



Title VI Plan

MAY 2020 – MAY 2023

ADOPTED OCTOBER 2004

UPDATED AUGUST 2006, MAY 2014, MAY 2017, MAY 2018, MAY 2020, FEBRUARY 2022

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TABLE OF CONTENTS

INTRODUCTION	1
BOARD APPROVAL	2
TITLE VI POLICY STATEMENT	3
AUTHORITIES	4
TITLE VI NOTICE TO THE PUBLIC.....	5
TITLE VI COORDINATION AND RESPONSIBILITIES.....	7
ALLEGATIONS OF DISCRIMINATION.....	9
SPECIAL EMPHASIS PROGRAM AREAS	13
APPENDIX 1: TITLE VI/Non-DISCRIMINATION ASSURANCES.....	23
APPENDIX 2: PUBLIC INVOLVEMENT.....	34

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INTRODUCTION

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

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

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

The May 2014, May 2017 and May 2020 amendments to the Title VI Plan included many changes to the original 2004 Title VI Plan. The Title VI Plan has a three-year plan horizon and will expire - in May 2023, though it may be updated annually if the need arises prior to the expiration date. This February 2022 update to the Title VI Plan aligns the plan with recent changes made by the Washington State Department of Transportation (WSDOT) to the statewide Title VI program, including changes to statewide guidance on Title VI. The Title VI Plan meets both Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requirements for a Title VI Plan.

Any references in this plan to the "reporting period" are for the three years leading up to the Title VI Plan update, May 2017–May 2020. This three-year reporting period is an FTA requirement to ensure Title VI requirements are being met. The FHWA requires that Title VI reports be submitted annually. All reports, and this plan, are submitted to WSDOT, from which SCOG receives federal funds as a sub-recipient. WSDOT, as the direct recipient of federal funds from FHWA and FTA, has Title VI oversight responsibilities over SCOG as a sub-recipient.

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

BOARD APPROVAL

The Skagit Council of Governments Transportation Policy Board approved this Title VI Plan at our regular meeting on February 16, 2022.

Commissioner Peter Browning, Skagit County
Transportation Policy Board Chair

Date

Attest:

Kevin Murphy
Executive Director

Date

DRAFT

TITLE VI POLICY STATEMENT

It is the policy of the Skagit Council of Governments (SCOG) that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of SCOG as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of SCOG, including its contractors and anyone who acts on behalf of SCOG. This policy also applies to the operations of any department or agency to which SCOG extends federal financial assistance. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly, neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, or national origin include: denial to an individual any service, financial aid, or other benefit; distinctions in the quality, quantity, or manner in which a benefit is provided; segregation or separate treatment; restriction in the enjoyment of any advantages, privileges, or other benefits provided; discrimination in any activities related to highway and infrastructure or facility built or repaired; and discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; and 28 CFR 50.3.

Signed: _____
Kevin Murphy
Executive Director

Date

AUTHORITIES

Title VI of the 1964 Civil Rights Act provides 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 receiving federal financial assistance.

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

ADDITIONAL CITATIONS

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

TITLE VI NOTICE TO THE PUBLIC

The Skagit Council of Governments (SCOG) hereby gives public notice that it is the agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or other activity for which SCOG receives federal financial assistance.

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

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

- Skagit Council of Governments
Attn: Title VI Coordinator
315 South Third Street, Suite 100
Mount Vernon, Washington 98273
Email: kmurphy@scog.net
Phone: (360) 416-7871
- Washington State Department of Transportation
Office of Equal Opportunity – Title VI
PO Box 47314
Olympia, WA 98504-7314
Email: TitleVI@wsdot.wa.gov
Phone: (800) 259-9143
- Federal Highway Administration
Office of Civil Rights
8th Floor E81-105
1200 New Jersey Avenue, SE
Washington, DC 20590
Email: CivilRights.FHWA@dot.gov
- Federal Transit Administration
Office of Civil Rights
Attn: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590
Email: FTACivilRightsCommunications@dot.gov
- United States Department of Justice
Civil Rights Division

950 Pennsylvania Avenue, NW
Washington DC, 20530-0001
Phone: (855) 856-1247

ABBREVIATED TITLE VI NOTICE TO THE PUBLIC

The Skagit Council of Governments fully complies with Title VI of the federal Civil Rights Act of 1964 and related statutes, and does not discriminate on the basis of race, color or national origin. For more information, or to obtain a Title VI Complaint Form, visit SCOG's website at <http://scog.net/about/nondiscrimination/>.

