational Structure. For a map of the MPO and RTPO planning area, see Appendix C: MPO & RTPO Planning Area.

UNIFIED PLANNING WORK PROGRAM OVERVIEW

The unified planning work program (UPWP) documents the transportation planning work activities and related tasks to be accomplished during state fiscal year (SFY) 2022 – July 1, 2021 through June 30, 2022. Work activities included in the UPWP comply with regional policies, goals and objectives. SCOG’s Transportation Policy Board reviews and approves the UPWP. Final approval is then issued by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and WSDOT.

This document outlines federal and state planning requirements, then presents a work program of planning activities for SFY 2022 that address the requirements. The work activities in the UPWP are organized into four elements:

- Element 1: Administration;
- Element 2: Multimodal Planning;
- Element 3: Programming & Project Selection; and
- Element 4: Data Collection & Analysis.

MPO and RTPO planning activities are funded by grants from USDOT, WSDOT and dues from local governments. The UPWP is adopted annually and serves as a budget and work program for SCOG’s transportation function.

For a graphical representation of the core work activities identified in the UPWP, refer to Appendix D: Core Programs and Functions.

Appendix E: Planning Projects by Other Agencies, includes planning related projects conducted by other agencies during the timeframe of the UPWP.

Appendix F: Long-term Work Schedule includes long-term work tasks that either begin in this UPWP and continue past the UPWP, or are anticipated for future UPWPs and have not yet begun.

AMENDING THE UPWP

As staff availability fluctuates and regional priorities change, it may become necessary to amend the UPWP. If it is determined, through discussions with the SCOG Transportation Policy Board, that an amendment is necessary, staff will prepare an updated UPWP. A draft will then be made available to the public, Technical Advisory Committee (TAC), Transportation Policy Board, WSDOT, FHWA and FTA. The Transportation Policy Board will then take action on the amended UPWP. If the amendment is approved, it will then be submitted to WSDOT, FHWA and FTA for final approval.

FEDERAL AND STATE REQUIREMENTS

FEDERAL PLANNING FACTORS

Federal planning factors emphasize priorities for transportation planning from a national perspective ([23 USC 134\(h\)](#) and [49 USC 5303\(h\)](#)). The ten factors are as follows:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility of people and for freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation;
8. Emphasize the preservation of the existing transportation system;
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
10. Enhance travel and tourism.

Each of the federal planning factors is addressed through various work activities selected for SFY 2022, as shown below:

UPWP Work Task	Economic Vitality	System Safety	System Security	Accessibility and Mobility	Protect Environment	Integration of System	Efficiency	System Preservation	System Resiliency	Enhance Tourism
1.1 – MPO & RTPO Administration	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
1.2 – UPWP Annual Development and Reporting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
1.3 – Legislator Contact										
1.4 – Title VI Annual Report				✓	✓					
1.5 – Public Participation Plan Annual Report	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.1 – Regional Transportation Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.2 – Statewide Planning Initiatives	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.3 – Local Transportation Planning	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.4 – North Sound Transportation Alliance				✓	✓	✓				✓
2.5 – Transportation Element Consistency	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

UPWP Work Task	Economic Vitality	System Safety	System Security	Accessibility and Mobility	Protect Environment	Integration of System	Efficiency	System Preservation	System Resiliency	Enhance Tourism
2.6 – Nondiscrimination Planning				✓	✓					
2.7 – Non-Motorized Transportation Planning	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.8 – Regional Level of Service Review	✓	✓	✓	✓		✓	✓			
2.9 – Coordinated Public Transit-Human Services Transportation Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.10 – Intelligent Transportation Systems Architecture	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.11 – Public Participation Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.1 – Regional Transportation Improvement Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.2 – Annual Listing of Obligations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.3 – Project Selection & Prioritization	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.4 – List of Regional High Priority Projects	✓	✓	✓	✓	✓	✓				
4.1 – Regional Performance Targets	✓	✓	✓	✓	✓	✓	✓	✓		
4.2 – Travel Demand Model	✓			✓			✓			✓
4.3 – Traffic Counts	✓			✓			✓	✓		
4.4 – Geographic Information Systems	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4.5 – Highway Functional Classification	✓	✓	✓	✓				✓		
4.6 – Household Travel Survey	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4.7 – Population & Employment Estimates	✓			✓		✓	✓			

FEDERAL EMPHASIS AREAS

The Federal Highway Administration and the Federal Transit Administration have encouraged all metropolitan planning organizations to give priority to transportation performance management. This federal emphasis area is described below.

TRANSPORTATION PERFORMANCE MANAGEMENT

The Federal Highway Administration and Federal Transit Administration would like MPOs to place an emphasis on the performance-based planning requirements, including developing data and targets, as well as reflecting Performance-Based Planning and Programming and Transportation Performance Management in the Transportation Improvement Program, Metropolitan Transportation Plan, and overall transportation planning process.

STATE POLICY GOALS

The State of Washington has established policy goals for the planning, operation, performance of and investment in the state’s transportation system ([RCW 47.04.280](#)). Public investments in transportation should support achievement of these policy goals:

1. *Economic Vitality* – To promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy;
2. *Preservation* – To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;
3. *Safety* – To provide for and improve the safety and security of transportation customers and the transportation system;

4. *Mobility* – To improve the predictable movement of goods and people throughout Washington state, including congestion relief and improved freight mobility;
5. *Environment* – To enhance Washington’s quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and
6. *Stewardship* – To continuously improve the quality, effectiveness, and efficiency of the transportation system.

Washington state transportation system policy goals are addressed through various work activities selected for SFY 2022, as shown below:

UPWP Work Task	Economic Vitality	Preservation	Safety	Mobility	Environment	Stewardship
1.1 – MPO & RTPO Administration	✓	✓	✓	✓	✓	✓
1.2 – UPWP Annual Development and Reporting	✓	✓	✓	✓	✓	✓
1.3 – Legislator Contact						
1.4 – Title VI Annual Report				✓	✓	✓
1.5 – Public Participation Plan Annual Report	✓	✓	✓	✓	✓	✓
2.1 – Regional Transportation Plan	✓	✓	✓	✓	✓	✓
2.2 – Statewide Planning Initiatives	✓	✓	✓	✓	✓	✓
2.3 – Local Transportation Planning	✓	✓	✓	✓	✓	✓
2.4 – North Sound Transportation Alliance		✓		✓	✓	✓
2.5 – Transportation Element Consistency	✓	✓	✓	✓	✓	✓
2.6 – Nondiscrimination Planning				✓	✓	✓
2.7 – Non-Motorized Transportation Planning	✓	✓	✓	✓	✓	✓
2.8 – Regional Level of Service Review	✓	✓	✓	✓		✓
2.9 – Coordinated Public Transit-Human Services Transportation Plan	✓	✓	✓	✓	✓	✓
2.10 – Intelligent Transportation Systems Architecture	✓	✓	✓	✓	✓	✓
2.11 – Public Participation Plan	✓	✓	✓	✓	✓	✓
3.1 – Regional Transportation Improvement Program	✓	✓	✓	✓	✓	✓
3.2 – Annual Listing of Obligations	✓	✓	✓	✓	✓	✓
3.3 – Project Selection & Prioritization	✓	✓	✓	✓	✓	✓
3.4 – List of Regional High Priority Projects	✓	✓	✓	✓	✓	✓
4.1 – Regional Performance Targets	✓	✓	✓	✓	✓	✓
4.2 – Travel Demand Model	✓	✓		✓		✓
4.3 – Traffic Counts	✓	✓	✓	✓	✓	✓
4.4 – Geographic Information Systems	✓	✓	✓	✓	✓	✓
4.5 – Highway Functional Classification	✓	✓	✓	✓		✓
4.6 – Household Travel Survey	✓	✓	✓	✓	✓	✓
4.7 – Population & Employment Estimates	✓	✓		✓		✓

Among the primary RTPO duties ([RCW 47.80.023](#)) is preparing a regional transportation plan that is consistent with countywide planning policies and county, city and town comprehensive plans. Other tasks include: preparing a regional transportation improvement program (RTIP); developing a coordinated public transit-human services transportation plan; and reviewing local level of service standards. All of these duties are addressed in work activities

listed in the UPWP. For a graphical representation of some of the work activities identified in the UPWP, refer to Appendix D: Core Programs and Functions.

STATE EMPHASIS AREAS

The following emphasis areas have been identified by WSDOT as areas MPOs and RTPOs are requested to dedicate time and/or resources towards during state fiscal year 2022.

ADMINISTRATIVE

WSDOT is requesting that MPOs and RTPOs consider the following:

- Consider transitioning to a two-year UPWP. Transitioning to a two-year UPWP, beginning July 1, 2021, and future biennia can provide for closer alignment with the biennial budget cycle. It should be noted that federal statutes allow MPOs the option to do one-year UPWPs. Transitioning to a two-year UPWP is simply a recommendation;
- Ensure your website is current and the public is informed on what the MPO/RTPO is working on. The public should be able to find what the organization is currently working on and the issues it is facing. It should also be clear and easy to find policy board and committee membership, meeting dates, agendas, meeting summaries, and important events, etc., on your website; and
- Governing documents should be posted online. Governance documents are public documents and should be easily accessible on the website. These include Interlocal Agreements, bylaws, and policies. This practice also allows peer MPOs and RTPOs to look for good examples to follow when developing their governance documents.

PLANNING COLLABORATION

WSDOT will be developing multiple statewide plans during SFY 2022. MPOs and RTPOs are requested to set aside resources to collaboratively develop and/or review the plans. Plans and efforts expected to be developed during SFY 2022 include:

- Highway System Plan: MPOs and RTPOs are encouraged to participate in the Highway System Plan steering committee and engage with WSDOT during the development of the plan; and
- Multimodal Investment Strategy: MPOs and RTPOs are invited to engage with WSDOT to explore ways to improve the state's system for making transportation investment decisions and to participate with WSDOT in a process to develop a shared problem statement, establish a vision, and identify principles for collaboration.

