



Title VI Plan

Adopted January 17, 2024

Whatcom Council of Governments

314 E. Champion St., Bellingham, WA 98225

www.wcog.org

Director:

Hugh Conroy, (360) 685-8384, hugh@wcog.org

Title VI Coordinator:

Melissa Fanucci, (360) 685-8385, titlevi@wcog.org

Title VI Notice to the Public

The Whatcom Council of Governments (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, Executive Order 13166 on Limited English Proficiency, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, 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 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 WCOG at no cost and are available on WCOG's website.

Aviso al Público Sobre Título VI de la Ley de Derechos Civiles de 1964

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

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

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1. 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 Whatcom Council of Governments (WCOG) is committed to ensuring that no person is denied the benefits of WCOG's services or excluded from its work program, publications, communications, and public involvement efforts.

This plan's reporting period is the three years leading up to this update, December 2020 – January 2024. This three-year reporting period is a U.S. Federal Transit Administration (FTA) requirement to ensure Title VI requirements are being met. Additionally, the U.S. Federal Highway Administration (FHWA) requires that Title VI reports be submitted annually. All reports, and this plan, are submitted to the WA State Department of Transportation (WSDOT), from which WCOG receives federal funds as a subrecipient. WSDOT, as the direct recipient of federal funds from FHWA and FTA, has Title VI oversight responsibilities over WCOG as a subrecipient.

Because WCOG receives federal funds for its transportation planning work program, all plans, programs, and activities conducted by WCOG are subject to Title VI and its nondiscrimination requirements. Since WCOG indirectly receives funds from both FHWA and FTA, additional requirements apply to its work program than if funding was received only from one source or the other.

2. Title VI Policy Statement

The Whatcom Council of Governments (WCOG) assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 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 its programs and activities, whether those programs or activities are federally funded or not. This policy also applies to the operations of any department or agency to which WCOG extends federal financial assistance.

Title VI compliance is a condition of receipt of federal funds. WCOG’s 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 CFR 50.3.



[Hugh Conroy](#)

Hugh Conroy, Director

January 17, 2024

Date

3. 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 Authorities and Citations. Include: 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.

4. Title VI Notice to the Public

The Whatcom Council of Governments (WCOG) 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 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 180 calendar days following the date of the alleged discriminatory occurrence. Title VI complaint forms may be obtained at the WCOG office and on the WCOG website at no cost to the complainant.

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

Whatcom Council of Governments
Attn: Title VI Coordinator
314 E. Champion St., Bellingham, WA 98225
TitleVI@wcog.org
(360) 685-8385

Washington State Department of Transportation
Office of Equity and Civil Rights
PO Box 473, Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
(360) 705-7090

Federal Highway Administration
Office of Civil Rights
8th Floor E81-105, 1200 New Jersey Avenue, SE, Washington, DC 20590
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
FTACivilRightsCommunications@dot.gov

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

Abbreviated Title VI Notice to the Public

The Whatcom 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. To obtain a Title VI Complaint Form, visit WCOG's website using the following links:

In English: [Title VI Discrimination Complaint Form \(PDF\)](#)

En Español: [Título VI Formulario de Denuncia por Discriminación \(PDF\)](#)

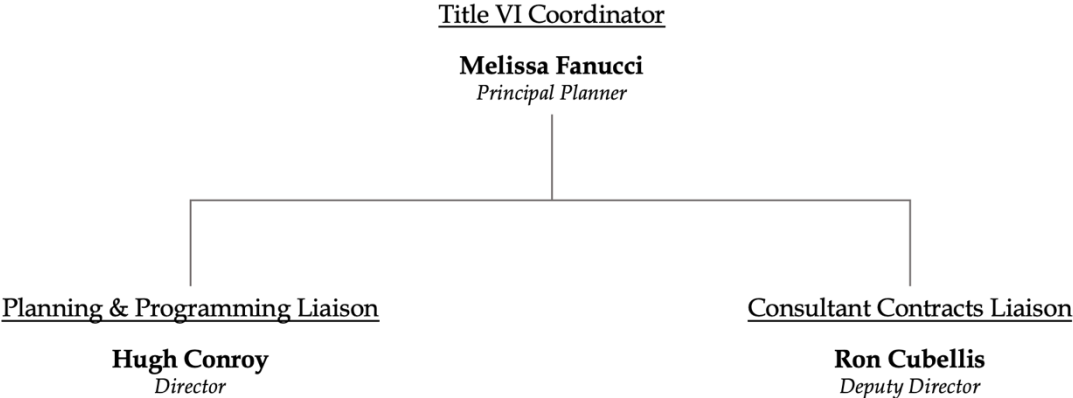
Posting Locations of WCOG's Title VI Notice to the Public

WCOG's Title VI Notice to the Public or the Abbreviated Title VI Notice to the Public are posted in English and Spanish in the following locations:

- All WCOG public meeting agendas
- WCOG's website
- Lobby of WCOG offices located at 314 E. Champion Street, Bellingham, WA, 98225.

5. Title VI Coordination and Responsibilities

Organizational Chart of Title VI Responsibilities



Responsibilities of the Title VI Coordinator

Melissa Fanucci, Principal Planner, is the agency’s Title VI Coordinator. The 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. The Title VI Coordinator’s responsibilities are as follows:

1. Identify, investigate, and eliminate discrimination when found to exist in any WCOG program.
2. Process Title VI complaints received by WCOG. Attempt to resolve complaints informally at the local or regional level.
3. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary within a period not to exceed ninety (90) calendar days.
4. Collect statistical data (race, color, national origin) of participants in, and beneficiaries of, federally funded programs using a variety of sources which include, but are not limited to, the Office of Financial Management, U.S. Census data, and the Office of Superintendent of Public Instruction.
5. Review Environmental Impact Statements prepared by WCOG for Title VI and Environmental Justice compliance.
6. Conduct Title VI reviews of all consultant contractors and recipients of federal funds directly distributed by WCOG.
7. Assist the WA State Department of Transportation (WSDOT) in the distribution of information on training programs for WCOG employees regarding Title VI and related

statutes. Organize and facilitate Title VI training sessions for consultants, contractors, and subcontractors as necessary. WSDOT's Office of Equity and Civil Rights 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 WCOG will be included in the annual Title VI Report.

