

TO: Bismarck-Mandan Metropolitan Planning Organization Policy Board

FROM: Rachel Drewlow, MPO Executive Director

DATE: July 12, 2021

RE: Policy Board Meeting

There will be a meeting of the Bismarck-Mandan MPO Policy Board on **Tuesday, July 20, 2021, at 1:30 PM.** The meeting will be held in the Ed “Bosh” Froehlich Meeting Room of the Mandan City Hall at 205 2nd Avenue NW, Mandan, ND. The agenda is outlined below.

The City of Bismarck and Policy Board members are encouraging citizens to provide their comments for public hearing items on the Bismarck-Mandan Metropolitan Planning Organization Policy Board agenda via email to mpo@bismarcknd.gov. Please include which item number your comment references. It will be sent to the members, as well as placed with the minutes. To ensure your comments are received prior to the meeting, please submit them by 5:00 pm 1 business day prior to the meeting. If you would like to participate via video or audio link for a 3-5 minute comment on a regular agenda public hearing item, please provide your name, agenda item and e-mail address to the above e-mail at least 3 days before the meeting.

Many of the 5 (five) Policy Board members will attend this meeting remotely. **Policy Board members and those presenting at the meeting will receive ZOOM invites approximately 1 business day prior to the meeting. Individuals wishing to participate via ZOOM should email contact information to mpo@bismarcknd.gov at least 3 days in advance of the meeting to receive a meeting invite tailored uniquely to them.**

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access at 102.5 FM Radio, or stream FreeTv.org and RadioAccess.org. Agenda items can be found online at MPO Technical Advisory Committee.

AGENDA

1. MINUTES
Review and Possible Approval of Minutes from June 15, 2021 Meeting 3
2. RESOLUTION OF SUPPORT FOR BIS-MAN TRANSIT’S PUBLIC TRANSPORTATION
AGENCY SAFETY PLAN (PTASP) – Rachel Drewlow, MPO
Resolution of Support for PTASP (Exhibit A) 11
ACTION ITEM: Resolution of Support for PTASP
3. REVIEW & APPROVAL OF THE EAST MAIN AVENUE CORRIDOR STUDY REQUEST
FOR PROPOSAL (RFP) – Rachel Drewlow, MPO
East Main Avenue Corridor Study RFP (Exhibit B). 13
ACTION ITEM: East Main Avenue Corridor Study RFP
4. BISMARCK-MANDAN MPO SELF-CERTIFICATION – Kim Riepl, MPO
Metropolitan Planning Process Self-Certification (Exhibit C). 31
ACTION ITEM: BMMPO Self-Certification

5. UPDATE ON BSPRA ALL COMMISSION MEETING – Rachel Drewlow, MPO
 6. OTHER BUSINESS
 7. ADJOURNMENT
-

Next scheduled Policy Board meeting is on 8/17/2021. Please call 701-355-1852 with questions.

Any individual requiring special accommodations to allow access or participation at the meeting is asked to notify ADA Coordinator, Bismarck-Mandan MPO, PO Box 5503, Bismarck, ND 58506-5503 or complete and submit the Request for Reasonable Accommodations form at <http://www.bismarcknd.gov/DocumentCenter/View/23201> at least five (5) days prior to the meeting.

PROJECTS UPDATE

<u>Project</u>	<u>% Complete</u>	<u>Contracted Completion Date</u>
Intersection Analysis Study	100	01/31/2021
2020 Ortho/Topo Mapping Project	100	11/30/2020
2020 Pavement Conditions & Analysis Report	100	4/30/2021

Common MPO Acronyms

ATAC: Advanced Traffic Analysis Center	NDDOT: North Dakota Department of Transportation
CPG: Consolidated Planning Grant	RSP: Regionally Significant Project
FHWA: Federal Highway Administration	TDM: Travel Demand Model
FTA: Federal Transit Administration	TIP: Transportation Improvement Plan
MTP: Metropolitan Transportation Plan	UPWP: Unified Planning Work Program

A full list of common MPO acronyms may be accessed online
<https://www.bismarcknd.gov/DocumentCenter/View/37890/MPO-acronyms>

**BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD MEETING
JUNE 15, 2021**

The Bismarck-Mandan Metropolitan Planning Organization (MPO) Policy Board met on June 15, 2021, at 1:30 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 N. 5th Street, Bismarck, ND. Chairman Gerarld Wise presided.