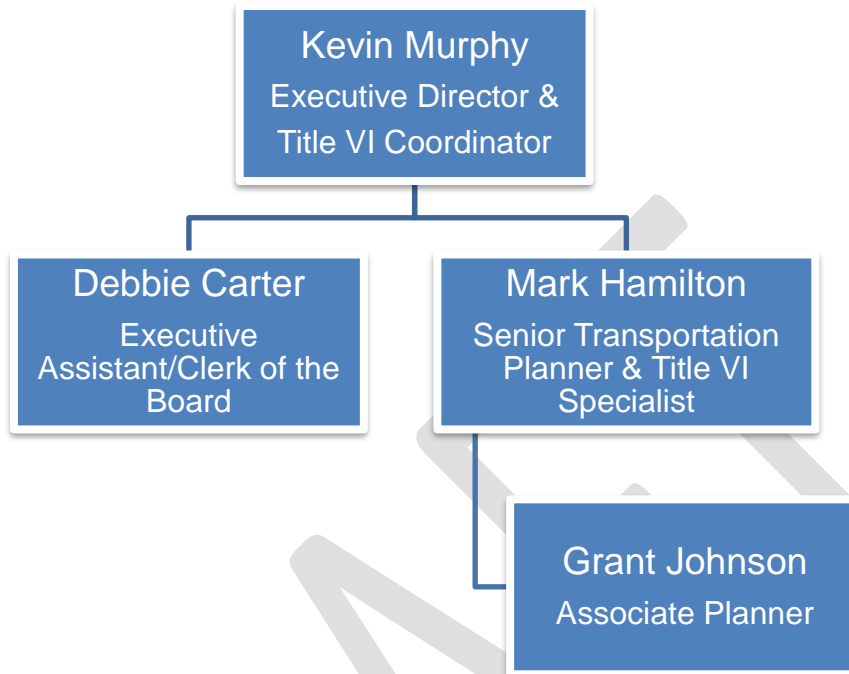
LOCATIONS TITLE VI NOTICE TO THE PUBLIC POSTED

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

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

TITLE VI COORDINATION AND RESPONSIBILITIES

ORGANIZATIONAL CHART



TITLE VI COORDINATOR

Kevin Murphy, the Executive Director of SCOG, is the agency's Title VI Coordinator. The Title VI Coordinator is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all LPA employees, contractors and agents pursuant to 49 CFR Part 21.

RESPONSIBILITIES OF TITLE VI COORDINATOR

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

SCOG's Title VI Coordinator responsibilities are as follows:

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

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

ALLEGATIONS OF DISCRIMINATION

RECORD OF COMPLAINTS

SCOG did not receive any Title VI complaints alleging discrimination on the basis of race, color and/or national origin during the three-year reporting period, from May 2017 – May 2020. SCOG has never been involved with any Title VI investigation or Title VI lawsuit.

COMPLAINT FORMS

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

The complaint form can be accessed in English at:

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

In Spanish, the form can be accessed at:

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

COMPLAINT PROCEDURES

Federal law prohibits discrimination on the basis of race, color or national origin in any Skagit Council of Governments program, service or activity. This prohibition applies to SCOG contractors, consultants and anyone else who acts on behalf of SCOG.

Complaints related to federal-aid programs may be filed with SCOG and will be forwarded to the Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, contact Kevin Murphy at (360) 416-7871 or kmurphy@scog.net.

WHO IS ELIGIBLE TO FILE A COMPLAINT?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Skagit Council of Governments program, service or activity because of their race, color or national origin may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

HOW DO YOU FILE A COMPLAINT?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact Kevin Murphy at (360) 416-7871 or kmurphy@scog.net, if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, contact Kevin Murphy at (360) 416-7871 or kmurphy@scog.net.