8. Prepare the Annual Title VI Goals and Accomplishments Report. Conduct annual Title VI review of Special Emphasis Program Areas to determine the effectiveness of program activities at all levels as part of the annual report. This annual report will be submitted to the WSDOT in November of each year and will include Title VI goals for the upcoming reporting period.
9. Review and update this Title VI Plan as needed or required. Present updated plans to WCOG's Council Board for review and approval and submit the amended plan to WSDOT upon approval.
10. Disseminate Title VI Program information to WCOG employees, contractors, and beneficiaries as well as the public. Ensure that, where appropriate, written, or verbal information is available in Spanish.
11. Title VI compliance reviews of consultants with WCOG 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 sub-recipients that have already received WCOG federal funds.

6. Allegations of Discrimination

Records of Complaints

WCOG 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 of December 2020 – January 2024. WCOG has never been involved with any Title VI investigation or Title VI lawsuit.

Complaint Forms

Title VI complaint forms are available at WCOG's office and on the website at www.wcog.org.

In English: [Title VI Discrimination Complaint Form \(PDF\)](#)

En español: [Título VI Formulario de Denuncia por Discriminación \(PDF\)](#)

На русском: [Форма жалобы по американскому закону об инвалидности \(PDF\)](#)

Copies of forms are available in *Appendix B: Complaint Forms*.

The complaint form details complaint procedures as described below.

Complaint Procedures

Federal law prohibits discrimination on the basis of race, color or national origin in any of WCOG's programs, services, or activities. This prohibition applies to WCOG contractors, consultants, and anyone else who acts on behalf of WCOG.

Complaints related to federal-aid programs may be filed with WCOG and will be forwarded to the Washington State Department of Transportation – Office of Equity and Civil Rights. If you need assistance to file your complaint or need interpretation services, contact WCOG's Title VI Coordinator, Melissa Fanucci, at 360-685-8385 or at titlevi@wcog.org.

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 of WCOG's programs, services, or activities is eligible to 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 WCOG's Title VI Coordinator, Melissa Fanucci, at 360-685-8385 or at titlevi@wcog.org 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 WCOG's Title VI Coordinator, Melissa Fanucci, at 360-685-8385 or at titlevi@wcog.org.

Complaints should be in writing, signed, and may be filed by mail, in person or email. If a complainant phones WCOG 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 WCOG.

What information should be included in the complaint?

A complaint should contain the following information:

1. The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available).
2. The basis of the complaint (e.g., race, color, national origin).
3. The names of specific person(s) and/or agencies/organizations alleged to have discriminated.
4. A description of the alleged discriminatory actions, including 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.
5. 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 field:

- Name and address of person filing the complaint
- Date of complaint
- Basis of complaint
- Disposition of complaint
- Status of complaint

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

Once logged, WCOG will forward complaints to WSDOT's Office of Equal Opportunity for processing.

What happens after a complaint is filed?

If a complaint is forwarded to another agency by WCOG, the complainant will be provided the name and contact information of the employee handling the 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 decision, a complaint is closed.

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

WCOG will not investigate a discrimination complaint against itself. Any complaint alleging discrimination by WCOG, which is received by WCOG, will be forwarded to the WSDOT Office of Equity and Civil Rights within 10 calendar days of receipt of allegation. WCOG will forward the complaint to:

Washington State Department of Transportation
Office of Equity and Civil Rights
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:

Whatcom Council of Governments
Attn: Title VI Coordinator
314 E. Champion St., Bellingham, WA 98225
TitleVI@wcog.org
(360) 685-8385

Washington State Department of Transportation
Office of Equity and Civil Rights
PO Box 473, Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
(360) 705-7090

Federal Highway Administration
Office of Civil Rights
8th Floor E81-105, 1200 New Jersey Avenue, SE, Washington, DC 20590
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
FTACivilRightsCommunications@dot.gov

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



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Title VI Complaint Form

If you believe that you have been discriminated against because of your race, color, or national origin (including limited English proficiency), by agency programs or activities, you may file a formal complaint by completing this form and send by e-mail to titlevi@wcog.org, or send by postal mail to:

Whatcom Council of Governments, Attn: Title VI Coordinator
314 E. Champion St., Bellingham, WA 98225

Agency Use Only	
Received	____/____/____
Response	____/____/____
Report	____/____/____
Briefing	____/____/____

Your Name			Your Phone:	
Best time of day to contact you about this complaint: <input type="checkbox"/> 7am – 10am <input type="checkbox"/> 10am – 1pm <input type="checkbox"/> 1pm – 4pm <input type="checkbox"/> 4pm – 7pm			Your Email Address	
Your Mailing Address (Street/PO Box, City, State, Zip)				
What was the alleged discrimination based on? Select all applicable: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin (Including Limited English Proficiency)				Date of alleged incident
Agency or person(s) responsible for the alleged discrimination.				
Name	City	State	Zip Code	Phone number



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Title VI Complaint Form

Describe the alleged discrimination. Please explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Please attach any supporting documents to this form.

PLEASE COMPLETE PAGE 3 OF THIS FORM



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Title VI Complaint Form

ADDITIONAL INFORMATION

What remedy are you seeking for the alleged discrimination? Please note that this process will not result in the payment of punitive damages or financial compensation.

List any other persons that we should contact for additional information in support of your complaint. Please include their phone numbers, addresses, email addresses, etc.

Name	City	State	Zip Code	Email	Phone number
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List any other agencies with whom you have filed this same complaint:

Name	State
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Signature (REQUIRED)

Date

Washington State Department of Transportation Title VI Complaint Procedures

If you believe that you have been discriminated against because of your race, color, or national origin, then you have the right to file a formal complaint with WSDOT within 180 days of the alleged incident.

HOW TO FILE A COMPLAINT

1. Complete the Title VI Complaint Form, answering every question.
2. Submit the **signed** complaint to:
 - Whatcom Council of Governments, Attn: Title VI Coordinator, 314 E. Champion St., Bellingham, WA 98225
 - or email to: titlevi@wcog.org

A notice acknowledging receipt will be provided within 10 working days. The complaint will then be forwarded to the federal funding agency through Washington State Department of Transportation-Office of Equal Opportunity.

The federal funding agency is responsible for all decisions regarding whether a complaint should be accepted and investigated, dismissed, or referred to another agency. When the federal funding agency decides whether to accept, dismiss, or transfer the complaint, it will notify the complainant and the other agencies (as appropriate) as to the status of the complaint.

These procedures do not deny you the right to file a formal complaint directly with the federal funding agencies or seek private counsel for complaints alleging discrimination. Federal law prohibits intimidation or retaliation against you of any kind.

