



MEETING OF THE
WHATCOM TRANSPORTATION POLICY BOARD

Wednesday, October 12, 2022, 3:30 p.m.

Gordon W. Rogers Conference Room
314 East Champion Street
Bellingham, Washington

Click [here](#) to join using Zoom
Or join by phone: (253) 215-8782

AGENDA

PAGES

- A. CALL TO ORDER – Chairman Korthuis
- B. PUBLIC COMMENT
Citizens may speak informally to the Board on matters pertinent to its statutory responsibilities and which are not the subject of a public hearing. *Each speaker is allowed a maximum of three minutes.*
- C. ADDITIONS TO THE AGENDA (if any)
- D. APPROVAL OF MINUTES*
Meeting of July 13, 2022
- E. PUBLIC HEARING NO. 1
Amend [Way to Go, Whatcom](#)
 1. Staff Presentation – Hugh Conroy
 2. Open Public Hearing – Citizens may address the Board on the subject of the hearing for a maximum of three minutes each
 3. Close Public Hearing*
 4. Board Discussion
 5. Vote on Proposed Plan Amendments*
- F. PUBLIC HEARING NO. 2
Adopt WCOG [Human Services Transportation Plan](#) (HSTP)
 1. Staff Presentation – Melissa Fanucci
 2. Open Public Hearing – Citizens may address the Board on the subject of the hearing for a maximum of three minutes each
 3. Close Public Hearing*
 4. Board Discussion
 5. Vote on Adoption of HSTP*
- G. PUBLIC HEARING NO. 3
Amend 2022 WCOG Transportation Improvement Program (TIP)
 1. Staff Presentation – Lethal Coe
 2. Open Public Hearing – Citizens may address the Board on the subject of the hearing for a maximum of three minutes each

AGENDA

PAGES

- 3. Close Public Hearing*
 - 4. Board Discussion
 - 5. Vote on Proposed 2022 TIP Amendments*
- 12 H. PUBLIC HEARING NO. 4
Adopt [2023 WCOG Transportation Improvement Program](#)
- 1. Staff Presentation – Mr. Coe
 - 2. Open Public Hearing – Citizens may address the Board on the subject of the hearing *for a maximum of three minutes each*
 - 3. Close Public Hearing*
 - 4. Board Discussion
 - 5. Vote on Adoption of 2023 TIP*
- 13-14 I. NEW BUSINESS
- 1. WCOG Obligation Authority Policy – Mr. Coe*
 - 2. Other new business (*if any*)
- J. OLD BUSINESS (*if any*)
- K. OBLIGATION STATUS UPDATE – Mr. Coe
- L. PLANNING DIRECTOR’S REPORT – Mr. Conroy
- M. BOARD OPEN FORUM
- N. ADJOURN

* Action item



Notice to the Public Regarding Title VI of the Civil Rights Act of 1964

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, 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 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 Recuperación de Derechos Civiles de 1987, el Decreto Presidencial 12898 sobre Justicia Ambiental, el Decreto Presidencial 13166 sobre 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, sexo 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 en un periodo 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.

WHATCOM TRANSPORTATION POLICY BOARD
MINUTES – **DRAFT**
JULY 13, 2022

IN ATTENDANCE (IN PERSON OR VIA ZOOM):

MEMBERS **VOTING: Bellingham:** Seth Fleetwood, Kristina Michele Martens; **Blaine:** Richard May; **Everson:** John Perry; **Ferndale:** Greg Hansen (2nd Vice Chairman); **Lynden:** Scott Korthuis (Chairman); **Nooksack:** Kevin Hester; **Sumas:** Bruce Bosch; **WSDOT:** Chris Damitio; **Whatcom County:** Satpal Sidhu, Kaylee Galloway; **WTA:** Michael Lilliquist *EX-OFFICIO:* Christine Grant, Public Utility District No. 1

GUESTS Todd Carlson, WSDOT; Sean Connell, Rep. Rick Larsen’s office; Peter Frye, Lummi Nation; Chris Heimgartner, PUD No. 1; Jim Karcher, Whatcom County; Les Reardanz, WTA; Intisar Surur, McBride Public Affairs; Terry Terry, Lummi Island resident; Caryn Van Griend, PSE

STAFF Bob Wilson (Secretary), Hugh Conroy, Melissa Fanucci, Lethal Coe

A. CALL TO ORDER

Secretary Wilson determined that there was a quorum, and Chairman Korthuis called the meeting to order at 3:32 p.m.

B. PUBLIC COMMENT

None

C. AGENDA ADDITIONS

None

D. APPROVAL OF MINUTES OF JUNE 8, 2022

MOTION: Mr. Hansen moved, seconded by Mr. Sidhu, to approve the minutes of the meeting of June 8, 2022, as presented.