Complaints should be in writing, signed, and may be filed by mail, in person or email. If a complainant phones SCOG with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature to the mailing address and/or email address provided to SCOG.

A complaint should contain the following information:

- The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available);
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific person(s) and/or agencies/organizations alleged to have discriminated;
- A description of the alleged discriminatory actions, meaning sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

All Title VI complaints are logged. The Complaint log must contain the following information for each complaint filed:

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

The Complaint Log and associated complaint documentation will be retained by SCOG for a minimum of four years after the end of the calendar year in which the case is closed.

WHAT HAPPENS AFTER A COMPLAINT IS FILED?

If your complaint is forwarded to another agency by SCOG, you will be provided the name and contact information of the employee handling your complaint at the other agency.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Federal agencies will render final decisions in all cases, including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once a federal agency issues its final agency decision, a complaint is closed.

There is no prohibition against a complainant filing a Title VI complaint simultaneously with SCOG, WSDOT, the Federal Highway Administration, the Federal Transit Administration and US. Department of Justice.

SCOG will not investigate a discrimination complaint against itself. Any complaint alleging discrimination by SCOG, which is received by SCOG, will be forwarded to the WSDOT Office of Equal Opportunity within 10 calendar days of receipt of allegation. SCOG will forward the complaint to:

- Washington State Department of Transportation
Office of Equal Opportunity, Title VI Program
PO Box 47314
Olympia, WA 98504
Email: TitleVI@wsdot.wa.gov

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. A Title VI complaint may be filed with any of the following offices:

- Skagit Council of Governments
Attn: Title VI Coordinator
315 South Third Street, Suite 100
Mount Vernon, Washington 98273
Email: kmurphy@scog.net
Phone: (360) 416-7871
- Washington State Department of Transportation
Office of Equal Opportunity – Title VI
PO Box 47314
Olympia, WA 98504-7314
Email: TitleVI@wsdot.wa.gov
Phone: (800) 259-9143
- Federal Highway Administration
Office of Civil Rights
8th Floor E81-105
1200 New Jersey Avenue, SE
Washington, DC 20590
Email: CivilRights.FHWA@dot.gov
- Federal Transit Administration
Office of Civil Rights
Attn: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE

Washington, DC 20590
Email: FTACivilRightsCommunications@dot.gov

- United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington DC, 20530-0001
Phone: (855) 856-1247

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SPECIAL EMPHASIS PROGRAM AREAS

PUBLIC PARTICIPATION PROGRAM

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

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

THE PAST THREE YEARS OF COMMUNITY OUTREACH, MAY 2017 – MAY 2020

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

Website – scog.net

SCOG's website is regularly updated with materials related to its Transportation Program. SCOG contracted with a web designer in 2018 to redesign the website for a new mobile-friendly theme. The new theme includes Google translate capabilities in 10 common languages, identified through the Language section of the Demographic Profile.

There is a nondiscrimination webpage with includes SCOG's Title VI Notice to the Public and Title VI Complaint Form along with many other webpages that describe SCOG activities and provide hyperlinks to SCOG documents. A blog feature is available at the homepage where events and SCOG activities are posted on a regular basis. Recent posts include upcoming meetings at SCOG and a proposed amendment to the regional transportation improvement program.

SCOG has contracted with a language translation company during the three-year reporting period to provide English to Spanish translations of documents – such as executive summaries and introductions of plans – after documents are adopted. Spanish translations are posted to SCOG's website.

Email

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

Coordinated Public Transit-Human Services Transportation Plan

The Coordinated Public Transit-Human Services Transportation Plan (HSTP) is prepared every 4 years and encompasses Skagit County. The HSTP includes specific opportunities to advance special needs coordinated transportation across the region. Opportunity for public comment is

provided prior to adoption of the HSTP. SCOG administers the planning process for the HSTP, including associated consultant contract(s), and coordinates with transit agencies and other providers of special needs transportation services on HSTP planning.

