PRTPO EXECUTIVE BOARD MEETING

December 16, 2022 | 10:00 – 11:30

Zoom Webinar – Public Login Below

Board members receive their own links

1.	10:00 – 10:10	**Welcome and Introductions**	*Chair Bek Ashby*
2.	10:10 – 10:15	**Approval of Agenda**	ACTION
		Consent Calendar • *Minutes from October 21, 2022 (Attachment A)* • *CY 2023 Legal Services Contract (Attachment B)*	ACTION
3.	10:15 – 10:30	**2022 Consolidated Grants Review and Ranking** *(Attachment C)* *PRTPO must recommend to WSDOT the priority array of projects WSDOT is considering for Consolidated Grants awards. A Review Panel conducted an evaluation of the 15 proposals under consideration and forwards to the Executive Board its recommended priorities. The Board is asked to consider this when developing its priority recommendation for WSDOT.*	ACTION
4.	10:30 – 10:35	**Amend 2022 Human Services Transportation Plan** *(Attachment D)* *Consolidated Grants proposals consistent with the Human Services Transportation Plan and prioritized by the Board must be amended into the 2022 HSTP to satisfy requirements of the grant program. The Board is asked to approve Resolution 04-2022 amending the 2022 HSTP to include the recommended Consolidated Grants projects.*	ACTION
5.	10:35 – 10:45	**Approve SFY 2023 UPWP Task 4 Scope of Work** *(Attachment E)* *In October the Executive Board directed that a scope of work be developed for the $10,000 Task 4 UPWP work element that supports public transit and tribal transit agencies trying to meet mobility needs of their highly rural populations. The Board is asked to approve the proposed work element.*	ACTION
6.	10:45 – 11:00	**Kick-off SFY 2024-2025 Work Program Development** *(Attachment F)* *PRTPO is about to develop its second full biennium work program. Board members will discuss how well PRTPO's work program activities are supporting members' needs and expectations and those aspects of PRTPO's work that provide the greatest value to members. This is useful input as PRTPO begins to develop a work plan to guide the organization through June 30, 2025 and position it for on-going success.*	DISCUSSION
7.	11:00 – 11:15	**Legislative Forum Debrief** *(Attachment G)* *This year's PRTPO Legislative Forum, held on December 1st, focused on the single legislative priority for 2023 – support for the federal funding swap pilot program and inclusion of Clallam, Jefferson, and Mason Counties in that program. This year's format differed from previous years. Board input on this year's meeting and the annual forum process in general is helpful when developing future work programs. PRTPO's 2023 Transportation Outlook is attached.*	DISCUSSION

8.	11:15 – 11:20	**PRTPO Coordinator's Report** *(Attachment H)* *Short updates to keep the Executive Board apprised of PRTPO activities not addressed elsewhere on the agenda and opportunities of possible interest.*	BRIEFING
9.	11:20	**Public Comment Period** *This is an opportunity for anyone from the public to address the Executive Board.*	
		PRTPO Member Updates *Information sharing among members on topics of general interest to the region and its partners.*	
	11:30	**Adjourn**	

Additional Attachment
2023 PRTPO Meeting Schedule

Bek Ashby, Chair
Randy Neatherlin, Vice-Chair *Lindsey Schromen-Wawrin, Secretary*

Next Executive Board Meeting – February 17, 2023 - 10:00-12:00

SFY 2024-2025 UPWP Work Program Direction
Annual PRTPO Check-in with WSDOT Olympic Region Administrator Steve Roark

PRTPO will update its 2023 appointments for Executive Board and TAC over the next month

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This meeting is a Zoom webinar. Board members receive their own individual meeting links. All other attendees can attend the meeting via the link below. Registration is not required to attend this meeting.

PENINSULA RTPO
PRTPO.org

Please click the link below to join the webinar:

https://us02web.zoom.us/j/85315527195

Or One tap mobile :
US: +12532158782,,85315527195# or +12532050468,,85315527195#

Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 253 215 8782 or +1 253 205 0468
Webinar ID: 853 1552 7195

The PRTPO Executive Board meets virtually via Zoom webinar. The public is invited to listen or watch the meeting via the link above. Pursuant to the Open Public Meetings Act, Kitsap Transit's Conference Room at 60 Washington Avenue #200, Bremerton, is available for in-person public attendance to watch this meeting via Zoom.

ATTACHMENT A

Minutes of Meeting

PRTPO EXECUTIVE BOARD
October 21, 2022
10:00 – 12:00
Via Zoom
Meeting video available on YouTube

CALL TO ORDER

Chair Bek Ashby called the meeting to order at 10:00.

ATTENDEES

Executive Board:

Clallam County	Steve Gray *(alternate)*
Jefferson County	Monte Reinders *(alternate)*
Kitsap County	David Forte *(alternate)*
City of Bainbridge Island	Leslie Schneider
City of Port Angeles	Lindsey Schromen-Wawrin
City of Port Orchard	Bek Ashby
City of Port Townsend	Ben Thomas
City of Poulsbo	Michael Bateman *(alternate)*
City of Sequim	Rachel Anderson
City of Shelton	Deidre Peterson
Port of Allyn	Ted Jackson
Port of Bremerton	Gary Anderson
Port of Port Angeles	Chris Hartman
Jefferson Transit	Nicole Gauthier
Kitsap Transit	John Clauson
Mason Transit	Amy Asher
Jamestown S'Klallam Tribe	Wendy Clark-Getzin
Lower Elwha Klallam Tribe	Susan Matthews *(alternate)*
Skokomish Tribe	Marty Allen
Squaxin Island Tribe	Tracy Parker
WSDOT Olympic Region	George Mazur

Staff:
Ed Coviello, PRTPO Coordinator, Kitsap Transit Lead Planning Agency
Thera Black, PRTPO Coordinator

Others:
Steffani Lillie, Kitsap Transit *(alternate)*

Welcome and Introductions
Chair Ashby welcomed attendees and conducted a video-conference roll call of Executive Board members.

Approval of Agenda

ACTION: Ms. Clark-Getzin moved, and Mr. Bateman seconded to approve the agenda. The motion passed unanimously.

Consent Agenda

ACTION: Ms. Clark-Getzin moved, and Ms. Asher seconded to approve the Consent Agenda. The motion passed unanimously.

- ***Minutes from August 19, 2022***
- ***SFY 2023 1st Quarter Invoice Approval***
- ***SFY 2022 UPWP Annual Report***

Approval of 2023-2028 Regional Transportation Improvement Program

Mr. Coviello briefed the Board on the proposed RTIP, using the new PRTPO online mapping tool to walk through highlights of the RTIP. He demonstrated how the interactive mapping tool can be used to get information on projects across the region, adding that currently it is set up only for funding-secured projects. He advised the capacity to view planned projects will be added in the future.

Chair Ashby suggested a note be added that projects from Kitsap County jurisdictions are found in the PSRC RTIP. Mr. Clauson observed that the WSDOT project for Gorst is not on the map. Mr. Coviello explained that WSDOT has not yet moved to obligate that project and so it has not yet moved into the PRTPO RTIP. Mr. Mazur confirmed that it is still showing as a planned project for WSDOT.

ACTION: Mr. Clauson moved, and Mr. Jackson seconded to approve Resolution 02-2022 adopting the 2023-2028 Regional Transportation Improvement Program. The motion passed unanimously.

Approval of 2022 Human Services Transportation Plan Update

Chair Ashby announced that any in attendance wishing to comment on the Human Services Transportation Plan were welcome to speak up. No commenters were present.

Ms. Black provided an update on activities since the Board approved the plan for review in August. Online materials included not just the traditional form of a draft plan for review but also an interactive StoryMap, an online overview presentation, and a community poll embedded into the project page. Reviewers could also comment directly by email or letter. PRTPO received 18 comments on the draft plan. A few modest changes were made to the final draft plan as a result of those comments. She noted that Appendix C in the final plan documents that outreach.

Ms. Black explained the Board is asked to adopt the HSTP today and then will be asked to amend it in December. That December amendment will add the Consolidated Projects PRTPO is expected to evaluate and rank for statewide competitive funding. Inclusion in the HSTP is a requirement for Consolidated Grants projects.

Chair Ashby advised that she requested a change to the third "whereas" statement in the adopting resolution to clarify the relationship between PRTPO and Kitsap Transit in receipt and administration of the grant from WSDOT to ensure a more accurate historical record. The original language received by members read:

> "Whereas, PRTPO received a grant from WSDOT to update the 2019 HSTP, and which was administered on PRTPO's behalf by Kitsap Transit, the Lead Planning Agency for PRTPO."

The updated statement language for the adopting resolution now reads:

"Whereas, PRTPO was offered a federal grant from WSDOT to update the 2019 HSTP, and which PRTPO assigned to Kitsap Transit, the Lead Planning Agency, to execute and administer for this purpose"

Members commended the change.

ACTION: Ms. Peterson moved, and Mr. Bateman seconded to approve Resolution 03-2022 adopting the updated 2022 Human Services Transportation Plan. The motion passed unanimously.

Approval of 2022 Consolidated Grants Review Process

Ms. Black briefed the Board on PRTPO's responsibility to review and rank Consolidated Grants proposals. Consolidated Grants is a statewide grant program that funds the kinds of strategies identified in the Human Services Transportation Plan. Part of the statewide competitive score for each project comes from its ranking in regional review processes. WSDOT asks PRTPO to review all the proposals it receives from the four-county Peninsula region.