FEDERAL FUNCTIONAL CLASSIFICATION

All states are required to maintain and update their respective Federal Functional Classification (FFC) network (23 CFR 470). WSDOT encourages all local agencies, MPOs, and RTPOs to periodically review their respective Functional Classification Networks to ensure that system continuity, accessibility, and mobility needs are being met based on the Guidelines for Amending Functional Classification in Washington State. We also suggest reviewing any unbuilt proposed routes that have been on the system for six years or more. If construction for these projects is not reasonably expected to begin within the STIP 4-year timeframe, consider removing them from the network for now.

If the MPO and RTPO member agencies review their FFC network, request additions and corrections as needed, and comment on the viability of legacy proposed unbuilt routes, it will aid WSDOT's efforts leading up to the Urban Boundary Review/Adjustment process resulting from the 2020 Census.

FINANCIAL ACCOUNTING

MPOs and RTPOs are encouraged to be as complete and transparent as possible in the UPWP budget. The UPWP should clearly identify all fund sources expected to be utilized in the delivery of the work program. In addition to

expected expenditures, fund sources (revenues) should be identified, including any available rollover from the previous year, and account for any applicable matching funds. This will provide MPOs additional flexibility as they are reimbursed from the budgeted amounts.

If consultants will be used to implement portions of the UPWP, MPOs and RTPOs should clearly identify which tasks will be supported by consultants. The funds expected to be used for consultant contracts should also be identified. WSDOT requests that a table of all expected consultant contracts also be included in the UPWP.

The Annual Performance and Expenditure Report should clearly identify funds expended (by source and task) compared to the budgeted amount, including a table that summarizes overall budgeted versus actual expended amounts. Significant differences should be accompanied with an explanation for the difference.

PUBLIC INVOLVEMENT

Federal and state laws require MPOs and RTPOs to include provisions in the planning process to ensure the involvement of the public in the preparation of regional plans and programs. The SCOG [Public Participation Plan](#) requires that plans and documents are made available to the public online and at the SCOG office.

FUNDING SOURCES FOR PLANNING ACTIVITIES

All work, including staff time and consultant activities, listed in the unified planning work program are funded by one or more of the following funding sources.

FEDERAL HIGHWAY ADMINISTRATION

23 USC SECTION 134 (“PL” OR METROPOLITAN PLANNING FUNDS) AND SECTION 133 (SURFACE TRANSPORTATION BLOCK GRANT PROGRAM) GRANT FUNDS

Section 134 federal planning funds are allocated to MPOs by WSDOT for carrying out the metropolitan transportation planning process. These federal funds can be used for up to 86.5% of a project, with a required 13.5% match typically provided by local government dues.

Section 133, the Surface Transportation Block Grant program (STBG), provides flexible funding that may be used by states and localities for projects to preserve and improve the transportation system consistent with regional priorities. STBG funds are allocated to SCOG through the regional project selection process to support the continuous, cooperative and comprehensive transportation planning process. STBG funds can be used for up to 86.5% of a project with a required match of 13.5%.

Refer to Surface Transportation Block Grant Program Funding Breakdown table for estimated STBG funding for SFY 2022 by project.

FEDERAL TRANSIT ADMINISTRATION

49 USC SECTION 5303 AND 5310 GRANT FUNDS

Section 5303 funds are federal funds allocated to MPOs by WSDOT for multimodal transportation planning in metropolitan areas. SCOG uses a local match of 13.5% based on an agreement with WSDOT.

WSDOT allocates Section 5310 federal funds to RTPOs to aid development of local coordinated public transit-human services transportation plans. These funds do not have a local match requirement.

WASHINGTON STATE

REGIONAL TRANSPORTATION PLANNING ORGANIZATION GRANT FUNDS

Washington state allocates funds to all regional transportation planning organizations in the state in order to perform the required state planning activities. These funds do not have a local match requirement.

ACCOMPLISHMENTS FROM 2021 UPWP

SCOG fulfilled the majority of tasks in the [SFY 2021 UPWP](#) with the support of local, state and federal partners. Accomplishments of note follow.

ACCOMPLISHMENTS

- [Skagit 2045 Regional Transportation Plan](#)
- [SFY 2020 UPWP Annual Performance and Expenditure Report](#)
- [2021–2026 Regional Transportation Improvement Program](#)
- Regional transportation improvement program amendments and administrative modifications
- [2021 Obligation Authority Plan](#)
- [2021 SCOG Operating Budget](#)
- Title VI Update and Accomplishment Report
- [Public Participation Plan annual review](#)
- MPO self-certification process
- Federal functional classification coordination
- [Over 400 traffic counts](#)
- [Regional performance targets for highway safety](#) in coordination with WSDOT – agreeing to plan and program projects to assist with meeting WSDOT statewide targets
- [Regional performance targets for transit safety](#) in coordination with Skagit Transit
- [North Sound Transportation Alliance](#) steering committee participation
- Many statewide planning initiatives
- Transportation element consistency reviews for local comprehensive plans
- [Prioritization of human services transportation projects](#)
- [Invitation to join SCOG for federally recognized Indian tribes](#)
- [List of regional high priority projects](#)
- 2020 SCOG annual report (pending as of May 2021)
- Regional travel demand model update (pending as of May 2021)
- [2020 annual listing of federal obligations](#)
- Skagit County Walking Trail Guide (pending as of May 2021)
- SFY 2022 UPWP

ELEMENT 1: ADMINISTRATION

The Administration work program element focuses on all aspects of agency and personnel management, Transportation Policy Board support, advisory committees support, meeting coordination, budgeting, transportation and land use policy development and review, and annual work program preparation and reporting.

For a cost estimate by work task, refer to the Expenditures by Task table near the end of this document. For a summary of expenditures and revenue by fund type, refer to the Expenditure & Revenue by Fund Type table, which is also near the end of this document.

WORK TASKS

1.1 MPO & RTPO Administration

Description: Manage and administer the unified planning work program, including work program development, schedule, budget, progress and evaluation reports and related documentation. Administration will also include assuring compliance with rules and regulations of funding agencies. Supervise staff and personnel activities. Procure office supplies and furniture. Review and update contracts and agreements. Provide clerical support for general administration and other work program elements. Procure software and hardware, and other technologies and devices as needed. Maintain SCOG's website. Participate at monthly meetings of the Transportation Policy Board, Technical Advisory Committee and other committees as needed. Coordinate and consult with other MPOs and RTPOs on federal, state and regional transportation issues. Prepare 2022 operating budget. Provide continuing education and training opportunities through participation in webinars, conferences and seminars. Prepare the annual self-certification, specifying that MPO functions are being performed in accordance with all applicable requirements. Facilitate public involvement and outreach efforts in accordance with the Title VI Plan and Public Participation Plan. Consult with tribal governments on transportation planning and programming efforts. Engage applicable federally recognized tribal governments in regional governance of SCOG, consistent with [RCW 47.80.050\(2\)](#).

Responsibilities: SCOG

Product: In October, staff will prepare the 2022 SCOG operating budget. The budget will be adopted prior to calendar year 2022. In October/November, SCOG will submit its self-certification documentation.

Direct Cost: Technology-related (hardware, software, etc.) direct costs are expected to total up to \$5,000. Training costs are expected to total up to \$15,000.

1.2 UPWP Annual Preparation and Reporting

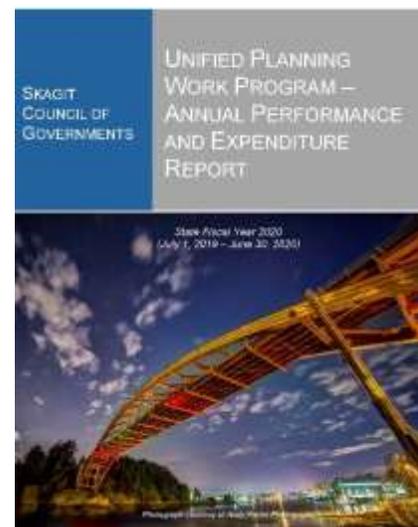
Description: Creation of the SFY 2021 UPWP Annual Performance and Expenditure Report per [23 CFR 420.117](#). SCOG will develop the SFY 2023 UPWP in cooperation with WSDOT, Skagit Transit, Federal Highway Administration and Federal Transit Administration.

Responsibilities: SCOG (lead), Skagit Transit, WSDOT

Product: SCOG will prepare the SFY 2021 Annual UPWP Performance and Expenditure Report in July/August 2021 and the SFY 2022 UPWP in the spring of 2022.

1.3 Legislator Contact

Description: Develop and submit Public Disclosure Commission Reports as required. The reports identify all contact with Washington state legislators. All expenses in meeting with federal and state elected and administration officials are paid using local funds. SCOG occasionally visits state legislators in the first or second



month of the Washington state legislature’s regular session. Other contact may occur but it is unknown when this will happen during the UPWP timeframe.

Responsibilities: SCOG

Product: Quarterly Public Disclosure Commission Reports as necessary.

1.4 Title VI Annual Report

Description: Report on Title VI Plan implementation activities through the annual Title VI Update and Accomplishment Report.

Responsibilities: SCOG

Product: The Title VI Annual Report will be completed by November 2021.

1.5 Public Participation Plan Annual Report

Description: Report on Public Participation Plan implementation activities through an annual assessment of public participation at SCOG.

Responsibilities: SCOG

Product: The Public Participation Plan Annual Report will be completed in June 2021.

ELEMENT 2: MULTIMODAL PLANNING

The Multimodal Planning work program element focuses on the development, ongoing maintenance and update of the *Skagit 2045 Regional Transportation Plan* – which was adopted March 2021. Additional planning projects are detailed in this section.

For a cost estimate by work task, refer to the Expenditures by Task table, near the end of this document. For a summary of expenditures and revenue by fund type, refer to the Expenditure & Revenue by Fund Type table – also near the end of this document.

WORK TASKS

2.1 Regional Transportation Plan

Description: The Skagit 2045 Regional Transportation Plan (Skagit 2045) – the federal-compliant metropolitan transportation plan and state-compliant regional transportation plan – was adopted in March 2021. An amendment to Skagit 2045 is expected in state fiscal year 2022, as local comprehensive plans are completed in the Skagit region.

Responsibilities: SCOG (lead), WSDOT

Product: Amendment to Skagit 2045 in SFY 2022.