MOTION PASSED

E. PUBLIC HEARING

Way to Go, Whatcom

Mr. Wilson informed the Board that the hearing had been scheduled in case any members of the public wanted to comment during the extended public comment period. No comments were received via email prior to the meeting, and no members of the public were present in the conference room.

PUBLIC HEARING OPENED AT 3:34 P.M.

Chairman Korthuis asked if any members of the public were participating via the Zoom link and wanted to offer comments, to which there was no response.

PUBLIC HEARING CLOSED AT 3:34 P.M. BY UNANIMOUS CONSENT

E. NEW BUSINESS

1. Amendments to the 2045 Whatcom Region Long-Range Transportation Plan, *Way to Go, Whatcom*

No amendments were offered.

2. Request by City of Lynden to Reprogram Previously Awarded STBG Funding

Mr. Coe explained that the City of Lynden had evaluated several options to move forward with three projects currently programmed in both the regional and state transportation improvement programs, which are funded from the Surface Transportation Block Grant (STBG) program. Due to escalating project costs and insufficient federal funding to address significant right-of-way and environmental issues, the City proposed the following actions to reprogram the combined STBG funding from those three projects:

- a. Award \$257,770 of STBG funding to the *Benson Road Improvements, Sunrise to Badger Road* project. To facilitate this, Lynden would de-federalize its *Main Street Corridor Completion* project by de-obligating \$257,770 of STBG funds awarded to it in 2012 and reimbursing \$156,000 to WSDOT.
- b. Transfer the remaining \$8,437 from the STBG funds awarded in 2012 to the *Main Street Corridor* project to the *Benson Road Improvements* project. This would not require any de-obligation.
- c. Transfer \$800,000 of STBG funding awarded to the *West Main Street and Berthusen Roundabout* project to the *Benson Road Improvements* project, which would also not require any de-obligation.

These actions would result in a total of \$1,066,207 of STBG funds being transferred to the Benson Road project.

MOTION: Mr. Lilliquist moved, seconded by Mr. Sidhu, to approve the reallocation of \$1,066,207 of STBG funding, as requested by the City of Lynden, to its *Benson Road Improvements, Sunrise to Badger Road* project, as described above.

MOTION PASSED

3. Other New Business

None

F. PUBLIC HEARING

Amendment No. 22-07 to the 2022 Transportation Improvement Program (TIP)

Mr. Coe described the proposed amendments to the 2022 TIP:

- Amend WSDOT's *I-5/Slater Road Interchange – Improvements* project to revise the preliminary engineering and construction phases; remove the right-of-way phase; adjust the total project cost and; update the expenditure schedule. This project is funded through the Connecting Washington Account.
- Remove Lynden's *West Main Street and Berthusen Roundabout* project. The funding will be reallocated to Lynden's *Benson Road Improvements, Sunrise to Badger Road* project.
- Remove Lynden's *Main Street Corridor Completion* project. The funding will be reallocated to the *Benson Road Improvements* project.
- Amend Lynden's *Benson Road Improvements* project to add \$442,015 of regional STBG funds to the preliminary engineering phase that is planned to begin in 2023.

PUBLIC HEARING OPENED AT 4:00 P.M.

No members of the public were present, either in the conference room or online. A Notice of Public Hearing was published in *The Bellingham Herald* on July 3, 2022, as well as in the online edition of the *Cascadia Daily News*, which provided detailed instructions on how to submit comments or register to speak.

PUBLIC HEARING CLOSED AT 4:00 P.M. BY UNANIMOUS CONSENT

MOTION: Mr. Lilliquist moved, seconded by Mr. May, to approve Amendment No. 22-07 to the 2022 WCOG Transportation Improvement Program.

MOTION PASSED

G. OLD BUSINESS

None

H. OBLIGATION STATUS UPDATE

Mr. Coe briefed the Board on the region's current progress toward meeting its Federal Fiscal Year 2022 obligation target.

I. PLANNING DIRECTOR'S REPORT

Mr. Conroy briefed the Board on recent transportation planning activities.

J. BOARD OPEN FORUM

Mr. May stated that he had been informed by certain members of the Kendall community that they would like a designated turning lane on State Route 547 at the entrance to the East Whatcom Regional Resource Center.

Ms. Galloway and Ms. Grant described the proposed Whatcom County "Dig Once" policy.

K. ADJOURNMENT

There being no further business, the meeting adjourned at 4:47 p.m.