It is uncertain how many projects PRTPO will receive to review and rank. The WSDOT call for projects will not close until October 27th. To comply with the WSDOT schedule the Executive Board must approve project ranking in December, not February as it has traditionally done. This requires a compressed process. Ms. Black advised that it would not be possible to include the TAC as a direct part of the review and approval process, but TAC members will be briefed on the results of this in January.

She explained the proposed process is similar to what was done in 2020-21. It entails an independent review panel to do the primary review and evaluation work, forwarding its recommendation to the Board on funding priorities. Applicants will again make a short presentation video that accompanies their application materials. Review Panel members will have at least one week but hopefully two to conduct their own individual project reviews ahead of a joint work session to evaluate and rank the proposals. The Board's action in December will include a final ranking of projects for submittal to WSDOT as well as an amendment to the Human Services Transportation Plan that was just adopted, amending in these projects.

The Board is asked to approve the approach for conducting the Consolidated Grants review and ranking process.

Chair Ashby advised that volunteers will be needed for the Review Panel. A minimum of five people are needed, preferably including a tribal member, a transit representative not competing for funds, a non-profit, and two others. Ms. Peterson asked whether it is okay for a TAC member to serve on the panel or if it must be Board members. Chair Ashby responded that panel members can be either Board or TAC members. Ms. Clark-Getzin suggested a role for the TAC Chair, if he is available. All agreed that there should be an odd number of panel members to avoid the possibility of tie decisions.

Mr. Jackson volunteered to serve on the Review Panel. Chair Ashby suggested Dick Taylor (absent) has experience with this process and would be another good candidate if he is available.

ACTION: Mr. Schromen-Wawrin moved, and Mr. Clauson seconded to approve the 2022 Consolidated Grants project evaluation and ranking process. The motion passed unanimously.

Approval of PRTPO 2023 Transportation Outlook Folio and Process
Ms. Black provided an overview of the final draft folio and the input from members that shaped its content. She walked through the format this year featuring a single primary topic – support for a federal funding swap pilot program for rural counties, and including Clallam, Jefferson, and Mason Counties in that pilot program. She asked for feedback on any wording or format concerns from members before it is finalized for use with legislators and others ahead of the 2023 session.

Mr. Forte advised that PRTPO will likely need support from other MPOs and RTPOs for this program. PSRC is not on board with a funding swap program. He explained PSRC is opposed to changes in funding that alleviate local agency accountability and assurance for project delivery. It could be helpful for PRTPO to include assurances in its messaging that accountability for project delivery will be maintained to help win support from PSRC. Chair Ashby clarified the pilot program PRTPO is supporting is targeted just to rural counties that administer their own federal funding programs, not to MPOs. Mr. Schromen-Wawrin observed that while accountability is important, it does not need to be overly burdensome either. The timing of this discussion is good since small local governments are grappling with how to respond to all the funding opportunities they suddenly face without the resources to apply for or manage all the grants they are being encouraged to pursue.

> **ACTION: Mr. Schromen-Wawrin moved, and Ms. Clark-Getzin seconded to approve the PRTPO 2023 Transportation Outlook folio and legislative engagement process. The motion passed unanimously.**

Approval of 2022 *Move Ahead WA – Connecting Communities* Project List Submittal
Ms. Black explained that PRTPO received a request from WSDOT in early October for candidate projects to be included on the new *Connecting Communities* project list. The list of projects from PRTPO was due October 12th, less than two weeks from when the request was received. This is a highly unusual request to meet a December 1st legislative deadline that had been missed. WSDOT asked RTPOs and MPOs to provide a list of bike and pedestrian projects from tribes and local agencies. There was little guidance other than projects already be included in some plan or TIP that has gone through a public review process. No guidance was provided on the size of requests or match requirements. Total program funding this next year is $10 million.

Local agencies and tribes submitted 14 projects with requests ranging from $150,000 to $4.7 million. Ms. Black submitted the list to WSDOT on October 12th with the understanding from WSDOT that the Board would take action a few days later to approve the submittal.

Chair Ashby confirmed that she and the other Executive Committee members had been consulted about this opportunity when it popped up and had approved the approach proposed by Ms. Black and the submittal, since the Board meeting was after the submittal deadline.

Mr. Forte expressed his appreciation for clarification of the Executive Committee involvement in this process. He advised he is comfortable with PRTPO approving the submittal of a project list though would not want to imply that PRTPO approves the projects on the list. He advised that PSRC has a different read on this process than that presented by Ms. Black. PSRC was not asked to submit a list. Based on prior conversations PSRC had with WSDOT, PSRC staff understood the process would work differently.

Chair Ashby observed this call for projects is similar to the one conducted for freight projects earlier in the year in that it is not clear whether WSDOT expects Kitsap County projects to be submitted as part of PRTPO's list or PSRC's list. Until told otherwise by WSDOT, PRTPO has opted to include projects from Kitsap members on its lists.

Ms. Clark-Getzin commended PRTPO for jumping on this opportunity despite the short turnaround and program uncertainties. She reported that it had required minimal effort to submit candidate project information.

Mr. Mazur explained the intent as it is currently understood is that each WSDOT region will use these lists to identify one capital and one planning project. There is an emphasis internally at WSDOT on ready-to-go projects. The final project selection recommended to the legislature will be made at WSDOT Headquarters.

> **ACTION: Mr. Forte moved, and Mr. Bateman seconded to approve PRTPO's submittal of a list of bicycle and pedestrian projects to be considered for a *Connecting Communities* grant. The motion passed unanimously.**

SFY 2023 Board-Directed Work Program Activities

Chair Ashby explained that PRTPO's work program and budget is carefully managed to meet all necessary RTPO program requirements set by the state. PRTPO must meet these requirements, but if there is any additional capacity the Board has an opportunity to identify a specific work activity that adds value to its members. There is an opportunity in the last six months of this biennium to take on a Board priority with $10,000 within the existing budget. She encouraged members to think about what is important to focus on.

Ms. Black reviewed four items the Board included in the SFY 2023 UPWP Task 4 work element as potential activities: increase resilience of regional transportation system; strategies to increase rural intercity bus service in the Peninsula region; innovations in rural transit service delivery; and one-click/one-call scoping and coordination activities. Board discussion today will be used to develop a draft scope for the Board to consider and approve in December. Work will be completed January – June 2023.

Mr. Schromen-Wawrin spoke in favor of all four activities but noted that as a priority, first-mile / last-mile access is a common theme of the challenges all transit agencies face when serving a rural population base. Agencies can improve intercity service but that doesn't do any good if people can't get to and from transit. There is value in looking at innovative ways that rural agencies across the country are meeting this first-mile / last-mile challenge. New micromobility options hold lots of potential that could be expanded with regional coordination between transit agencies as they look at establishing programs with Lime, Bird, and others to create a more seamless experience for users across systems and modes.

Ms. Schneider concurred with the need for first-mile/last-mile connections and then spoke to the need to also improve long-distance travel between cities. They complement each other in a rural region such as this and could be looked at together. There are potentially good communications opportunities to be supported by this.

Ms. Clark-Getzin advised the Sequim shuttle for first-mile/last-mile connections fills a service gap but it's not an efficient option to administer or a convenient option to use. This underscores the value of what a One-Click/One-Call Center could provide. Such a center could improve coordination not just between transit agencies but also with non-profit service providers.

Ms. Asher reiterated Ms. Schneider's observation about the importance of good communications and the importance of connecting people with the options available to them. She referenced some of the tools Mason Transit uses to communicate its first-mile/last-mile options. She reported Mason Transit has now exceeded its pre-Covid ridership on that service.

PRTPO Coordinator's Report
Ms. Black highlighted a few points and encouraged members to share the materials with their staff and colleagues, and to get in touch with her if they have questions or need more information.

Public Comments
There were no public comments.

Member Updates
Mr. Schromen-Wawrin reported that Port Angeles is working on its ADA Transition Plan. They have already identified $35 - $40 million of sidewalk backlog yet they only have about $300,000 a year to budget for these projects. He reminded members of the scale of backlog that local agencies face.

Ms. Clark-Getzin reported that the Olympic Discovery Trail's Railroad Park Bridge is open for passage across the Dungeness River. Also, the Jamestown S'Klallam Tribe just completed its Carbon Neutral Plan. She noted that it is easy to read and metrics based. The Tribe leveraged work done by the NODC to complete its plan.

Ms. Schneider reported on a major trail coordination effort to connect Bainbridge Island to the Pacific Coast. Three non-profits are working together to pursue a federal RAISE grant funding opportunity that will complete important sections of the Olympic Discovery Trail and the Sound to Olympics Trail in Kitsap county.

Chair Ashby reported that Port Orchard just approved the councilmanic 1/10% retail sales tax for the Transportation Benefit District to raise money for transportation improvements.

Adjourn
There being no other business, Chair Ashby adjourned the meeting at 12:00.

ATTACHMENT B

ACTION ITEM

To: PRTPO Executive Board
From: Thera Black, PRTPO Coordinator
Date: December 9, 2022
Subject: **Extend Interlocal Agreement with Kitsap County for CY 2023 Legal Services**

REQUESTED ACTION:

Authorize the Chair to extend PRTPO's legal services agreement with Kitsap County to December 2023.

Overview

In December 2021, PRTPO renewed its agreement for legal services with Kitsap County. Lisa Nickel and her team in the Prosecuting Attorney's office provide on-call services for policy and contract reviews, clarification of Open Public Meetings Act compliance provisions, and other queries as needed. That agreement will expire at the end of December. It includes provisions for an extension.

Lisa has provided exemplary service to the region through her contracted work. PRTPO has benefitted from her legal counsel.

A copy of the proposed amendment is attached as well as the 2022 legal services agreement to be extended.