2.2 Statewide Planning Initiatives

Description: Participate in the development and implementation of statewide transportation planning efforts led by WSDOT and the Washington State Transportation Commission, where appropriate. Statewide planning initiatives that SCOG may be involved



with are included in the State Emphasis Areas section of the UPWP. SCOG budgets staff time and other resources every year in the UPWP to participate in these statewide efforts.

Responsibilities: WSDOT (lead), SCOG

Product: Participation in statewide planning initiatives as needs arise and staffing permits.

2.3 Local Transportation Planning

Description: Assist local agencies with transportation planning efforts. Refer to Appendix E: Planning Projects by Other Agencies for a description of major planning projects to be conducted by Skagit Transit and WSDOT.

Responsibilities: SCOG

Product: SCOG will assist with local planning efforts as needed. This is an ongoing work task.

2.4 North Sound Transportation Alliance

Description: The [*North Sound Transportation Alliance*](#) (NSTA, formerly the Farmhouse Gang) is a macro-regional group that focuses on mobility and multimodal issues with stakeholders in Island, San Juan, Snohomish, Skagit and Whatcom counties. The Whatcom Council of Governments provides administration for NSTA, with assistance from SCOG.



Responsibilities: Whatcom Council of Governments (lead), SCOG

Product: NSTA meeting administration and attendance. Staff support for additional multimodal planning activities that NSTA performs.

2.5 Transportation Element Consistency

Description: Certify that the transportation element of city/county comprehensive plans and countywide planning policies meet the following requirements:

- a. Reflect the transportation guidelines and principles established in the adopted regional transportation plan and are consistent with other adopted plans;
- b. Conform to the requirements of [RCW 36.70A.070](#); and
- c. Are consistent with Skagit countywide planning policies adopted under [RCW 36.70A.210](#).

Responsibilities: SCOG

Product: Certification of local transportation elements as necessary.

2.6 Nondiscrimination Planning

Description: SCOG will review planning, programming and project selections to ensure that SCOG decisions do not have a disproportionate adverse impact on protected populations. SCOG will maintain a Title VI complaint log and implement the adopted Title VI Plan to ensure continued nondiscrimination in SCOG's transportation program. [SCOG will complete a minor update to the Title VI Plan in SFY 2022 to address recent changes in the statewide Title VI program and achieve consistency with new statewide Title VI requirements.](#) In SFY 2022, SCOG will implement actions from a SFY 2020 SCOG assessment of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, to ensure SCOG's continued compliance with these nondiscrimination statutes.

Responsibilities: SCOG

Product: A minor update to the Title VI Plan will be completed by the third quarter of SFY 2022. Implement actions in SFY 2022 from SFY 2020 assessment of SCOG activities to ensure continued compliance with nondiscrimination statutes.

2.7 Non-Motorized Transportation Planning

Description: The Non-Motorized Advisory Committee (NMAC) is an advisory committee to the Technical Advisory Committee on non-motorized issues. In the summer/autumn of 2021 the Non-Motorized Advisory Committee will organize the annual bicycle and pedestrian count. The NMAC will also distribute the Skagit County Bike Map and Skagit County Walking Trail Guide during SFY 2022. Other NMAC activities for SFY 2022 will be determined after their calendar year 2022 work program is approved by the TAC. The Skagit County Walking Trail Guide was updated in SFY 2021, and printing of the updated guide will be completed in SFY 2022.

Responsibilities: SCOG

Product: Conduct regional bicycle and pedestrian counts in September/October 2021. Distribution of bike maps and walking trial guides. Other non-motorized products consistent with approved NMAC work programs. Complete printing of Skagit County Walking Trail Guide in July/August 2021 with an estimated cost of \$7,500.



2.8 Regional Level of Service Review

Description: Washington state law requires SCOG to “review level of services methodologies used by cities and counties planning under the Growth Management Act to promote a consistent regional evaluation of transportation facilities and corridors” ([RCW 47.80.023](#)). SCOG will document level of service methodologies used by cities and counties in the region and provide recommendations on how to make them more consistent. SCOG will conduct this review after all local comprehensive plan updates are complete. Delays in local comprehensive plan approvals have caused this work task to be delayed for several years.

Responsibilities: SCOG

Product: SCOG will produce a report detailing the region's various level of service methodologies in the first quarter of SFY 2022. Product may be delayed if local comprehensive plans are not completed in the expected timeframe.

2.9 Coordinated Public Transit-Human Services Transportation Plan

Description: The coordinated public transit-human services transportation plan is updated by SCOG every four years. Preparation of this plan will be coordinated with a prioritization of public transit and human services transportation projects under Element 3: Programming & Project Selection.

Responsibilities: SCOG (lead), Consultant

Product: The Skagit Coordinated Public Transit-Human Services Transportation Plan will be completed by December 2022.

Direct Cost: Professional services are estimated at \$20,000 in SFY 2022 for this task.

2.10 Intelligent Transportation Systems Architecture

Description: Federal regulations require that SCOG develop an intelligent transportation systems architecture to guide the development of intelligent transportation strategies and projects. SCOG adopted the Skagit MPO Intelligent Transportation System Architecture in December 2011. Since then, SCOG has updated its governance agreement and expanded its metropolitan planning area. As such, the intelligent transportation systems architecture should be updated to reflect the new alignment of SCOG's planning area and any existing or planned intelligent transportation systems for the Skagit region.

Responsibilities: SCOG

Product: The Skagit Intelligent Transportation Systems Architecture will be completed by December 2022.



2.11 Public Participation Plan

Description: The Public Participation Plan guides engagement activities at SCOG and was last updated in 2017. This 2017 update followed a major update to the plan in 2015, which included an assessment of an earlier public participation plan. Another minor update to the 2017 plan is anticipated in SFY 2022, primarily to address changes with governing bodies, advisory committees and remote meetings.

Responsibilities: SCOG

Product: The Public Participation Plan will be amended by the third quarter of SFY 2022.

ELEMENT 3: PROGRAMMING & PROJECT SELECTION

The Programming & Project Selection work program element guides how federally funded and regionally significant transportation projects are selected, prioritized and programmed. The six-year Regional Transportation Improvement Program is updated annually and amended as needed throughout the year. The RTIP is an ongoing process, where funding is programmed to meet regional planning goals as well as federal and state planning emphases. Project selection and prioritization processes typically occur every year.

For a cost estimate by work task, refer to the Expenditures by Task table, near the end of this document. For a summary of expenditures and revenue by fund type, refer to the Expenditure & Revenue by Fund Type table that is also near the end of this document.

WORK TASKS

3.1 Regional Transportation Improvement Program

Description: Maintain a fiscally constrained [four-year transportation improvement program](#) – including an additional two-year list of illustrative projects – for regionally significant and federally funded transportation projects.

- a. Prepare the RTIP and transmit applicable projects to WSDOT for inclusion in the Statewide Transportation Improvement Program;
- b. As projects change in funding status or description, prepare amendments to the RTIP in order to program federal funds that become secured or prioritized throughout the year;
- c. Develop RTIP policies and procedures with the goal of programming projects using regionally managed funds (Surface Transportation Program Block Grant and Transportation Alternatives) for all six program years and encouraging timely obligation of federal funds; and

- d. Monitor federal obligations monthly and work with partners to encourage meeting regional obligation authority target.

Responsibilities: SCOG

Product: The 2022–2027 Regional Transportation Improvement Program will be adopted by SCOG Transportation Policy Board in the fourth quarter of calendar year 2021. SCOG will process [Regional Transportation Improvement Program amendments](#) as needed.

3.2 Annual Listing of Obligations

Description: Prepare an annual listing of obligated projects, showing Federal Highway Administration and Federal Transit Administration funds obligated in calendar year 2021 for the Skagit region.

Responsibilities: SCOG (lead), Skagit Transit, WSDOT

Product: Prepare an annual listing of obligated projects by March 2022 and submit to WSDOT.

3.3 Project Selection & Prioritization

Description: SCOG will have one project prioritization process beginning and one project selection process ending in SFY 2022. The project prioritization process will assign regional priority to projects that will compete in the statewide WSDOT Consolidated Grant Program. Regional priorities will be considered in a statewide evaluation of projects. The project selection process will be for the Surface Transportation Block Grant program and Transportation Alternatives. Through this process, SCOG will select projects for regional funding and program them in the RTIP.

Responsibilities: SCOG

Product: Select projects for regional STBG and TA funds by the first quarter of SFY 2022. Adopt a regional list of prioritized human services transportation projects by the end of calendar year 2022. All project selection and prioritization decisions will be made by SCOG's Transportation Policy Board.

3.4 List of Regional High Priority Projects

Description: SCOG will prepare a list of projects that are regional priorities prior to the 2022 Washington state legislative session. Projects on the list will represent the highest regional priority for state transportation funding.

Responsibilities: SCOG

Product: Prepare a list of regional high priority projects by December 2021.

ELEMENT 4: DATA COLLECTION & ANALYSIS

The Data Collection & Analysis work program element focuses on the data SCOG needs for regional transportation planning, programming, project selection and prioritization processes. SCOG maintains databases of regional transportation, employment and housing data. These primarily serve as inputs to the regional travel demand model, but also as a valuable information resource in tracking the performance of the regional transportation system.

SCOG's regional travel demand model can be used to inform transportation policy decisions. Various funding and project build scenarios can be run in the model to establish a reasonable estimate of what the regional transportation needs will be in the future. The regional transportation plan is based in part on the development of the regional travel demand model. Similarly, member agencies of SCOG utilize the regional model in the development of the transportation elements of their comprehensive plans. In addition to travel demand modeling software, SCOG also utilizes geographic information systems software for cartography and geographic analysis of regional data.

For a cost estimate by work task, refer to the Expenditures by Task table, near the end of this document. For a summary of expenditures and revenue by fund type, refer to the Expenditure & Revenue by Fund Type table, also near the end of this document.

WORK TASKS

4.1 Regional Performance Targets

Description: In cooperation with Skagit Transit and WSDOT, SCOG will continue to develop regional performance targets.

Responsibilities: SCOG (lead), WSDOT, Skagit Transit

Product: Adopt regional performance targets in SFY 2022. FHWA regional highway safety performance targets are revisited every year by SCOG, and will be adopted by February 2022. Work will begin in SFY 2022 to revisit/revise regional performance targets for Pavement, Bridges, Travel Time Reliability and Freight Movement by October 2022.

