



whatcom council of governments

Combined Title VI & Limited English Proficiency Plan

Adopted December 11, 2019



whatcom council of governments

RESOLUTION NO. 2019-01

ADOPTING THE WHATCOM COUNCIL OF GOVERNMENTS' COMBINED TITLE VI AND LIMITED ENGLISH PROFICIENCY PLAN

WHEREAS, the Whatcom Council of Governments is the federally-recognized Metropolitan Planning Organization and the state-designated Regional Transportation Planning Organization for the Whatcom County, Washington, Transportation Planning Area, and

WHEREAS, the Whatcom Council of Governments is committed to ensuring that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and

WHEREAS, the Whatcom Council of Governments further assures that every effort will be made to ensure non-discrimination in all of its programs and activities, whether or not those programs and activities are federally funded, and

WHEREAS, the Whatcom Council of Governments is committed to providing reasonable assistance to those with limited proficiency in English to facilitate their participation in the transportation planning process.

NOW, THEREFORE, IT IS RESOLVED that the Whatcom Council of Governments adopts its Combined Title VI and Limited English Proficiency Plan, which shall remain in effect through December 10, 2022.

Adopted this Eleventh day of December, 2019, in the City of Bellingham, Washington, a quorum being present.

Jack Louws, Secretary-Treasurer

Robert H. Wilson, Executive Director

Title VI Notice to the Public in English and Spanish

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 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, 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 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.

The Notice to the Public in both English and Spanish is posted in the following places:

- All WCOG public meeting agendas
- www.wcog.org
- Whatcom Council of Governments, 314 East Champion Street, Bellingham, Washington

Whatcom Council of Governments

Title VI Plan

Policy Statement

The Whatcom Council of Governments (WCOG) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. WCOG further assures that every effort will be made to ensure non-discrimination in all of its programs and activities, whether or not those programs and activities are federally funded.

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

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

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (23 CFR 200.9 and 49 CFR 21).

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

Additional Authorities and Citations Include:

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

Organization and Staffing

The Executive Director of WCOG shall serve as its Title VI Coordinator and shall administer and implement WCOG's Title VI program. The Executive Director may appoint a staff member to serve as WCOG's Title VI Coordinator, who would perform the duties of the position under the direct supervision of the Executive Director.

Title VI Coordinator Responsibilities

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

1. Process the disposition of Title VI complaints received by WCOG.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of, WCOG programs, i.e., citizens and affected communities.
3. Review Environmental Impact Statements prepared by WCOG for Title VI and Environmental Justice compliance.
4. Conduct Title VI review of program areas (planning, education and training, environmental affairs and contracting).
5. Conduct Title VI reviews of consultant contractors and recipients of federal funds directly distributed by WCOG.
6. Review internal policies and, where applicable, include Title VI and related requirements.
7. Make available training for WCOG employees on Title VI and related statutes for WCOG programs.
8. Prepare a yearly report of Title VI accomplishments for the past year.
9. Prepare Title VI information for dissemination to the general public and, where necessary and appropriate, in languages other than English.
10. Conduct approval reviews of WCOG programs and applicants for compliance with Title VI requirements, i.e., persons seeking contracts with WCOG.
11. Identify, investigate and eliminate discrimination when found to exist in connection with WCOG programs.
12. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

Record of Complaints

As of December 2019, WCOG has never received a Title VI complaint alleging discrimination on the basis of race, color, sex and/or national origin. Furthermore, WCOG has never been involved in any Title VI investigations or lawsuits.

Program Administration

The Executive Director – acting as Title VI Coordinator – will be responsible for ensuring the administration and implementation of the Title VI program. The Deputy Executive Director/CFO will serve as WCOG’s Title VI liaison for consultant contracts, and the Directors of the Planning and Mobility programs will serve as liaisons for their respective programs.

A. Complaints

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

B. Data Collection

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

C. Title VI Reviews

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

D. Annual Reviews

In addition to day-to-day monitoring, all programs will be reviewed annually to ensure effectiveness in their compliance with Title VI provisions. The Title VI Coordinator and program representatives will coordinate efforts to ensure equal participation in all their programs and activities at all levels.

E. Operational Guidelines

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

F. Training Program

The Title VI Coordinator will assist the Washington State Department of Transportation (WSDOT) in the distribution of information to WCOG staff on available training programs

regarding Title VI and related statutes. Training is available to all WCOG employees as related to their job descriptions.