Attachment:

Amendment to Agreement for Legal Services

Executed CY 2022 Agreement for Legal Services between PRTPO and Kitsap County

For More Information:

Thera Black | 360.878.0353 | TheraB@PeninsulaRTPO.org

KC-665-21-A

AMENDMENT TO AGREEMENT FOR LEGAL SERVICES

This Amendment to the Agreement for Legal Services is made and entered into between Peninsula Regional Transportation Planning Organization ("PRTPO"), and the Kitsap County Prosecuting Attorney ("Prosecuting Attorney").

In consideration of the mutual benefits and covenants contained herein, the parties agree that their Agreement for Legal Services, numbered as Kitsap County Contract No. KC-665-21, and executed on February 14, 2022, shall be amended as follows:

1. Section 4 **Compensation**. Effective January 1, 2023, the PRTPO will compensate the Prosecuting Attorney for the services performed by the Prosecuting Attorney and Deputy Prosecuting Attorney under this Agreement at the hourly rate of $159.00, and $96.00 per hour for paralegal services.

2. Section 6 **Duration.** The duration of this agreement shall be extended through December 31, 2023.

This amendment shall be effective upon execution by the parties.

Dated this ___ day of _____, 2022

PENINSULA REGIONAL TRANSPORTATION PLANNING ORGANIZATION

_____
Bek Ashby, Chair

Dated this ___ day of _____, 2022

PROSECUTING ATTORNEY OF KITSAP COUNTY

_____
CHAD M. ENRIGHT

Dated this ___ day of _____, 2022

BOARD OF COMMISSIONERS OF KITSAP COUNTY

_____
EDWARD E. WOLFE, Commissioner

_____
CHARLOTTE GARRIDO, Commissioner

_____
ROBERT GELDER, Commissioner

ATTEST:

_____
Dana Daniels, Clerk of the Board

AGREEMENT FOR LEGAL SERVICES

The Peninsula Regional Transportation Planning Organization (PRTPO or Client) and the Office of the Kitsap County Prosecuting Attorney, 614 Division Street, MS-35A, Port Orchard, Washington 98366 (the "Prosecuting Attorney"), enter into this Agreement for Legal Services (this "Agreement"). In consideration of the mutual covenants contained herein, the PRTPO and the Prosecuting Attorney agree as follows:

1. RECITALS

Whereas, the PRTPO is a separate legal entity formed through an Interlocal Agreement pursuant to chapters 39.34 and 47.80 RCW; and

Whereas, the PRTPO requires legal services and desires to obtain them from the Prosecuting Attorney; and

Whereas, under RCW 39.34.080, the Prosecuting Attorney's Civil Division may contract with the PRTPO to represent and provide legal advice to the PRTPO on civil legal matters.

Now, therefore, in consideration of the terms and conditions contained herein, the PRTPO and the Prosecuting Attorney agree as follows:

2. INCORPORATION OF RECITALS

The recitals set forth in Section 1, above, are hereby incorporated as substantive terms of this Agreement.

3. SCOPE OF WORK

Kitsap County (the "County"), through the Prosecuting Attorney, will provide legal services to the Client as set forth in Attachment A: Scope of Services, except as follows:

A. When legal services are available to the Client through its insurance pool, the Client agrees that it is its responsibility to promptly notify its insurance pool of claims and/or litigation filed against the Client as required by the pool.

B. As provided in Section 13 of this Agreement, when a conflict of interest exists between the Client and the County which, in accordance with the Rules of Professional Conduct governing county prosecuting attorneys in Washington State, either has not been waived by both the Client and the County following full disclosure or cannot be waived despite full disclosure.

C. When both the County and the Client agree that a legal matter should be sent to outside counsel due to the need for specialized expertise or otherwise.

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4. COMPENSATION

The Client will compensate the Prosecuting Attorney for the services performed by the Prosecuting Attorney and Deputy Prosecuting Attorneys under this Agreement at the hourly rate of $148.00, and $91.00 per hour for paralegal services. The Chief Civil Deputy Prosecuting Attorney shall be the initial point of contact for requests for legal services and may assign such requests to other attorneys as the nature of the matter requires. The hourly rates include overhead support.

The Client shall be responsible for all incidental costs associated with its representation, including, but not limited to, mileage and travel costs, court costs, copy fees, courier fees, fees for title reports, et cetera.

5. BILLING AND PAYMENT

The Prosecuting Attorney shall submit quarterly invoices to the Client to the attention of:

Edward Coviello
Peninsula RTPO c/o Kitsap Transit
60 Washington Ave. Ste 200
Bremerton, WA 98337

Invoices will describe the services performed by each attorney, detail the number of hours worked, and list the fees and costs incurred during that month. The Client shall pay County at the hourly rates set forth in Section 4. The Client will make payment within thirty (30) days following receipt of billing. Upon request, the Client is entitled to review the time sheets of attorneys anytime during the term of this Agreement and within one year after its expiration or termination.

6. DURATION

This Agreement is effective January 1, 2022. It shall have a term of one year and shall expire on December 31, 2022, unless renewed in writing.

7. REPRESENTATIVES

The coordinating contact representative for the Prosecuting Attorney will be the Chief Civil Deputy Prosecuting Attorney. The coordinating contact for the Client will be the Lead Planning Agency representative. Any notices required will be in writing and addressed as follows:

The PRTPO	Prosecuting Attorney
Edward Coviello Peninsula RTPO c/o Kitsap Transit 60 Washington Ave. Ste 200 Bremerton, WA 98337	Jacquelyn M. Aufderheide Chief Civil Deputy Prosecutor 614 Division Street, MS-35A Port Orchard, WA 98366

8. INDEPENDENT CONTRACTOR

The Prosecuting Attorney's services shall be furnished as an independent consultant and nothing in or arising from this Agreement shall be construed to create a relationship of employer-employee or master-servant.

9. INDEMNIFICATION

The County shall indemnify the Client and its agents, officers, officials, and employees for all losses, claims, and damages caused by the negligence or willful acts of County and/or its agents, officers, and employees, arising directly or indirectly out of or in consequence of the performance of this Agreement. The Client shall indemnify the County and its agents, officers, officials and employees for all losses, claims and damages caused by the negligence or willful acts of the Client and/or its agents, officers, officials, and employees, arising directly or indirectly out of or in consequence of the performance of this Agreement. This section shall survive the expiration or termination of this Agreement.

10. TERMINATION

Either party may terminate this Agreement upon thirty (30) days written notice to the other. Upon receipt of the notice of termination, no further fees or expenses may be incurred except as authorized by the Client. If this Agreement is terminated in accordance with this paragraph, the Prosecuting Attorney will be entitled to payment for all work actually performed. An equitable adjustment in the Prosecuting Attorney's compensation for partially completed items of work will be made.

11. NON-EXCLUSIVE AGREEMENT

The Client may obtain legal services from persons or entities in addition to Prosecuting Attorney. The Prosecuting Attorney may provide legal services to the County and other entities as allowed under state law.

12. CONFLICTS OF INTEREST

As more fully explained in Attachment B: Conflict Letter, the Prosecuting Attorney shall observe the Rules of Professional Conduct as applicable to county prosecuting attorneys and inform the Client if actual or potential conflicts of interest arise. The Client recognizes that the Prosecuting Attorney may from time to time, represent the County in matters that may also involve the Client. In such cases, if a conflict arises, the Client understands and agrees that the Prosecuting Attorney must represent the County even though the County may be adverse to the Client. In the event of such a conflict, when possible, the Prosecuting Attorney shall assign different deputy prosecuting attorneys to represent the County and the Client and create an "ethics wall" to screen each attorney from the client confidences of the other. If a conflict of interest arises during the term of this Agreement which, in accordance with the Rules of Professional Conduct, either has not been waived by both the Client and the County following full disclosure, or cannot be waived despite full disclosure, the Prosecuting Attorney will work with the Client to secure

appropriate representation and provide for a smooth transition to alternative counsel. The Client expressly waives any and all objections it might otherwise have to the Prosecuting Attorney's representation of the County. This section shall survive the expiration or termination of this Agreement.

13. NON-WAIVER

The failure of either party to exercise any rights or remedies under this Agreement for any breach shall not constitute a continuing waiver of any obligation and shall not prevent either party from pursuing any such rights or remedies for any succeeding breach.

14. INTEGRATION

This Agreement contains the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement will supersede all previous communications, representations, or agreements, either verbal or written, between the parties.

15. BINDING EFFECT

The provisions of this Agreement are binding upon the parties and their successors, assigns, and legal representatives.

16. MODIFICATION

This Agreement may be amended only upon written agreement of the parties executed with the same formalities required for the execution of this Agreement.

17. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of this Agreement and the remaining rights and obligations of the parties will be construed and enforced as if this Agreement did not contain the invalid part, provided that the fundamental purposes of this Agreement can still be carried out.

18. GOVERNING LAW; VENUE

This Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance, and any action at law, suit in equity, or other proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Washington, County of Kitsap.

[Signatures appear on the next page.]