Members present or participating via Zoom were Gerarld Wise, Steve Bakken, Kathleen Jones, Andy Zachmeier, and Tim Helbling.

Others present or attending via Zoom were Rachel Drewlow, Kim Riepl and Stephen Larson of the Bismarck-Mandan MPO; Matthew Schaible for the Lincoln Park District; Terri Thiel, Executive Director of the Dickinson Convention and Visitors Bureau; Brian Nelson, All Aboard Minnesota; Dan Bilka, ColoRail; and Dave Strohmaier (Chair) and Jason Stuart (Vice Chair), Big Sky Passenger Rail Authority (BSPRA).

CALL TO ORDER

Chair Wise called the June 15, 2021 meeting of the Bismarck-Mandan Metropolitan Planning Organization Policy Board to order.

MINUTES

Chair Wise called for a motion to approve the minutes of the May 18, 2021 Regular Meeting of the Policy Board.

MOTION: Ms. Jones made a motion to approve the minutes of the Regular Meeting. Mr. Bakken seconded the motion and with Tim Helbling, Steve Bakken, Kathleen Jones, and Chair Wise voting in favor, the minutes of the May 18, 2021 Regular Meeting were approved.

Note: Andy Zachmeier joined the meeting after approval of the minutes.

RECREATIONAL TRAILS PROGRAM (RTP) APPLICATIONS

Kim Riepl presented on the RTP applications received by the MPO. Ms. Riepl reminded members that the RTP funding is provided by the Federal Highway Administration (FHWA) and administered by the North Dakota Parks and Recreation District (NDPRD). It is an 80/20 matching grant program and provides funding for both motorized and non-motorized recreational trail projects. RTP applications must be approved by the MPO to be considered for funding and can be funded to a maximum of \$250,000. Ms. Riepl stated the solicitation for the RTP closed on May 31, 2021, and the MPO received a total of four applications for consideration.

Ms. Riepl gave an overview of the first application, which was submitted by the Lincoln Park District. The proposed project will address the Lincoln Shared Use Path and is titled 66th Street Extension Phase I. It is a new ten-foot path that will connect to

the existing path on the northwest corner of Lincoln Road and 66th Street and will then travel north along 66th Street for approximately 1,500 feet to the existing crosswalk at Dolan Drive. The project cost is \$230,143 and the Lincoln Park District is asking for \$184,114 in RTP grant funding, while they provide the local match on the remaining costs. Ms. Riepl noted the project is consistent with the MPO's Metropolitan Transportation Plan (MTP) and specifically meets MTP objectives 1A and 1D of goal 1, objective 2C of goal 2, and objective 5C of goal 5.

The next three applications were all submitted by the Bismarck Parks and Recreation District (BPRD). Ms. Riepl first introduced the Hay Creek Trail project, which is a proposed renovation on an approximately 0.86 mile stretch of Hay Creek Trail beginning just south of Century Avenue and running north and west to North 19th Street between Idaho and Oregon Drive. This stretch of the trail is worn and uneven, and the Hay Creek Trail project would lay down new asphalt to address this issue. The project cost is \$220,813. BPRD is asking for \$176,651 in grant funds, and they will pay the remaining local match costs. Ms. Riepl stated the project is consistent with the MTP, specifically with objective 2C of goal 2 and objective 5C of goal 5.

Ms. Riepl presented the second BPRD application, which is for a South Washington Trail connection to Sibley Park. The project would be an extension of the current ten-foot shared use asphalt trail along Washington Street that would run from Meridian Drive to the Sibley Park entrance. The extension would be approximately 0.86 miles in length and connect South Meadows Park to Sibley Park. The project cost is \$459,609, and BPRD is asking for the maximum of \$250,000 in grant funds while they cover the remaining costs. The project is consistent with the MTP, meeting objectives 1A and 1D of goal 1, along with objective 5C of goal 5.

Ms. Riepl lastly explained the BPRD Trailhead System Improvements project. The project proposes to construct six new signs for new trails and trailhead locations, and to replace or improve existing signs throughout the Bismarck trail system. The mapping on all signs would be updated and would include a "You Are Here" wayfinding component. The total project cost is \$36,400, with BPRD asking for \$29,120 in grant money while they cover the remaining costs. The project is consistent with the MTP and meets objective 2C of goal 2.