4.2 Travel Demand Model

Description: SCOG completed an update to the regional travel demand model in SFY 2021 to inform the Skagit 2045 Regional Transportation Plan and other transportation planning efforts. The process to update the regional travel demand model began in SFY 2020 with the assistance of a consultant. Work may begin in SFY 2022 to implement model improvements prior to the next regional travel demand model update. Recommendations on model improvement are expected from a consultant in late SFY 2021.

Responsibilities: SCOG

Product: SCOG may implement regional travel demand model improvements in SFY 2022, pending consultant recommendations in late SFY 2021.

4.3 Traffic Counts

Description: This task includes a continuation of SCOG's agreement with Skagit County to perform traffic counting services for jurisdictions within Skagit County. Continue to maintain inventory of traffic and vehicle classification counts and travel time studies from all available sources; store data and make available in electronic format. Count bicycle traffic at permanent count locations in Anacortes and Sedro-Woolley.

Responsibilities: SCOG, consultant

Product: Maintain a library of current traffic counts for Skagit County. Counts will be done throughout the year on both a scheduled and as-needed basis. All counts and other available transportation data will be made available and maintained in an electronic library.

Direct Cost: The anticipated cost will be \$32,000 for traffic counts, including a pass-through of \$30,000 for traffic counts and \$2,000 for maintenance of permanent bicycle counters.

4.4 Geographic Information Systems

Description: Maintain current demographic, roadway infrastructure and other spatial data for mapping and GIS applications. Produce maps and conduct geospatial analysis as necessary to support the work program.

Responsibilities: SCOG

Product: Provide GIS data and maps as necessary. Continue to increase access to SCOG data through ArcGIS Online and story maps. This is an ongoing work task.

4.5 Highway Functional Classification

Description: Update, review and process requests for modifications of the federal highway functional classification system within the region, as necessary. Work with WSDOT to expand federal highway freight designations. Begin preparation for revisiting classifications following the 2020 decennial census, potentially continuing into SFY 2023 and 2024.

Responsibilities: WSDOT (lead), SCOG

Product: Collaboration with WSDOT on roadway classification issues. This work will be done on an as-needed basis.

4.6 Household Travel Survey

Description: The household travel survey studies regional travel behavior and public sentiment for what transportation investments should be made. The project informs the regional travel demand model and provides scientifically valid representation of public preference on regional travel issues. Much of this project had been planned for completion in SFY 2021, but has been postponed into SFY 2022 due to the COVID-19 pandemic and resulting lack of travel.



Responsibilities: SCOG, consultant

Product: Completed household travel survey by March 2022.

Direct Cost: An estimated \$107,800 in Surface Transportation Block Grant program funds will be used for consultant services in SFY 2022. \$34,600 in STBG funds were added to this project in SFY 2021 as a contingency budget due to delays in the project caused by the COVID-19 pandemic. Approximately \$18,800 of this additional funding remains to be expended in SFY 2022, and is included in the \$107,800 estimate remaining for this project.

4.7 Population & Employment Estimates

Description: Begin the process to prepare regional estimates of population and employment growth in the Skagit region. Products of this work task will inform local comprehensive plan updates, due in June 2025, and an update to the Skagit 2045 Regional Transportation Plan due in March 2026.

Responsibilities: SCOG

Product: Request for Proposals/Qualifications issued by the end of SFY 2022 for a consultant contract to prepare population and employment estimates for the Skagit region. SCOG anticipates the consultant contract will begin in SFY 2023.

EXPENDITURES BY TASK

SFY 2022 Unified Planning Work Program Proposed Budget			FHWA - PL			FTA - 5303			FTA - 5310	FHWA - STBG			RTPO (State)	Summary			Total	
Element	Number	Description	Total 100.0%	FHWA - PL (Federal) 86.5%	Match (Local) 13.5%	Total 100.0%	FTA - 5303 (Federal) 86.5%	Match (Local) 13.5%	Total 100%	Total 100.0%	FHWA - STBG (Federal) 86.5%	Match (Local) 13.5%		Federal	State	Local		
Administration	1.1	MPO & RTPO Administration	\$94,700	\$81,900	\$12,800	\$49,100	\$42,500	\$6,600	\$0	\$0	\$0	\$0	\$21,700	\$124,400	\$21,700	\$19,400	\$165,500	
	1.2	UPWP Annual Development and Reporting	\$10,300	\$8,900	\$1,400	\$6,000	\$5,200	\$800	\$0	\$0	\$0	\$0	\$4,000	\$14,100	\$4,000	\$2,200	\$20,300	
	1.3	Legislator Contact	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	1.4	Title VI Annual Report	\$3,100	\$2,700	\$400	\$3,100	\$2,700	\$400	\$0	\$0	\$0	\$0	\$0	\$5,400	\$0	\$800	\$6,200	
	1.5	Public Participation Plan Annual Report	\$3,700	\$3,200	\$500	\$1,600	\$1,400	\$200	\$0	\$0	\$0	\$0	\$0	\$4,600	\$0	\$700	\$5,300	
	Administration Subtotal			\$111,800	\$96,700	\$15,100	\$59,800	\$51,800	\$8,000	\$0	\$0	\$0	\$0	\$25,700	\$148,500	\$25,700	\$23,100	\$197,300
Multimodal Planning	2.1	Regional Transportation Plan	\$10,400	\$9,000	\$1,400	\$8,700	\$7,500	\$1,200	\$0	\$6,100	\$5,300	\$800	\$4,200	\$21,800	\$4,200	\$3,400	\$29,400	
	2.2	Statewide Planning Initiatives	\$29,700	\$25,700	\$4,000	\$1,100	\$1,000	\$100	\$0	\$0	\$0	\$0	\$4,400	\$26,700	\$4,400	\$4,100	\$35,200	
	2.3	Local Transportation Planning	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,600	\$0	\$4,600	\$0	\$4,600	
	2.4	North Sound Transportation Alliance	\$10,100	\$8,700	\$1,400	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000	\$8,700	\$3,000	\$1,400	\$13,100	
	2.5	Transportation Element Consistency	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,700	\$0	\$4,700	\$0	\$4,700	
	2.6	Nondiscrimination Planning	\$15,700	\$13,600	\$2,100	\$7,400	\$6,400	\$1,000	\$0	\$0	\$0	\$0	\$0	\$20,000	\$0	\$3,100	\$23,100	
	2.7	Non-Motorized Transportation Planning	\$14,500	\$12,500	\$2,000	\$3,800	\$3,300	\$500	\$0	\$0	\$0	\$0	\$9,100	\$15,800	\$9,100	\$2,500	\$27,400	
	2.8	Regional Level of Service Review	\$7,200	\$6,200	\$1,000	\$0	\$0	\$0	\$0	\$0	\$3,800	\$3,300	\$500	\$3,100	\$9,500	\$3,100	\$1,500	\$14,100
	2.9	Coordinated Public Transit-Human Services Transportation Plan	\$0	\$0	\$0	\$27,100	\$23,400	\$3,700	\$20,000	\$0	\$0	\$0	\$0	\$0	\$43,400	\$0	\$3,700	\$47,100
	2.10	Intelligent Transportation Systems Architecture	\$8,700	\$7,500	\$1,200	\$5,200	\$4,500	\$700	\$0	\$21,400	\$18,500	\$2,900	\$0	\$30,500	\$0	\$4,800	\$35,300	
	2.11	Public Participation Plan	\$8,600	\$7,400	\$1,200	\$1,300	\$1,100	\$200	\$0	\$0	\$0	\$0	\$0	\$8,500	\$0	\$1,400	\$9,900	
Multimodal Planning Subtotal			\$104,900	\$90,600	\$14,300	\$54,600	\$47,200	\$7,400	\$20,000	\$31,300	\$27,100	\$4,200	\$33,100	\$184,900	\$33,100	\$25,900	\$243,900	
Programming & Project Selection	3.1	Regional Transportation Improvement Program	\$11,000	\$9,500	\$1,500	\$8,300	\$7,200	\$1,100	\$0	\$13,200	\$11,400	\$1,800	\$3,400	\$28,100	\$3,400	\$4,400	\$35,900	
	3.2	Annual Listing of Obligations	\$5,200	\$4,500	\$700	\$3,000	\$2,600	\$400	\$0	\$2,900	\$2,500	\$400	\$0	\$9,600	\$0	\$1,500	\$11,100	
	3.3	Project Selection & Prioritization	\$3,800	\$3,300	\$500	\$18,600	\$16,100	\$2,500	\$0	\$7,700	\$6,700	\$1,000	\$0	\$26,100	\$0	\$4,000	\$30,100	
	3.4	List of Regional High Priority Projects	\$1,100	\$1,000	\$100	\$0	\$0	\$0	\$0	\$5,100	\$4,400	\$700	\$0	\$5,400	\$0	\$800	\$6,200	
Programming & Project Selection Subtotal			\$21,100	\$18,300	\$2,800	\$29,900	\$25,900	\$4,000	\$0	\$28,900	\$25,000	\$3,900	\$3,400	\$69,200	\$3,400	\$10,700	\$83,300	
Data Collection & Analysis	4.1	Regional Performance Targets	\$9,500	\$8,200	\$1,300	\$4,200	\$3,600	\$600	\$0	\$4,400	\$3,800	\$600	\$0	\$15,600	\$0	\$2,500	\$18,100	
	4.2	Travel Demand Model	\$9,500	\$8,200	\$1,300	\$0	\$0	\$0	\$0	\$43,700	\$37,800	\$5,900	\$0	\$46,000	\$0	\$7,200	\$53,200	
	4.3	Traffic Counts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38,300	\$33,100	\$5,200	\$0	\$33,100	\$0	\$5,200	\$38,300	
	4.4	Geographic Information Systems	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,600	\$10,900	\$1,700	\$0	\$10,900	\$0	\$1,700	\$12,600	
	4.5	Highway Functional Classification	\$5,100	\$4,400	\$700	\$0	\$0	\$0	\$0	\$14,300	\$12,400	\$1,900	\$0	\$16,800	\$0	\$2,600	\$19,400	
	4.6	Household Travel Survey	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$133,600	\$115,600	\$18,000	\$0	\$115,600	\$0	\$18,000	\$133,600	
	4.7	Population & Employment Forecasts	\$6,200	\$5,400	\$800	\$1,600	\$1,400	\$200	\$0	\$0	\$0	\$0	\$9,400	\$6,800	\$9,400	\$1,000	\$17,200	
Data Collection & Analysis Subtotal			\$30,300	\$26,200	\$4,100	\$5,800	\$5,000	\$800	\$0	\$246,900	\$213,600	\$33,300	\$9,400	\$244,800	\$9,400	\$38,200	\$292,400	
UPWP Total			\$268,100	\$231,800	\$36,300	\$150,100	\$129,900	\$20,200	\$20,000	\$307,100	\$265,700	\$41,400	\$71,600	\$647,400	\$71,600	\$97,900	\$816,900	