Executed this 20 day of Dec, 2021

PENINSULA REGIONAL TRANSPORTATION ORGANIZATION

Bek Ashby, Chair

Executed this 6 day of Jan, 2022

KITSAP COUNTY PROSECUTING ATTORNEY

CHAD M. ENRIGHT, Prosecuting Attorney

Executed this 14 day of February, 2022

BOARD OF COUNTY COMMISSIONERS
Kitsap County, Washington

EDWARD E. WOLFE, Chair

CHARLOTTE GARRIDO, Commissioner

NOT PRESENT

ROBERT GELDER, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

BOARD OF COMMISSIONERS STATE OF WASHINGTON KITSAP COUNTY

EXHIBIT A

SCOPE OF SERVICES

The Prosecuting Attorney will provide the PRTPO with a full range of legal services, with the exceptions set forth in the body of this Agreement, including but not limited to the following:

1. Provide legal consultation services, including telephone and office consultation and written opinion memos on PRTPO questions;

2. Review and redraft administrative policies and procedures;

3. Review and redraft contracts;

4. Review and redraft resolutions; and

5. Represent the PRTPO in litigation before administrative tribunals and state and federal courts, other than litigation that which the PRTPO may, in accordance with its insurance policies, tender to other counsel.

EXHIBIT B

Executed Copy of Conflict Letter to the PRTPO
Consisting of 3 pages

Kitsap County Prosecuting Attorney
Chad M. Enright

CIVIL DIVISION

Ione George
Chief of Staff

Jacquelyn Aufderheide
Civil Division Chief

Carrie Alire
Administrative Manager

December 9, 2021

Bek Ashby
PRTPO Chair
60 Washington Ave., Suite 200
Bremerton, WA 98337

RE: Legal Services Agreement KC-665-21
Exhibit B - Waiver of Potential Conflicts of Interest

Dear Ms. Ashby:

The purpose of this letter is to explain potential conflict of interests in connection with the Prosecuting Attorney's Office providing legal services to the PRTPO.

The Interlocal Cooperation Act, particularly RCW 39.34.080, authorizes public agencies to contract with each other to perform governmental services, activities, or undertakings. For several years, the Office of the Kitsap County Prosecuting Attorney (the "Prosecutor") has provided legal services to the PRTPO. We value our relationship with the PRTPO and are willing to continue to provide such services. However, to ensure that the PRTPO understands the limitations on the legal services we provide, as well as the potential conflicts that may arise with our representation, we are providing this written explanation and request the Executive Board of the PRTPO to expressly authorize the continuation of legal services by the Prosecutor and waive potential conflicts of interest that might arise by virtue of our services to the PRTPO.

The PRTPO is a legally independent public agency authorized by the state under chapter 47.80 RCW and governed by an Executive Board. Nevertheless, its membership is quite varied, consisting of transportation agencies and stakeholders in Clallam, Jefferson, Mason, and Kitsap counties, including county and city governments, transit districts, port districts, Tribal governments, and the Washington State Department of Transportation. In agreeing to serve as general counsel to the PRTPO, the Prosecutor's advice will not constitute legal advice to or representation of any particular member of the PRTPO, but to the PRTPO itself. The individual members of the PRPTO will continue to receive legal advice and representation from their appointed agency attorneys. Similarly, under chapter 36.27 RCW, the Prosecutor has a legal duty and affirmative obligation to be the legal adviser to the Kitsap County Board of Commissioners and all County officers.

In serving as legal counsel to the PRTPO as well as the legal advisor to Kitsap County there may be times that the County and the PRTPO are involved in the same matter, giving rise to a potential conflict of interest. The Rules of Professional Conduct ("RPCs") allow clients to

waive conflicts of interest when a lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client and each affected client gives informed consent in writing. In evaluating the potential conflicts that might arise with the Prosecutor's representation of PRTPO, we considered the legal matters PRTPO has sought assistance with in the past, and may in the future seek legal assistance with:

- Revisions to contracts and bylaws;
- Laws and regulations pertaining to growth management, transportation planning, and transportation funding;
- Open Public Meeting Laws;
- Public Records Act, including retention and disclosure;
- Agreements with other public agencies, including grants and loans;
- Review and negotiation of municipal contracts, including procurement compliance with federal and state laws and regulations;
- Interlocal agreements with other public agencies;
- General policy review;
- Real and personal property acquisition and disposition; and/or
- Labor and employment matters.

The Prosecutor's handling of most of the matters listed above should present no conflicts of interest. The primary reason for this is that the County is a member of the PRTPO. Thus, any confidential information of the PRTPO is already shared the County and the potential for confidential information of the PRTPO being used to its disadvantage is low.

The main concern associated with waivers of conflicts of interest under the circumstances presented here is ensuring that the PRTPO and the County each receive objective and independent legal advice. For example, there have been and could be situations, such as where the PRTPO and the County are parties to the same contract, where the Prosecutor will need to assign different deputy prosecuting attorneys to represent the County and the PRTPO and create an "ethics wall" to screen each attorney from the client confidences of the other.

In our role as legal counsel to the PRTPO, we intend to provide objective and independent legal advice to the PRTPO. We must also provide objective and independent legal advice to the County. When the PRTPO becomes aware of matters that will involve both it and the County, before requesting legal assistance it will be incumbent upon the PRTPO to notify the Prosecutor so that the Prosecutor may assign different deputy prosecuting attorneys to the PRTPO and the County. If a conflict of interest arises which, in accordance with the RPCs, either has not been waived by both the PRTPO and the County following full disclosure, or cannot be waived despite full disclosure, the Prosecutor will work with the PRTPO to secure appropriate representation and provide for a smooth transition to alternative counsel.

By executing this letter, the PRTPO and each member agency of the PRTPO consent to the Prosecutor's service as legal counsel for the PRTPO and waive any conflict of interest that might be said to arise by virtue of that representation. In addition, the PRTPO and each member

agency of the PRTPO consent to Prosecutor's ongoing representation of the County. We will inform the PRTPO and the County when we became aware of representation that might present a conflict of interest under the RPCs and request a waiver at that time. In some circumstances, the Prosecutor will reach out to PRTPO members' attorneys, so that each may obtain independent advice about the specific matter if it chooses to do so.

If a situation arises in the future in which we perceive a potential conflict of interest where our duty of loyalty to you materially conflicts with our similar duty to the County, we will immediately bring this to the attention of the PRTPO and the County. In such an event, it may be necessary for us to remove ourselves from advising the PRTPO with respect to the matter involved. We trust this approach is acceptable to the PRTPO and each member of the PRTPO.

Please present this letter together with the legal services agreement for consideration by the PRTPO. If this approach is acceptable, please ask the Chair to sign the enclosed copy of this letter and return it to me at your convenience. By signing this letter, each member agency of the PRTPO is waiving any conflict of interest that could be said to arise by virtue of our work as legal counsel to the PRTPO. Further, the PRTPO also expressly waives any conflict arising from Prosecutor's continued legal representation of the County.

Thank you for your attention and consideration.

Sincerely yours,

CHAD M. ENRIGHT
Prosecuting Attorney

Jacquelyn M. Aufderheide
Chief Civil Deputy Prosecuting Attorney

CONSENT GRANTED AND WAIVER APPROVED:

Dated this 20th day of December, 2021

Peninsula Regional Transportation Planning Organization

Bek Ashby, Chair

ATTACHMENT C

ACTION ITEM

To: PRTPO Executive Board
From: Thera Black, PRPTO Coordinator
Date: December 9, 2022
Subject: 2022 Consolidated Grants Review and Ranking

Requested Action:

Approve the rank assignment of Consolidated Grants applications recommended by the Review Panel for submittal to WSDOT.

Summary:

In October the Executive Board approved a process for reviewing and ranking applications for WSDOT's Consolidated Grants program. This ranking process supports local and tribal grant applications vying for funding through the biennial statewide competitive program. Consolidated Grants fund projects that support the kinds of strategies PRTPO adopted in its 2022 Human Services Transportation Plan in October. PRTPO is responsible for recommending to WSDOT the priority array of projects within the established Consolidated Grants ranking framework.

The 2022 process was modeled on previous processes but highly compressed to accommodate WSDOT's schedule. It retained the important role of an independent Consolidated Grants Review Panel tasked with evaluating each project in detail and working together to develop a rank recommendation to the Executive Board. Details of that process follow.

The Consolidated Grants Review Panel forwards the following consensus ranking recommendation to the Executive Board. Projects are sorted alphabetically by project sponsor in each rank category. No additional priority is implied.

Consolidated Grants Review Panel Recommendation

(7) A Ranked Projects	
Clallam Transit	Paratransit Services - Clallam County
ECHHO	Jefferson County Volunteer Driver Program
Jamestown S'Klallam Tribe	Sustain Rte 50 Service to Blyn
Jefferson Transit	East Jefferson Operating Assistance
Jefferson Transit	West Jefferson Operating Assistance
Makah Tribe	Makah Transit Operations
Mason Transit	Sustain Dial-a-Ride Services in Mason County

(5) B Ranked Projects	
Jamestown S'Klallam Tribe	Electric Shuttle Bus for Healing Clinic
Kitsap Transit	Paratransit (ACCESS) Bus Purchase
Mason Transit	Replace Three 35' Buses
Squaxin Island Tribe	Operating Assistance for Squaxin Transit
Squaxin Island Tribe	Squaxin Transit Capital Equipment

(3) C Ranked Projects	
Jamestown S'Klallam Tribe	CTR Study and Plan for Tribe's Employees
Coastal CAP	Thurston-Mason ADA Van Replacement
Coastal CAP	Thurston-Mason Driven to Opportunity

WSDOT uses a ranking system for Consolidated Grants that relies on letter grades to assign priority with "A" ranked projects being the highest priority followed by "B" and then "C" rank projects. WSDOT confers points to projects in accordance with their rank. Each region is allotted a certain number of rank "slots" by WSDOT. PRTPO is allotted a total of (7) each of A, B, and C slots overall though in any funding cycle only some of those will be available due to four-year awards that spill over into the next funding cycle. Few regions have as many rank slots as PRTPO. That is particularly true in 2022 as PRTPO has available all seven of its "A" slots as well as five "B" and all seven "C" slots.

