

TITLE VI PLAN

Prepared By:

Whatcom Council of Governments
314 E. Champion Street
Bellingham, WA 98225

As amended September 11, 2013

Whatcom Council of Governments Title VI Plan

Policy Statement

The Whatcom Council of Governments (WCOG) 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 program or activity. WCOG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded.

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

WCOG's Executive Director is responsible for initiating and monitoring Title VI activities, preparing required reports, and other WCOG responsibilities as required by 23 CFR 200 and 49 CFR 21.



Robert H. Wilson
Executive Director

September 11, 2013

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, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

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

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; and 28 CFR 50.

Organization and Staffing - General

The Executive Director of WCOG is responsible for ensuring the implementation of WCOG Title VI program. The Title VI Coordinator (hereafter referred to as Coordinator), on behalf of the Executive Director, is responsible for oversight of the Title VI program. The day-to-day administration of the program lies with the Title VI Coordinator under the direct supervision of the Executive Director.

Title VI Coordinator Responsibilities

The Title VI Coordinator with assistance from program liaisons is assigned the responsibility for implementing, monitoring, and ensuring WCOG's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by WCOG.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of WCOG programs, i.e. citizens and affected communities.
3. Review Environmental Impact Statements prepared by WCOG for Title VI and Environmental Justice compliance.
4. Conduct Title VI review of program areas (planning, education and training, environmental affairs and contracting).
5. Conduct Title VI review of consultant contractors and recipients of federal funds directly distributed by WCOG.
6. Review internal policies and, where applicable, include Title VI and related requirements.
7. Make available training for WCOG employees on Title VI and related statutes for WCOG programs.
8. Prepare a yearly report of Title VI accomplishments for the past year.
9. Prepare Title VI information for dissemination to the general public and, where necessary and appropriate, in languages other than English.
10. Conduct approval reviews of WCOG programs and applicants for compliance with Title VI requirements, i.e. persons seeking contracts with WCOG.

11. Identify, investigate, and eliminate discrimination when found to exist in connection with WCOG programs.
12. 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 days.

Program Administration - General

The WCOG Executive Director will be responsible for ensuring the implementation of the WCOG Title VI program. The Coordinator will assist in the overall administration of the Title VI program, plan and assurances. WCOG Program Liaisons will assist the Coordinator in the day-to-day administration of the program.

A. Complaints

If any individual believes they or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin or sex, they may exercise their right to file a complaint with WCOG. Every effort will be made to resolve complaints informally at the agency, subrecipient, and contractor's level.

B. Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of WCOG programs, e.g., citizens, and affected communities, will be gathered and maintained by the Coordinator for use in evaluating program compliance and improving affected populations' participation. Each of the Title VI program areas will maintain data, which will be incorporated into the Title VI Annual Update. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

C. Title VI Reviews

Title VI Program reviews will be performed by the Coordinator to assess administrative procedures, staffing, and resources available for Title VI compliance.

D. Annual Reviews

All programs will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. This is in addition to the day-to-day monitoring. The Title VI Coordinator and program representatives will coordinate efforts to ensure equal participation in all their programs and activities at all levels.

E. Operational Guidelines

All operational guidelines to contractors, subrecipients, and program areas will be reviewed annually to ensure inclusion of Title VI language, provisions, and related requirements, where applicable.

F. Training Program

Assist the Washington State Department of Transportation (WSDOT) in the distribution of information on available training programs regarding Title VI and related statutes to WCOG employees. Training is available to all WCOG employees as related to their job descriptions.

G. Annual Reports

An annual summary and Plan Update will be submitted to WSDOT in February for the previous year. The Annual Report will review Title VI accomplishments achieved during the previous year. The Coordinator will be responsible for coordination and preparation of the report.

H. Public Dissemination

WCOG will disseminate Title VI Program information to WCOG employees, subrecipients, and contractors, as well as the general public as necessary for WCOG programs. Public Dissemination will include the electronic posting of public statements on the agency's web site, inclusion of Title VI language in contracts, annually publishing the Title VI Policy Statement in newspapers having a general circulation in the community and in minority publications where appropriate (see Addendum 3).

I. Post Grant Reviews

Post-grant Title VI Compliance reviews of consultants with WCOG will be conducted. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are to be conducted on those subrecipients that have already received WCOG federal funds.

J. Remedial Action

WCOG will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance with program administrative requirements. If irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI reviews on subrecipients, WCOG will reduce to writing remedial

action agreed to be necessary, all within a period not to exceed 90 days.

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

If a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Coordinator will submit to the Executive Director two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

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

WSDOT will be notified of any complaint filed involving Title VI issues, as well as its resolution.

- K. WCOG will develop an internal procedure to assist in day-to-day administration of the Title VI Program. This procedure will be updated regularly to incorporate changes and additional responsibilities.
- L. WCOG will make every effort to provide services to Limited English Proficient (LEP) people, either through translation or interpreter, available prior to scheduled meetings, such as public hearings or project meetings.

When a need has been identified by WCOG or WCOG receives a request, WCOG shall make every effort to provide services requested in a timely manner. WCOG will pay for the translation of vital documents and interpreter services.

- M. A Four Factor Analysis process will be conducted at least every 3 years to determine what languages need assistance and what activities can be done to provide reasonable access.

Planning

- A. Whatcom Council of Governments

WCOG has the responsibility to develop long- and short-range transportation plans for Whatcom County. WCOG is located in Bellingham, Washington.

B. Authorities

Metropolitan Planning Organization (MPO) Regulations 23 CFR 450
Regional Transportation Planning Organization (RTPO) RCW 47.80

C. Planning Process

A comprehensive transportation planning process is used which incorporates input from the public into the various Metropolitan Planning Organization (MPO) activities. The process further entails the monitoring and collection of varied data pertaining to transportation issues. WCOG coordinates urban transportation planning and public involvement, and as well as provides technical support to jurisdictions and agencies when needed.

D. Title VI Responsibilities

Ensure that all aspects of the planning process complies with Title VI.

Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups in the planning process by disseminating program information to minority media and ethnic organizations, and conducting workshops related to projects in predominantly minority communities.

Gather and organize the data necessary to develop the Annual Title VI Update Report. Review the WCOG work program, FHWA/FTA Joint Planning Regulations, and other directives to ensure compliance with Title VI program requirements.

Ensure equal participation opportunity on Citizens Advisory Committee on Transportation (CACT), provide information pertaining to selection criteria for CACT members, and furnish to WSDOT information on membership make-up (race, gender, and position within the organization) for review.

WCOG coordinates urban transportation planning and public involvement, and provides technical support to jurisdictions and agencies when needed.

Education and Training

A. Staff Development

WSDOT will provide training opportunities to WCOG staff and subrecipients, including training provided by the National Highway Institute (NHI).

B. Operational Guidelines

Training is available to all WCOG employees per the WCOG Personnel Manual.

C. Title VI Responsibilities

Assist WSDOT in the distribution of information on training programs regarding Title VI and related statutes.

Ensure equal access to, and participation in, applicable NHI courses for qualified WCOG employees.

Consultant Contracts Coordination

A. Consultant Contracts

The WCOG Planning Director is responsible leading the process for consultant selection, negotiation, and the administration of consultant contracts.

B. Authorities

WCOG's "Procurement Policy"

48 CFR 31

23 CFR 172

RCW 39.29

RCW 39.80

C. Consultant Selection Process

The WCOG operates under its internal contract procedures and all relevant federal and state laws. Selection of consultants is generally made by a Consultant Selection Committee, which is established for each major project. The committee is typically composed of WCOG staff members, technical staff from local areas, and staff from affected agencies.

D. Title VI Responsibilities

Ensure DBE opportunities exist.

Ensure that all federally funded consultant contracts administered by the WCOG have the appropriate Title VI provisions included.

Review directives and procedures to ensure Title VI compliance.

Maintain necessary data and documentation required for completion of the WCOG's Title VI Update Annual Report.

ADDENDUM 1

WCOG Title VI Assurances

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

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

1. That the Recipient agrees that each “program” and each “facility”, as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:
3. “The Whatcom Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award.”

4. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
7. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

Robert H. Wilson
Executive Director

Date

APPENDIX 1 (of ADDENDUM 1)

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

1. Compliance With Regulations

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

2. Nondiscrimination

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

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

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

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Whatcom Council of Governments or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Whatcom Council of Governments, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the Whatcom Council of Governments shall impose such contract sanctions as it or the Federal Highway Administration may determine to be

appropriate, including, but not limited to:

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

6. Incorporation of Provisions

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

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

ADDENDUM 2

Nondiscrimination Complaint Procedures and Form for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by WCOG as to subrecipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Procedure

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with WCOG's Title VI Coordinator at the following address. The complaint must be filed within 180 calendar days of the complainant learning of the incident.

Whatcom Council of Governments
Attn: Title VI Coordinator
314 E. Champion St.
Bellingham, WA 98225
Fax: (360) 738-6232
Email: wcog@wcog.org

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of WCOG's subrecipients of federal funds, WCOG will assume jurisdiction and will investigate and adjudicate the case.
3. Once WCOG decides to accept the complaint for investigation, the complainant, ~~and~~ the respondent, the state funding agency if applicable and the federal funding agency if applicable will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the WCOG's records identifying its basis and the race, color, national origin, and gender of the complainant.
4. In cases where WCOG assumes the investigation of the complaint, WCOG will provide the respondent with the opportunity to respond to the allegations in writing. The

respondent will have 15 calendar days to furnish WCOG his/her response to the allegations.

5. Within 60 calendar days of receipt of the complaint, WCOG's Investigator* will prepare an investigative report for the Executive Director's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

*This can be one of WCOG's Title VI Liaisons, WCOG's Title VI Coordinator, the Title VI Specialist for a subrecipient of federal funds, [the WSDOT Public Transportation Division Title VI coordinator](#) or the WSDOT Title VI Liaison in the Western Region.

6. The investigative report and its findings will be sent to WCOG's Legal Counsel for review.
7. Any comment(s) or recommendation(s) from WCOG's Legal Counsel will be reviewed by WCOG's Investigator. The Investigator will discuss the report and recommendations with the Executive Director. The report will be modified as needed and made final for its release.
8. Once WCOG's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
9. WCOG's investigative report and a copy of the complaint will be forwarded to WSDOT's Office of Opportunity within 60 calendar days of the receipt of the complaint. The Office of Equal Opportunity will share the report with FHWA, Washington Division Office, as part of its Annual Title VI Update and Accomplishment Report.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal WCOG's determination to the WSDOT Office of Equal Opportunity. If a complainant is still not satisfied, the next right of appeal is to FHWA, Washington Division Office; [FTA Region 10, Seattle](#); United States Department of Transportation (USDOT); or the United States Department of Justice (USDOJ). Appeals must be filed within 180 days after WCOG's final resolution. Unless new facts not previously considered come to light, reconsideration of WCOG's determination will not be available.
11. WCOG will serve as an appeal forum to a complainant that is not satisfied with the outcome of an investigation conducted by one of its subrecipients. WCOG will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.
12. To receive additional information on general WCOG discrimination obligations and the WCOG complaint procedures contact the Title IV Coordinator at (360) 676-6974.

OFFICE USE ONLY
 Date received: ____/____/20____
 Logged by: _____



TITLE VI DISCRIMINATION COMPLAINT FORM

Victim(s) of alleged discrimination:		
NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
DAYTIME TELEPHONE	E-MAIL ADDRESS	
Person alleging discrimination, if different from above:		
NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
DAYTIME TELEPHONE	E-MAIL ADDRESS	
RELATIONSHIP TO THE PERSON(S) NAMED AS VICTIM		
WCOG staff member(s), board member(s), consultant(s) or program(s) that allegedly discriminated:		
NAME	PROGRAM	
NAME	PROGRAM	
NAME	PROGRAM	
DATE ALLEGED DISCRIMINATION BEGAN	DATE OF LAST INCIDENT	

Basis of Alleged Discrimination

A complaint must be filed within 180 calendar days of the date the complainant learned of the alleged discrimination. If your complaint is in regard to either alleged discrimination in the delivery of services or in the treatment of you (or the person(s) named as victim) by associates or programs of the Whatcom Council of Governments, please indicate below what you believe to be the basis of the alleged discrimination.