G. Annual Reports

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

H. Public Dissemination

WCOG will disseminate Title VI Program information to WCOG employees, sub-recipients and contractors, as well as the general public as necessary for WCOG programs. Public dissemination will include the electronic posting of public statements on the agency's website, inclusion of Title VI language in contracts, annually publishing the *Title VI Notice to the Public* in both English and Spanish (appearing on Page 2) in newspapers having a general circulation in the community and in minority publications where appropriate.

I. Post Grant Reviews

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

J. Remedial Action

WCOG will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance with program administrative requirements. If irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI reviews on sub-recipients, WCOG will reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

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

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

A follow-up review will be conducted within 180 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 WSDOT and FHWA's concurrence, initiate sanctions per 49 CFR 21.

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

- K. WCOG has developed this Title VI Plan as its internal procedure to guide its administration of the Title VI Program. This procedure will be updated regularly to incorporate necessary changes and additional responsibilities.
- L. WCOG will make every effort to provide services to people with Limited English Proficiency (LEP), either through translation or via an interpreter, available prior to scheduled meetings, such as public hearings or project meetings.

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

- M. A Four-Factor Analysis will be conducted at least every three (3) years to identify which LEP group(s) will require assistance, and to determine how to best provide those groups with reasonable access to the services and programs carried out by WCOG.

Planning

A. Whatcom Council of Governments

Established in 1966 by an act of the Washington State Legislature and located in Bellingham, Washington, the Whatcom Council of Governments is the State-designated and federally-recognized transportation planning agency for Whatcom County and its constituent local governments, tribes and districts.

B. Authorities

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

C. Planning Process

WCOG carries out a cooperative, comprehensive and continuing transportation planning process that seeks out and utilizes input from the public in its various activities. The process further entails the collection and analysis of various data pertaining to transportation issues. WCOG coordinates urban transportation planning and public involvement, and provides technical support to its member jurisdictions and agencies.

D. Title VI Responsibilities

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

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

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

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

Education and Training

A. Staff Development

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

B. Operational Guidelines

Training is available to all WCOG employees in accordance with the policies contained in the WCOG Personnel Manual.

C. Title VI Responsibilities

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

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

Consultant Contracts Coordination

A. Consultant Contracts

The Executive Director, assisted by the Deputy Executive Director/CFO and the Directors of Planning and Mobility Programs, is responsible leading the process for consultant selection, negotiation, and the administration of consultant contracts.

B. Authorities

- WCOG Procurement Policy (as amended)
- 48 CFR 31
- 23 CFR 172
- RCW 39.29
- RCW 39.80

C. Consultant Selection Process

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

D. Title VI Responsibilities

Ensure DBE opportunities exist.

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

Review directives and procedures to ensure Title VI compliance.

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

ADDENDUM 1

WCOG Title VI Assurances

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

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

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

or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

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

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

December 11, 2019

Robert H. Wilson, AICP
Executive Director

APPENDIX 1 (of ADDENDUM 1)

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

1. Compliance with Regulations

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

2. Nondiscrimination

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

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

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

4. Information and Reports

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

5. Sanctions for Non-compliance

In the event of the Contractor’s non-compliance with the nondiscrimination provisions of this contract, the Whatcom Council of Governments shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or

- Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

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

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

DRAFT

ADDENDUM 2

Nondiscrimination Complaint Procedures and Form for Federally Assisted Programs or Activities

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

Procedure

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

Whatcom Council of Governments

Attn: Title VI Coordinator

314 East Champion Street

Bellingham, WA 98225

Fax: (360) 738-6232

Email: TitleVI@wcog.org

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of WCOG's sub-recipients of federal funds, WCOG will assume jurisdiction and will investigate and adjudicate the case.
3. Once WCOG decides to accept the complaint for investigation, the complainant, the respondent, the state funding agency (if applicable), and the federal funding agency (if applicable), will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the WCOG's records identifying its basis and the race, color, national origin, and/or gender of the complainant.
4. In cases where WCOG assumes the investigation of the complaint, WCOG will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 15 calendar days to furnish WCOG his/her response to the allegations.