Process Recap:

WSDOT received fifteen applications from project sponsors across the four-county region that needed to be reviewed and ranked. PRTPO convened an independent Review Panel to support that work. Panel members included:

Marty Allen, Skokomish Tribe

Ted Jackson, Port of Allyn

Melissa Mohr, Kitsap County

Robin Rettew, WSDOT Public Transportation Division (retired

Others planned to participate but had to cancel for personal reasons.

Review Panel members generously gave many hours of their time to this process, working through a lot of material in the short time available and participating in a thoughtful, collegial evaluation process. PRTPO could not have completed this work without them. We are grateful for their time and service.

Review Panel members received application packets for each project. They reviewed them independently and watched short presentations the applicants made. All applications can be found **here** on PRTPO's website and presentations are **here** on PRTPO's YouTube channel. Upon completing their independent reviews, Panel members each submitted to the Coordinator a Survey Monkey poll with their own preliminary assessment of project rankings. Those initial rankings were combined to create a composite average score for each project which was used to establish a preliminary assessment of project ranking. This provided a starting point for Panel members to begin their joint review and evaluation.

A work session was conducted on December 6th via Zoom. It was attended by the Review Panel members as well as applicants. Chair Ashby also attended. During the first part of the work session Panel members asked applicants questions about their projects that had come up during their reviews, in order to ensure a complete and full understanding of each proposal and the program or services supported. Most of the applicants attended the work session and responded to Panel member questions.

With a more complete understanding of each proposal, Panel members evaluated results of the preliminary ranking generated from their initial reviews. They identified those projects where there was unanimous agreement on the preliminary rankings and those projects that merited further discussion before a final determination could be made. Members worked through each of the flagged projects, turning again to applicants when necessary for additional insights and sharing their perspectives on strengths and weaknesses of proposals. Upon completion they reassessed and confirmed the rankings, quickly reaching the consensus recommendation presented to the Board.

Coordinator's Note:

Panel members had questions about two of the fifteen projects that were outside the scope of their review and remained unresolved at the end of the work session. These are the two Coastal CAP projects, one of which is a capital project and the other which is an operating project. The Coastal CAP project manager was unable to attend.

While there were several questions about the projects, the fundamental concern pertains to the lack of a local match offered by the applicant and whether WSDOT will determine them to be fatally flawed as a result. The applicant is new to grant writing. The Review Panel ranked these two projects with the understanding that WSDOT may allow Coastal CAP to correct its application, in which case these two projects will receive a C ranking. If WSDOT determines the projects are fatally flawed, then they will not proceed further.

For More Information:

Thera Black | 360.878.0353 | TheraB@PeninsulaRTPO.org

ATTACHMENT D

ACTION ITEM

To: PRTPO Executive Board
From: Thera Black, PRTPO Coordinator
Date: December 9, 2022
Subject: **Amend Consolidated Grants Projects into Human Services Transportation Plan**

REQUESTED ACTION:

Approve Resolution 04-2022 amending the 2022 Human Services Transportation Plan to include Consolidated Grants projects as recommended to WSDOT.

Background

In October PRTPO adopted the 2022 Human Services Transportation Plan (HSTP), completing a regular update of this long-standing regional plan that focuses on the mobility needs of people who do not drive due to age, disability, or income. That adoption concluded the almost year-long update effort and enabled PRTPO to meet WSDOT's December 1st deadline for an approved plan. It was done so with the understanding that the HSTP would need to be amended the following meeting, in December, to incorporate the Consolidated Projects PRTPO will recommend to WSDOT.

This amendment will add the fifteen projects PRTPO reviewed and ranked for Consolidated Grants into the Human Services Transportation Plan, as required by WSDOT and the Federal Transit Administration (FTA). This is an important step that satisfies an FTA requirement for WSDOT and some grant recipients. When the Board approved Consolidated Grants rankings in 2021, those projects were amended into the 2019 HSTP in a similar way.

The recently adopted HSTP anticipated this amendment, including an unpopulated Appendix D to host the 2022 Consolidated Grants projects. PRTPO will amend the HSTP again in two years to incorporate the next round of Consolidated Grants projects.

Public notice of the proposed amendment was posted on November 30th. No comments have been received to date. Comments received as of December 15th will be provided verbally to the Board.

Attachments

- *Resolution 04-2022 2022 Amending PRTPO 2022 Human Services Transportation Plan*

For More Information:
Thera Black | 360.878.0353 | TheraB@PeninsulaRTPO.org

PENINSULA REGIONAL TRANSPORTATION PLANNING ORGANIZATION

RESOLUTION 04-2022

Amending PRTPO's 2022 Human Services Transportation Plan

Recitals

WHEREAS, the Peninsula Regional Transportation Planning Organization (PRTPO) is the designated Regional Transportation Planning Organization (RTPO) for the Peninsula region and is in good standing with the Washington State Department of Transportation (WSDOT) in its agreements and certifications; and

WHEREAS, PRTPO adopted in October 2022 its updated Human Services Transportation Plan (HSTP) that identifies strategies to meet the mobility needs of people who do not drive due to age, disability, or income; and

WHEREAS, local agency, tribal, and non-profit organization project proposals that support HSTP strategies are being considered for statewide Consolidated Grants funding by the Washington State Department of Transportation (WSDOT); and

WHEREAS, It is necessary for projects to be included in an adopted Human Services Transportation Plan as a condition of Consolidated Grants funding eligibility; and

WHEREAS, PRTPO has conducted an evaluation and ranking of the fifteen project proposals WSDOT received from across the Peninsula Region and found them to be consistent with the HSTP and supportive of its strategies, and meriting funding support from WSDOT; and

WHEREAS, PRTPO invited public comment on its proposal to amend these projects into the HSTP.

.NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE BOARD OF THE PENINSULA REGIONAL TRANSPORTATION PLANNING ORGANIZATION:

THAT the Peninsula RTPO 2022 Human Services Transportation Plan be amended to include the fifteen projects PRTPO has ranked and recommended to WSDOT for Consolidated Grants funding.

APPROVED, this 16th day of December, 2022.

ATTEST:

_____

Bek Ashby, Chair

ATTEST:

_____

Randy Neatherlin, Vice-Chair

ATTACHMENT E

ACTION ITEM

To: PRTPO Executive Board
From: Thera Black, PRTPO Coordinator
Date: December 9, 2022
Subject: **Approve SFY 2023 UPWP Task 4 Scope of Work**

REQUESTED ACTION:

Approve the proposed work plan for SFY 2023 UPWP Task 4 Board-directed activities.

Background

PRTPO earmarked $10,000 in Task 4 of its SFY 2023 Unified Planning Work Program (UPWP) for Board-directed activities and identified some potential areas of interest when the UPWP was amended in June. In October Board members discussed those potential areas to identify activities of primary interest.

What surfaced was interest in measures that support efficient delivery of rural transit services including essential long-distance intercity service and the equally important first-mile/last-mile connections that get people to and from those transit services. Members discussed the importance of effective communications with the traveling public to connect them with available resources as well as ways to leverage opportunities through enhanced coordination between the region's service providers including its non-profit partners.

The resulting Task 4 Work Element is attached for Board consideration. It identifies specific activities supporting the underlying interests identified in October. It builds on the long history of regional coordination among the region's transit providers to identify and develop resources that can support communication, coordination, and information needs of service providers and others.

As proposed, it would expand PRTPO's baseline capacity for generating relevant regional data and mapping products that support on-going work program activities and member needs and provide readily accessible regional context for key equity criteria that all of PRTPO's members must respond to in their state and federal grant applications. It does this by tapping the remainder of PRTPO's 2022 GIS services contract to augment the early data and mapping tools developed for the Human Services Transportation Plan and the Regional TIP to establish a small but robust regional information platform that can be easily maintained over time[1]. This will also support PRTPO's Regional Transportation Plan update in the future.

Board members are asked to review and approve or refine the proposed work plan. Because this has already been identified in the UPWP and remains within the allotted budget, no amendment to the UPWP is required.

Attachment

- *PRTPO SFY 2023 UPWP Task 4 Work Element*

For More Information:
Thera Black | 360.878.0353 | TheraB@PeninsulaRTPO.org

[1] End-of-biennium funds may be available from WSDOT for a CY 2023 extension of PRTPO's GIS services contract to enhance this opportunity.

PRTPO SFY 2023 UPWP Task 4 Work Element

Budget:
$10,000

Duration:
Jan 2023 – Jun 2023

Intent of Work
Provide useful resources, tools, and data products that transit service providers can use to improve coordination, enhance communications, and evaluate innovative service strategies for potential application, especially those addressing first-mile/last-mile service connections and coordination with other services like long-distance intercity bus service.

Work Products
- Enhanced equity analysis and data mapping tools tailored to this region's geographic needs and responsive to most current grant program requests
- Synthesis of innovative strategies employed by rural transit systems across the country for addressing difficult first-mile/last-mile service connections and coordination opportunities
- Regionally appropriate strategies for increasing awareness of long-distance intercity bus services currently available in the four counties and opportunities for improved coordination between providers

Planning Approach
Convene up to 2 meetings of transit providers to share insights on top areas of concern facing delivery of rural services in the Peninsula region such as first-mile/last-mile service connections, provide input on innovative strategies, validate intended data and mapping resources, and inform other aspects of product development to maximize usefulness of products.

To the extent practical, leverage and build upon PRTPO's 2022 Human Services Transportation Plan, expanding the capacity of that online platform to add more relevant functionality for members. Where appropriate, take advantage of the emerging human services transportation forum to disseminate and/or collect information broadly.

