



SPECIAL MEETING OF THE  
WHATCOM TRANSPORTATION POLICY BOARD

**Wednesday, April 13, 2022, 4:30 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
- D. APPROVAL OF MINUTES\*  
Meeting of March 9, 2022
- E. NEW BUSINESS  
1. Surface Transportation Block Grant Program Allocations – Lethal Coe\*  
2. Other new business (if any)
- F. PUBLIC HEARING  
Amendment No. 22-04 to the 2022 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 and Vote\*
- G. OLD BUSINESS (if any)
- H. BRIEFING: STATE HIGHWAY SYSTEM PLAN – Jeremy Jewkes, WSDOT
- I. BOARD OPEN FORUM
- J. 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**  
MARCH 9, 2022

IN ATTENDANCE (IN PERSON OR VIA ZOOM):

MEMBERS     **VOTING: Everson:** John Perry; **Ferndale:** Greg Hansen (2<sup>nd</sup> Vice Chairman); **Lynden:** Scott Korthuis (Chairman); **Nooksack:** Kevin Hester; **Sumas:** Bruce Bosch; **WSDOT:** Chris Damitio; **Whatcom County:** Satpal Sidhu, Kaylee Galloway; **WTA:** Michael Lilliquist (1<sup>st</sup> Vice Chairman) **EX-OFFICIO:** Chris Comeau, TTAG; Christine Grant, Public Utility District No. 1

GUESTS       Todd Carlson, WSDOT; Jon Hutchings, Whatcom County; Michael Jones, City of Blaine; Tom McBride & Intisar Surur, McBride Public Affairs; Guy Occhiogrosso, Bellingham Regional Chamber

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

No members of the public were in attendance.

C.     AGENDA APPROVAL

Mr. Wilson requested that an informational item be added to the agenda under New Business: “Legislative Update.”

**APPROVED BY UNANIMOUS CONSENT**

D.     APPROVAL OF MINUTES OF JANUARY 19, 2022

**MOTION:** Mr. Hansen moved, seconded by Mr. Sidhu, to approve the minutes of January 19, 2022, as presented.

**MOTION PASSED**

E.     PUBLIC HEARING

Amendment No. 22-03 to the 2022 Transportation Improvement Program (TIP)

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

- Remove Blaine project *Peace Portal Community Trail, Phase III* from the 2022 TIP due to inactivity. Following notice from the Federal Highway Administration that

the project has been inactive, as well as subsequent consultation with WSDOT and WCOG, the City decided to remove the project from the TIP, resulting in a de-obligation of \$25,000 in federal Transportation Alternatives (TA) funding for preliminary engineering, and the return of \$150,000 in TA construction funding, for a total of \$175,000 back into the regional TA program.

- Remove Blaine project *Bell Road and Peace Portal Lane Improvements*. This results in \$30,578 of Surface Transportation Block Grant (STBG) funding being de-obligated and the return of \$354,422 of unobligated STBG funds, for a total of \$385,000, which will be combined with project funding awarded by the State Legislature in a new project to be managed by WSDOT (below).
- Add new WSDOT project *SR 548/Bell Road – Intersection Improvements*, to be funded with \$385,000 of STBG funding originally awarded to the City of Blaine (above) as well as \$2.2-million of funds awarded by the State Legislature in the 2021-23 biennium, for a total project cost of \$2,585,000. The new project will include installation of a traffic signal with corresponding channelization. The \$385,000 of STBG funding will be applied to preliminary engineering and is expected to be obligated before July 31, 2022.

**PUBLIC HEARING OPENED AT 3:38 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 February 27, 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 3:38 P.M. BY UNANIMOUS CONSENT**

**MOTION:** Mr. Lilliquist moved, seconded by Mr. Hansen, to approve Amendment No. 22-03 to the 2022 WCOG Transportation Improvement Program.