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended and the Civil Rights Restoration Act of 1987, relating to any program, service, or activity administered by WSDOT as well as its sub-recipients, consultants, and contractors.

7. Public Participation

WCOG's Public Participation Plan

WCOG operates under a comprehensive Public Participation Plan which outlines the goals and objectives for public participation and includes procedures for engaging the public in WCOG decisions, including the mobility needs of minority populations. The Plan includes:

- Public engagement strategy
- Limited English Proficiency outreach
- Environmental Justice
- Procedures, tool, and techniques for public participation

Gender or racial/ethnic designation and income, education etc., data is collected at public meetings only when members of the public fill in the data on the voluntary Title VI Public form.

The full plan is available on the WCOG website at: <https://wcog.org/participation>. Hard copies are available free-of-charge at WCOG's offices at 314 E. Champion Street, Bellingham, WA, 98225.

Environmental Justice

WCOG seeks to identify and address disproportionately high and adverse effects of programs, policies and activities on minority and low-income populations. Data used to identify vulnerable populations and overburdened communities include demographic profile data from the 2020 U.S. Census, the American Community Survey, and WA's Office of Superintendent of Public Instruction, along with other resources as available. A series of maps are included in WCOG's Demographic Profile, available in *Appendix C: Whatcom Demographic Profile*.

WCOG completes an annual Environmental Justice and Title VI Assessment of all funds awarded through the preceding State Fiscal Year's Surface Transportation Block Grant and selected through WCOG's competitive selection processes for transportation projects in Whatcom County. The assessment includes the above-mentioned demographic profile as well as an analysis to determine whether these transportation funding decisions have a disproportionately high and adverse impact on vulnerable populations and overburdened communities.

Assessments will be included in WCOG's Annual Title VI Report, available at: <https://wcog.org/titlevi>. Hard copies are available free-of-charge at WCOG's offices at 314 E. Champion Street, Bellingham, WA, 98225.

WCOG's Title VI Coordinator and the Title VI Planning Program Liaison will:

- Ensure that minority populations and populations vulnerable due to age, income, or disability have access to WCOG’s public meetings, open houses, and events; are held at facilities that accommodate the needs of those physically challenged; and are accessible by public transportation 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 program information to minority media and related organizations.
- Update the demographic profile for Whatcom County every three years.
- Ensure that Environmental Justice principles and practices are incorporated into transportation plans, programs, policies, and activities of WCOG.

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.

Language Assistance Program

WCOG 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 individuals who have limited English Proficiency (LEP). Because English is not their primary language, they may not be able to speak, read, write, or understand English at a level that permits them to interact effectively with regional governmental agencies.

As a result, persons with LEP may be subject to exclusion from programs or activities or 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

The United States 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: Proportion of LEP persons in Whatcom County

Whatcom County and its jurisdictions are largely English speaking. The vast majority of the population with which WCOG interacts is English speaking.

Based on data from the American Community Survey¹, 11,094 persons have limited English proficiency in Whatcom County, out of a population of 220,548 individuals over the age of five. This equates to an LEP population of 5%.

29,598 individuals speak a language other than English, making up 13% of Whatcom County's population (220,548). Of those individuals, 13,408 speak Spanish (6% of Whatcom County's total population); 9,432 speak other Indo-European languages (4%); 5,596 speak Asian and Pacific Island languages (3%); and 1,162 speak other languages (.5%).

2021 data from the WA State Office of Financial Management that examined data for students in Whatcom County estimates the primary languages other than English that are spoken in Whatcom County are Spanish (2,179 students), Punjabi (340 students), and Russian (305 students).

No other language besides Spanish 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.

Factor #2: Frequency with which LEP individuals contact WCOG's programs, activities, and services

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

WCOG public meetings occur about every month at WCOG's office in downtown Bellingham. With few exceptions there are usually no members of the public in attendance or participating online. Most communication with the general public typically occurs via email, by phone, or in

¹ U.S. Census, American Community Survey, 2022 ACS 1 Year-Estimates Table of English Proficiency: <https://data.census.gov/table/ACSST1Y2022.S1601?q=Language+Spoken+at+Home&g=050XX00US53073&moe=false>
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person. The majority of customer service interactions are with Whatcom Smart Trips program participants and are conducted in person at the WCOG office. During the three-year reporting period, no WCOG staff member could recall any interaction with a Spanish speaker or a speaker of another language who appeared to speak English less than very well.

Factor #3: The importance of WCOG programs, activities, and services to people with LEP

WCOG's metropolitan and regional transportation planning processes are cooperative, coordinated, and consistent. Persons living in Whatcom County are likely to be affected or potentially affected by regional transportation projects for which WCOG has a lead role in planning and programming.

In addition to the Regional/Metropolitan Transportation Plan that is updated on a five-year cycle, LEP individuals may also be impacted by the Title VI Plan, the Public Participation Plan, and the Human Services Transportation Plan. WCOG also works with individual public members through its Whatcom Smart Trips program, and through. Its multi-county collaboration efforts with the North Sound Transportation Alliance.

Factor #4: Resources available to WCOG and overall cost to provide assistance to people with LEP

WCOG, as a relatively small metropolitan planning organization (MPO) and regional transportation planning organization (RTPO) has limited opportunities to provide language assistance.

Employees at WCOG speak English and a small amount of basic Spanish, but interpretation services and Spanish translation of any written material can be provided if requested.

All of WCOG's key documents and proceedings are available on its website at www.wcog.org which has a function to translate the site into a number of languages other than English. There is information on the website in Spanish to direct individuals needing Spanish-language assistance to more information about requesting translation services or interpretation.

During this reporting period, WCOG will spend funding to translate the Title VI Plan, the Public Participation Plan, and the Human Services Transportation Plan into Spanish. WCOG is proactively translating these documents prior to any requests. There have been no received requests for interpretation or translation.

8. Consultant Contracts

WCOG is periodically responsible for the selection, negotiation, and administration of consultant contracts. Selection is typically made by a Consultant Selection Committee that is established for each major project and comprised of WCOG staff and staff from affected/stakeholder agencies.

Authorities/Guidance: WSDOT Consultant Services Procedural Manual (M 27-50.07); 48 CFR 31; 23 CFR 172; RCW 39.29; RCW 39.80

WCOG Title VI Responsibilities Regarding Contracted Consultants

WCOG’s Title VI Coordinator and the Title VI Consultant Contracts Liaison will:

- Monitor Disadvantaged 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 WCOG and utilizes U.S. Federal Highway Administration and/or U.S. 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

WCOG will actively pursue the prevention of Title VI deficiencies and violations and will take necessary steps to ensure compliance with all administrative program requirements, both within WCOG and with WCOG’s sub-recipients.