Robert H. Wilson, AICP
Secretary

Approval scheduled for October 12, 2022



whatcom council of governments

Memo

To: Whatcom MPO/RTPO Transportation Policy Board (WTPB)
Date: October 5, 2022
From: Hugh Conroy, Director of Planning *HC*
Subject: Consideration amendments to *Way to Go, Whatcom*, WCOG's regional & metropolitan transportation plan (R/MTP)

Introduction

As you will recall, while WCOG's regional/metropolitan transportation plan, [Way to Go, Whatcom](#) was adopted on June 8, the formal public comment period was left open through the end of that month with the anticipation of incorporating any needed amendments at the WTPB meeting in October.

Some, mostly technical amendments have been made to the plan and are reflected in the track-changes draft posted at:

<https://wcog.org/documents/way-to-go-whatcom-october-12-amendment-changes/>

The draft is a track-changes version of the current plan so proposed amendments can be easily seen.

Summary of proposed amendments

- Requested updates to terminology (e.g., active transportation)
- Requested transportation system category changes (e.g., school buses not transit)
- Consolidation of WCOG program discussions in one section.
- Reorganization of header hierarchy in Section 6 – Strategies
- Inclusion of mobility strategy that was accidentally deleted from previous PDF version of the plan (was in the primary, web-based plan document).
- Addition of a “cross-border transportation resiliency” strategy.
- Project List: Two changes to completion-year estimates and two wording changes to WSDOT safety projects.
- Use of verbatim FHWA definitions for *maintenance* and *preservation* in Section 8 – Finance.
- Wording changes to reflect that Move Ahead Washington was passed.

Suggested motion

“Adopt the drafted amendments to <i>Way to Go, Whatcom</i> as presented”



whatcom council of governments

Memo

To: Whatcom MPO/RTPO Transportation Policy Board (WTPB)
Date: October 6, 2022
From: Melissa Fanucci, Principal Planner
Subject: 2022 Human Services Transportation Plan approval

Introduction

The Whatcom Council of Governments (WCOG) updates the Human Services Transportation Plan (HSTP) (download: <https://wcog.org/wp-content/uploads/Draft-2022-Whatcom-HSTP-SUBMITTED.pdf>) every five years to identify our region's transportation services gaps and develop strategies for addressing them. In addition, the HSTP is required by the WA State Department of Transportation to meet regional eligibility conditions for the state's Consolidated Grants Program.

Human services transportation serves people with *special* transportation needs. State law defines people with special transportation needs as *"persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation."*

Development process

The HSTP was developed using individual interviews with stakeholders and members of the public via internet-based platforms (Zoom) and phone calls; feedback from the county-wide 2021 Public Engagement Survey; and discussions with participants in the North Sound Transportation Alliance (NSTA) that focus on healthcare and transportation. The HSTP stakeholder group developed a new list of prioritized goals and strategies that define the aspirations of the plan and will be used to establish criteria in evaluating future Consolidated Grant applications.

Content

In addition to an analysis of the population of the Whatcom region that may have special transportation needs due to age, income, or disability, the plan takes an assessment of existing transportation services and what is working well. A list of service gaps was identified, along with some ideas for how to improve our transportation network to meet those needs.

Goals include:

1. **Options** for reliable and independent transportation
2. **Access** that is equitable regardless of location, age, income, or disability
3. **Safety** and comfort for travelers with special transportation needs

To advance the above human service transportation goals, the HSTP Stakeholder Group identified the following strategies:

1. Develop innovative options for transportation that include new services, creative pilot projects, and technology improvements.
2. Increase access by reducing gaps in the public transportation system, improving infrastructure and system operations, encouraging transit-oriented development, and providing education opportunities regarding transit options.
3. Improve safety for travelers through outreach, infrastructure, services, and environmental justice policies.

Suggested motion

"I move to approve the 2022 Human Services Transportation Plan as presented."



MEMORANDUM

To: Whatcom Transportation Policy Board
From: Lethal Coe, Senior Planner
Date: October 3, 2022
Subject: WCOG 2022 TIP Amendment

Amendment #7 (22-10) of the WCOG 2022 Transportation Improvement Program (TIP) includes the following:

1. Amend the Whatcom Transportation Authority (WTA) program *Replace Fixed Route Buses* to increase the total estimated cost from \$5.27 million to \$10.43 million, change the federal funding source to the recently awarded Federal Transit Administration (FTA) 5339 grant, and change the bus replacements from diesel to electric. The acquisition is scheduled for later 2022 or early 2023.
2. Amend the Washington State Department of Transportation (WSDOT) project *SR 542/Unnamed Tributaries to Ahigh, Mitchell & Nooksack Creeks – Fish Passage* to increase the phase funding for preliminary engineering (PE), right-of-way (RW), and construction (CN) to a total project cost increase of \$6.57 million. The project is funded through the statewide Connecting Washington Account (CWA) and Coronavirus State Recovery Fund (CSRF). Construction is planned for 2023.
3. Amend the Washington State Department of Transportation (WSDOT) project *NWR Breakaway Cable Terminal Replacement 21-23* to increase construction funding to \$1.2 million through the federal Highway Safety Improvement Program (HSIP). This project will remove and replace guardrails to meet current standards.
4. Add new Washington State Department of Transportation (WSDOT) project *SR 542/Cornell Creek – Bridge Deck Overlay* that will repair and resurface existing bridge deck to extend the life of the bridge. This project is being funded through federal statewide managed Surface Transportation Block Grant (STBG) program funds. Construction is planned to begin in 2024.

Formal TIP Amendments require review and resolution from the Policy Board to amend the current TIP and make federal funding accessible.

Suggested Policy Board Action:

Approve Amendment #7 of the Whatcom Council of Governments 2022 Transportation Improvement Program.

WCOG TIP Amendment #7 (22-10) Table

#	Agency	Project Title	Amended TIP Action	Added Funds	Total Cost	Source
1	WTA	<i>Replace Fixed Route Buses</i>	Increase funding and change bus purchase from diesel to electric	\$5,153,204	\$10,427,004	5339
2	WSDOT	<i>SR 542/Unnamed Tributaries to Ahigh, Mitchell & Nooksack Creeks – Fish Passage</i>	Increase funding for PE, RW and CN phases.	6,566,210	23,624,210	CWA and CSRF
3	WSDOT	<i>NWR Breakaway Cable Terminal Replacement 21-23</i>	Increase CN funding.	1,395,729	1,448,847	HSIP
4	WSDOT	<i>SR 542/Cornell Creek – Bridge Deck Overlay</i>	Add new project.	899,336	899,336	STBG

No Policy Board Action Required for the following Administrative Modifications

Recent or Upcoming Administrative Modifications - Administrative modifications are less substantial project changes and are administered by WCOG staff.

Agency	Project	Modification Administered	Total Costs	Source
Whatcom	<i>E. Smith & Hannegan Road Intersection Improvements</i>	Move CN funding from 2022 to 2024 to bring region back to fiscal constraint.	4,050,000	STP(R) and HSIP
WSDOT	<i>I-5/Baker Creek & Spring Creek – Fish Passage</i>	Reduce funding by 669,467	22,352,286	CWA and CSRF
WSDOT	<i>SR 539/Baker Creek – Fish Passage</i>	Reduce funding by 773,112	25,820,771	CWA and CSRF



MEMO

To: Whatcom Transportation Policy Board
From: Lethal Coe, Senior Planner
Date: October 3, 2022
Subject: WCOG 2023 Transportation Improvement Program (TIP)

Each year the WCOG prepares and manages the Whatcom regional Transportation Improvement Program (TIP) to meet the 4-year federal requirement as the Metropolitan Planning Organization and 6-year state requirement as the Regional Transportation Planning Organization.

The draft **WCOG 2023 TIP** is enclosed with this packet for your review. The draft can also be accessed online at <https://wcog.org/tip/>.

The WCOG TIP has been prepared using member city, county, tribal nation, transit and state six-year transportation or capital improvement programs. Transportation projects in the regional TIP are primarily funded through federal transportation programs and state transportation programs that impact the regional significant system (can be found at <https://waytogowhatcom.org/system/>). Also included are the regional Surface Transportation Block Grant (STBG) and Transportation Alternatives (TA) programs awarded through the WCOG Policy Board. The 2023-2028 program contains 45 securely funded projects, or project phases, with a total estimated cost of nearly \$288 million dollars.

Formal adoption of the regional TIP requires a public hearing scheduled to take place at the October 13th Policy Board meeting. The public hearing advertisement has been posted in the WCOG newspaper of record (Bellingham Herald), as well as the Cascadia Daily and on the WCOG website - <https://wcog.org/public-notices/>.

SUGGESTED MOTION: “Approve the WCOG 2023 Transportation Improvement Program.”



MEMO

To: Whatcom Transportation Policy Board
From: Lethal Coe, Senior Planner
Date: October 3, 2022
Subject: Consideration to approve update for WCOG Obligation Authority Management Process

The following WCOG Obligation Authority (OA) Management Process has been updated in adaptation to the statewide Local Agency Federal OA Policy released in May 2022. A notable change is the target delivery date that has moved forward from July 31st to June 30th. Additionally, WCOG has added two items to the process: options to move awarded funds in case a project experiences too many hurdles or unnecessary burdens, and post obligation follow-ups to help ensure implementation in accordance with WSDOT Local Agency Guidelines.