Example: If you believe that you were discriminated against because you are Native American, circle the word "Race" and write "Native American" in the space provided.

Race: _____

Color: _____

Sex: _____

National Origin: _____

Explanation

In the space below please explain as clearly and in as much detail as possible the nature of the discrimination you are alleging (attach additional sheets if necessary). Provide the names of all witnesses, if any, to the alleged discrimination. Attach copies of all written materials pertaining to your complaint.

By signing below I certify that the statements contained on this form are true to the best of my knowledge.

Signature

Date

Send this form and all attachments to:

Attn: Title VI Coordinator
Whatcom Council of Governments
314 East Champion Street
Bellingham, WA 98225

Documents may be sent via the U.S. Postal Service, faxed to (360) 738-6232, or scanned and e-mailed to TitleVI@wcog.org.

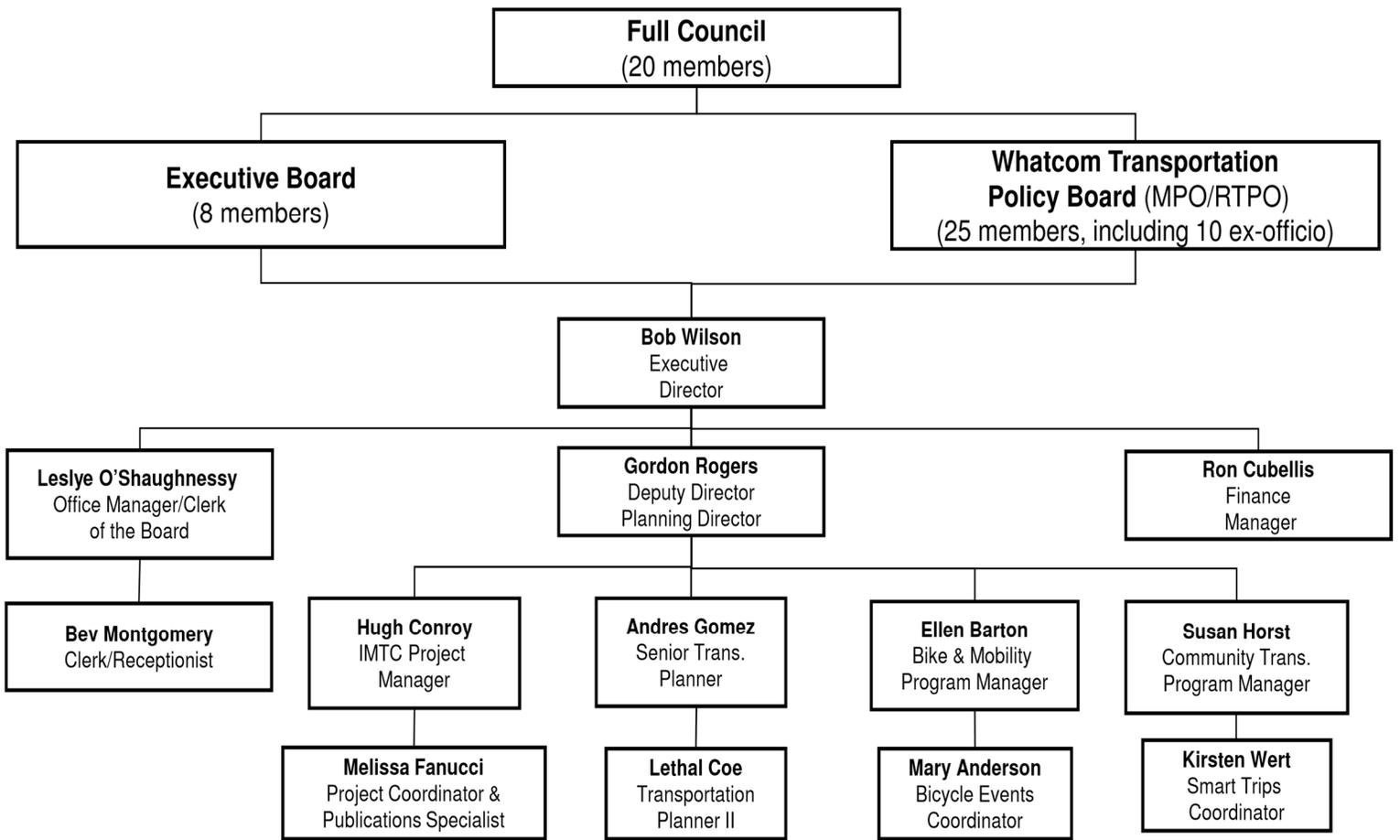
ADDENDUM 3

WCOG Title VI Notice to Public

WCOG hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WCOG 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 WCOG. Any such complaint must be in writing and filed with the WCOG Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the WCOG at no cost by calling (360) 676-6974.