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

**This can be one of WCOG's Title VI Liaisons, WCOG's Title VI Coordinator, the Title VI Specialist for a sub-recipient of federal funds, the WSDOT Public Transportation Division Title VI Coordinator, or the WSDOT Title VI Liaison in the Northwest Region.*

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

OFFICE USE ONLY

Date received: ____/____/20____

Logged by: _____



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TITLE VI DISCRIMINATION COMPLAINT FORM

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

Basis of Alleged Discrimination

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

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

Race: _____

Color: _____

Sex: _____

National Origin: _____

(over)

Explanation

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

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

Signature

Date

Send this form and all attachments to:

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

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

PARA USO DE LA OFICINA

Date received: ____/____/20____

Logged by: _____



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TÍTULO VI FORMULARIO DE DENUNCIA POR DISCRIMINACIÓN

Víctima(s) del presunto acto de discriminación:		
NOMBRE		
DOMICILIO		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DIURNO	CORREO ELECTRÓNICO	
Persona que alega discriminación, si es diferente a la anterior:		
NOMBRE		
DOMICILIO		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DIURNO	CORREO ELECTRÓNICO	
RELACIÓN CON LA(S) PERSONA(S) NOMBRADA(S) COMO VÍCTIMA(S)		
Miembro(s) del personal, miembro(s) del consejo, asesor(es) o programa(s) del WCOG que presuntamente discriminaron:		
NOMBRE	PROGRAMA	
NOMBRE	PROGRAMA	
NOMBRE	PROGRAMA	
FECHA EN QUE EMPEZÓ LA ALEGADA DISCRIMINACIÓN	FECHA DEL ÚLTIMO INCIDENTE	

Motivo por la presunta discriminación

Se debe presentar una denuncia dentro de los 180 días naturales a partir de la fecha en la que el demandante se ha enterado de la presunta discriminación. Si su denuncia se refiere a una presunta discriminación durante la prestación de servicios o trato hacia usted (o hacia la(s) persona(s) nombrada(s) como víctima(s)) por parte de asociados o programas del Whatcom Council of Governments (Consejo de Gobiernos de Whatcom), indique a continuación lo que cree ser el motivo de la presunta discriminación.

Ejemplo: Si usted cree que ha sido discriminado por ser nativo americano, encierre en un círculo la palabra “Raza” y escriba “Nativo Americano” en el espacio provisto.

Raza: _____

Color: _____

Sexo: _____

País de Origen: _____

(Véase al dorso)

Explicación

En el espacio a continuación, explique con la mayor claridad y detalle posible la naturaleza de la discriminación que usted alega (adjunte hojas adicionales si es necesario). Provea los nombres de todos los testigos, si los hay, de la presunta discriminación. Adjunte copias de todos los materiales escritos relacionados con su denuncia.

Al firmar abajo, certifico que las declaraciones contenidas en este formulario son verdaderas según mi leal saber y entender.