Tap PRTPO's remaining 2022 GIS services contract for technical support. Establish a data platform that enables members to easily access, assess, download, and map relevant demographic profiles associated with the target populations most grant equity analyses are concerned with. Include some select analytical functions to allow regional comparisons. Demographic profile tools will be useful for all members applying for grant funding. This will also support PRTPO's future updates of the HSTP and Regional Transportation Plan.

Produce a white paper or brief featuring promising innovations deployed in comparable settings that address top areas of concern or opportunity identified by transit providers and provide access to additional resources.

Provide regular brief updates to the Executive Board and TAC, at a minimum through the Coordinators Report. Present a summary wrap-up to the Executive Board in June.

Consult with tribal partners about how PRTPO represents tribal population characteristics that are responsive to grant application equity questions but are also culturally appropriate and respectful of the communities being described.

DRAFT

ATTACHMENT F

DISCUSSION ITEM

To: PRTPO Executive Board
From: Thera Black
Date: December 9, 2022
Subject: **SFY 2024-25 UPWP – Looking Ahead to the New Biennium**

REQUESTED ACTION:

No action is requested. In February the Board will be asked to provide direction on important elements of the core work program to guide development of the SFY 2024-25 Unified Planning Work Program.

Background

The Unified Planning Work Program, or UPWP, describes what work PRTPO will undertake to fulfill its responsibilities as a Regional Transportation Planning Organization and the budget to accomplish it. PRTPO is about to begin the final quarter of its SFY 2022-23 UPWP, which concludes June 30, 2023. This discussion kicks off the scoping for the SFY 2024-25 UPWP which will go into effect July 1, 2023.

PRTPO receives about $275,000 per biennium from WSDOT to support all of its work and administrative overhead expenses. We have not yet received updated budget guidance from WSDOT but are planning for a comparable level of funding as we received this biennium. A minimal budget increase is expected next biennium although that is likely to come with increased expectations.

In anticipation of that guidance early next month and the Board's direction in February on priority activities for this next biennium, we want to hear from members about how the evolution of PRTPO's work program is coming along and the kinds of activities that add value to the organization. This will help us know what activities to emphasize in the next UPWP and which ones we might be able to minimize, within the requirements of RCW 47.80.

Work Program Considerations

PRTPO is Executive Board-directed. That means Board members take an active role in developing the work program and participating in its implementation.

While PRTPO must satisfy a myriad of state requirements, the Board strives to meet those requirements in ways that add value to its members. Over the last 2-3 years that has included learning opportunities with guest speakers on a variety of topics, development of online resources to support regional and local information needs, development of PRTPO positions and targeted communications for its annual *Transportation Outlook* legislative priorities and hosting legislative meetings to discuss those priorities with decision-makers, and convening regional stakeholders in both formal and informal settings to promote better coordination and communication across sectors.

We are looking for insights from Board members and in January, from TAC members, about those aspects of PRTPO's work program and Board activities that you find particularly valuable and would like more of if possible, and which aspects seem to have less value for you and your constituents that might be reduced if possible.

For More Information:
Thera Black | 360.878.0353 | TheraB@PeninsulaRTPO.org

ATTACHMENT G

PENINSULA RTPO

Serving the communities of the Clallam-Jefferson-Kitsap-Mason County Region

PRTPO Members

Clallam County
Jefferson County
Kitsap County
Mason County
Bainbridge Island
Bremerton
Forks
Port Angeles
Port Orchard
Port Townsend
Poulsbo
Sequim
Shelton
Clallam Transit
Jefferson Transit
Kitsap Transit
Mason Transit
Port of Allyn
Port of Bremerton
Port of Port Angeles
Port of Shelton
WSDOT Olympic Region
Jamestown S'Klallam Tribe
Lower Elwha Klallam Tribe
Makah Nation
Skokomish Tribe
Squaxin Island Tribe

www.PRTPO.org

To our legislators in the 23rd, 24th, 26th, and 35th Districts,

Thank you for all you accomplished in 2022 to improve transportation funding and policy direction for our local partners. This annual collaboration with you, our legislative delegation, supports the work of our partners who build, operate, maintain, and manage all aspects of our transportation system and keep our communities moving. We value your partnership.

We look to 2023 with anticipation for what lies ahead and a sober dose of reality. Our major accomplishments this past year were just the next few steps on the challenging road before us, but they were important steps in the right direction.

We appreciate your support for completion of our remaining *Connecting WA* projects and timely delivery and coordination of the new *Move Ahead WA* investment package. These will have benefits throughout the region. And increased taxing authority for Transportation Benefit Districts is a welcome addition to the funding toolbox available to local agencies. It offers much-needed discretionary transportation revenue to take care of hard-to-fund essentials like the upkeep of neighborhood roads.

Your on-going efforts to increase the fairness and sustainability of transportation revenues helps our local partners working to assemble the complicated revenue packages necessary to finance big projects. It can take 10-20 years for a big project to go from plan to construction, whether it is a street realignment, ferry terminal upgrades, transit fleet transitions, or completion of the Olympic Discovery Trail. Our local partners must stack multiple revenue sources, each with their own constraints and timelines, and juggle the many different revenue requirements to deliver projects as efficiently as they can over a decade or longer.

One way to do more with existing revenue is by de-federalizing small local projects, swapping federal "STBG funds" for state funds. A pilot program to evaluate the merits of this federal funding exchange is included in the JTC's Federal Funding Work Group recommendation to the Governor. PRTPO urges you to support this program and join us in requesting that Clallam, Jefferson, and Mason Counties be included in this pilot program. The experience of these three counties and their local partners will be an asset in standing up an equitable funding swap program and documenting the financial and project delivery benefits for local agencies and the traveling public. Our members can demonstrate the value of this pragmatic funding exchange for rural counties across the state and the benefits this will have for Washington State.

PRTPO urges you to support this federal funding swap pilot program and request that Clallam, Jefferson, and Mason Counties be included

PRTPO and its members continue to look for ways to increase the resiliency of our rural, tribal, and small urban communities, reducing system disruptions and increasing the ability to respond and recover when disruptions do occur. Transportation and access are the foundation of rural resilience.

Your efforts to **make broadband access universal** is one such measure that not only addresses gaps in coverage but contributes to a more resilient region. Our communities have responded to these recent opportunities and are working to close service gaps and expand access to 21st century opportunities. We encourage your continued support for broadband while our partners work to connect every community in the region to high-speed internet.

Other regional resiliency needs will entail a combination of measures and innovative partnerships. A priority for PRTPO and its members is to **make Hood Canal Bridge operations more efficient and reduce disruptions** on both sides of this critical lifeline connection between the Kitsap and Olympic Peninsulas. Impacts of bridge closures are felt from Silverdale to Port Angeles. Closures directly impact commerce, emergency services, and transit in addition to the tens of thousands of passenger vehicles traveling this corridor every day. The reasons for bridge closures must be commensurate with the impacts those closures cause. Improvements will take coordination and collaboration among diverse stakeholders. Working together, we can improve system performance today and create greater capacity to recover from unexpected disruptions in the future with a mix of investments and coordination. ***It's time to start this discussion.***

Finally, we are grateful for the increased opportunities your efforts have produced to expand electric vehicle infrastructure into our rural and tribal communities. This is an important equity consideration where **rural economies of scale can't compete with metro areas and interstate corridors for EV infrastructure**. Impacts of these investments in our under-served communities will have far-reaching benefits and help ensure our rural, tribal, and small urban communities and businesses are on equal footing with access to the same funding resources for decarbonizing transportation and reducing fossil fuel dependency as their more urban counterparts. Continued support for funding criteria that recognize EV infrastructure needs of tribal and other rural communities will help our partners making the transition to a greener and more resilient transportation future.

Thank you for your on-going interest and support. We look forward to working with you this next year to improve mobility throughout the Peninsula region and keep travel safe and reliable.

Peninsula RTPO Key Contacts
www.PRTPO.org

Chair	Bek Ashby	bashby@portorchardwa.gov	360.731.0778
Vice-Chair	Randy Neatherlin	randyn@co.mason.wa.us	360.427.9670 x419
Secretary	Lindsey Schromen-Wawrin	lswawrin@cityofpa.us	360.406.4321
Lead Planning Agency	John Clauson	johnc@kitsaptransit.com	360.478.6223
PRTPO Coordinator	Thera Black	therab@peninsulartpo.org	360.878.0353
PRTPO Coordinator, LPA	Edward Coviello	edwardc@kitsaptransit.com	360.824.4919