If irregularities occur, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on sub-recipients, WCOG will work with WSDOT to write a remedial action letter within 90 days of the initial review.

WCOG will seek the cooperation of sub-recipients in correcting deficiencies found during the review. WCOG 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, WCOG will submit to WSDOT and the U.S. Federal Highway Administration/U.S.

Federal Transit Administration two copies of the deficiency letter and response file and will recommend 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, WCOG may, with concurrence from WSDOT and U.S. Federal Highway Administration/U.S. Federal Transit Administration, initiate sanctions per *49 CFR 21*.

9. Racial Breakdown of WCOG’s Boards

Recipients of federal funding that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies must provide a table depicting the membership of those committees broken down by race. A description of efforts made to encourage the participation of minorities on such committees must also be provided.

While WCOG has a goal to maintain an inclusive and diverse board, partner organizations determine board membership and the membership of its program committees with the exception of the Community Transportation Advisory Group.

WCOG Boards and Committees

1. WCOG Council Board – members determined by jurisdictions
2. WCOG Transportation Policy Board - members determined by jurisdictions/agencies
3. Transportation Technical Advisory Group (TTAG) - members determined by jurisdictions/agencies
4. International Mobility & Trade Corridor Program (IMTC) Steering Committee - members determined by jurisdictions/agencies
5. North Sound Transportation Alliance (NSTA) Steering Committee - members determined by jurisdictions/agencies
6. Community Transportation Advisory Group (CTGAG) – membership open to anyone age 16 or older who lives, works, or owns a business in Whatcom County. A CTAG membership application is required to participate fully. CTAG has an open application process thus the race of members may vary from meeting to meeting.

Community Transportation Advisory Group Minority Representation

Race	# People	% in CTAG	% in Whatcom
White	34	74%	85%
Native American	1	2%	3%
African American	1	2%	1%
Asian	1	2%	4%
Hispanic	0	0%	9%
Other	4	8%	3%

WCOG Council Board/Transportation Policy Board Minority Representation

For the 2024 calendar year, WCOG will introduce a new Board Member Intake Form that asks for voluntary information regarding race. Results will be recorded here in the plan update.

10. Notice of Title VI Rights

Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964

The Whatcom Council of Governments (WCOG) 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 Federal Aid Highway program or other activity for which Agency 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 filed with WCOG's Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the WCOG's office at no cost to the complainant. Forms are also available online at www.wcog.org/titlevi.

To file a Title VI discrimination complaint, contact:

Melissa Fanucci, AICP
WCOG Title VI Coordinator
314 E. Champion St.
Bellingham, WA 98225
(360) 685-8385

melissa@wcog.org

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

Assurances

DOT Order No. 1050.2A

The Whatcom 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 Whatcom 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, Whatcom 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 WA State Department of Transportation 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 WA State Department of Transportation. You must keep records, reports, and submit the material for review upon request to WA 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.

Whatcom 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.

Whatcom Council of Governments
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED Dec 5, 2023

APPENDIX A

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

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

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Whatcom 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 Whatcom 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 Whatcom 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 Whatcom Council of Governments, its successors and assigns.

The Whatcom 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 Whatcom Council of Governments will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Whatcom 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, Whatcom 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 Whatcom 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 Whatcom 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 Whatcom 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, Whatcom 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, Whatcom Council of Governments will there upon revert to and vest in and become the absolute property of Whatcom 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).

Addendum: Whatcom’s Demographic Profile

Whatcom County’s estimated 2022 population is 231,650. 63% of residents live in rural communities (unincorporated, Everson, Nooksack, and Sumas), and 37% in urban areas, with the biggest city being Bellingham (population: 93,910).

Age

43% of Whatcom County’s population, an estimated 98,000 individuals, fall under the category of potentially needing special transportation (over 65 years of age and under 18 years of age.). As shown in **Figure 1**, Whatcom County’s population of seniors has risen dramatically, more than statewide, increasing 73% over 2010 population numbers. And 28% of the county’s population is below the legal driving age.

Figure 1: Changes in Whatcom County & WA State Population by Age

Source: WA State Office of Financial Management, Forecasting and Research Division: <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/estimates-april-1-population-age-sex-race-and-hispanic-origin>

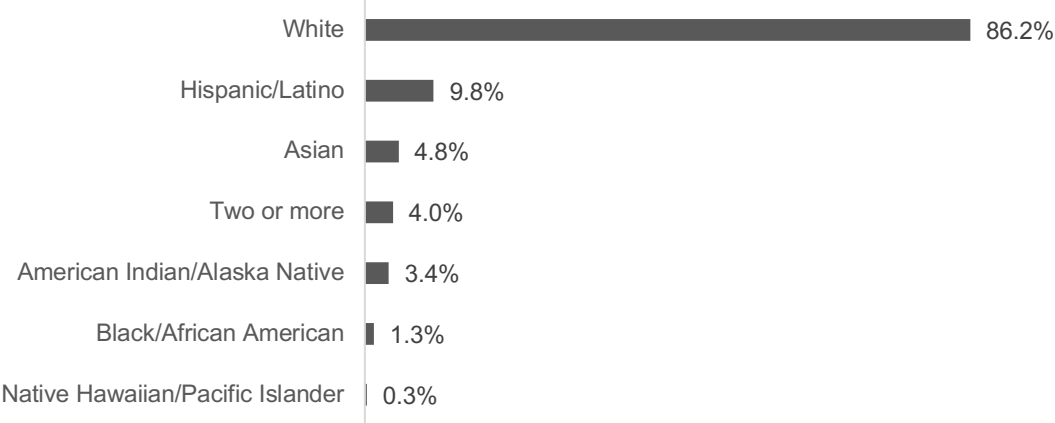
Total Population	Washington State			Whatcom County		
	2010	2022	Δ	2010	2022	Δ
	6,724,540	7,864,400	17%	201,140	231,650	15%
Age Groups						
0-4	439,657	437,950	0%	11,337	10,785	-5%
5-9	429,877	476,052	11%	11,265	12,248	9%
10-14	438,233	494,682	13%	12,059	13,339	11%
15-19	462,128	480,909	4%	15,905	15,405	-3%
20-24	461,512	490,173	6%	20,277	21,972	8%
25-29	480,398	558,717	16%	14,019	15,895	13%
30-34	453,383	582,088	28%	12,150	13,469	11%
35-39	448,607	566,636	26%	11,676	14,034	20%
40-44	459,698	518,247	13%	12,319	13,877	13%
45-49	492,909	474,493	-4%	13,532	13,113	-3%
50-54	495,296	465,701	-6%	13,797	13,082	-5%
55-59	453,078	482,273	6%	13,828	13,712	-1%
60-64	382,087	488,903	28%	12,336	14,795	20%
65-69	270,474	446,656	65%	8,760	14,649	67%
70-74	186,746	368,482	97%	5,908	12,795	117%
75-79	142,068	252,807	78%	4,563	8,940	96%
80-84	111,118	145,735	31%	3,666	5,111	39%
85 +	117,271	133,896	14%	3,743	4,429	18%
19 + Under	1,769,895	1,889,593	7%	50,566	51,778	2%
	% of total 2022 pop. 24%			% of total 2022 pop. 22%		
65 + Above	827,677	1,347,576	63%	26,640	45,924	72%
	% of total 2022 pop. 17%			% of total 2022 pop. 20%		