The HSTP is available on SCOG's website at:

https://www.scog.net/HSTP/2018/Skagit_CPT-HSTP_2018.pdf.

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

The HSTP and the public participation process leading up to its adoption were conducted during the three-year reporting period. An update to the HSTP was adopted in December 2018. The public engagement process is documented in Section 1 of the HSTP. Contacts during the planning processes included communications with Spanish-speaking persons, seniors, persons with disabilities, youth, veterans, and homeless persons.

Public Participation Plan

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

The PPP is available on SCOG's website at:

https://www.scog.net/PPP/2017_PPP.pdf.

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

The PPP was updated during the three-year reporting period with adoption in August 2017. The public engagement strategy is described on Page 3-5 of the PPP. A section on limited English proficiency is included on Page 12 and a section on Environmental Justice is included on Page 13. Procedures, tools, and techniques for public participation – including outreach to minority, low-income and limited English proficient populations – are included on Page 14-20 of the PPP.

Board and Committee Meetings

All regular and subcommittee meetings of SCOG governing bodies are open to the public. SCOG includes public comment periods at regular meetings and offers different avenues for comment including written, oral, formal, informal and electronic. SCOG meetings are in ADA accessible locations and efforts are made to ensure that meetings are accessible to those who rely on public transportation. Interpretation services are available for regular SCOG governing body meetings, which are held every month with the location and date of the next meeting posted one month in advance.

SCOG facilitates several standing committee meetings that are advisory in nature. One of these is a bicycle and pedestrian committee, and another is a technical advisory committee made of primarily of public works directors that recommends decisions on transportation funding for projects and programming. SCOG also has another committee that is not part of the

Transportation Program, the Growth Management Act technical advisory committee. . All committee meetings at SCOG are open to the public.

SCOG does not have any standing committees with non-elected members that are solely public transportation oriented but did have one ad hoc committee that was transit related, the Special Needs Transportation Committee, in 2018. This committee helped with updating the HSTP and prioritizing human services transportation projects in 2018. Racial and ethnic information was collected from this committee in accordance with Federal Transit Administration requirements and is reported in Table 1. Special Needs Transportation Committee members were specially invited to participate based on their role as stakeholders and service providers in special needs transportation; as such, committee members worked closely with, or represented, low-income, senior, and disabled populations.

Table 1. Racial and Ethnic Information for Members of Non-Elected Committees at SCOG

	Committee Responses	ACS* Estimates	5-Year
Race	2018	2014-2018	
American Indian and Alaska Native	13.3%	1.8%	
Asian	6.7%	2.0%	
Black or African American	13.3%	0.8%	
Hawaiian and Other Pacific Islander	0	0.2%	
White	60%	82.1%	
Some Other Race	6.7%	9.2%	
Ethnicity			
Hispanic or Latino	20%	18.3%	
Not Hispanic or Latino	80%	81.7%	

Notes: *does not include "two or more races" responses which is 3.9% for Skagit County; "ACS" is U.S. Census Bureau's American Community Survey; and some committee members' racial or ethnicity responses were incomplete.

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

SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

- Ensure that all aspects of the Public Participation Program comply with Title VI.
- Sending out and/or posting notices for public meetings, open houses and projects through mail, media (local papers including papers that are specific to certain

communities when available) and the SCOG website, at least 7 calendar days prior to the event.

- Encouraging affected communities through solicitation of ideas, suggestions, and concerns using various forums such as meetings and open houses where comment forms are available. The SCOG website is also available for comments.

CONSULTANT CONTRACTS PROGRAM

SCOG periodically is responsible for the selection, negotiation and administration of consultant contracts. Selection is generally made by a Consultant Selection Committee, which is established for each major project. The committee is typically composed of SCOG staff members, technical staff from local areas, and staff from affected agencies.