Ms. Jones and Chair Wise both expressed approval for the projects as presented. Ms. Riepl said the MPO does not usually prioritize RTP applications, but simply approves them and sends them to NDPRD for consideration and award. She said Policy Board members can choose to prioritize them, otherwise MPO staff recommends a simple approval and forwarding of the applications to NDPRD.

MOTION: Mr. Bakken made a motion to approve all four RTP applications as presented. Ms. Jones seconded the motion, and with Tim Helbling, Andy Zachmeier, Kathleen Jones, Steve Bakken, and Chair Wise voting in favor, the motion was approved.

2021-2024 TIP ADMINISTRATIVE MODIFICATION

Ms. Drewlow referred to Exhibit E in the meeting packet for this modification. She explained the project being modified is a bridge project on I-94, located five miles east of US Highway 83 at the 80th Street overpass. The project is scheduled to be done this summer. The project has returned from cost estimation with a slight increase in cost, which is why the administrative modification is necessary. The project is consistent with the Arrive 2045 MTP. She mentioned this project was just amended last month, since it was moved from 2024 to 2021.

ARRIVE 2045 MTP ADMINISTRATIVE MODIFICATION

Ms. Drewlow referred to Exhibit F in the meeting packet for this modification. She reminded members that in April of 2021, they approved the removal of a potential interchange project at US Highway 83/State Street and 71st Avenue from the MTP. The project was considered illustrative, and Policy Board approved its removal from any current or future planning studies. MPO staff investigated whether an amendment or a modification to the MTP was needed in this instance and determined that since this removal did not impact the financial constraint or otherwise significantly alter the MTP, a modification was the appropriate step to remove this project from the MTP.

GRANT SOLICITATION SCHEDULE

Ms. Drewlow said the MPO shared this solicitation schedule with TAC yesterday, so they are aware of when they will receive letters from the MPO to start the various grant application processes. She stated that the bottom two items on the list are for programs that have already been solicited. One of these is the Recreational Trails Program (the applications for this were approved earlier in the meeting), and the other is called Projects of Local Importance (PLI).

Ms. Drewlow explained that PLI was previously titled Regionally Significant Projects and is designed so local jurisdictions can inform the MPO and NDDOT of any important projects they are constructing that are funded completely with local dollars or are funded through federal funds the MPO would usually not solicit. This is to ensure the MPO is capturing all important construction and preservation projects that affect the MPO area road network.

Ms. Drewlow then referred to five sections at the top of the solicitation schedule, which reference grant solicitations expected to come later this summer. The MPO intends to provide solicitation letters to the jurisdictions on or around August 1 and will request the applications be returned by October 15. She said the MPO plans to present the applications to TAC and Policy Board in November and December, the usual schedule for approving grant applications.

BSPRA PRESENTATION

Mr. Strohmaier introduced himself and some other BSPRA representatives, as well as some other parties with knowledge and interest in BSPRA's goals. He led BSPRA's presentation to the board and mentioned that Congress is currently considering legislation pertinent to their goal of restoring passenger rail service to rural America.

After the presentation, Mr. Strohmaier introduced Ms. Thiel from the Dickinson Convention and Visitors Bureau. Ms. Thiel said the Empire Builder Line runs through Devils Lake, and she recalls how Devils Lake once used it as an opportunity to really

market their ice fishing. Many local businesses and entrepreneurs benefit from having a customer base of travelers from the passenger train to service. She said her experiences of this passenger line got her thinking about the possible benefits of renewed passenger rail service through her area and other parts of North Dakota. Tourism and economic development could both be positively impacted. She also said she recently talked to someone in Dickinson who mentioned it would be nice to have a train again that traveled to Bismarck. She believes there would be a lot of work involved but thinks restarting the Hiawatha Line would be a win-win.

Mr. Strohmaier said he believes there is widespread support for including passenger rail service as part of infrastructure funding for states and counties. Mr. Bakken asked if Mr. Strohmaier is aware what kind of passenger rail service would be the focus of potential federal funding. Mr. Strohmaier said more will be known very soon once the Congressional bills get closer to completion. He said one of the Montana senators has submitted an amendment to the bill to form the working group they believe will be vital to pursuing their passenger rail goals. He also said they are not focusing on high-speed rail, but just passenger rail in general. Mr. Bilka reiterated the importance of getting a working group formed.