Transportation Outlook 2023
Peninsula RTPO Transportation Investment Priorities

Project	Agency	LD#	PRTPO Priority Project Characteristics: Multiple Modes	Shovel-ready	Economic Chokepoint	System Preservation	Improve Safety	Special Needs Mobility	Increase Resiliency	Connecting WA	Reduces Enviro/GHG Impacts	Included in Local TIP	Total Cost	Already Secured
Johns Prairie Road and SR 3 Intersection Improvements *Reconstruct skewed, sub-standard major T-intersection to modern standards, realigning, grading, and channelizing for safety & efficiency*	Mason County	35	*		*		*	*	*			*	$15 M - $20 M	$0
SR 3 and North Bay Road Intersection Improvements *Design & construct modern intersection that benefits multiple modes of travel, improves economic chokepoint, and improves safety & resiliency*	Mason County	35	*		*		*	*	*				$5 M - $10 M	$0
SR 108/Old Olympic Highway Safety Project *Install (2) compact roundabouts at US 101/SR 108 ramp terminals and construct non-motorized pathway with lighting through interchange*	Squaxin Island Tribe / WSDOT	35	*				*					*	$ 3.3 M	$0
SR 3 Freight Corridor *(Belfair Bypass)* *Construct new corridor parallel to SR 3 in Belfair, providing alternate route and improved freight access*	WSDOT / Mason County	35	*	*	*		*		*	*		*	$78.9 M	$78.9 M
SR 3/16 Gorst Project - Resiliency, Mainline Capacity, & Non-Motorized Connectivity *Improve SR 3/16 in Gorst*	Kitsap County	26, 35	*		*		*		*		*		$425 M	$74.0 M
Sedgwick Rd/SR 160 Corridor Improvements *Design and construct near-term improvements described in WSDOT's 2018 SR 16 Corridor Congestion Relief Study.*	Port Orchard	26	*		*		*		*		*	*	$6.0 M	$0
Elwha River Bridge Replacement *Replace deficient 1926 bridge with new structure designed to current standards with secured funding in an efficient and timely manner*	WSDOT / Clallam County	24	*	*		*			*			*	$30.3 M	$30.3 M
Olympic Discovery Trail - Forks to La Push *Complete next 13 mile segment of the ODT connecting Forks to La Push and the Quileute Nation, Olympic National Park coastal trailheads*	Clallam County	24	*				*		*			*	$21 M	$7.6 M
SR 19 Chimacum Rhody Drive Ped-Bike Improvements *Construct pedestrian/bicycle facilities along SR 19 from HJ Carroll County Park to Chimacum Crossroad*	Jefferson County	24	*	*			*		*			*	$1.8 M	$0.3 M
Olympic Discovery Trail - Larry Scott Trail - US101 S Discovery Bay *Construct accessible 10.12 mile segment of the ODT and Pacific NW National Scenic Trail systems (East Olympic Peninsula)*	Jefferson County	24	*				*		*			*	$15.6 M	$3.8 M
Peabody Creek/Lincoln Street Culvert Repair *Critical culvert repair to minimize potential for collapse and property damage, and improve fish passage*	Port Angeles	24	*			*	*	*	*		*	*	$ 3.9 M	$0.6 M
SR 112 Repair and Repaving Project - Clallam Bay to Neah Bay *Complete repairs and repaving of 23 mile state highway from Clallam Bay to Neah Bay, the only road access to the Makah Nation*	Makah Nation / WSDOT	24	*	*		*	*		*				$30 M	$0
N Sequim Avenue Sidewalk and Bike Lane Project *Improve N Sequim Ave from US 101 thru Sequim with urban sidewalk & bike facilities, lighting, turn lanes, stormwater & RAB upgrades*	Sequim / WSDOT	24	*	*			*	*				*	$4.2 M	$2.0 M
SR 104 Kingston Congestion Mitigation *Construct SR 104 realignment from Main Street and congestion/safety improvements*	Kitsap County	23	*	*	*		*	*				*	$20 M	$20.0 M
Noll Road Corridor Improvements *Three phases of corridor projects will improve multimodal mobility, increase system safety, and improve traffic flow along SR 305 corridor*	Poulsbo	23	*		*		*		*	*		*	$32.0 M	$25.0 M
PRTPO PRIORITY FREIGHT PROJECTS FOR FMSIB/LEGISLATIVE FUNDING PACKAGE														
SR 117 Truck Route at US 101 Interchange Improvement *Enable full directionality at interchange, reconfiguring interchange to improve efficient freight access and overall safety*	Port Angeles	24	*		*		*		*			*	$ 7.8 M	$0.26 M
US 101 Intersection Improvements - Knapp Road to Old Gardiner *Analyze & design (3) intersection improvements for safety and efficiency for trucks and recreational vehicles in commercial/recreation center*	Jamestown S'Klallam Tribe	24	*		*		*		*			*	$ 0.40 M	$0.04 M
Yarr Bridge Replacement *Replace the Yarr Bridge before weight restrictions force long detours on the only corridor between Chimacum and US 101 at Quilcene*	Jefferson County	24	*		*	*			*			*	$ 3.5 M	$0
Pavement Preservation, Asset Management, and State of Good Repair *PRTPO stands with its local, state, and tribal partners in reiterating the need for adequate, predictable funding to preserve and maintain the existing transportation system - streets and highways, bridges, ferry terminals and vessels, transit infrastructure, trails and pathways, sidewalks, airport runways, port terminals, and technology. Existing revenues are insufficient or unreliable for maintaining State of Good Repair.*														

ATTACHMENT H

INFORMATION ITEM

To: PRTPO Executive Board
From: Thera Black, PRTPO Coordinator
Date: December 9, 2022
Subject: **PRTPO Coordinator's Report**

This update is for your information. Links to additional resources are provided where appropriate. Some information in this report may have value to others in your organization and is intended to be shared. My contact information is at the end if anyone has follow-up questions.

Information of Interest

- **FCC Broadband Challenge Will Drive Investments.** The federal government will invest billions across the country to improve access to high-speed broadband internet service and efforts are underway now to ensure Washington gets its fair share of those resources. There is concern that the map being used by the FCC does not accurately depict broadband access on the Olympic Peninsula. According to Casey Duff, Senator Cantwell's Outreach Director, the map currently shows that the vast majority of the Olympic Peninsula gets 25 down/3 up mbps in fixed broadband, which does not seem accurate. He encourages people to visit the FCC website, explore the data filters and sliders on the map, and identify inconsistencies between what the FCC map depicts and the reality of the situation. ***The deadline to submit a challenge is January 13, 2023.*** The attached flyer provides more information on this process. Senator Cantwell encourages participation by your constituents and relevant stakeholders. Please contact Casey Duff with questions or to talk about this further.

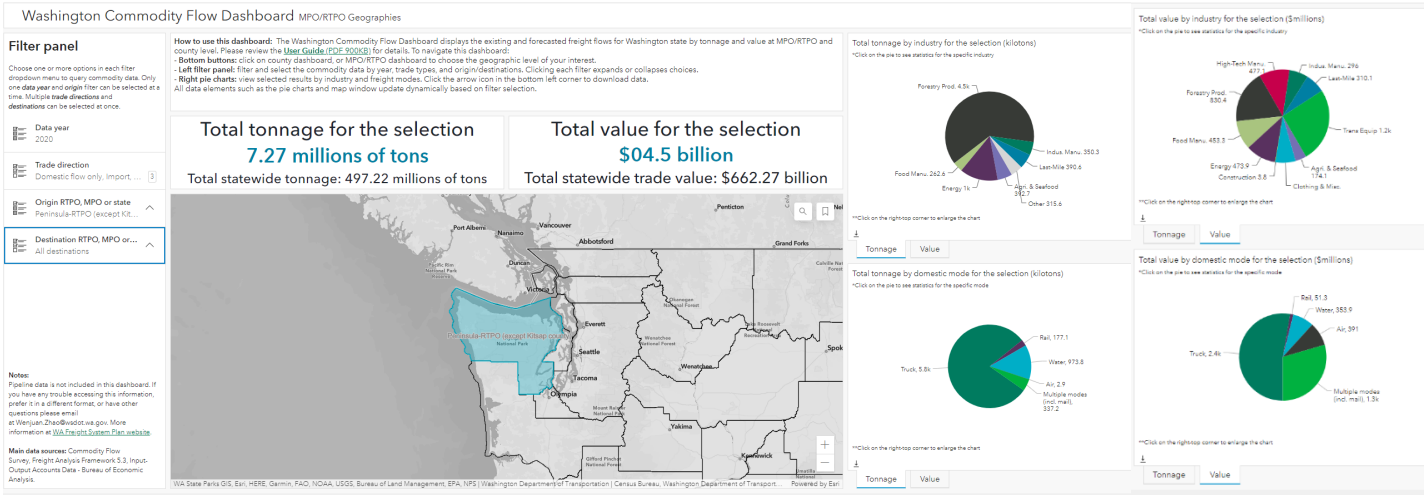
- **Regional Tribes Join Forces for Department of Commerce Grant.** The Squaxin Island Tribe, Skokomish Tribe, and Jamestown S'Klallam Tribe combined efforts in pursuit of a grant from the Department of Commerce to develop Transportation Electrification Plans (TEP) for all three tribes. Each TEP will be developed in coordination with Mason PUD 3, Mason PUD 1, and Clallam PUD, respectively. Other early partners include Mason Transit, which is developing its own FTA-compliant transition plan during this same time, as well as City of Sequim which will be developing a Transportation Master Plan. The WSU's Green Transportation Technical Team will lead the work and handle administrative and reporting requirements. The project team offers a big shoutout to WSU who did the very heavy lift of developing application materials and also secured $31,500 from the Bonneville Environmental Foundation to cover the ten percent local match. WSU anticipates developing spin-off tools and templates for use by tribes and others across the region, which PRTPO will help disseminate. Completion of TEPs will leave the tribes well-positioned for implementation funding from grants and other Climate Commitment Act investment opportunities. Award announcements are expected by February.