Ethnicity

Whatcom County’s population is predominantly White (86%), with approximately 14% of the population identifying with a different race or Hispanic Origin as shown in **Figure 2**.

Figure 2: Race and Hispanic Origin, Whatcom County, 2021

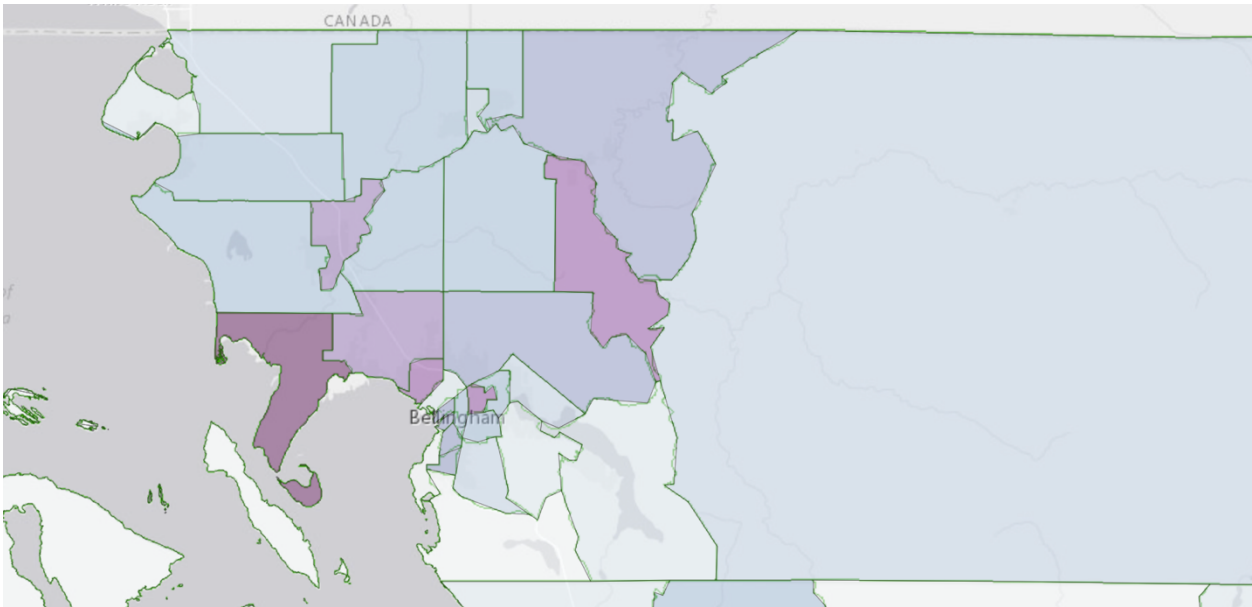
Source: Population Estimates, American Community Survey, U.S. Census, 2021: <https://www.census.gov/quickfacts/whatcomcountywashington>



The Washington Health Disparities Map highlights Census Tracts with a higher percentage of minority populations.

Figure 3: Minority Populations of Whatcom County by Census Tract

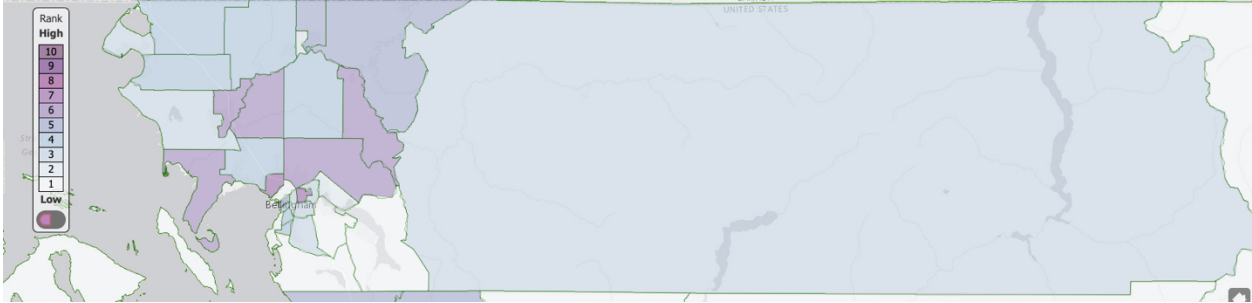
Source: Washington Tracking Network Health Disparities Map: <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>



The same source also provides a look at population by limited English proficiency by Census tract.

Figure 4: Limited English Proficiency in Whatcom County by Census Tract

Source: Washington Tracking Network Health Disparities Map: <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>



12% of Whatcom County households speak a language in addition to/other than English at home, with the second most used language being Spanish¹.

Challenges that persons of color (POC) face in Whatcom County range include greater income disparity and poorer health outcomes. The Community Needs Assessment completed in 2021 noted that POC who responded to their survey had higher rates of employment income loss during the COVID-19 pandemic (55%) compared to those respondents who were white only (40%)².