Note: Figures are rounded

EXPENDITURES & REVENUE BY FUND TYPE

FEDERAL FUNDS

	Program Fund Source	Element 1: Administration	Element 2: Multimodal Planning	Element 3: Programming & Project Selection	Element 4: Data Collection & Analysis	Est. Total Expenditures	Est. Total Revenue	Est. Carry Forward from 2021	Est. Carry Forward to 2023
SCOG	FHWA PL Federal Funds	\$96,800	\$90,700	\$18,300	\$26,200	\$232,000	\$211,500	\$83,900	\$63,400
	Local Match = 13.5%	\$15,100	\$14,200	\$2,900	\$4,100	\$36,300	\$36,300	N/A	
	FHWA STBG Federal Funds	\$0	\$27,100	\$25,000	\$213,500	\$265,600	\$167,500	\$98,100	\$0
	Local Match = 13.5%	\$0	\$4,200	\$3,900	\$33,300	\$41,400	\$41,400	N/A	
	FTA 5303 Federal Funds	\$51,900	\$47,100	\$26,000	\$4,900	\$129,900	\$52,700	\$105,100	\$27,900
	Local Match = 13.5%	\$8,100	\$7,400	\$4,100	\$800	\$20,400	\$20,400	N/A	
	FTA 5310 Federal Funds	\$0	\$20,000	\$0	\$0	\$20,000	\$40,000	\$0	\$20,000
	Total	\$171,900	\$210,700	\$80,200	\$282,800	\$745,600	\$569,800	\$287,100	\$111,300

Note: Figures are rounded

STATE FUNDS

	Program Fund Source	Element 1: Administration	Element 2: Multimodal Planning	Element 3: Programming & Project Selection	Element 4: Data Collection & Analysis	Est. Total Expenditures	Est. Total Revenue	Est. Carry Forward from 2021	Est. Carry Forward to 2023
SCOG	RTPO	\$25,700	\$33,100	\$3,400	\$9,400	\$71,600	\$71,600	\$0	N/A
	Total	\$25,700	\$33,100	\$3,400	\$9,400	\$71,600	\$71,600	N/A	N/A

Note: Figures are rounded

SURFACE TRANSPORTATION BLOCK GRANT FUNDING BREAKDOWN

The following funding table is provided to show how FHWA Surface Transportation Block Grant program funds with local match are estimated to be expended during SFY 2022. The consultant contract began in SFY 2020, continued into SFY 2021 and extends into SFY 2022. SCOG Administration occurs every state fiscal year, with the next one beginning in SFY 2022. Federal funds for the consultant contract have already been obligated through federal authorization, and SCOG anticipates obligation of the SCOG Administration federal funding prior to start of SFY 2022.

	Program Fund Source	Consultant Contract: Household Travel Survey (SFY 2022 est.)	SCOG Admin. (SFY 2022 est.)
SCOG	FHWA STBG (US) Federal Funds	\$107,800	\$167,541
	Local Match = 13.5%	\$16,824	\$26,148
	FHWA STBG (R) Federal Funds	\$0	\$0
	Local Match = 13.5%	\$0	\$0
	Total	\$124,624	\$193,689

Notes: "STBG (US)" is federal Surface Transportation Block Grant program – Urban Small funding; "STBG (R)" is federal Surface Transportation Block Grant program – Rural funding.

EXPECTED CONSULTANT & AGENCY CONTRACTS

Task	Title	Contract Type	Estimated Cost	Fund Type
2.9	Coordinated Public Transit-Human Services Transportation Plan	Professional Services	\$20,000	FTA 5310
4.3	Traffic Counts	Interlocal	\$30,000	FHWA - STBG
4.6	Household Travel Survey	Professional Services	\$107,800	FHWA – STBG
Total			\$157,800	

Note: Figures are rounded

CONTACT INFORMATION

For more information or to request a copy of this document, please contact:

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Appendix A: BOARD MEMBERSHIP

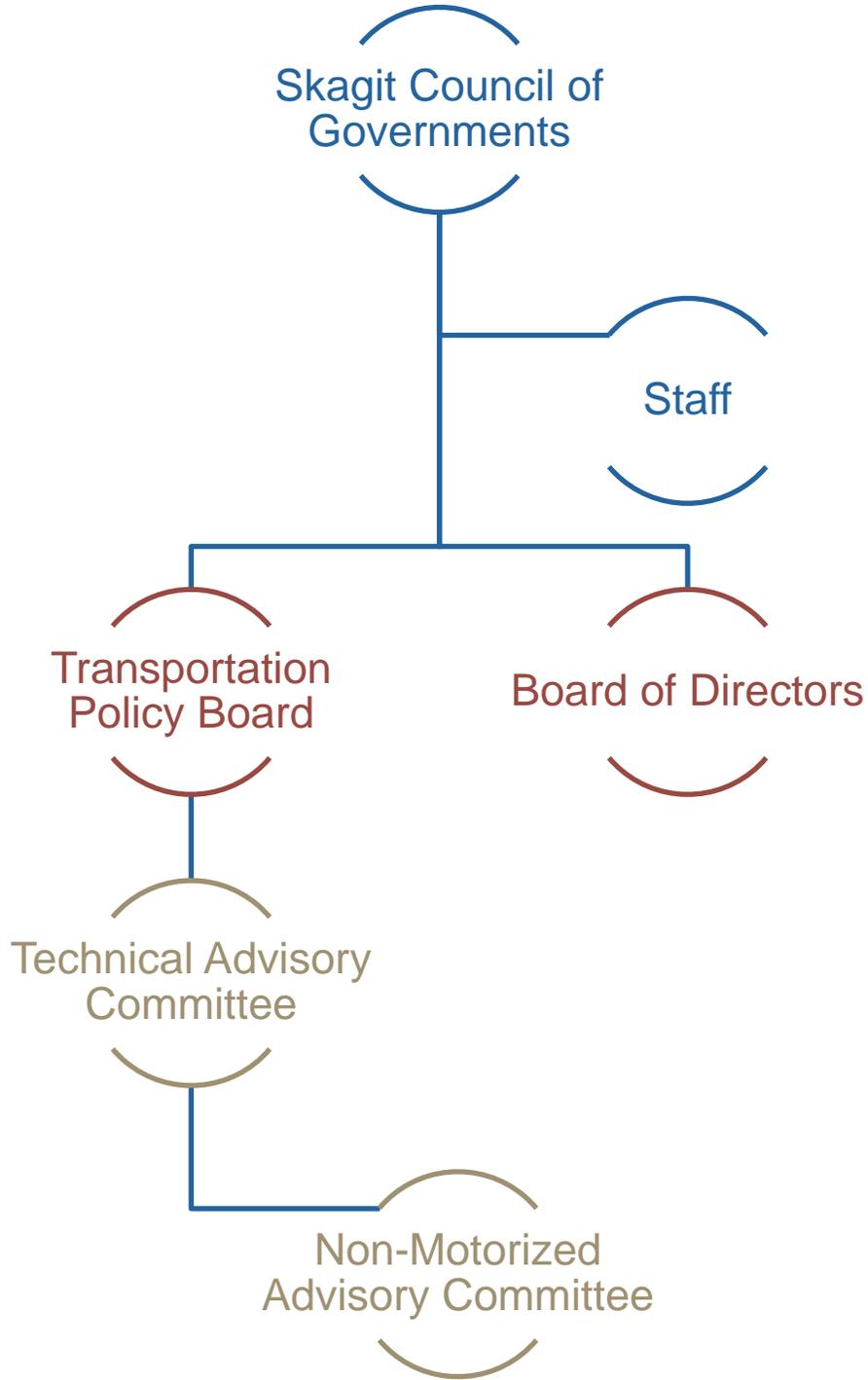
SKAGIT COUNCIL OF GOVERNMENTS TRANSPORTATION POLICY BOARD

The Transportation Policy Board makes regional transportation decisions for the MPO and RTPO. The responsibilities of the Transportation Policy Board include approval of planning documents and programs as well as establishing regional transportation planning policies.