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

SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

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

SUB-RECIPIENT REVIEW AND REMEDIAL ACTION PROCEDURES

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

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

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

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

ENVIRONMENTAL JUSTICE PROGRAM

SCOG seeks to identify and address disproportionately high and adverse effects of programs, policies and activities on minority populations and low-income populations across Skagit County. To identify these populations, and those of seniors, persons with disabilities, and persons with limited English proficiency; SCOG analyzed available data and published a demographic profile in May 2020. The demographic profile uses data from the 2010 decennial Census, American Community Survey and State of Washington's Office of Superintendent of Public Instruction to ascertain locations of these populations of concern. A series of maps are included in the demographic profile showing minority populations and low-income populations at Census block and Census tract geographies.

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

<http://www.scog.net/Demographics/SkagitDemographicProfile-2020.pdf>.

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

In April 2020, SCOG also completed an Environmental Justice and Title VI assessment of all funds selected for award through the Surface Transportation Block Grant Program from May 2017 – April 2020 through SCOG competitive selection processes for transportation projects in Skagit County. The assessment includes maps of minority populations and low-income populations as well as an analysis of the impacts of transportation funding decisions on these protected populations. A Title VI assessment analyzes the specific impacts of SCOG-awarded funds for public transportation purposes. The findings of the assessment indicate that SCOG decisions on funding transportation projects in Skagit County are not having a disproportionately high and adverse impact on minority and low-income populations.

The assessment is available on SCOG's website at:

https://www.scog.net/Demographics/2017-2020_EJAnalysisofSCOGFederallyFundedProjects.pdf.

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

Authorities/Guidance: Executive Order 12898 on Environmental Justice; USDOT Order 5610.2(a); FHWA Order 6640.23A; FTA Circulars C 4703.1 and C 4702.1B.

SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

- Ensure that minority populations and low-income populations are included and have access to public meetings, open houses and projects whenever possible. Events will be held at facilities that will allow for and accommodate the needs of those physically challenged and will be accessible by public transportation whenever possible.
- Ensure that participation of a cross section of various social, economic, racial and ethnic interest groups are represented in the planning process by disseminating Transportation Program information to minority media and related organizations.
- Ensure equal opportunity for participation on transit-related advisory committees regardless of racial, ethnic or economic status.
- Update the demographic profile for Skagit County every three years.
- Ensure that Environmental Justice principles and practices are incorporated into transportation plans, programs, policies and activities of SCOG.

LANGUAGE ASSISTANCE PROGRAM

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

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

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

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

FOUR FACTOR ANALYSIS

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

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

SCOG uses 1- and 5-year estimates provided by the American Community Survey to ascertain persons with limited English proficiency. The latest estimates available at the time SCOG's demographic profile was completed, were the 2018 estimates and the 2014–2018 estimates, tables C16004 and B16001, respectively. The 2018 estimates indicated that 7,742 persons had limited

English proficiency in Skagit County out of 120,397 for persons over the age of 5. This equates to an LEP population of 6.4%.

For those who speak English less than “very well”, Spanish or Spanish Creole speaking in households represents 5.7% of the population in Skagit County, according to 2014–2018 ACS estimates. All languages, other than English, in households that speak English less than “very well” total 7.3% of the population in Skagit County, according to these ACS data. No other language besides Spanish or Spanish Creole currently meets the Safe Harbor threshold of 5% of the population or 1,000 total LEP speakers. This Safe Harbor provision describes circumstances which provide a “safe harbor” for federal recipients in terms of requirements for the written translation of vital documents for LEP populations. According to the Safe Harbor Provision, if recipients provide written translation of vital documents for language groups that meet or exceed the threshold, recipients will be considered to have “strong evidence of compliance” with LEP obligations. Language tables with ACS data are on Page 39-40 of SCOG’s demographic profile.

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

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

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

Customer service interactions occur on a daily basis. Most interactions are with staff and elected officials of member jurisdictions of SCOG. Communications with the general public typically occur via telephone, email or in-person. During the three-year reporting period, SCOG staff estimates that less than 5 customer service interactions were had with Spanish-speaking persons who seemed to speak English less than very well. All of these encounters were asking for directions to other services/businesses in downtown Mount Vernon and no interactions were related to SCOG activities. In each instance, SCOG staff was able to assist in providing directions.