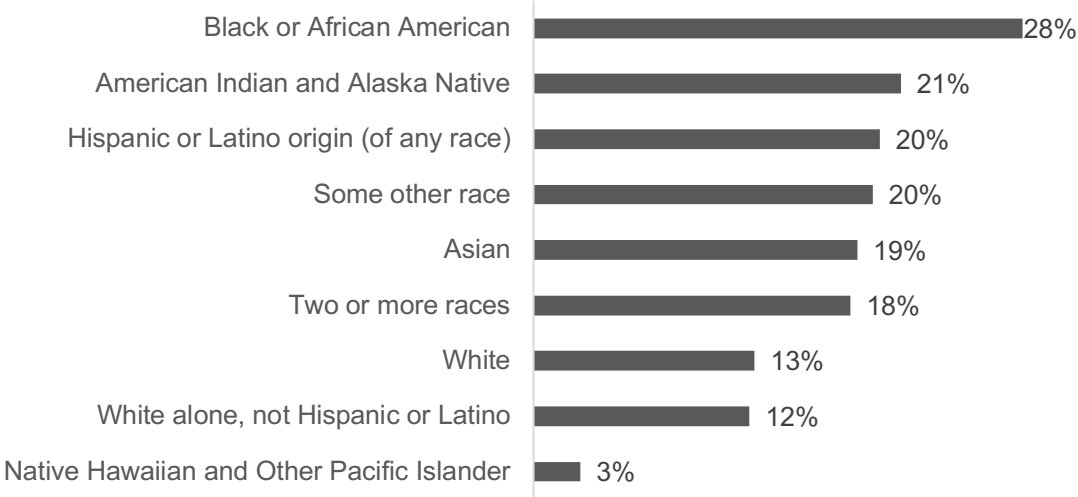
POC also had higher poverty rates than whites (excluding Native Hawaiians and Pacific Islanders) as shown in **Figure 5**.

¹ American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://censusreporter.org/profiles/05000US53073-whatcom-county-wa/>

² Prosperity Project 2021: A Community Needs Assessment, Aug 2021, Opportunity Council: https://www.opppo.org/wp-content/uploads/2021/09/Community-Needs-Assessment_09.15.21.pdf

Figure 5: Percentage of Whatcom County Residents Living Below Federal Poverty Level by Race and Hispanic Origin

Source: American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://data.census.gov/cedsci/table?t=Poverty&g=0500000US53073&tid=ACSST5Y2020.S1703>



Compared to White persons in Whatcom County, Indigenous and migrant farmworkers have lower life expectancies at birth (White life expectancy at birth is 81.43 years; Indigenous population is 69.29 years; Migrant Farmworkers is 49 years³).

Income Levels

14% of Whatcom County’s population live below the poverty line, a higher rate than the state average (10%) and the national average (13%).⁴

Income inequality is a reality in Whatcom County, where high-income residents in the top 5% earn 8.2 times more than the remaining 95% of the rest of Whatcom County. 54% of Whatcom County residents who filed taxes earn \$50,000 or less each year, with 31% earning under \$25,000 annually⁵.

The challenges for low-income households in Whatcom County have increased since the COVID-19 pandemic. A Community Needs Assessment completed by the Opportunity Council

³ Racial Disparities in Whatcom County, January 2021, Chuckanut Health Foundation: <https://static1.squarespace.com/static/5d12727cc999d40001434e6e/t/600b244531b83f4fd99095a1/1611342917904/Racial+Disparities+In+Whatcom+County+v1.pdf>

⁴ American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://censusreporter.org/profiles/05000US53073-whatcom-county-wa/>

⁴ SOI Tax Stats County Data, 2019, U.S. Internal Revenue Service: <https://www.irs.gov/statistics/soi-tax-stats-county-data-2019>

⁵ SOI Tax Stats County Data, 2019, U.S. Internal Revenue Service: <https://www.irs.gov/statistics/soi-tax-stats-county-data-2019>

in 2021 reported that 38% of surveyed households experienced a loss of employment income since March of 2020⁶.

The 22% increase in homeless persons in the county between 2020 and 2021 is also illustrative of the difficulties faced by low-income households. 859 individuals from 625 households experienced homelessness in Whatcom County as counted in the 2021 point in time survey completed last year. 75% of those individuals were sheltered (staying in emergency shelters or a transitional housing facility the night before the count). 25% spent the night before outdoors or in vehicles. And the number of families with children living in motels increased by 50% in 2021 (96)⁷.

Homeless families with children, referred to as families in transition (FIT), are also evidence of income disparity, high housing costs, and other equity challenges in the region. There are over 33,300 students in Washington State that are homeless, as defined by the McKinney-Vento Act:

Individuals who lack a fixed, regular, and adequate nighttime residence including children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping groups due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; children and youths who have a primary nighttime residence that is a public or private space not designed for or ordinarily used as a regular sleeping accommodation for human beings; children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless.

People with Disabilities

Over 16,000 Whatcom County residents (7% of the population) are classified as working age individuals with disabilities⁸. Of those, an estimated 2,700 residents in Whatcom County may have a developmental disability⁹. These individuals live in various residential settings, from their own homes to supported living or skilled nursing facilities, group homes, and other settings. Many of these may not be easily accessible by public transit.

Paratransit service provided by Whatcom Transportation Authority (WTA) is available for those whose disability prevents them from riding fixed route buses and serves individuals

⁶ Prosperity Project 2021: A Community Needs Assessment, Aug 2021, Opportunity Council:
https://www.opcco.org/wp-content/uploads/2021/09/Community-Needs-Assessment_09.15.21.pdf

⁷ A Home for Everyone: Whatcom County Coalition to End Homelessness 2021 Annual Report, July 2021, Whatcom County Health Department:
<https://www.whatcomcounty.us/DocumentCenter/View/57826/PIT2021>

⁸ Disability & DVR Statistics Report, July 2017, WA State Division of Vocational Rehabilitation:
<https://www.dshs.wa.gov/sites/default/files/dvr/pdf/2017%20Disability%20%26%20DVR%20Statistics%20Report.pdf>

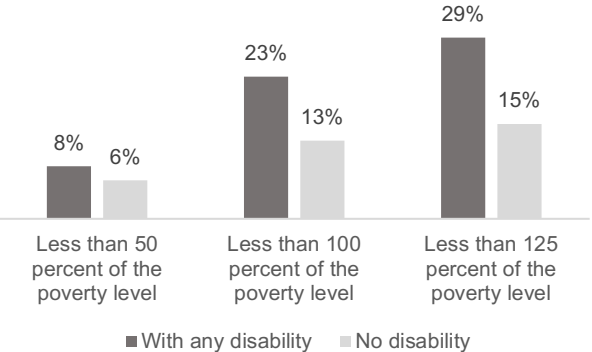
⁹ Whatcom County Developmental Disabilities 5 Year Plan, 2019-2024, July 2019, Whatcom County Health Department: <https://www.whatcomcounty.us/DocumentCenter/View/18368/2019-24-Whatcom-County-Developmental-Disabilities-Plan>

living within .75 miles of a fixed route. In 2021, over 128,000 boardings were made using WTA paratransit ¹⁰.