Mr. Zachmeier said he noticed South Dakota does not currently have any passenger rail lines. He said he is concerned South Dakota will have more political pull than North Dakota, and the passenger line may just go through South Dakota and Montana and bypass North Dakota altogether. He also said he is concerned about the logistics and efficiency of a line running through North Dakota and all the stops he thinks it would have to make. In the long run he does not believe Montana will care about these issues so long as the line goes through their tourism locations. He said the line may help tourism in North Dakota but he is concerned about what would happen during the winter when cold weather may negatively impact tourism. He thinks the line would be a dead line during the winter. He asked why Amtrak is not doing more to support this line, if there is money to be made, since they ended the line themselves several decades ago. He concluded by stating he is not seeing the same optimism for this passenger line proposal and said he would be interested in the Montana delegation's response.

Mr. Nelson from All Aboard Minnesota said Amtrak did a study of the Hiawatha Line about twelve years ago to see how it would perform year-round, and the results were favorable, putting it within the top two or three routes in the country from a revenue and patronage perspective. He said this study would need to be updated some, but the study did show very favorable usage rates for the Hiawatha Line and the only reason Amtrak did not pursue something at the time of the study was due to lack of federal funding. He also pointed out that when the Hiawatha Line and the Empire Builder Line were both running they performed very similarly, and he believes there is strong precedent for believing there would be healthy patronage and support for renewed passenger rail service through southern North Dakota and Montana. He said the Hiawatha Line was only cut in 1979 because the Carter Administration cut Amtrak's federal funding significantly.

Mr. Strohmaier said the Empire Builder is an excellent example since it performs well all year. He said there is an argument to be made for passenger rail to be an option, not just for tourism, but also for state residents to be able to travel between their own communities during the winter when roads can become hazardous for drivers.

Mr. Stuart reiterated that the Hiawatha Line performed very well before Amtrak's funding was cut by the Carter Administration, and that since then North Dakota and Montana have both grown significantly and remain some of the fastest growing states in the nation. He also again pointed to the Empire Builder, which does go through areas with harsh winter weather, and said it is not just a summer train. He believes local people are actually more likely to use passenger rail during the winter, especially since for the most part the only alternative is to drive themselves, sometimes hundreds of miles, in the middle of winter. He pointed out that trains are almost never stopped by weather except in the most extreme circumstances.

Mr. Stuart also said it does not often happen that the Federal Government puts taxpayer money into something that generates revenue and puts money back into local communities, but passenger rail shows a huge increase on the original investment. He stated much of this money does not go into Amtrak's pocket, but into the pockets of local businesses and communities. Amtrak should not be the focus since they are federally subsidized, he is much more concerned about the businesses in his community. He said a restoration of the Hiawatha Line would service a lot more people than the Empire Builder currently does, at least on the parts of the route that would go through North Dakota and Montana. He added that he does not see South Dakota diverting the Hiawatha Line away from North Dakota in any way and he is not aware of any study ever done that would support such a diversion. He said he does not see anything like that ever happening. South Dakota may pursue passenger rail service of their own in the future, but the Hiawatha Line is an already existing route, and the most recent federal study recommended its restoration.

Mr. Bilka said he does not see it as an either-or option between South and North Dakota. He believes restoring the Hiawatha Line through North Dakota as a first priority would benefit their long-term vision. This vision may include adding passenger rail service to South Dakota. He said they have had good engagement with some of the cities and counties in South Dakota about that. Mr. Zachmeier expressed concern about this contact with South Dakota and asked what would happen to North Dakota's interests in this. Mr. Bilka said North Dakota's share in the line would be fought for, and there is already a study and established precedent to restore service through North Dakota. Mr. Strohmaier then said their collaboration with South Dakota is no different than their collaboration with other midwestern states about possibly restoring passenger rail service; restoring the Hiawatha Line is a separate and more imminent project and would absolutely run through North Dakota.

Mr. Bakken said coming from a railroad family and having seen the deterioration of rail service in the so-called flyover states, he thinks any opportunity to improve connectivity and transportation opportunities in North Dakota, Montana, or any of the flyover states, should definitely be looked at.