Firma

Fecha

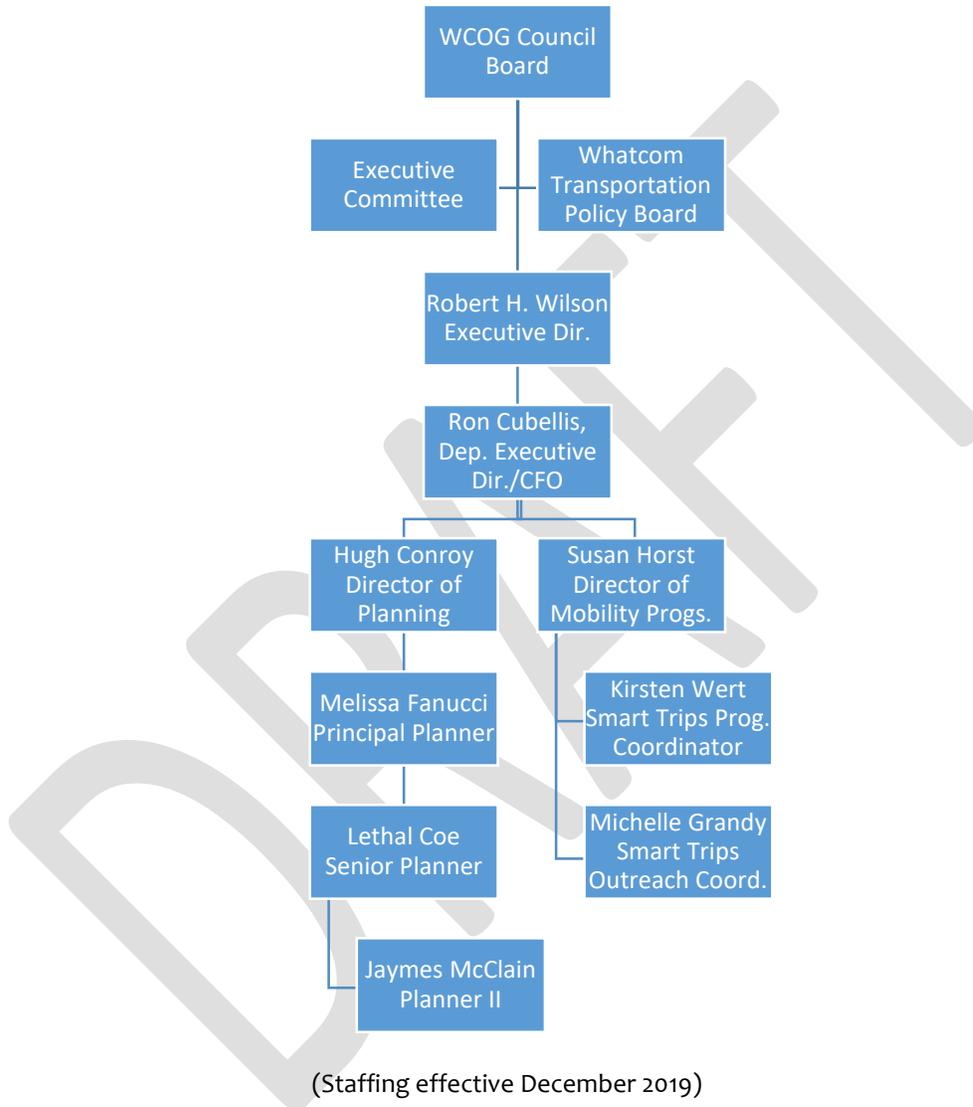
Remita este formulario y todos los documentos anexos a:

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

Los documentos pueden ser enviados a través del Servicio Postal de EE.UU. (USPS), por fax al (360) 738-6232 o por correo electrónico a TitleVI@wcog.org.

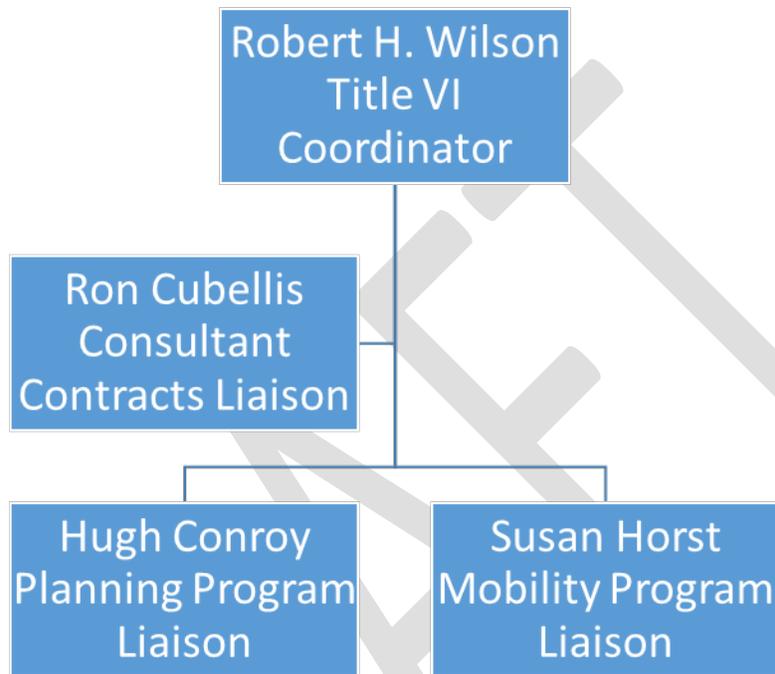
ADDENDUM 3

Whatcom Council of Governments Organization Chart – 2019



ADDENDUM 4

Whatcom Council of Governments Title VI Staff Assignments





whatcom council of governments

Language Assistance Plan for People with Limited English Proficiency

Whatcom County, Washington
Transportation Planning Area

December 2019

Introduction

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

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

Determination of Need

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

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

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

USDOT has adopted a “safe harbor” provision for recipients of federal transportation funds like WCOG that sets a threshold for the provision of written translation of documents for each eligible LEP language group of 1,000 or more people, or one which constitutes at least five percent of the Region’s population, whichever is less. Using data from the 2010 Census and the Census Bureau’s American Community Survey (ACS), only one language group – Spanish or Spanish Creole – meets either of the aforementioned thresholds. Among that group it is estimated that 4,043 people speak English “less than very well,” and it is this population that WCOG has identified as requiring language assistance. Additionally, the Whatcom Transportation Authority recently reviewed current ACS data in preparing its own Title VI plan and determined that there is “no compelling evidence that any