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

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

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

Two significant planning processes occurred during the reporting period of this Title VI plan: (1) an update to the Coordinated Public Transit-Human Services Transportation Plan; and (2) an

update to the Public Participation Plan. Being regional in nature, each planning effort was impactful to persons throughout Skagit County, including those with limited English proficiency.

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

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

All employees of SCOG speak only English, but interpretation services and Spanish translation services of written material can be provided if requested. If these translation services are requested, SCOG will consider contracting with Skagit County's court system, local interpreter services or seek out assistance from community organizations that provide interpreter services. Any and all contracts would have to adhere to SCOG procurement policies.

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

SCOG provided some translation services during the reporting period, translating several documents and webpages into Spanish. These costs were generally \$100-\$500 each time translation was needed and translations were conducted by a local business that specializes in translation and interpretation services. SCOG proactively translated these documents but received no requests for translations nor interpretations during the three-year reporting period. As of February 2020, SCOG has provided interpretation services as needed over the phone through Language Link. During the reporting period, no requests for interpretation were made.

SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

- Send out mailings and/or post notices to the SCOG website and in specific local print media, regarding LEP affected communities utilizing Spanish when necessary, at least 7 calendar days prior to the event.
- Print and disseminate training materials for staff, including language identification charts at the main entrance to the SCOG office.
- Print and disseminate materials for a specific project translated into Spanish when necessary. Provide Spanish translation of executive summaries of planning documents - including the MRTP, PPP and HSTP - as practicable.
- Seek out and work with community-based organizations that will reach LEP communities, to include civic representatives specific to LEP communities, economic development associations, chambers of commerce, etc.

- Maintain records of attendance of minority and low-income populations, as practicable, at public involvement forums and records of direct comments at public meetings and open houses.
- Review the Language Assistance Program annually, including any contacts with LEP persons, to determine the frequency of contacts, the language used, and how the contacts were handled.

ENVIRONMENTAL STUDIES

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

Authorities/Guidance: Executive Order 12898 on Environmental Justice; 49 CFR 622, 640, 712, 771 and 790; RCW 43.21C

SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

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

EDUCATION, TRAINING AND DATA COLLECTION

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

Authorities/Guidance: SCOG Personnel Handbook

SPECIFIC TITLE VI COORDINATOR RESPONSIBILITIES:

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

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APPENDIX 1: TITLE VI/NON-DISCRIMINATION ASSURANCES

The 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 (WSDOT), 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 Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The 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, the 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 Washington State Department of Transportation's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Washington State Department of Transportation. You must keep records, reports, and submit the material for review upon request to the Washington State Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The 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 Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Kevin Murphy, Executive Director

Skagit Council of Governments

by _____
(Signature of Authorized Official)

DATED _____

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.

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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 Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration 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 the 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.

The 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 the 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.)

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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, the 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 the 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 the 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, the 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, the Skagit Council of Governments will thereupon revert to and vest in and become the absolute property of the 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).

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APPENDIX 2: PUBLIC INVOLVEMENT

INTRODUCTION

As a part of the 2020 minor update to the Title VI Plan, SCOG conducted a series of stakeholder interviews with representatives from identified Title VI and Environmental Justice communities. Public involvement in the development of the Title VI Plan helps to ensure that the community is aware of the planning process, has an opportunity to provide input, and that actions taken by SCOG to ensure nondiscrimination reflect identified needs and concerns from the community.

Interview questions sought to elicit input on public engagement strategies and mechanisms, as well as general transportation needs and barriers. Barriers to transportation reflect “adverse effects” as identified in FHWA Order 6640.23A, and input received may help SCOG to accurately identify benefits and burdens of the transportation program in Environmental Justice analyses.

INTERVIEWS WITH COMMUNITY STAKEHOLDERS

Children’s Council of Skagit County

Staff interviewed members of the Children’s Council of Skagit County at a regular meeting.