Ms. Thiel mentioned that Amtrak is not the only federally funded transportation service; the local airports in North Dakota receive federal funding and depend on it as well. She also said cities in North Dakota are working to expand winter tourism options and a passenger rail could be a helpful tool for this process.

Mr. Zachmeier said he remains a skeptic about the economic benefits of this proposal. He said since a previous President and Congress took away the line, this could happen again after it is restored, and he needs to see more information about the

sustainability of the line. He also asked if Burlington Northern has been contacted by BSPRA about Amtrak using their track for the restored line. Mr. Strohmaier confirmed that they have and that Burlington Northern is neutral on the matter. They are not willing to invest any money in passenger rail service since that is not their focus, but neither are they opposed to the added service. The infrastructure cost of making the tracks functional for both passenger and freight service would be part of the overall costs of restarting the Hiawatha Line. He said Burlington Northern would be a willing partner if the necessary infrastructure investments are made. At this point Mr. Strohmaier had to leave the meeting.

Ms. Jones said she would like to see at least a summary of the Hiawatha Line study that was done twelve years ago. She thinks the restoration is a great idea, she rode the trains for years and enjoyed it, but there needs to be realistic appraisal of where the world is today and where it is going in the future. Ms. Drewlow said she will reach out to the BSPRA presenters for a copy of this study, and it will be sent to the Policy Board members by email.

Ms. Drewlow said she did not include this agenda item as a roll call vote because many of Policy Board's questions about this passenger line were related to the economic development potential of the line, and she believes these questions are outside of the purpose and focus of the MPO. She indicated she wanted to reserve the voting on this issue for the cities and counties, as appropriate, especially since BSPRA is reaching out to the counties specifically. She said Policy Board members could do a consensus vote if they wanted to do so, but at this time her preference is to allow each member to take the presentation and related questions to their own commissions and councils for further consideration, and to keep the MPO as an open forum regarding non-transportation planning issues.

Ms. Jones said she recalls a number of years ago there was a joint meeting of the city and county commissions for Burleigh-Morton, and she believes it would be appropriate to arrange a meeting like that again, so that all the boards could hear and consider the BSPRA presentation at the same time. Ms. Drewlow said she would reach out to the appropriate administrative staff to arrange this, and update Policy Board on this at the July meeting. Mr. Bakken suggested including the Bis-Man Chamber in the meeting and said they may even be able to facilitate the meeting. Ms. Jones said she recalled they were the facilitator of the last joint meeting she remembers. Ms. Drewlow thanked them for this recommendation.

MPO STAFF INTRODUCTION

Ms. Drewlow introduced Stephen Larson to Policy Board members. He started work in the Transportation Specialist position with the MPO in May but was unable to attend the last meeting. He introduced himself briefly to the members and indicated he is excited to work with everyone in the coming months.

OTHER BUSINESS

Common causes of traffic accidents by state

Ms. Drewlow referred to a map shared with the MPO by NDDOT (which she noted was hyperlinked in the meeting packet). The map shows the leading causes of traffic accidents and accident-related deaths by state. Ms. Drewlow stated she believed

the map would be of interest to Policy Board members. According to the map the leading cause of crashes in North Dakota is a failure to yield, and the leading cause of death is crashes involving a roadway departure. Interested parties can also see results from other states by accessing this map.

ADJOURNMENT

There being no further business, Chair Wise declared the meeting adjourned at 2:40 p.m.

The next scheduled meeting will take place July 20, 2021, at 1:30 p.m. in the Ed “Bosh” Froehlich Meeting Room in Mandan City Hall, 205 2nd Avenue NW, Mandan.

Respectfully submitted,

Stephen Larson
Recording Secretary

APPROVED:

MPO Policy Board Chair

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Resolution of Support

For Bis-Man Transit's Public Transportation Agency Safety Plan

Whereas, the Federal Transit Administration established the Public Transportation Agency Safety Plan (PTASP) rule (49 CFR Part 673) requiring Transit Operators to develop a PTASP plan; and

Whereas, the PTASP outlines strategies to minimize unsafe situations that may be experienced by users and operators of public transportation and outlines a Transit Operator's safety performance measures and targets; and

Whereas, the Bis-Man Transit Board in September 2020 adopted the NDDOT State Safety Plan and targets to serve as their PTASP for 2020-2021, and adopted them again in June 2021 for 2021-2022; and

Whereas, the Bismarck-Mandan Metropolitan Planning Organization endorses and supports the Safety Performance Targets outlined in Bis-Man Transit's adopted PTASP.