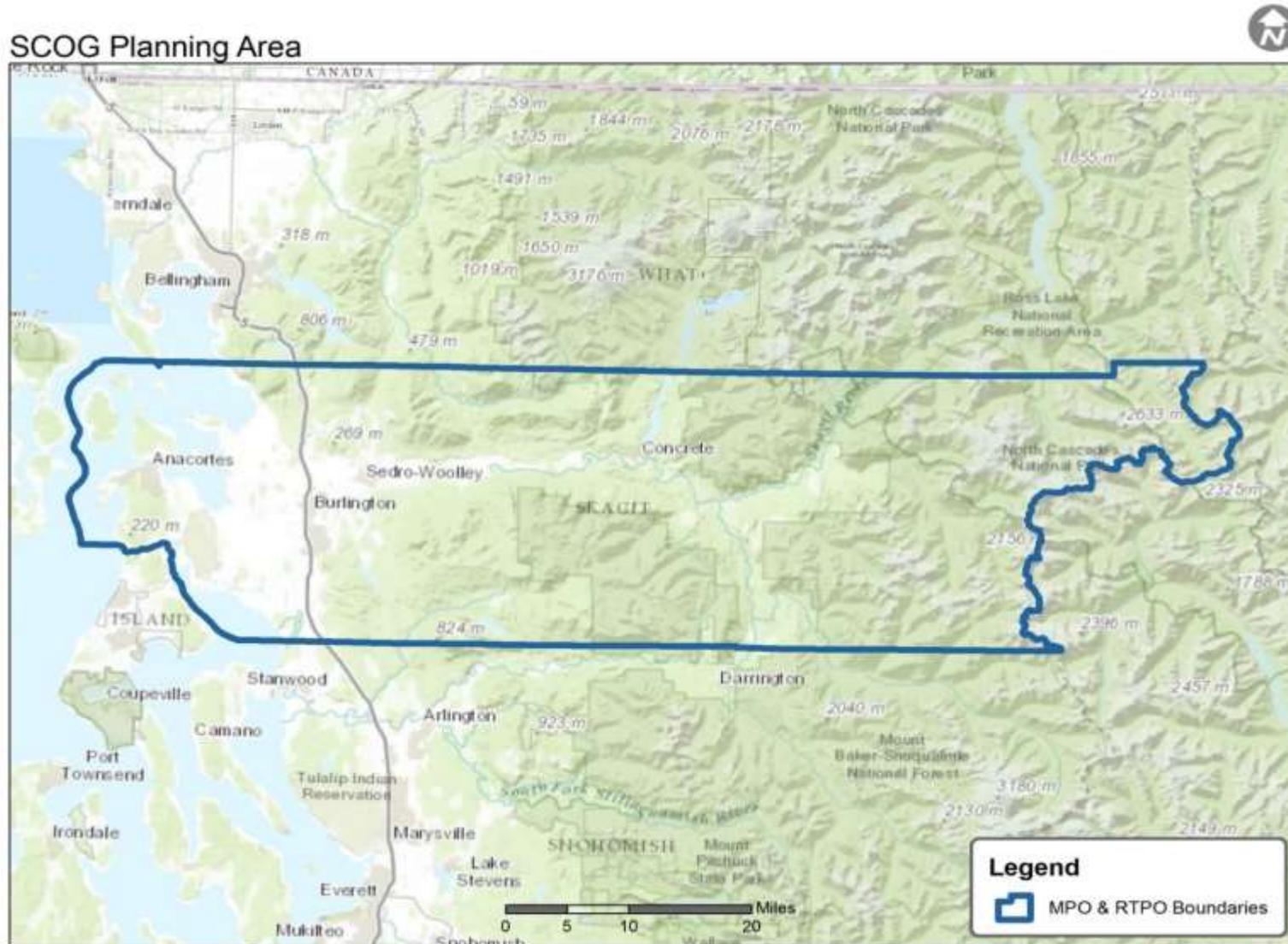
TRANSPORTATION POLICY BOARD MEMBER JURISDICTIONS:

City of Anacortes	Port of Skagit County	Town of Concrete
City of Burlington	Port of Anacortes	Town of Hamilton
City of Mount Vernon	Samish Indian Nation	Town of La Conner
City of Sedro-Woolley	Swinomish Indian Tribal Community	Town of Lyman
Skagit County		WSDOT

Appendix B: ORGANIZATIONAL STRUCTURE



Appendix C: MPO & RTPO PLANNING AREA



Appendix D: CORE PROGRAMS AND FUNCTIONS

Administration	Multimodal Planning	Programming & Project Selection	Data Collection & Analysis
<ul style="list-style-type: none"> • MPO & RTPO Administration • Training • Annual Budget • Annual Reports • Unified Planning Work Program • Governance 	<ul style="list-style-type: none"> • Regional Transportation Plan • Corridor Studies • Statewide Planning Initiatives • Coordinated Public Transit-Human Services Transportation Plan • Transportation Element Consistency • Regional Level of Service • Nondiscrimination Planning • Intelligent Transportation System Architecture • Participation Plan 	<ul style="list-style-type: none"> • Regional Transportation Improvement Program • Transportation Alternatives Project Selection • Human Services Project Prioritization • Surface Transportation Block Grant Program Project Selection • Highway Infrastructure Program Project Selection • Annual Listing of Obligations 	<ul style="list-style-type: none"> • Travel Demand Model • Traffic Counts • Geographic Information Systems • Highway Functional Classification • Regional Performance Targets

MPO (Federal)

RTPO (State)

MPO & RTPO

Appendix E: PLANNING PROJECTS BY OTHER AGENCIES

SKAGIT TRANSIT

2021 TRANSIT DEVELOPMENT PLAN

As per [RCW 35.58.2795](#), Skagit Transit updates a six-year Transit Development Plan (TDP) every year for submittal to WSDOT by September 1st. The TDP identifies proposed service changes and capital projects over a six-year period and provides the public an opportunity to comment on these planned activities.

Schedule: May–August 2021

Funding: Local funds

I-5 COUNTY CONNECTOR DEMAND MANAGEMENT

The County Connector service that is currently provided in NW Washington will need to adapt to growth in the region. Skagit Transit, as part of the North Sound Transportation Alliance, which is a collective of public and private agencies serving the five counties of NW Washington, will conduct a consultant led study of intercountry travel on public transportation in our region. This study would look at expected growth in usage and make recommendations related to service levels and infrastructure necessary to meet the anticipated demand.

Schedule: Calendar year 2021–2022

Funding: WSDOT funds

WSDOT

I-5 OPERATIONS & DEMAND MANAGEMENT STUDY

Washington's transportation system is evolving and growing; and to meet that need WSDOT will initiate a study assessment on Interstate 5 through Mount Vernon and the Burlington area to identify what is working well and what actions are needed to address the growing demands on the transportation system. Strategies and solutions will first consider measures that improve and enhance the operating capacity of the system through the deployment of intelligent transportation systems and demand management options to meet near and long-term needs.

Schedule: Calendar year 2020–2021

Funding: WSDOT funds

TRANSPORTATION NETWORK PRIORITY ALIGNMENT

Working with our partners, WSDOT will work towards identifying important network connection improvements to state's highways in Skagit County. The proposed effort will identify priority intersections and with our partners for inclusion within the transportation element and capital facility plans of local comprehensive plans to address access and economic vitality in the county. The evaluation will consider growth policies, land use characteristics and travel patterns.

Schedule: Calendar year 2020–2021

Funding: WSDOT funds

SR 20 FISH PASSAGE & HABITAT IMPROVEMENT STUDY

Northwest Region/Mount Baker Area is producing a corridor study to facilitate the delivery of the fish passage delivery program in Northwest Region. Fish passage barrier projects are developed and coordinated with the community, public agencies, tribal governments, and other stakeholders in compliance with agency policies, procedures, and practices. WSDOT will develop a corridor plan, which will result in the removal of barriers to salmon and improve habitat on the SR 20 corridor.

Schedule: Calendar year 2021–2022

Funding: WSDOT funds

Appendix F: LONG-TERM WORK SCHEDULE

STATE FISCAL YEAR 2023–2026 WORK SCHEDULE

Several work tasks are anticipated past the one-year timeframe of the UPWP. Work tasks that appear on every UPWP are excluded. Some of the work tasks begin in SFY 2022 and carryover into future work programs while others begin after SFY 2022. The long-term work schedule is not intended to be a comprehensive list of all future work tasks. Work tasks anticipated from SFY 2023–2026 are included in the following table.

Work Task	Description	Consultant Contract	State Fiscal Year			
			2023	2024	2025	2026
Assessment of RTPO Certification Program	Some elements of the RTPO certification program are over 20 years old and were generated when the Skagit region was a sub-RTPO. This work task includes an in-depth review of the RTPO certification program that SCOG conducts. Potential changes in the Growth Management Act over the next couple years may impact this work task.		Complete			
Assessment of Regional Travel Demand Model	This work task will be informed by the outcome of the Household Travel Survey, which will be completed in calendar year 2021. A thorough review of SCOG's existing regional travel demand model will be conducted. Recommendations may include changes to the model.	✓	Begin	Complete		
Population & Employment Forecasts	Forecasts will be generated following OFM forecast schedule and requirements for local comprehensive plans. Cities, towns and counties may utilize these forecasts in their comprehensive plan processes. Forecasts will also inform the next update to the metropolitan-regional transportation plan, and the next scheduled update in 2026.	✓	Begin	Complete		
Regional Transportation Resiliency Study	A study to inform how SCOG may implement a resilience focus in its plans and programs. This study would seek to understand natural hazard risk and exposure in the Skagit region, as well as pilot analysis methods for future use.	✓	Begin	Complete		
Major Update to Skagit 2045 Regional Transportation Plan	An update to the metropolitan-regional plan is completed every five years. This is anticipated to be a major update to the plan. The tentative completion date is March 2026.	✓			Begin	Complete

DISCUSSION ITEM 5.A. – SKAGIT REGIONAL TRANSPORTATION PRIORITIES

Document History

MEETING	DATE	TYPE OF ITEM	STAFF CONTACT	PHONE
Transportation Policy Board	11/17/2021	Discussion	Grant Johnson	(360) 416-6678

DISCUSSION

Skagit Council of Governments (SCOG) staff has been working with member jurisdictions to update the Skagit Regional Transportation Priorities. The Skagit Regional Transportation Priorities is an annual list of projects created as an information item for the state legislature to provide visibility for regionally important projects. The list includes information such as a project description, sponsoring agency, project cost, existing funding and funding needed. Projects have been updated based on information provided by member jurisdictions. Where applicable, programmatic funding need amounts have been updated based on best available estimates.

SCOG staff is in the process of gathering updates and finalizing the draft document prior to presenting it to the Technical Advisory Committee at their December 2 meeting for review and recommendation. SCOG staff anticipate that the Transportation Policy Board will take action on the 2022 Skagit Regional Transportation Priorities at the December 15 meeting.

2021 OBLIGATION AUTHORITY PLAN

The following projects had to obligate federal funding by **April 1, 2021**. Projects that did not obligate by April 1, 2021 would have been deprogrammed by deletion from the RTIP by SCOG staff. No projects were deprogrammed.

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

The following project had to obligate federal funding by **August 1, 2021**, or it would have been deprogrammed by deletion from the RTIP by SCOG staff.