language other than Spanish has reached the 1,000 speakers threshold” in Whatcom County. When WCOG’s Title VI Plan is updated in 2022, LEP data from the 2020 Census will be used to identify the language group or groups requiring assistance.

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

	Persons speaking Spanish or Spanish Creole (S/SC) at home	Speakers of S/SC at home who also speak English “very well”	Speakers of S/SC at home who speak English “less than very well”	Total Whatcom County population (2010)
Estimated number of speakers	9,714	5,671 (of 9,714)	4,043 (of 9,714)	187,934
Margin of error	+/- 829	+/- 625	+/- 510	+/- 101
Percentage of County’s population	5.2%	3.0%	2.2%	100.0%

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

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

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

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

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

Because the Whatcom Smart Trips program offers assistance to people who either choose or need to travel using their bicycles, riding WTA buses or walking, that program is likely of importance to members of the LEP population, since their ability to obtain a driver’s license may be compromised

depending on the extent of their lack of proficiency in speaking and writing English and/or financial constraints.

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

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

Language Assistance Measures

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

Staff

As of December 2019, WCOG has two staff members – Executive Director Bob Wilson and Principal Planner Melissa Fanucci – who have minimal proficiency in Spanish (Mr. Wilson is currently learning Spanish). These staff members have agreed to be on call for assistance when an immediate need for Spanish-English interpretation arises. WCOG will also encourage and fund (either partially or in whole) Spanish language instruction for interested staff members.

WCOG Website

WCOG will add the following sentence to the home page of its website (www.wcog.org): “Para asistencia en español, por favor enviar un correo electrónico a espanol@wcog.org.” (Translation: For assistance in Spanish, please send an e-mail to espanol@wcog.org.) WCOG has also added the *Google Translate* tool to the website, which translates more than 70 languages into English. Anyone looking at WCOG's website from a computer that is not set to English will be prompted that the translation tool is available.

Visualization Tools

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

Public Notices

WCOG will add the following sentence to all of its legally-required public notices: “Para asistencia en español, por favor enviar un correo electrónico a espanol@wcog.org.” WCOG will also identify those not-for-profit organizations and community groups which are likely to involve or interact with

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

Agendas

The agendas for all WCOG meetings will include the following sentence: “Para obtener ayuda en la obtención de materiales de la reunión en español, por favor enviar un correo electrónico a espanol@wcog.org al menos dos (2) semanas antes de la reunión.” (Translation: For assistance in obtaining meeting materials in Spanish, please send an e-mail to espanol@wcog.org at least two weeks prior to the meeting.)

WCOG has engaged a professional instructor of Spanish – Sarah Rowan of Salud Translations in Bellingham, Washington – to provide written and oral translation services on an as-needed basis. Additionally, although Whatcom County’s Russian and Punjabi LEP communities do not currently meet the threshold for mandated language assistance, WCOG has identified translators of those languages to provide that service in the event they are requested in a timely manner.

Distribution and Mailing List Improvements

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

Accessibility for Sight- and Hearing-Impaired Persons

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

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

Focus Groups

On occasion, WCOG convenes project-specific public information sessions to solicit input from members of the community. At all WCOG public outreach events, comment forms in Spanish will be available. Additionally, based on the nature of the project or the specific location of the public information session, where it can reasonably be expected that members of the Spanish/Spanish Creole LEP community might be in attendance, WCOG will provide a Spanish interpreter for the meeting.

Community Based Organizations

[The Opportunity Council](#) – which is a member of the Whatcom Council of Governments – convenes monthly meetings of the “Community Resource Network.” These meetings serve as a forum for a variety of human-services organizations and agencies to exchange information about programs that assist people with special needs. WCOG staff attend these meetings when topics relating to regional transportation are on the agenda to provide information and to receive input about transportation needs from agencies representing people with limited English proficiency or others with special needs.

Monitoring and Updating of the LEP Plan

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

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