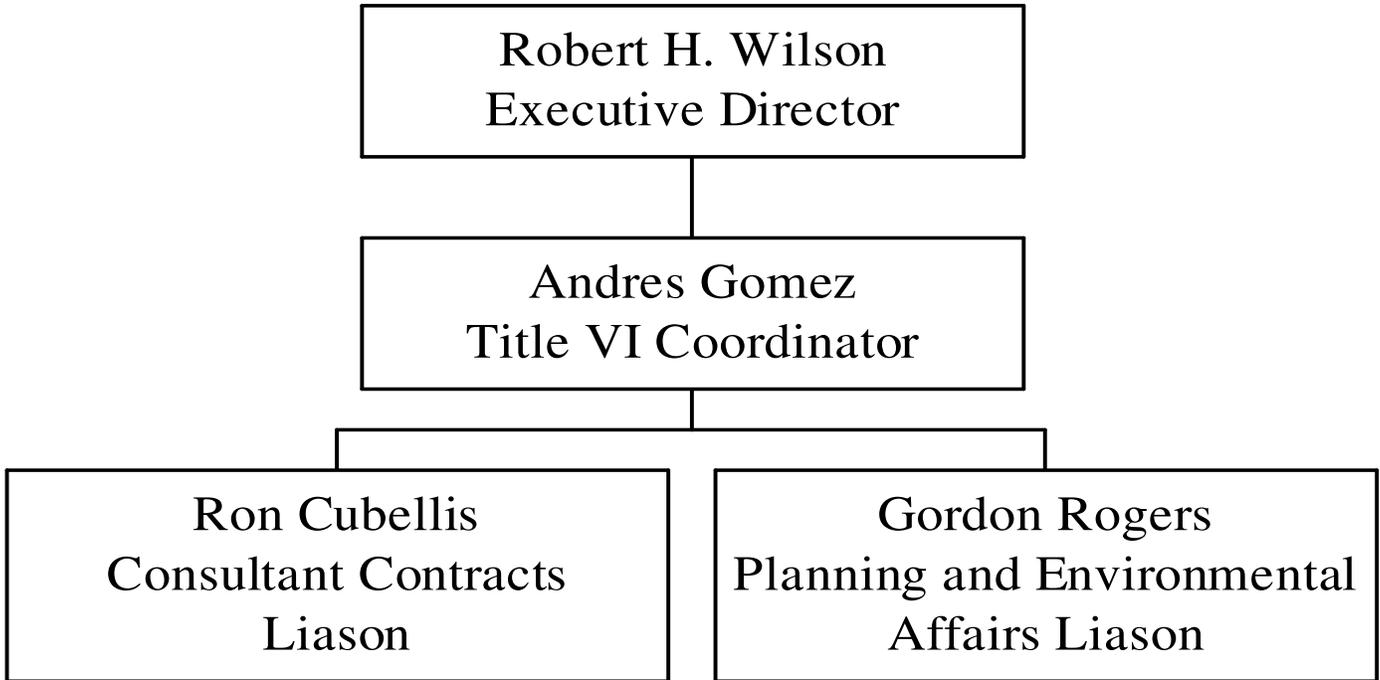
ADDENDUM 4

**Whatcom Council of Governments
Organization Chart**



ADDENDUM 5

WHATCOM COUNCIL OF GOVERNMENTS
TITLE VI ORGANIZATION CHART



ADDENDUM 6

Language Assistance Plan for People with Limited English Proficiency

Whatcom County, Washington
Transportation Planning Area

September 2013



whatcom council of governments

Introduction

The Whatcom Council of Governments (WCOG) is the federally-recognized “metropolitan planning organization” for the Whatcom County, Washington, Transportation Planning Area (“the Region”). In this capacity, WCOG – through its standing committee known as the Whatcom Transportation Policy Board – coordinates policy development and decision-making on transportation investment in the Region. The Policy Board’s membership comprises Whatcom County; the seven incorporated cities in the County; the Port of Bellingham; the Whatcom Transportation Authority (WTA); the County’s two Indian tribes; and the Washington State Department of Transportation (WSDOT).

In carrying out the regional transportation planning work program WCOG has a responsibility to ensure that there are meaningful opportunities for members of the public to participate in the process, including those who do not speak English as their primary language or who are limited in their ability to understand, speak, read or write English. Those individuals are described as having limited English proficiency (LEP), which can impose barriers to accessing important benefits or services, understanding and exercising certain rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities. To address those barriers, WCOG takes reasonable steps to ensure that all people have meaningful access to its programs, services and information, and at no cost to them. To that end WCOG has developed this *Language Assistance Plan for People with Limited English Proficiency* (LEP Plan) as part of its federally-required *Title VI Plan* to ensure compliance with the applicable provisions of the Civil Rights Act of 1964, as amended.

Determination of Need

The U.S. Department of Transportation (USDOT) recommends using a four-factor LEP analysis to determine the need for language assistance measures. The four factors are:

1. The number and proportion of people with LEP served or encountered in the eligible service population.
2. The frequency with which people with LEP come in contact with WCOG programs, activities or services.
3. The importance to people with LEP regarding WCOG’s programs, activities and services.
4. The resources available to WCOG and the overall cost to provide assistance to people with LEP.

Factor 1: Number and proportion of people with LEP in the service population

USDOT has adopted a “safe harbor” provision for recipients of federal transportation funds – like WCOG – that sets a threshold for the provision of written translation of documents for each eligible LEP language group of 1,000 or more people or which constitutes at least five (5) percent of the Region’s population, whichever is less. Using data from the American Community Survey,

only one language group – “Spanish or Spanish Creole” – meets either of the aforementioned thresholds. Of that group it is estimated that at least 3,533 people speak English “less than very well,” and it is this group that WCOG has identified as the Region’s principal LEP population.

Spanish or Spanish Creole Spoken at Home by Ability to Speak English, Persons 5 Years of Age and Older, Whatcom County

	Persons speaking Spanish or Spanish Creole (S/SC) at home	Speakers of S/SC at home who also speak English “very well”	Speakers of S/SC at home who speak English “less than very well”	Total Whatcom County population
Estimated number of speakers	9,714	5,671 (of 9,714)	4,043 (of 9,714)	187,934
Margin of error	+/- 829	+/- 625	+/- 510	+/- 101
Percentage of County’s population	5.2%	3.0%	2.2%	100.0%

Prepared by WCOG staff using data from the American Community Survey, 2007-2011 (Table B16001).