Transportation Needs

- For families with young children, access to public transportation is a priority. Frequency of transit service is a barrier for potential riders.
- There is a language barrier with transit service.
- Interpreters and signage in Spanish are helpful, but some migrant families can’t read, and/or speak indigenous languages such as Mixtec and Triqui.
- Currently, many migrant families carpool with friends to meet their transportation needs.
- It is challenging for migrant families who are new to the community to learn about and understand transportation options. The work season in Skagit County is around May through October, and outreach could be prioritized then.
- The expense of transportation is a barrier to families.

Community Action of Skagit East County Resource Center

Staff interviewed Claudia Marken, East County Manager.

Transportation Needs

- Income inequality is noticeable in Eastern Skagit County. Some residents have access to private vehicles and drive regularly, while others rely on public transit or rides with friends for all trips.
- Skagit Transit and D-C Direct service is crucial for some residents to access jobs, medical services, legal services, and college at Skagit Valley College.
- Persons with disabilities sometimes have a hard time accessing transit stops.

- The D-C Direct bus service has improved access to the Concrete-based Community Action meal program, and complements Skagit Transit service well. Residents rely on this service.
- Seniors are often excluded from programs because they can't afford gas, or bus service isn't available for them.
- Skagit Transit routing and schedule changes have improved transportation access in the Concrete area, as well as connections in Mount Vernon.
- Some residents express safety concerns regarding the Cascade Trail, and choose not to use the facility.
- Low-income housing on the south side of Highway 20 in Concrete is far from fixed route transit stops.
- Affordability of transportation is the highest priority for low-income residents in Eastern Skagit County. Along with this, safety and community cohesion are concerns, although community cohesion is related to rural land use. There are community impacts related to summer seasonal traffic on Highway 20.

Inclusion and Engagement

- Community Action utilizes social media to reach out to residents. Social media seems to be more heavily utilized than radio or newspaper means, although KSVU and the Concrete Herald are available sources of news.
- It is recommended that SCOG attend Concrete Town Council meetings to reach out to residents.
- Early and continuous engagement with Eastern Skagit County residents is important at the project level. Some projects have surprised residents, who felt that they were not adequately informed of impacts.

Samish Indian Nation

Staff interviewed David Strich, Planner.

Transportation Needs

- The Samish Indian Nation spans multiple counties, states, and nations, as Samish land crosses international borders between the United States and Canada. For this reason, transportation needs vary widely.
- Samish facilities such as the Summit Park campus, Seafarer's Memorial Park, and Longhouse on D Ave. in Anacortes, are not in proximity to existing transit. These facilities provide services for low-income, elder, and youth populations.
- Projects which directly benefit disadvantaged populations should be prioritized. Disadvantaged populations include not only Title VI and EJ populations, but also populations such as elders or seniors, youth, and young families.

Inclusion and Engagement

- Samish tribal members move often, and were undercounted in the last Census. To engage with Samish members, attend events such as General Council meetings, Canoe Journey, and Elders lunches.
- Word of mouth and communication by trusted community leaders is important.
- Samish has social media, a website, and bi-monthly newsletters, which are used to communicate with tribal members.
- Building relationships is important, and invite Samish to the table. Recognize Samish as a sovereign nation. Ask the question, “If we made a decision, how does Samish feel about that?” Communication between the SCOG Executive Director and tribal leadership (Samish Tribal Council and Chairperson) is particularly important. It is recommended to elicit feedback from tribal leadership directly.

Skagit County Public Health

Staff interviewed Jennifer Sass-Walton, Child & Family Health Manager.

Transportation Needs

- Mothers with young kids often need transportation access for employment, as well as to childcare. Lack of childcare options often means that commutes are long and indirect, with multiple stops. Infant care is even less available than childcare. Fixed route transit may not serve the needs of these commuters.
- Many migrant families choose not to use public transportation because of safety concerns: fear of riders, drivers, and they are unfamiliar with the process.
- Lack of transportation options makes it challenging to become and stay employed as well as work with social services.
- For those with vehicles, lack of insurance, citations, and the snowballing costs of ownership make getting out of poverty difficult.
- Families often have a lot of gear to pack with them, and this makes transportation difficult without a car.
- On-demand transit service would help meet needs. Reduced fares and free passes are also important. Evening service is needed.
- Coordinated carpools or transit service to large employers would help meet transportation needs. Examples of employers include food processing plants.
- Commuter service to Seattle is a priority.
- Safety on the Kulshan Trail is a concern.
- For immigrant populations, fear of exposure and possible deportation is an issue. Immigrants will not use ferries because of past experiences with immigration authorities on ferries.