People with disabilities are more likely to live below the poverty level. As shown in **Figure 6**, almost 30% of individuals with a disability live on less than 125% of the U.S. poverty level (\$26,500 in 2021). This is nearly double the comparable number of individuals without a disability.

Figure 6: Percentage of Whatcom County Disabled Residents at Various Poverty Levels

Source: American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://data.census.gov/cedsci/table?t=Poverty&g=05000000US53073&tid=ACST5Y2020.S1703>



Public Transportation Dependent Populations

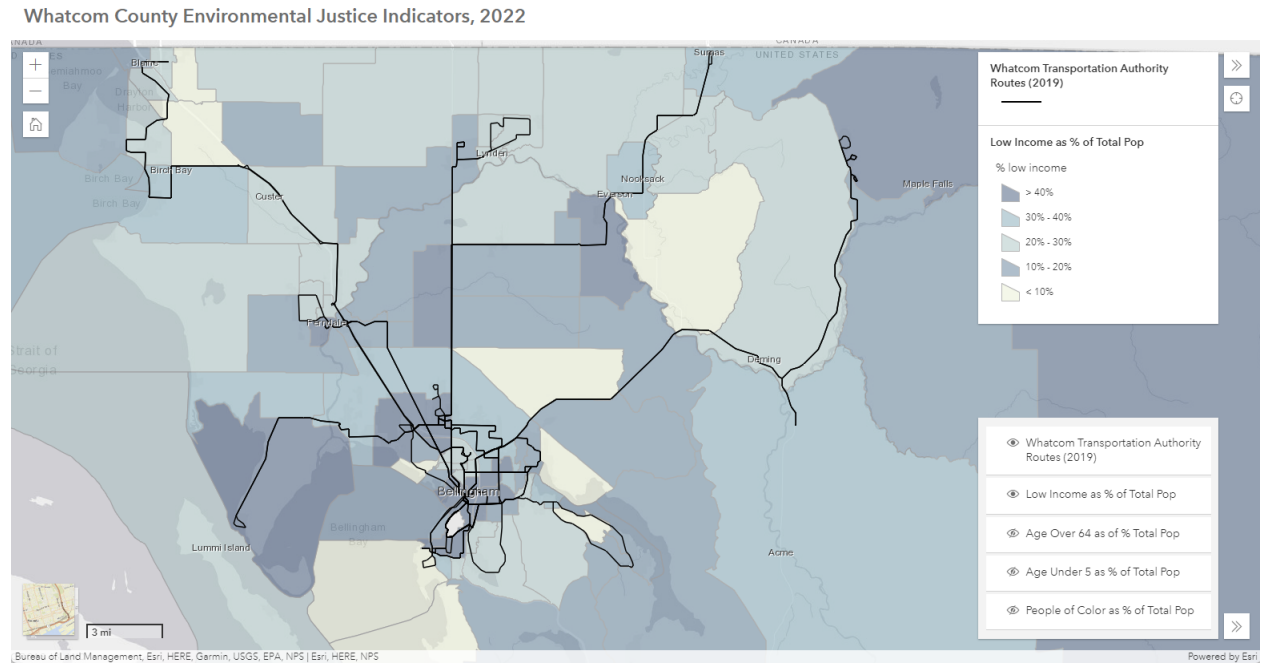
Using data from the American Community Survey of 2021, a map was developed to show the percentage of special transportation populations live (see **Figures 7-10**). These maps also have WTA fixed routes included as a layer to illustrate where WTA service may be missing. An interactive version of the map is available at:

<https://wcog.maps.arcgis.com/apps/instant/basic/index.html?appid=0faedcefb716423ca8deb6f3b0183915>.

It is important to note that, while these summaries may help with prioritizing certain investments, individuals with special needs live everywhere. Therefore, the overall goal is for all transportation system components and services within Whatcom County to be accessible by everyone.

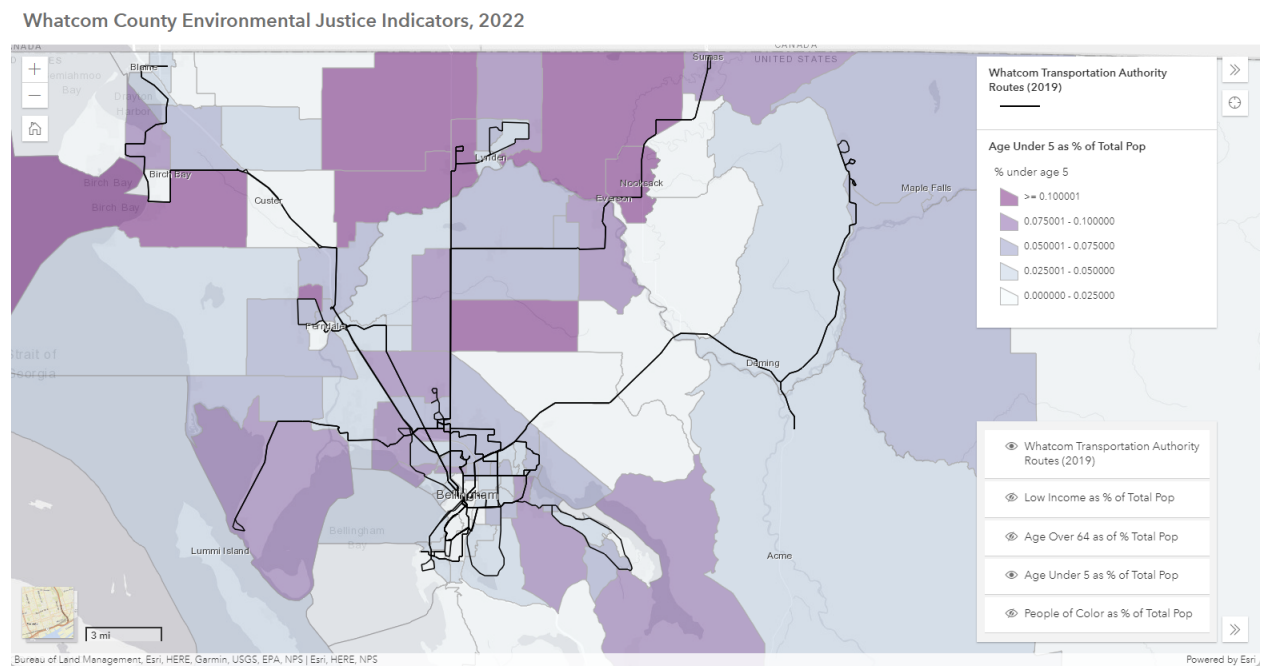
¹⁰ Whatcom Transportation Authority Service Performance Report, 2021, WTA: <http://www.ridewta.com/Published%20Docs/2021%20-%20Annual%20Performance%20Report.pdf>