Factor 2: Frequency of LEP population’s contact with WCOG programs, activities and services

Despite the fact that WCOG fully complies with all applicable federal and state public notice requirements, has an adopted *Public Participation Plan* and a standing Citizens' Transportation Advisory Group, active involvement in the transportation planning process on the part of the general public – including the LEP population – is minimal. Contact between the Region’s LEP population and WCOG staff is more likely through the Whatcom Smart Trips program, which promotes and facilitates alternatives to driving such as biking, bus transit and walking. However, usage statistics that would quantify the frequency of contact with members of the LEP population are not collected.

Factor 3: Importance of WCOG programs, activities and services to the LEP population

Acting through its standing committee known as the Whatcom Transportation Policy Board, WCOG works with Whatcom County, the cities, the Port of Bellingham, the tribes, WTA and WSDOT to develop policies and make decisions regarding investments in the regional transportation system. WCOG develops the Metropolitan Transportation Plan for the Region and selects projects for funding through the federal Surface Transportation and Transportation Alternatives Programs for inclusion in the Regional Transportation Improvement Program. It also maintains a list of proposed projects for the *Employment Access and Coordinated Human-services Plan* to ensure that the mobility needs of various underserved populations are being met. All of these planning initiatives may impact the Region’s LEP population, either directly or indirectly.

Because the Whatcom Smart Trips program offers assistance to people who either choose or need to travel using their bicycles, riding WTA buses or walking, that program is likely of

importance to members of the LEP population, since their ability to obtain a driver's license may be compromised depending on the extent of their lack of proficiency in speaking English.

Factor 4: Cost to WCOG to provide language assistance to the LEP population

WCOG is committed to providing translation services on request to the Region's Spanish/Spanish Creole LEP population and, when practicable, in assisting speakers of other languages with limited English proficiency. It is anticipated that the cost for translation services will not exceed \$1,000 per year. WCOG will continuously seek creative, low-cost measures to assist LEP individuals and will log and analyze all requests for translation services to more accurately budget for those services going forward.

Language Assistance Measures

WCOG uses Language Assistance Measures to provide meaningful, early and continuous opportunities for all interested Whatcom County residents to participate in the ongoing dialogue that informs key decisions, regardless of language barriers.

Staff

As of September 2013, WCOG has two staff members (Andres Gomez and Melissa Fanucci) who speak Spanish fluently (Mr. Gomez is a native Spanish speaker). These staff members have agreed to be on call for assistance when an immediate need for Spanish-English interpretation arises. WCOG will also encourage and fund (either partially or in whole) Spanish language instruction for interested staff members.

WCOG Website

WCOG will add the following sentence to the home page of its website (www.wcog.org): "Para asistencia inmediata en español, por favor llame al Sr. Andrés Gómez al (360) 676-6974." WCOG has also added the *Google Translate* tool to the website, which translates 71 languages into English. Anyone looking at WCOG's website from a computer that is not set to English will be prompted that the translation tool is available.

Visualization Tools

Visualization tools can facilitate communication with people having limited English proficiency or a low degree of literacy. WCOG uses maps, charts, graphs, illustrations, presentations and videos at meetings and in print materials to explain concepts. WCOG's conference room is equipped with a large computer monitor, a projection screen and a sound system for displaying visual and audio information.

Public Notice

WCOG will add the following sentence to all of its legally-required public notices: "Para asistencia en español, por favor llame al Sr. Andrés Gómez al (360) 676-6974." WCOG will also identify those not-for-profit organizations and community groups which are likely to involve or interact with the

Spanish/Spanish Creole LEP group and inform them about opportunities to comment on proposed plans and to make the LEP group aware of services.

Agendas

The agendas for all WCOG meetings will include the following sentence: “Para obtener ayuda en la obtención de materiales de la reunión en español, por favor llame al Sr. Andrés Gómez al menos seis (6) días antes de la reunión al (360) 676-6974.” (Translation: For assistance in obtaining meeting materials in Spanish, please call Mr. Andres Gomez at least six (6) days prior to the meeting at (360) 676-6974.)

Mailing List Improvements

WCOG will continuously monitor and update its mailing lists and databases to maintain and initiate contact with interested parties, including those identified as having limited English proficiency, other underserved groups, community groups, Title VI relevant populations, businesses, membership groups and local governments. To be added to WCOG’s contact list, call (360) 676-6974.

Accessibility for Sight- and Hearing-Impaired Persons

WCOG maintains an accessible website and a TDD/TTY line. All WCOG meetings are conducted in facilities that are accessible to people with sight, hearing or mobility disabilities and/or who rely on public transportation.

In addition to the aforementioned measures, WCOG also uses additional outreach techniques that may include LEP populations during major planning processes:

Focus Groups

On occasion WCOG convenes targeted outreach sessions such as “brown bag lunches” or focus group meetings with community leaders representing Title VI, Environmental Justice and/or LEP populations. These meetings are an effective way to increase participation from communities with which WCOG may not have come into contact previously. At those events where WCOG is either informed or reasonably anticipates that members of the Spanish/Spanish Creole LEP group will be in attendance, a Spanish translator will be on hand.

Community Based Organizations

A WCOG staff member attends monthly meetings of the Community Resource Network convened by the Opportunity Council. These meetings serve as a forum for a variety of human services organizations and agencies to exchange information about programs that assist people with special needs. WCOG acts as a resource at these meetings to report on transportation planning issues and to receive input about transportation needs from agencies representing people with limited English proficiency or others with special needs.

Monitoring and Updating of the LEP Plan

WCOG will monitor requests for translations and adjust its practices to meet demand and will periodically update this LEP Plan as needed to reflect changes. Also, the development of both the Regional Transportation Improvement Program and the Metropolitan Transportation Plan will include a Title VI/Environmental Justice analysis to determine the impacts of these programs on the traditionally underserved., including the LEP population.