- There are urban legends about immigration authorities searching for people on transit routes and at transit stops.
- For children with special needs, often Medicaid won't pay for additional family members such as siblings to ride with a child and parent. This is a barrier to access for families.

Inclusion and Engagement

- Community members are often reluctant to give feedback, especially critical feedback, feeling like their voice isn't being heard.
- Long documents are unlikely to be read by people. Communicate in short sound bytes.
- Anonymous comments are recommended.
- Use KSVR to engage the Spanish speaking community.
- It is recommended to work with community leaders who are trusted. Generate ongoing communication and build relationships.
- Social media is an effective communication medium, as well as migrant student outreach groups at schools.

Skagit County Superior Court

Staff interviewed Linda West, Court Administrator with regards to the Court's Language Access Plan.

Inclusion and Engagement

- Skagit County Superior Court is extremely intentional about hiring staff who reflect the community, and some staff are bilingual or multilingual. The Court has a contract with the Language Exchange in Burlington for translation services.
- Interpreter requests are tracked in an Excel spreadsheet, and this data informs the Court's Language Access Plan.
- One of the largest challenges for interpretation is sign language.

The Court struggles with the possible diversity of juries, and how to conduct outreach around jury participation. The language and interpretation needs of juries could be extremely varied. Acting proactively around that is a priority.

Skagit Transit

Staff interviewed Brad Windler, Planner.

Transportation Needs

- Based on a ridership survey, priorities for the transit rider community include: providing more local fixed route service later in the evening, adding more bus shelters and seating at stops, and extending service hours for the County Connector routes.
- Frequency and hours of Skagit Transit service are a limiting factor for those who rely on transit.

- It is recommended that SCOG prioritize projects which serve a high percentage of minority or low-income residents, *or* projects near facilities which are frequented or which serve these communities. SCOG could develop a list of destinations which provide non-profit public services, and prioritize projects in proximity to these services which increase access.

Inclusion and Engagement

- Skagit Transit experiences barriers with limited English speakers. Providing ready translation in the moment is important. Spanish and Russian are prioritized languages. Skagit Transit is working to build capacity for travel training with limited English speakers.
- Reaching out to riders directly by handing out materials at stations and on buses is effective. The 205, 207, and 208 routes are recommended for outreach.
- SCOG should choose meeting locations and times compatible with Skagit Transit service for public meetings.

Swinomish Indian Tribal Community

Staff interviewed Nora Pederson, Grants Manager.

Transportation Needs

- The Swinomish village area is a heavily pedestrian community. Pedestrian facilities could be prioritized to increase access to neighboring destinations such as La Conner and the Swinomish Casino and Lodge, a major employer.
- Swinomish experiences a need for more transit investment and road maintenance. Transit service from the village area to the Swinomish Casino would be a priority.
- Safety and the preservation of man-made and natural resources are priorities for the transportation system. The Swinomish community is particularly interested in protecting cultural resources which may be disturbed by construction projects. Safety around Highway 20 and the Casino area is a concern.
- Air quality is a concern for Swinomish; the tribal community is currently replacing engines in its fishing fleet and promoting electric vehicles in order to reduce emissions.
- Swinomish is concerned about environmental impacts of rail freight near the Casino area.

Inclusion and Engagement

- Word of mouth is effective to engage Swinomish tribal members. A newsletter and Tribal magazine is available to members.
- It is recommended that SCOG attend community dinners and events. SCOG could connect with a Swinomish community leader to disseminate surveys. Use the La Conner Weekly News and Anacortes American for public notices, not just the Skagit Valley Herald.