- **Revolutionary New Climate Commitment Act Programs Launch January 1.** The State's 2021 Climate Commitment Act (CCA) included programs that will deploy January 1st amid a whirlwind of activities and final rule-making. This includes cap-and-invest auctions, the first of which will occur in February. This overview of the cap-and-invest auction program provides a good high-level summary though the details of program implementation across the various sectors are bewildering. Program requirements direct that at least 35% of the $500 million or more projected to be generated annually by cap-and-invest auctions is to be directed back into projects that benefit vulnerable and under-served communities. Much of the Peninsula region qualifies as that under various equity and environmental justice definitions currently in use. In addition, at least 10% of annual auction funds must be

allocated to tribal projects. This cap-and-invest summary by Clean & Prosperous WA offers a good overview of how all these pieces fit together. The CCA also includes a Clean Fuel Standard intended to drive down the carbon intensity of transportation fuels. In part this will be done via changes in fuel production processes but also via the purchase of credits generated by low-carbon fueling options such as electric vehicle charging installed by others. There is close alignment between provisions of Washington's Climate Commitment Act and the State's HEAL Act. It is amplified by the federal Justice40 Initiative which directs 40% of all benefits from federal investments in clean energy, energy efficiency, clean transit, and more to flow to disadvantaged communities. An array of educational and information webinars and resources are being rolled out through various professional and business associations and trade organizations on these programs. Members are encouraged to take advantage of these learning opportunities as many concepts and mechanisms of these programs are new to Washington State and will have far-reaching effects that vary across sectors. Please forward any materials you find particularly useful, and I will share them on PRTPO's Resources page for the benefit of other members.

- **Pacific NW Hydrogen Alliance Submits WA State Proposal to US Department of Energy for H2Hub.** Washington is vying for federal recognition as a designated renewable hydrogen (H2) hub by the US Department of Energy. A broad coalition of public, private, and not-for-profit organizations operating under the aegis of the Pacific NW Hydrogen Association submitted its phase 2 concept proposal to Department of Energy on November 4th and is awaiting an invitation early in the new year to submit a full funding proposal. In the meantime, consortium partners are working to match hydrogen producers with potential users (off-takers) to ensure a strong supply and demand market is poised to take off. Washington's transit agencies, tribes, ports, utilities, and industries are either participating on the consortium or are monitoring its activities. I will work to arrange a learning session early in the new year for the EV Infrastructure Exchange Group to get up to speed on the latest in green and renewable hydrogen production in Washington State, innovative on-site production models, as well as potential H2 investment considerations related to the Climate Commitment Act and its funding programs.

- **New State Freight Plan Offers Freight Data at County and Regional Level.** WSDOT Freight Office has just released the 2022 WA State Freight Plan. Products found on the Freight System Plan webpage include an easy-to-read planning document, eight technical appendices, an interactive and interesting StoryMap version of the plan, and a Commodity Flow Dashboard displaying existing and forecasted freight commodity flows at county, RTPO, and MPO levels. WSDOT worked to make this Freight Plan interesting and accessible to a wide audience.



Freight data is available by tonnage and value, by sector, and includes historical as well as forecasted data. PRTPO commodity flow data reflects the three rural counties but excludes Kitsap County. Data is also available at the county level.

- **I-5 Study Efforts Underway.** WSDOT is reaching out over the next several months through various constituency and trade groups you may be affiliated with to conduct listening sessions around I-5 resiliency and performance issues. WSDOT recognizes that I-5 operations affect communities well off the I-5 corridor and is working to cast a big net as it begins scoping seismic plans and an HOV study.

Other PRTPO Meetings Since the Executive Board's October Meeting

- Executive Committee, December 1st - EC members received an update on the Consolidated Grants evaluation process and discussed logistics for the legislative meeting later that afternoon. They discussed program administration ahead of planning for the new biennium and the schedule for developing a new biennium work plan. They set the Board's December agenda.
- PRTPO Legislative Forum, December 1st – PRTPO hosted Representative Mike Chapman for a discussion of legislative priorities. Chair Ashby provided background and context on PRTPO's legislative priority, a federal funding swap pilot program. Steve Gray, Monte Reinders, and Loretta Swanson provided Representative Chapman with insights and practical real-world implications of the consequences of federalizing small local projects and discussed with him the state of affairs. Representative Chapman supports the request and shared his early insights into the upcoming session.
- Consolidated Grants Review Panel Work Session, December 6th – PRTPO convened the Review Panel work session to conduct the evaluation and ranking of Consolidated Grants proposals and develop its recommendation to the Executive Board.
- *The TAC's November meeting was cancelled*

Attachments:

FCC Broadband Challenge – Cantwell

For More Information:
Thera Black | 360.878.0353 | TheraB@PeninsulaRTPO.org

MARIA CANTWELL
UNITED STATES SENATOR FOR WASHINGTON

FCC Broadband Maps – Challenge Process

Internet access is essential to participating in today's digital world. The FCC has released a new draft **National Broadband Map** showing where internet service is – and is not – available across the country, including Washington state.

The FCC is relying on you—individuals, local governments, Tribal entities, and organizations—to review your location on the map and challenge the information if you believe it is inaccurate. The deadline to submit a challenge is January 13, 2023.

The initial draft maps are based on where internet service providers report they offer service. Your participation in the challenge process helps build a more accurate map that will identify the communities most in need of high-speed broadband investments—and ensure they receive their fair share of government funding to expand internet access.

How to Submit Individual Challenges

- First, look up your address on the map at https://broadbandmap.fcc.gov/.
    - If you do not have an address, you can enter a town name and state, or select "Location" underneath the search bar. You can zoom on the map to find a particular location.
- *Availability Challenge.* If the information on the map about the available internet services is inaccurate, you can dispute it by clicking on the Availability Challenge link on the right side of the map and submitting the form.
    - You can base a challenge on several reasons, including that the provider denied a request for service, does not offer the reported speeds, demanded excessive fees, or failed to schedule a requested installation within 10 business days.
    - Providers are expected to communicate and work directly with you to resolve challenges that they do not agree with. If a provider disputes a challenge, then the FCC will make the final decision. If decided in your favor, then the provider must update its information so that the map does not show the location as served.
- *Location Challenge.* If your location is missing or inaccurately reflected on the map, you may submit a Location Challenge to correct or add the location. The FCC will review and decide on your submission.
    - You can correct a location by clicking on the Location Challenge link to the right of the address on the map.
    - You can add a location by clicking on the place on the map where the location should be and then clicking the "Challenge Location" button.
- *Mobile Challenge.* If the information on mobile coverage is incorrect, you can dispute it by taking outdoor (or in-vehicle) speed tests on your mobile phone with the FCC's Speed Test App.

Contact Casey Duff at casey_duff@cantwel.senate.gov with any questions.

MARIA CANTWELL
UNITED STATES SENATOR FOR WASHINGTON

FCC Broadband Maps – Challenge Process

- Detailed instructions are at https://www.fcc.gov/BroadbandData/consumers.

How to Submit Challenges or Crowdsource Data for Multiple Locations

State, local, and Tribal governments, and other entities may compile their data and file bulk challenges or crowdsource data using the FCC's Broadband Data Collection (BDC) system.

- The FCC has two video tutorials on the bulk challenge process:
  - The first video provides an overview of the fixed bulk availability challenge process, and is available at: https://www.youtube.com/watch?v=vKL_p8ieFDo.
  - The second video walks through the process of submitting bulk fixed availability challenge data in the BDC system, and is available at: https://www.youtube.com/watch?v=XaOlwJN_1RY.

- The data uploaded to the BDC system must conform to specific data specifications. You can find guidance on these requirements in the FCC's *Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data* (https://us-fcc.app.box.com/v/bdc-bulk-fixed-challenge-spec).

- *Bulk Challenges*. Entities may submit bulk availability challenges. The exact requirements vary based on the methodology you use to generate the data supporting your challenge. In all cases, the data must include:
  - Challenger name and contact information
  - Location of the dispute
  - Category of the challenge; and
  - Information supporting the challenge

- *Crowdsource Data.* Entities may submit crowdsource data in the BDC system, which the FCC may use to verify and supplement the map's broadband availability data.
  - This is less formal than the bulk challenge process, while allowing you to submit data for locations where you do not reside or otherwise have the authority to request internet service.
  - Crowdsource data is not limited to availability information. You may provide information on locations where actual broadband speeds do not match advertised speeds, including information based on the results of speed tests.
  - Unlike bulk challenge submissions, information supporting the crowdsource data is optional.

- More information is available at https://help.bdc.fcc.gov/hc/en-us.

Contact Casey Duff at casey_duff@cantwel.senate.gov with any questions.

PRTPO 2023 MEETING SCHEDULE

PRTPO.org

EXECUTIVE BOARD 2023 Meeting Schedule

February 17
April 21
June 16
August 18
October 20
December 15

The Executive Board meets on the 3rd Friday of alternating months from 10:00 – 12:00, beginning in February

TECHNICAL ADVISORY COMMITTEE 2023 Meeting Schedule

January 19
March 16
May 18
July 20
September 21
November 16

The TAC meets on the 3rd Thursday of alternating months from 10:00 – 12:00, beginning in January

Note: The PRTPO Executive Board meets virtually via Zoom webinar. The public is invited to listen or watch those meetings remotely. Pursuant to the Open Public Meetings Act, Kitsap Transit's Conference Room at 60 Washington Avenue #200, Bremerton, will also be available for in-person public attendance to watch Executive Board meetings via Zoom.

The TAC will continue to meet via Zoom.

Agenda packets are sent out one week before meetings, at which time they are also available for download from the Meetings page of the PRTPO website. Note that the webinar format of Executive Board meetings eliminates our ability to attach agenda packets to calendar appointments.

Broadening our communication outreach.

Do you know someone who would benefit from occasional updates on PRTPO activities? Let us know. Several members have identified staff and other colleagues to receive updates when we send out information. If you want us to add someone to PRTPO's general information list, please send us a name and email address. They will receive the Executive Board and the TAC agenda packets without calendar appointments, as well as other periodic updates or opportunities.

Your PRTPO Coordinators:

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Edward Coviello | 360.824.4919 | EdwardC@KitsapTransit.com