ADDENDUM 7

Whatcom Council of Governments

Public Participation Plan

Adopted
October 14, 2009

Whatcom Council of Governments
314 East Champion Street
Bellingham, WA 98225
(360) 676-6974

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Introduction

Transportation is an integral part of a wide range of regional activities and institutions. Transportation makes it possible for us to get where we want to go as well as to enjoy products and services from all over the world. Transportation is an essential element supporting our regional commerce, social support system, and quality of life. In the Whatcom County region, the transportation system includes an international airport, seaport, train service, transit services, sidewalks, bike lanes and paths, local and state roadways used by transit buses, private motor vehicles, freight haulers and other commercial vehicles.

The Whatcom Council of Governments (WCOG) is designated by the Governor as the region's Metropolitan Planning Organization (MPO) planning agency under federal rules and as the region's Regional Transportation Planning Organization (RTPO) charged with coordinating transportation planning for the Whatcom County region under the Washington State Growth Management Act. WCOG is responsible for developing plans and programs that distribute federal transportation funds to transportation projects in Whatcom County. WCOG is controlled by three distinct Boards; a WCOG Full Council, an Executive Board and the Whatcom Transportation Policy Board (WTPB). The WTPB is the true decision making entity for all transportation related issues. All three are comprised of local and state elected officials.

The Surface Transportation Program (STP) provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the National Highway System (NHS), bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities. A portion of funds reserved for rural areas may be spent on rural minor collectors. Funds are allocated to the MPOs/RTPOs and county lead agencies for regional prioritization and selection.

Allocating transportation dollars for specific projects or programs is a substantial responsibility. WCOG staff must consider all federal transportation requirements. The WCOG MPO/ RTPO Transportation Technical Advisory Committee (TTAC) ultimately makes funding recommendations to the WTPB.

The advice and input of a wide range of stakeholders is critical to making successful transportation decisions. Stakeholders include the general public, business leaders and business groups, environmental and civic organizations, and advocacy groups that represent the needs of the underserved/under-represented (including low income, minority, elderly, and disabled populations). Each of these stakeholders has a different perspective, and a different set of transportation needs that WCOG considers during the transportation planning process. Public involvement is required by federal law to guide metropolitan transportation planning.

II. Purpose of the Public Participation Plan

Public participation is essential to the development of successful regional transportation solutions and to minimizing adverse project impacts.

WCOG crafted this Public Participation Plan with the intent of providing guidelines for establishing and maintaining optimum public involvement, including assessment tools for evaluating the effectiveness of the program. Exemplary public involvement begins early in the planning process and continues throughout each of the planning stages, helping to minimize project impacts while developing the best solutions to regional transportation issues.

This Public Participation Plan was developed in consultation with member organizations, federal, state, and local governments and a citizen advisory committee. WCOG has provided copies of the plan to all participating committee groups and to public libraries.

III. About the Whatcom Council of Governments

WCOG was formed in 1966, along with other Councils of Government in the State, under Washington Administrative Code. This action was preceded by federal enabling legislation leading to the establishment of Councils of Government in states with the intent of creating coordinating bodies to facilitate cross-jurisdictional issues.

WCOG was named in 1981, by the Washington State Governor, as the region's Metropolitan Planning Organization (MPO) and in 1990 as the Regional Transportation Planning Organization (RTPO) under the Washington State Growth Management Act (GMA). WCOG is charged with meeting transportation planning requirements specified in the GMA and by the U.S Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). Planning requirements include creating a Regional Transportation Plan, Transportation Improvement Program and the Public Participation Plan.

IV. Transportation Committees

In making transportation decisions, WCOG considers, among other tools, recommendations from the advisory committees named and described below. The membership of these committees provides input from interested persons, transit users, bicycle and pedestrian interests, business persons, persons representing special interest groups, and local technical experts including municipal engineers and planners. These advisory committees represent a fundamental means for the community to get involved in transportation project planning. The following section describes the standing advisory committees to the Regional Transportation Planning Organization (RTPO), their composition, and their role in the RTPO decision making.

Whatcom Transportation Policy Board

The Whatcom Transportation Policy Board (WTPB) is comprised of elected representatives from local governments and other taxing authorities (Whatcom Transportation Authority, Port of Bellingham) Tribal Council Members and the Washington State Department of Transportation. The WTPB consolidated the functions and duties of the previously separate MPO and RTPO Policy Boards. Its primary purpose is to achieve intergovernmental coordination in developing policies and programs of mutual benefit to its member jurisdictions concerning transportation and to identify project funding priorities. It is responsible for developing policy guidance for the region through the Whatcom Transportation Plan.

Transportation Technical Advisory Committee

The Transportation Technical Advisory Committee (TTAC) is comprised of technically qualified representatives from Whatcom County, municipalities, tribes, Washington Department of Transportation (WSDOT), Port of Bellingham and the Whatcom Transportation Authority. TTAC meets monthly to discuss regional transportation planning and project funding issues, and make recommendations to the Whatcom Transportation Policy Board (WTPB).

Community Transportation Advisory Group

The Community Transportation Advisory Group (CTAG) is a citizen-based committee that meets monthly and advises the WTPB on the community's concerns to help reach a collaborative vision for Whatcom County's transportation system.

CTAG evolved from the Whatcom Transportation Summit held May 18, 2001, when over 150 community members and leaders gathered to lay the groundwork for a more coordinated, comprehensive, and community-based transportation policy. Summit participants agreed that more work was needed to translate community concerns into ongoing input for transportation planners and policy makers.

From that effort, a final report, *It Matters How We Get There*, was developed and the Community Transportation Advisory Group was established in 2003. CTAG membership makes up part of the WTA Citizen Advisory committee. Member input and initiative provides a mechanism for considering transportation improvement planning from varied regional needs and perspectives.

International Mobility and Trade Corridor Project

The International Mobility and Trade Corridor Project (IMTC) is a U.S. - Canadian coalition of business and government entities that identifies and promotes improvements to mobility and security for the four border crossings that connect Whatcom County,

Washington State and the Lower Mainland of British Columbia. Together, these four crossings are called the Cascade Gateway.