AGENCY	TITLE	STIP ID	PHASE	FUNDS OBLIGATED	STBG/TA FUNDS
SCOG	SCOG Admin 2018-2021	SCOG 18-21	PL	✓	\$167,541

The following project must obligate federal funding by **September 30, 2021**. If the project does not obligate funding by September 30, 2021, it will be deprogrammed by deletion from the RTIP by SCOG staff.

AGENCY	TITLE	STIP ID	PHASE	FUNDS OBLIGATED	STBG/TA FUNDS
City of Mount Vernon	Freeway Drive Improvements (Cameron Way to College Way)	T-97-07	CN	✓	\$1,650,000

TOTAL STBG-TA OBLIGATIONS¹: \$3,484,918
OBLIGATION AUTHORITY TARGET: \$1,882,500

¹ Includes \$1,057,552 obligation from December 2020 which counts toward meeting obligation authority target. Also includes \$609,825 obligation from September 2021 on list of Extensions.

Extensions

The following projects have been granted an extension to obligate federal funding by **December 31, 2021**. These projects will be deprogrammed with expiration of the 2021–2026 RTIP on January 1, 2022.

To be granted an extension, any extension request had to be received by SCOG no later than **March 24, 2021**. A project phase may only be granted one extension request.

AGENCY	TITLE	STIP ID	PHASE	FUNDS OBLIGATED	STBG/TA FUNDS
Samish Indian Nation	SR20/Campbell Lake Road - Intersection Improvement	WA-11959	ROW	(Not Yet)	\$86,500
Skagit County	Francis Road Section 1 ²	WA-01171	CN	(Not Yet)	\$45,408
Concrete	School Secondary Access	WA-03707	ROW	(Not Yet)	\$400,000
Sedro-Woolley	SR20/SR9N - Township Intersection Improvements	SW33	CN	✓	\$609,825
Sedro-Woolley	SR20/Cascade Trail West Extension Phase 2A, Holtcamp Road to Hodgkin Street	SW42	ROW	(Not Yet)	\$21,193

TOTAL STBG-TA EXTENSIONS: \$1,162,926

² Per Skagit County and the Washington State Department of Transportation, the remaining \$45,408 in STBG funding for this project was entirely expended in 2021 to complete the preliminary engineering phase. There is no remaining STBG funding for this project.

TITLE VI PLAN ANNUAL REPORT

Reporting Period:

October 1, 2020 through September 30, 2021

Skagit Council of Governments

October 25, 2021

POLICY OF NONDISCRIMINATION

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

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

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

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

ORGANIZATION, STAFFING AND STRUCTURE

SCOG is the metropolitan planning organization (MPO) for the Mount Vernon Urbanized Area and the entirety of Skagit County, the metropolitan planning area for the MPO. As a recipient of Federal financial assistance, SCOG complies with Title VI statutory and regulatory authorities as included in Exhibit A of this annual report. SCOG first adopted a Title VI Plan (Plan) in 2004 shortly after official designation of the MPO in 2003, then known as the Skagit Metropolitan Planning Organization. SCOG's Title VI Plan underwent a major update concluding in May 2020, and was approved by the Washington State Department of Transportation's Office of Equal Opportunity.

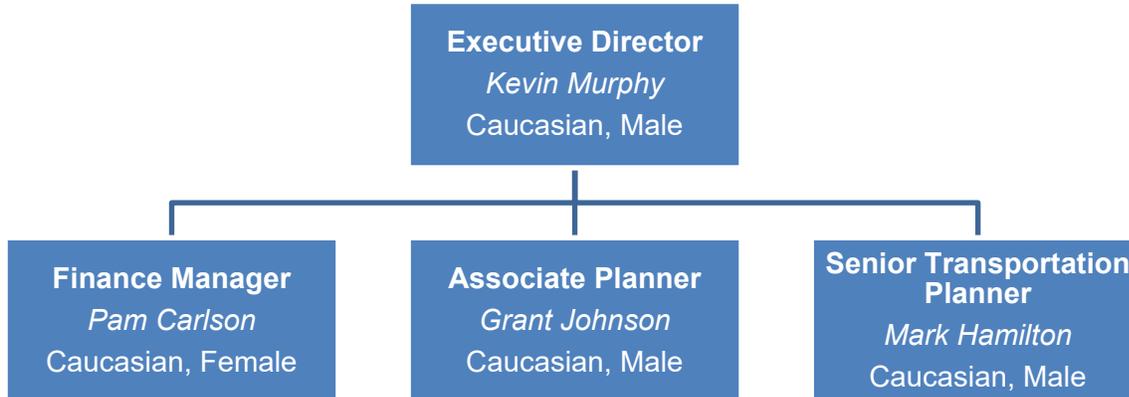
During most of the reporting period, SCOG had a staff of four full-time employees. These positions are filled with individuals that work on transportation plans and studies to support SCOG's transportation planning process as well as economic development and administrative functions. The [Title VI Plan](#) designates the Executive Director as the Title VI responsible official.

Staffing responsibility areas are as follows:

- Executive Director
 - Title VI Coordinator
 - Responsible for compliance with Title VI regulations
 - Day-to-day administration of SCOG
 - Ultimately responsible for implementation of SCOG's Title VI program
- Senior Transportation Planner
 - Title VI Specialist
 - Works with the Executive Director and other staff on transportation plans, studies and other regional planning issues
- Associate Planner
 - Works with the Executive Director and other staff on transportation plans, programming, project selection, studies and other regional planning issues

- Finance Manager
 - Responsible for fiscal and program accounting, budgeting and reporting

A flow chart of titles, names, race and sex of all SCOG staff follows:



Executive Director Kevin Murphy, as the Title VI Coordinator, ensured that all transportation planning program notices, meetings, and documents were sent to the individuals, agencies and organizations representing various groups and boards throughout the Skagit metropolitan planning area during the reporting period. Public notifications are distributed by U.S. mail service and/or email, and posted to SCOG's [website](#) and local newspapers. Distribution lists of names and organizations are updated and maintained throughout the year.

COMPLAINTS

SCOG received neither formal nor informal complaints that were directly or indirectly related to Title VI during the reporting period. Complaint procedures are incorporated into the Title VI Plan and will be followed if any formal Title VI complaint is filed per the procedures. A Title VI Notice to the Public is also included in the Plan informing the public of their Title VI rights and how to file a Title VI complaint. The complaint procedures, notice to the public and the rest of the Plan are available via SCOG's website in English and Spanish. The Title VI Notice to the Public is also posted in prominent locations around SCOG offices in Mount Vernon and an abbreviated Title VI Notice is included on public meeting agendas.

ACCOMPLISHMENT REPORT

PUBLIC PARTICIPATION

Implementation of the Title VI Plan includes both internal and external notification to individuals, agencies and groups, of opportunities and actions being taken as a part of the metropolitan transportation planning process pursuant to Federal Highway Administration and companion Federal Transit Administration (FTA) rules and regulations. SCOG ensures that all aspects of public participation comply with Title VI.

SCOG adopted a new [Public Participation Plan](#) (PPP) in 2015, and amended the plan in 2017. The PPP guides the overall public participation program at SCOG and includes several cross references to the Title VI Plan and nondiscrimination requirements that SCOG follows. Within the PPP, there is reference to an annual review of the Title VI Plan and the public involvement process that goes into Title VI Plan updates.

The SCOG website came online in 2004. This site has been used to list meetings and open houses up to a month in advance. A new [nondiscrimination webpage](#) was added to the SCOG website in 2014 to better notify the public about their rights under Title VI. This includes the Title VI Notice to the Public, a link to the Title VI Complaint Form along with addresses where complaints may be filed, and a link to the updated Title VI Plan.

The typical practice at SCOG is to distribute meeting packets for all public meetings and any other public events, such as open houses, at least seven days prior to the scheduled date. Meeting packets are delivered via email group lists, which include local news media, and are posted to SCOG's website. SCOG Board of Directors and Transportation Policy Board meetings are initially announced to the public in the calendar month preceding each meeting, with date and location provided.

Accomplishments during the Reporting Period

The process to update the Metropolitan and Regional Transportation Plan (RTP) was completed during the reporting period. The RTP is a plan SCOG prepares every five years, engaging all members of the public. The RTP acts as a blueprint for the region's transportation system for the next 25 years. As part of this effort, a public involvement plan was adopted and implemented during the reporting period to guide outreach during the planning process.

Specific to Title VI, the public involvement plan called for certain public outreach materials to be made available in Spanish, and for Spanish interpretation services to be provided upon request. The public involvement plan also called for minority and low-income populations that are present in the region to be targeted for outreach as appropriate. Social media advertisements and the Skagit 2045 Regional Transportation Plan website were created in both English and Spanish versions to facilitate public outreach. The RTP was adopted as the Skagit 2045 Regional Transportation Plan on March 17, 2021.

CONSULTANT CONTRACTS

In accordance with the Title VI Plan, a review of SCOG's Title VI Program is conducted periodically which includes an examination of consultant contracts. The review of consultants examines the use of Disadvantaged Business Enterprise (DBE) sub-contractors and the inclusion of Title VI requirements in consultant contracts.

SCOG evaluates all consultant contracts prior to execution to make sure that the appropriate Title VI language is included for compliance. SCOG inserts contract language in all applicable agreements from the Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufacturers as presented in the Title VI Plan.

Agreements in effect during the reporting period between SCOG and consultants or other agencies/organizations are listed below:

- Skagit County
 - Type: interlocal cooperative agreement
 - Description: traffic counts in cities of Skagit County
 - Term: January 1, 2020 through January 1, 2025
 - Amount: cost reimbursement per agreement
- Member Jurisdictions
 - Type: governance agreement
 - Description: organizes and establishes SCOG as a regional agency

- Term: July 2014 until dissolution of SCOG
- Amount: N/A

- Member Jurisdictions
 - Type: interlocal cooperative agreement
 - Description: staffing for Growth Management Act support activities in Skagit County
 - Term: January 2016 through December 2016, with annual extensions, until terminated by SCOG or any party
 - Amount: varies by annual work program and budget

- Resource Systems Group, Inc.
 - Type: professional services agreement
 - Description: Skagit regional household travel survey
 - Term: January 7, 2020 through March 31, 2022
 - Amount: up to \$219,147

- Resource Systems Group, Inc.
 - Type: professional services agreement
 - Description: provide regional travel demand modeling services
 - Term: August 1, 2020 through July 31, 2021
 - Amount: up to \$39,942

- Whatcom Council of Governments
 - Type: interlocal cooperative agreement
 - Description: provide accounting and financial management services
 - Term: September 15, 2021 through December 31, 2024
 - Amount: cost reimbursement per agreement

SCOG also has several other agreements related to day-to-day operations of the organization including agreements for: accounting services; information technology services; legal services; acquiring goods and services; office space rental; payroll services; and financial management.