Figure 7: Public Transportation Dependent Populations, Low Income



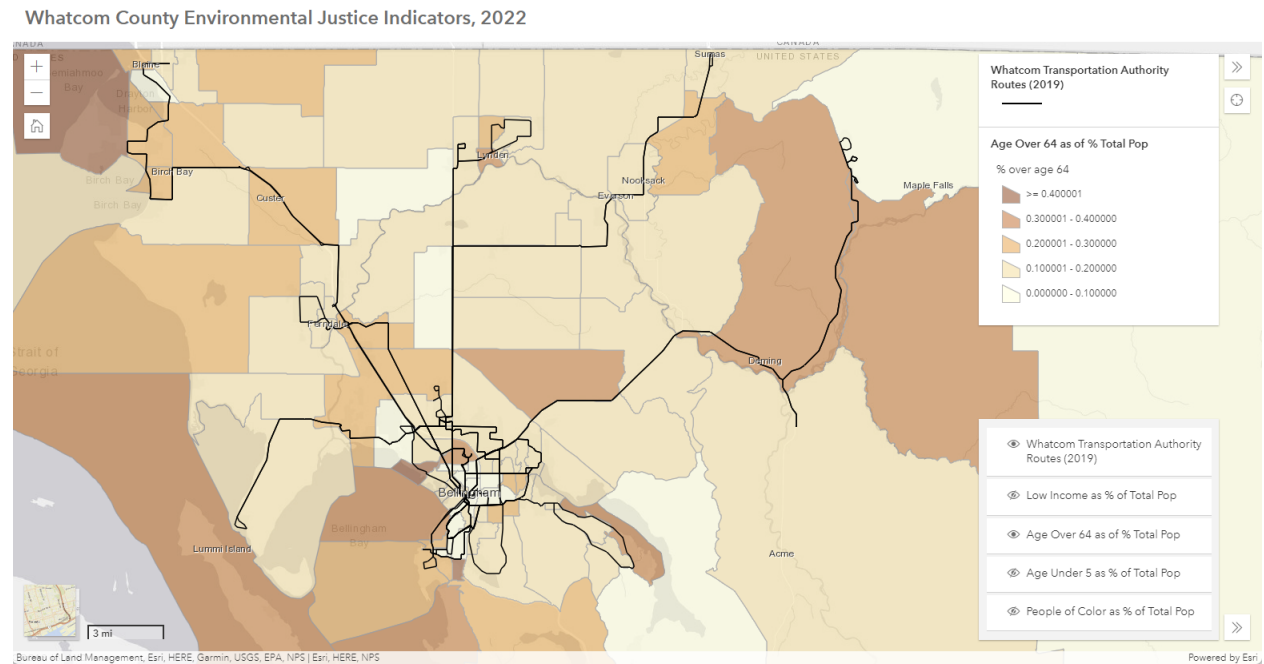
Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency:
<https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

Figure 8: Public Transportation Dependent Populations, Age Under 5



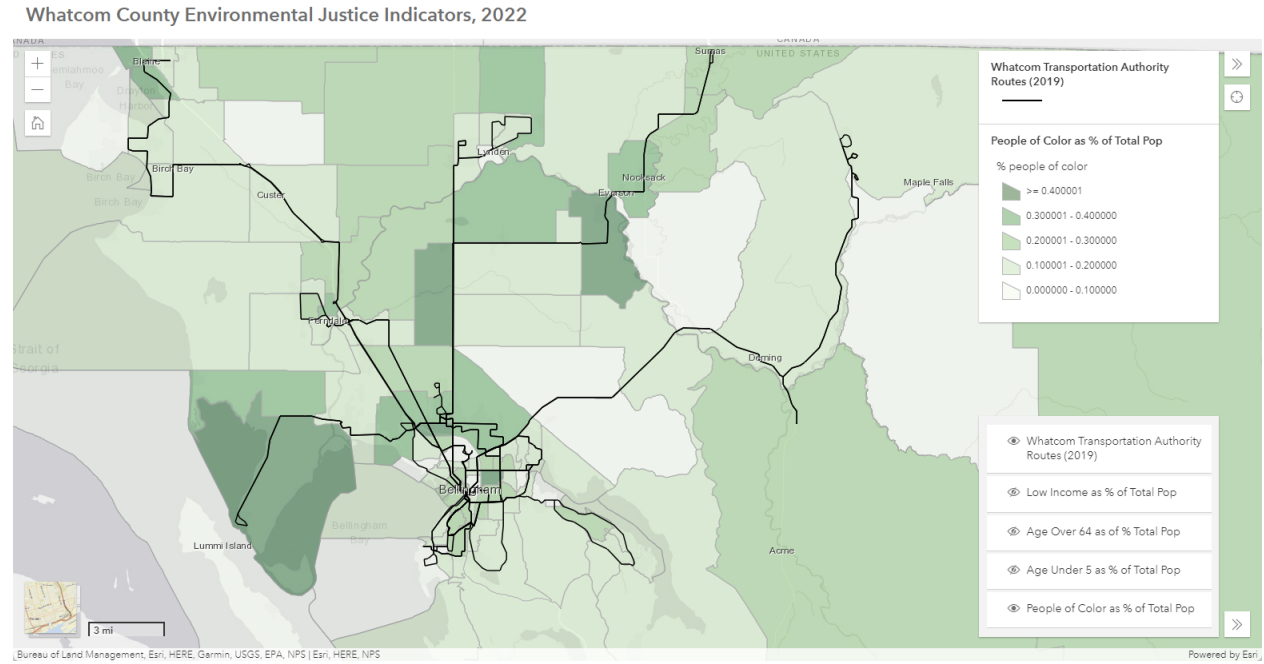
Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency:
<https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

Figure 9: Public Transportation Dependent Populations, Age Over 64



Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency:
<https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

Figure 10: Public Transportation Dependent Populations, People of Color



Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency:
<https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>