The goals of the IMTC project are to:

- Facilitate a forum for ongoing communication between agencies that affect regional, cross-border transportation, safety, and security.
- Coordinate planning of the Cascade Gateway as a transportation and inspection system rather than as individual border crossings.
- Improve and distribute traffic data and information.
- Identify and pursue improvements to infrastructure, operations, and information technology.

Since 1997, IMTC has served as a model of regional coordination on border issues and has helped secure over \$38 million (USD) from U.S. and Canadian partners to pursue the goals listed above.

V. Transportation Plans and Programs

WCOG develops and updates several programs and plans associated with transportation alternatives and activities. In exercising its authority to guide the expenditure of federal and state transportation funds, it is critical for its public involvement process to provide complete information, timely public notice, and continuing involvement of the public in developing plans and programs. Below is a listing of the primary planning documents and programs developed by the WCOG with community input.

Whatcom Transportation Plan

The Whatcom Transportation Plan is a future vision of the community's transportation needs. The regional transportation plan is updated every five years to reflect changing public interest. The Regional Transportation Plan is fiscally constrained and includes transportation projects for upgrading the transportation infrastructure within the next twenty years.

Transportation Improvement Program

WCOG, as the designated Metropolitan Planning Organization (MPO) and Regional Transportation Planning Organization (RTPO) for Whatcom County, is required to prepare a Transportation Improvement Program (TIP) every year in conjunction with the WCOG members and the Washington State Department of Transportation. The TIP provides a comprehensive six-year listing of transportation improvements within the county that are on the regional transportation network as defined by the Whatcom Transportation Plan, and/or include projects with federal transportation funding. Projects listed in the first four years of the TIP must be fully funded.

Employment Access and Coordinated Human-Services Transportation Plan

In 2006 the WCOG RTPO convened a group of representatives of agencies and organizations serving special needs populations to formulate a plan for coordinated transportation. This was a state-initiated activity as required by federal Human Services Act rules. The Employment Access and Coordinated Human-services Transportation (EACH) Plan sets forth action strategies to improve service and efficiency so that public investments in transportation work better for the whole population. WCOG, the Community Transportation Advisory Group (CTAG), and the Whatcom Transportation Authority (WTA) carry out the plan's recommendations.

Whatcom Smart Trips

Whatcom Smart Trips is an ongoing partnership between local government, employers, and schools to promote transportation by walking, bicycling, sharing rides, and riding the bus. Whatcom Smart Trips provides education, assistance and incentive programs to people who live or work in Whatcom County, successfully encouraging reduction in single-occupant motor-vehicle trips.

VI. Federal Requirements for the Public Participation Plan

Title 23: Highways

§450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and

the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

In response to these requirements, WCOG has established the following public participation strategies to undertake as part of every planning activity it oversees.

VII. Public Participation Strategies

Objective 1: Inform the Public

Policy: It is the policy of WCOG to inform the public, to the maximum extent possible with available resources, of opportunities to participate in the transportation decision making process.

Techniques:

- E-mail meeting agendas to WCOG members, committee members, and parties that express interest.
- Post meeting agendas and summaries on the WCOG website.
- Use news media to inform the public by providing process and product information to the local newspapers, as appropriate.

Objective 2: Educate the Public

Policy: It is WCOG's policy to educate residents regarding their role in the transportation planning process.

Techniques:

- Encourage people to visit Transportation Town (www.TransportationTown.com). This is an interactive transportation educational tool specifically designed to help inform Whatcom County residents about transportation options, regional plans and planning agencies, and how to get more involved in the region's transportation future.
- Provide a summary of all the plans that Whatcom County, Whatcom County cities, and WCOG are responsible for creating and updating. Create a simplified timeline showing when each plan is open to receive public comment. Post this information on the WCOG website.
- Create a slideshow using maps, illustrations and photos to explain what the region's transportation system currently looks like and how it is designed to work. Use maps, illustrations and photos of other communities that have implemented the improvements being proposed by Whatcom County and the cities within the county and regional plans so that community members can more easily visualize what local plans are proposing be implemented here. Include cost estimates for improvement projects so that citizens understand the cost of what is being proposed. Include maps, illustrations and photos that show alternatives to the actions being proposed in the plans, so that community members understand that there are different possibilities for improving the overall system.
- Provide an online survey that solicits feedback from people who have viewed the slideshow.
- Set up educational displays at public locations such as community centers, including those in traditionally underserved areas.

Objective 3: Involve the Public

Policy: It is the policy of WCOG to involve the public early and often in the transportation planning process.

Techniques:

- Actively promote public participation attendance at the Transportation Technical Advisory Committee, Community Transportation Advisory Group, and Whatcom Transportation Policy Board meetings.
- Actively promote WCOG websites, including features which allow direct contact with staff for questions or comments.

- Use public opinion surveys to give the community an opportunity to provide input on the types of projects that needs funding.
- Solicit feedback on draft documents via the internet, through standing committees, and through public availability (libraries, etc.)

Objective 4: Reach Out to Communities

Policy: WCOG will reach out to geographic, organizational, and demographic communities within the WCOG region enabling the broadest and most representative participation possible in developing transportation plans and services.

Techniques:

- Use census data, surveys and GIS tools among other resources to identify traditionally underserved communities.
- Use tools such as informational flyers and surveys when appropriate to distribute information about the regional transportation plan to areas serving traditionally under-represented communities (i.e. senior centers, medical centers and human services providers).
- Distribute copies of planning documents to public libraries in Whatcom County.
- Actively maintain a list of potentially interested groups and individuals and alert them of opportunities for participation/input.
- Coordinate with local governments regarding community contacts.
- The current agenda shall include the time, date, and location of the meeting, and a notice that WCOG is required to respond to all requests and provide special accommodations for persons with disabilities when the request is received at least ten days prior to a WCOG meeting. WCOG will meet requests for special accommodations received less than ten days before a WCOG meeting when practical.

Objective 5: Improve Public Involvement

Policy: It is the policy of WCOG to continually identify and implement ways to improve its public involvement processes.