**MOTION PASSED**

F. OLD BUSINESS

None

G. NEW BUSINESS

Legislative Update

Mr. Wilson briefed the members on the status of the proposed “Forward Washington” transportation package currently under consideration by the State Legislature. Mr. McBride and Ms. Surur also provided comments.

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. CORRESPONDENCE

No correspondence was included in the meeting packet or distributed at the meeting.

K. BOARD OPEN FORUM

Mr. Bosch expressed interest in a potential WTA service for Everson, Nooksack and Sumas similar to the "Lynden Hop" service. Mr. Lilliquist, who serves as chairman of WTA, suggested discussing this concept with WTA staff.

L. ADJOURNMENT

There being no further business, the meeting adjourned at 4:23 p.m.

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Robert H. Wilson, AICP  
Secretary

Approved May 11, 2022



## MEMORANDUM

To: Whatcom Transportation Policy Board  
From: Lethal Coe, Senior Planner  
Date: April 6, 2022  
Subject: Request to allocate funds to ensure 2022 obligation target delivery

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### Current Obligation Shortfall

WCOG receives an annual allocation (currently about \$3 million) of federal Surface Transportation Block Grant (STBG) funding (obligation authority or OA) that it distributes to eligible transportation projects and activities. The Washington State Department of Transportation (WSDOT) assigns each region an annual “spending” target (obligation target) to ensure that STBG funds are used (obligated) within the federally-required timeframe. The annual obligation target is based on the previous year’s STBG allocation and adjusted for 1) any previous year shortfall, 2) STBG funds given back (de-obligations), and 3) increases in a region’s OA resulting from redistribution from other states and/or sanctioned funds from other regions within Washington.

Because WCOG met its 2021 obligation target by July 31 last year, our region received additional OA for 2022 -- \$354,778 redistributed from other states and \$588,714 sanctioned from WA regions that failed to meet their targets.

Based on ongoing dialog with project managers, the WCOG region is not on track to meet its 2022 obligation target. The combined result of several project delays, project de-obligations, and the additional OA received for last year’s success is a current estimate that WCOG will miss its \$3.32 million target by \$2.312 million.

### Applying the OA Management Process

The [WCOG Obligation Authority \(OA\) Management process](#) states “the **goal** for WCOG is to deliver annual obligations equal to the annual delivery target by the **July 31<sup>st</sup>** statewide policy deadline.”

Project managers notified WCOG prior to the January 27<sup>th</sup> Transportation Technical Advisory Group (TTAG) meeting that their projects were experiencing environmental and/or right-of-way acquisition issues that were going to delay their planned construction phase obligation beyond July 31<sup>st</sup>. These challenges were presented, with the details known at that time, at the January 19<sup>th</sup> WCOG Policy Board meeting.

Thereafter WCOG began assessing projects scheduled to use STBG funds *after* 2022 that could start early and projects currently active, but not programmed to use STBG funds, that could be re-programmed to use STBG funds in 2022 and help meet the obligation target. After identifying such projects WCOG developed and discussed scenarios with TTAG at the February 24<sup>th</sup> meeting and presented the scenarios at the Policy Board meeting on March 9th:

1. Do nothing scenario outlined probable loss of funds and funding opportunities, and challenges to meet future obligations delivery.
- ~~2. Partial contingency scenario to fund identified contingency project(s) up to amount needed minus project in delay IF that delayed project could verify obligation before final September 15<sup>th</sup> deadline.~~ [Notice at March TTAG removed the scenario two option.]

3. Full contingency scenario to fund projects necessary to meet the regional target by July 31<sup>st</sup>, avoid starting the “sanctions clock,” and continue eligibility to receive additional fundings.