SCOG continues to implement a procedure to further Title VI compliance in contracting. This procedure is to distribute a Title VI contractor compliance checklist to consultants before project closeout and to conduct administrative review of the checklist prior to distributing final payment under the contract.

As part of SCOG's Title VI and Environmental Justice education and training, SCOG invites consultants, contractors, and subcontractors to Washington State Department of Transportation (WSDOT) Title VI trainings.

Accomplishments during the Reporting Period

SCOG conducted reviews on all professional services agreements during the reporting period and ensured that all appropriate Title VI assurances were included. Title VI contractor compliance checklists were completed by contractors and reviewed and approved by SCOG for all professional services agreements that expired during the reporting period.

ENVIRONMENTAL JUSTICE

A past review of SCOG's Title VI Plan from a few years ago showed a weakness regarding Executive Orders 12898 (Environmental Justice) and 13166 (Limited English Proficiency). Since then, SCOG has

shown significant progress in addressing Environmental Justice (EJ) and limited English proficiency (LEP) deficiencies. Most significantly, SCOG developed a Demographic Profile in 2013, which included identifying protected minority and low-income populations, as well as a language assistance program in the 2014 Title VI Plan, outlining SCOG's commitment to providing translation and interpretive services to Spanish-speaking persons in Skagit County with limited ability to speak English.

An update to the [Demographic Profile](#) in March 2020 provided current regional data on Environmental Justice protected populations in Skagit County.

Accomplishments during the Reporting Period

SCOG conducted an Environmental Justice evaluation of the [Regional Transportation Improvement Program](#) during the reporting period. The geographic analysis of EJ protected populations indicated that transportation investments were not disproportionately withheld from Census tracts and blocks with EJ protected populations.

The Metropolitan and Regional Transportation Plan update was completed during the reporting period and was adopted as the Skagit 2045 Regional Transportation Plan on March 17, 2021. Specific to Title VI, an Environmental Justice and equity analysis was conducted for the plan and adopted as Appendix F of the RTP. The Environmental Justice and equity analysis concluded that in terms of collective impact of projects included in the plan, the projects did not appear to create a disproportionate adverse effect or burden on EJ communities.

During the reporting period, SCOG completed a prioritized human services transportation project list for Skagit County. As part of this effort, an ad hoc special needs transportation committee, created in September 2020, provided advice during the project prioritization process. Per FTA requirements included in FTA Circular C 4702.1B, the committee was asked to provide self-identified racial and ethnic information. The results of this demographic information request are included in the following tables:

Race*	Number
American Indian and Alaskan Native	0
Asian	1
Black or African American	0
Hawaiian and Other Pacific Islander	1
White	9
Some Other Race	2

*Note: committee members' racial responses may include more than one self-identified race per person.

Ethnicity*	Number
Hispanic or Latino	1
Not Hispanic or Latino	9

*Note: some committee members' self-identified ethnicity responses were incomplete.

When establishing the committee, efforts were made to ensure that organizations serving were involved in some way with special needs transportation, including persons with low-income, the elderly, persons with disabilities, veterans and youth. The committee began meeting in September 2020. More information on ad hoc committees, including racial and ethnicity statistics for Skagit County with a comparison to committee composition, can be found in the Title VI Plan.

LANGUAGE ASSISTANCE

SCOG utilizes the Language Assistance Program outlined in the Title VI Plan to provide consistent standards of language assistance across its service area. A four-factor analysis was conducted in the Plan to determine the proportion of limited English proficiency persons in Skagit County. Estimates provided by the American Community Survey were used to ascertain populations with limited English proficiency through the Demographic Profile. In the most recent 2020 Demographic Profile, 7,742 persons out of 120,397 persons over the age of 5 were found to have limited English proficiency; this equates to an LEP population of 6.4%.

For those who speak English less than “very well,” Spanish or Spanish Creole speaking households represent 5.7% of the population of Skagit County, according to the 2014–2018 American Community Survey 5-year estimates. These estimates informed the 2020 Demographic Profile. Other languages spoken among households that speak English less than “very well” total an additional 1.6% of the population of Skagit County, including all other Indo-European, Asian and Pacific Island, and other languages. For this reason, SCOG primarily prioritizes outreach to Spanish and Spanish Creole speakers.

Spanish translations of planning-related materials are made available by SCOG, to ensure access to SCOG activities for those who have limited English proficiency. Interpreters are provided as requested in accordance with the language assistance program in SCOG’s Title VI Plan.

Accomplishments during the Reporting Period

A public involvement plan was adopted in July 2020 to guide outreach for the Skagit 2045 Regional Transportation Plan, and the public outreach continued into this reporting period. The public involvement activities included translation of virtual public engagement materials and tools into Spanish and the provision of interpreters as requested throughout the planning process. The Skagit 2045 Regional Transportation Plan website and public engagement materials, including social media advertisements, online surveys, and a web mapping tool, were translated into Spanish and were made available online to the public at all times.

The Skagit Travel Survey is a household travel survey that launched directly after the reporting period concluded, on October 1, 2021. During the reporting period, invitations to participate in the survey were translated into Spanish and distributed to households in Skagit County along with English invitations. A concerted effort is being made in the survey to oversample certain groups – including low-income populations, limited English speakers and American Indian and Alaska Natives – to ensure survey response rates are representatives of the entire Skagit county population.

ENVIRONMENTAL STUDIES

Any time that SCOG undertakes environmental studies, compliance with the Title VI Plan is ensured.

Accomplishments during the Reporting Period

A State Environmental Policy Act environmental review was conducted for the Skagit 2045 Regional Transportation Plan update during the reporting period. SCOG determined that the plan would not have a probable significant adverse impact on the environment, and a Determination of Nonsignificance (DNS) was issued for the plan on January 10, 2021. The public comment period for the DNS was from January 10, 2021 to February 5, 2021, and no comments were received.

EDUCATION, TRAINING AND DATA COLLECTION

SCOG staff is made aware of relevant Title VI training opportunities as they arise.

Accomplishments during the Reporting Period

During the reporting period one SCOG employee, Grant Johnson, completed the Washington State Department of Transportation Title VI Basics for LPAs training.

SUMMARY

SCOG first prepared and adopted a Title VI Plan in 2004. Since then, SCOG has worked to implement that plan and later iterations of the plan, with the expectation of always improving upon what has already been accomplished. As indicated by all the reported Accomplishments during the Reporting Period, SCOG has integrated Title VI into its activities and continues to implement the Title VI Plan.

UPCOMING YEAR GOALS AND OBJECTIVES

In the next review period, October 1, 2021–September 30, 2022, SCOG will conduct a complete update of the Coordinated Public Transit-Human Services Transportation Plan (CPT-HSTP). As part of the CPT-HSTP update, SCOG will be creating a Public Involvement Plan with strategies in place to ensure the inclusion of low-income and racial-ethnic minority populations in the planning process. In addition, SCOG will complete the Skagit Travel Survey in the upcoming reporting period, which will include targeted oversampling of low-income and racial-ethnic minority (Environmental Justice) populations. The Household Travel Survey aims to assist with the historic undercounting of these groups in order to provide a more complete, and unbiased sample of the region.

SCOG will also conduct an update to the Title VI Plan during the next review period, to address revisions that WSDOT made in the Local Agency Guidelines, Chapter 28 Title VI Program, after SCOG’s Title VI Plan was last amended in May 2020. The update to the plan will be limited to a technical amendment to achieve consistency between SCOG’s Title VI Plan and WSDOT Title VI updates. The next major update to the SCOG Title VI Plan will occur in 2023, continuing on the three-year plan amendment cycle for this plan.

DocuSigned by:

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10/25/2021

Kevin Murphy
Executive Director
Skagit Council of Governments

Date

EXHIBIT A

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

Skagit Council of Governments (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

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

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

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give

reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

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

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

Skagit Council of Governments
(Name of Recipient)
DocuSigned by:
by Kevin Murphy
714DD13472BE409...
(Signature of Authorized Official)

DATED 10/25/2021

APPENDIX A

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

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

provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Skagit Council of Governments will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of program, and the policies and procedures prescribed by the Washington State Department of Transportation of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Skagit Council of Governments all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Skagit Council of Governments and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Skagit Council of Governments, its successors and assigns.

Skagit Council of Governments, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that Skagit Council of Governments will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Skagit Council of Governments pursuant to the provisions of Assurance 7(a):

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

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

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Skagit Council of Governments pursuant to the provisions of Assurance 7(b):

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

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Dates	Total Funding Available	FHWA (13.5%)	STBG (13.5%)	FTA (13.5%)	RTPO	STP (13.5%)
06/30/2021 Carryforward	\$320,091	\$105,098		\$109,243		\$105,750
RTPO July 1, 2021 to June 30, 2023	\$143,286				\$143,286	
STBG July 1, 2021 to June 30, 2023	\$167,541		\$167,541			
July 2021 Expenditures	(32,508)	(13,845)	(3,010)	(4,722)	(10,930)	0
07/31/2021 Balance	\$598,411	91,253	164,531	104,521	132,356	105,750
August 2021 Expenditures	(19,554)	(12,424)	(3,039)		(5,263)	0
08/31/2021 Balance	\$577,685	78,829	161,492	104,521	127,093	105,750
Sept 2021 Expenditures	(\$48,430)	(11,387)	(10,697)	(4,692)	(6,652)	(15,003)
09/30/2021 Balance	529,255	67,442	150,796	99,828	120,442	90,748
Oct 2021 Expenditures	(37,055)	(11,394)	(10,507)	(6,399)	(8,754)	0
10/31/2021 Balance	492,200	56,048	140,288	93,429	111,687	90,748