WCOG Obligation Authority

Each year the Whatcom Council of Governments (WCOG) receives an allocation of federal funds to support regional transportation investments through the Surface Transportation Block Grant (STBG) and Transportation Alternatives (TA) programs. WCOG is responsible for ensuring that obligations of these funds are delivered in a timely manner as guided by Washington State Department of Transportation's (WSDOT) *Local Agency OA Policy* and corresponding delivery targets. Currently, the local agency annual obligations delivery targets are equal to the annual allocation of federal funds received.

The **goal** for WCOG is to deliver annual obligations equal to the annual delivery target by the June 30th July 31st statewide policy deadline to qualify for redistributed funding. Furthermore, obligations delivered in excess of the delivery target position WCOG to receive a higher share of redistributed funds (federal funds received from other states) and/or reallocated funds (sanctioned funds received from other regions).

Failure to meet the annual obligations target may result in sanctioned funds – a reduction of a local agency's STBG allocation equal to the obligation shortfall applied in the following year's federal fiscal year (FFY) cycle.

Key Dates and Deadlines

September – December: WCOG prepares the Transportation Improvement Program (TIP) and assists WSDOT's development of the Statewide Transportation Improvement Program (STIP) to include a listing of projects prepared to obligate funds in the federal fiscal year to, at minimum, meet the obligations delivery target. Additionally, the WCOG Policy Board and TTAG will begin to discuss contingency projects that can obligate funds in case any project currently planned for obligation is delayed.

December – February: Project managers from WCOG member jurisdictions notify TTAG that their project has, or may have, issues in obligating their project funding as planned. Subsequently, contingency projects planned to advance will be prepared and submitted to the Policy Board for action.

March and May Policy Board meetings: these Policy Board meetings are the opportunities to make any

needed changes in the TIP and STIP. This will allow project managers the necessary time to draft a local agency agreement (LAA) in coordination with WSDOT Local Programs office and deliver the fully signed LAA package to WSDOT headquarters.

May – June July: assess the likelihood of successful project obligation delivery by the ~~July 31st~~ June 30th statewide policy deadline to qualify for redistributed funds, as well as the final obligation delivery deadline that is the end of the federal fiscal year (around September 25th). Prepare list of projects, to include specific amount to request, that qualify to receive additional funding ~~should funds be made available following successful delivery of July 31st deadline~~ and submit to WSDOT no later than July 10th for redistributed funding (if made available to Washington).

July – September FFY Close: ~~August:~~ monitor progress towards delivering upon successful delivery of obligations by the final September federal fiscal year deadline. July 31st deadline, WCOG will submit list of qualifying project(s) to WSDOT (by August 10th) for redistributed or reallocated funds. Redistributed funds awarded to projects submitted in the list or reallocated funds made available to WCOG must also be obligate by September 15th. Other redistributed or sanctioned funds allocated to Whatcom after the federal fiscal year close will apply to the following year's allocation and obligations delivery target.

Contingency projects or additional funding opportunities

WCOG and TTAG will prepare projects that can meet the prerequisites necessary to obligate funds by policy deadlines. Projects will generally be identified through TTAG from the following:

1. Current TIP and STIP projects planned for later years that can advance early
2. Current obligated and active projects that can utilize additional funding
3. Unfunded projects identified in the TIP and/or regional plan that can move forward to obligate

Consequences of Projects Failure to Obligate

Failure of a project to obligate funding by their award deadline and/or failure to provide notice of project delay by the key dates and timelines listed in the WCOG Obligation Authority policy may be result in policy board action to rescind project award and move funding towards another project.

Options for agencies to move awarded project funds

WCOG and members understand that projects may encounter unforeseen obstacles that may hinder an agency's ability to advance their project outlined in their funding award timeline. WCOG and members continue to be flexible in allowing agencies time to navigate such obstacles if the agency notifies WCOG and TTAG in advance. An agency can pursue moving awarded funds to another awarded project by notifying WCOG, inform and attain recommendation from TTAG, and make a formal request to the Policy Board, so long as the result ensures the timely obligation of awarded funds.

Post obligation follow-up

A project's obligation is the federal authorization to seek a contractor and begin reimbursing federal funds. WCOG requests that project managers follow-up with WCOG no later than six months after obligation to inform WCOG on their progress towards meeting the requirements of project activity outlined in the Local Agency Guidelines (LAG) and avoid inactivity that may result in the removal of the project from the TIP/STIP