### **TTAG Recommendation to Set Up Timely Obligations Delivery**

On March 24<sup>th</sup> the TTAG discussed the details of the full contingency scenario and have provided a unanimous recommendation to the Whatcom Transportation Policy Board to ensure obligation delivery:

- a. Allocate \$1.2 million of STBG funds to Whatcom project *Birch Bay Dr and Pedestrian Facilities*.
- b. Allocate \$1.2 million of STBG funds to Ferndale project *Thornton St Project, Vista Dr to Malloy Ave*.
- c. Increase WCOG’s annual allocation of STBG funds from 5% to 8% to support increased programs and data requirements of the [Unified Planning Work Program](#) (UPWP). In 2022, this would add \$89,424.

The resulting allocations will position the WCOG region to meet the July 31<sup>st</sup> statewide policy deadline and exceed the regional obligations delivery target by an estimated \$176,913.

### **Suggested Policy Board Action**

Approve the recommendation by TTAG necessary to deliver the 2022 regional obligations target and to enable WCOG to continue successful administration of the regional UPWP.



## MEMORANDUM

To: Whatcom Transportation Policy Board  
From: Lethal Coe, Senior Planner  
Date: April 1, 2022  
Subject: WCOG 2022 TIP Amendment

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**Amendment #3 (22-04)** of the WCOG 2022 Transportation Improvement Program (TIP) includes the following:

1. Add WCOG International Mobility Trade Corridor (IMTC) project *2022 IMTC Cross-border Truck Study* that will collect data at cross-border trucks at three U.S.-Canada border crossings for at least three days in each direction in June and July. Data to be collected includes trip origin and destination, commodity, vehicle type, arrival times, processing times, and various other data relevant to improving regional cross-border freight forecasting and multi-agency approaches to improved cross-border freight operations. This project is funding through Federal Highway Administration (FHWA) discretionary funds for \$50,000 and a total project cost of \$97,000.
2. Amend Washington State Department of Transportation (WSDOT) project *SR 539/Duffner Ditch – Fish Passage* to remove the preliminary phase (obligated in 2021) and reduce the construction phase funding to \$2,698,196. This fish passage project is funded through Connecting Washington Account (CWA) and federal National Highway Performance Program (NHPP).
3. Pending WTPB award -- Add Whatcom County project *Birch Bay Drive & Pedestrian Facility* that has constructed a soft shore roadway protection berm and drainage upgrades from Lora Lane to Cedar Avenue and includes American with Disability Act (ADA) compliant pedestrian path between Lora Lane and Cottonwood Drive. The construction phase is funded through regionally allocated federal Surface Transportation Block Grant (STBG) program for \$1,200,000 and will be programmed for \$5,000,000 remaining to move to project closure later this year.
4. Pending WTPB award -- Amend the current WCOG Unified Planning Work Program (UPWP) to include an additional 3% of regionally allocated federal STBG funding, equal to \$89,424 to support increased programs and data requirements of the WCOG UPWP. The WCOG *UPWP - SFY 2023* total programmed is \$408,854.

**WCOG TIP Amendment #3 (22-04) Table**

#	Agency	Project Title	Amended TIP Action	Added Funds	Total Cost	Source
1	WCOG - IMTC	<i>2022 IMTC Cross-border Truck Study</i>	Add newly awarded project	97,000	97,000	Discretionary
2	WSDOT	<i>SR 539/Duffner Ditch - Fish Passage</i>	Remove PE and reduce CN	-3,467,418	3,455,846	NHPP, CWA
3	Whatcom County	<i>Birch Bay Drive &amp; Pedestrian Facility</i>	Add newly awarded project	5,000,000	11,715,801	STBG (US)
4	WCOG	UPWP SFY 2023	Add newly awarded funding	103,380	408,854	STBG (US)

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 #3 of the Whatcom Council of Governments 2022 Transportation Improvement Program.

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	Federal Source
Ferndale	<i>Thornton St Project, Vista Dr to Malloy Ave</i>	Change portion of local funds to regional STBG funds	4,025,000	STBG (US)
WSDOT	SR 539/Telegraph Road to Westerly Road – ADA Compliance	Change termini and adjust construction phase amount	979,018	NHPP