Techniques:

- Research and utilize opportunities to use media and venues that will reach greater numbers and more diverse populations.
- Conduct assessments of the effectiveness of public involvement techniques and discuss assessment results with transportation staff.

- Continue WCOG regional coordination of public involvement activities, particularly when projects may directly involve residents.

VIII. Procedures

WCOG will use standardized procedures to ensure public access to regional planning information and activities. Not all procedures may be appropriate for each instance. However, the following procedures will establish a minimum guideline, giving consideration to all segments of society.

While not all activities involving WCOG will require using these procedures, they should be applied liberally, rather than conservatively. Whenever there is any doubt as to the policy's applicability, it should be followed.

Meetings

In the past, WCOG has established special committees to ensure coordination of the regional transportation planning and programming process. Existing regular standing committees include the Whatcom Transportation Policy Board (WTPB), Transportation Technical Advisory Committee (TTAC), and Community Transportation Advisory Group (CTAG). The meetings of these committees are always open to the public. WTPB meets at a minimum four times a year. TTAC and CTAG committees are scheduled to meet monthly for discussion and development of the regional transportation planning and programming of transportation projects. They make recommendations to the WTPB. Recognizing the need to involve the public when decisions are made by WTPB, WCOG will carry out the following procedures:

(1) Regularly Scheduled WCOG Meetings -

- a. WCOG shall provide notification to the Bellingham Herald of all public meetings at least seven days in advance and at least fourteen days in advance for public hearings. Notification shall consist of, at a minimum, sending a copy of the agenda including time, date, and location of the meeting. The media notification shall include a request that meetings be added to community calendars. WCOG will maintain a website that includes current meeting schedules, approved minutes, meeting agendas, and special meeting notices.
- b. The current agenda shall include the time, date, and location of the meeting, and a notice that WCOG is required to respond to all requests and provide special accommodations for persons with disabilities when the request is received at least ten days prior to a WCOG meeting. WCOG will meet requests for special accommodations received less than ten days before a WCOG meeting when practical.

- c. A 15-minute opportunity for public comment will be provided as an agenda item at all regular WCOG meetings to provide an opportunity for public comment if members of the public are present.
- d. The WCOG Chairperson will, at the outset of the public comment period, establish the guidelines by which the public comment will be conducted (ie subject, comment time limits, etc.)
- e. All WCOG meetings will be conducted in facilities readily accessible to persons with disabilities, as defined by the Americans with Disabilities Act, as amended, and Washington State regulations.

(2) Public Hearings

- a. WCOG shall hold public hearings where verbatim transcripts of the public comment are required due to a WCOG action, and at the discretion of the WCOG Chair.
- b. WCOG shall publish legal notices in the Bellingham Herald and a notice on its website of all public hearings at least fourteen days in advance of each hearing. Notices shall consist of, at a minimum, time, date, action being taken, location of the meeting and a notice that WCOG is required to respond to all requests and provide special accommodations for persons with disabilities when the request is received up to ten days prior to a WCOG meeting. Accommodations will be provided when practical. The media notification shall include a request that meetings be added to community calendars.
- c. A statement will be placed on each agenda that written comments will be accepted instead of oral testimony. Reasonable submission deadlines may be established so that comments may be forwarded to appropriate policy board members.
- d. The WCOG Chairperson will establish the guidelines by which the public hearing will be conducted (ie subject, comment time limits, etc.) at the outset of the hearing.
- e. All WCOG hearings will be conducted in facilities readily accessible to persons with disabilities, as defined by the Americans with Disabilities Act and Washington State regulations.

(3) Workshops and Special Meetings - Occasionally special circumstances arise and workshops and/or special WCOG meetings may be held. It is WCOG's intention to provide guidance by which the notification of the workshops and special meeting will be conducted to maximize public participation in the events.

- a. WCOG workshops and special meetings (except declared emergencies) shall follow the same notification and participation procedures identified in (1)(a)

through (1)(e) above. Public notice for emergency meetings will be attempted by sending a notice to the Bellingham Herald and via e-mail lists.

- b. Efforts must be made to notify known interested parties of hearings, workshops, and meetings relevant to their interests.
- c. In the event that a special meeting of the WCOG must be conducted, 24 hours notice will be supplied to all media. Efforts will be made to contact affected parties and any other interested parties 24 hours before the special meeting.
- d. Mailing lists of interested persons should be developed and maintained from sign-up lists at hearings, communications, and workshops dealing with related issues.
- e. Every attempt will be made to secure accommodations for, and meet the needs of, special needs and disabled persons when requested.

Plan Development

(1) During any given year WCOG undertakes different planning activities in support of the regional transportation plan. WCOG recognizes that public input is a critical element of a successful planning effort. The extent of public participation may vary between different planning activities.

(2) WCOG will include a public participation element in every planning activity work plan. The public participation element will identify the extent and type of public participation programs that will be implemented in each activity.

Public Information

(1) WCOG shall maintain an up-to-date mailing list of all local and regional media.

(2) WCOG will establish and maintain a mailing list of interested individuals and organizations.

- a. The mailing list will include under-represented groups and other interested citizens.
- b. WCOG will maintain an agency mailing list that includes: transit, traffic, rideshare groups, safety and enforcement agencies, port authorities, appropriate private transportation providers, city and local officials and any other agency interested in the transportation planning process.

(3) WCOG transportation planning documents will be available to the public for reference at WCOG. Adopted documents will be submitted to local libraries within the region to allow public access to the information.

(4) Draft documents will be made available to the public for a reasonable period before adoption, but no less than fourteen (14) days.

Public Input

(1) A summary, analysis and report of written and oral comments received from the public regarding draft transportation plans or Transportation Improvement Programs (TIP) will be included as part of final transportation plan or TIP documents.

Public Review of the Public Participation Plan

(1) WCOG will provide a minimum public comment period of 45 days before the public participation plan is initially adopted or revised.

(2) WCOG will establish an ongoing review of the public involvement process.