Now, therefore, be it resolved, that the Bismarck-Mandan Metropolitan Planning Organization supports Bis-Man Transit's PTASP and will program investments which contribute toward the accomplishment of the following performance targets:

[Transit] Safety Performance Measures							
1. Fatalities - total number and rate per total VRM							
2. Injuries -Total number and rate per total Vehicle Revenue Miles (VRM)							
3. Safety Events - Total number and rate per total VRM							
4. System Reliability- Mean distance between major mechanical failures							
<i>Targets for transit agencies should be based on a review of the previous 5 years safety performance data.</i>							
[Transit] Safety Performance Targets:							
Mode of Transit Service	Fatalities (total)	Fatalities (per 100 thousand VRM)	Injuries (total)	Injuries (per 100 thousand VRM)	Safety Events (total)	Safety Events (per 100 thousand VRM)	System Reliability (VRM/ failures)
Fixed Route Bus	0	0	5 or less	0.2	7 or less	0.28	10,000
ADA/ Paratransit	0	0	1 or less	0.1	1 or less	0.1	70,000

CERTIFICATE

The undersigned, duly elected chairperson of the Bismarck-Mandan Metropolitan Planning Organization Policy Board, certifies that the forgoing is true and correct copy of a Resolution, adopted at a legally convened meeting of the Bismarck-Mandan Metropolitan Planning Organization Policy Board held on July 20, 2021.

Gerard Wise,
Chair, Bismarck-Mandan MPO Policy Board

Date

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**REQUEST FOR PROPOSALS
FOR
ENGINEERING TRANSPORTATION PLANNING SERVICES**

The Bismarck-Mandan Metropolitan Planning Organization (MPO) is requesting proposals from qualified consultants for the following project:

East Main Avenue Corridor Study

Qualifications based selection criteria will be used to analyze technical proposals and interviews from responding consultants. The MPO reserves the right to reject any or all proposals. **This project has a not to exceed budget of \$200,000.**

Interested firms should contact Rachel Drewlow, Transportation Planner, at the Bismarck-Mandan MPO, 221 N 5th Street, P.O. Box 5503, Bismarck ND 58506. Contact can also be made via phone 701.355.1852 or by email: rdrewlow@bismarcknd.gov.

All proposals received by 5:00 PM (Central Time) on August 13, 2021 will be given consideration for an interview. The Bismarck-Mandan MPO reserves the right to limit the interviews to a maximum of five (5) firms whose proposals most clearly meet the RFP requirements. Firms will be notified in writing or by phone of shortlist results. Successful candidates will receive date, time and location information for the interviews.

It is the responsibility of the consultant to ensure all required elements of the proposal are submitted. Proposals missing required elements will be rejected and consultants will be denied interviews.

Minority, women-owned, and disadvantaged business enterprises are encouraged to participate. Respondents must submit five (5) physical copies of the proposal and one (1) electronic copy of the proposal. The full length of the proposal shall be no more than eight (8) pages. That is, if printed doubled sided, the main body of the proposal would span four (4) physical pages. Appendix material may be supplied in addition to the eight (8) pages of the body. Submittals must be received no later than 5:00 PM (CT) August 13, 2021 and may be shipped or hand delivered to:

Rachel Drewlow
Bismarck-Mandan MPO
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

Once submitted, the proposals become the property of the MPO. Proprietary information must be clearly noted in the proposal, or it will be subject to open records laws.

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Appendix A: Proposed Sub-Consultant Request Form

Appendix B: Consultant Self Certification of Government-Wide Debarment and Suspension (Nonprocurement) Form

Appendix C: Certification and Restriction on Lobbying Form

Appendix D: State and Federal Clauses

I. PURPOSE OF THE REQUEST

The purpose of this Request for Proposals (RFP) is to provide interested consulting firms with information about the professional services desired by the Bismarck-Mandan Metropolitan Planning Organization (MPO) for the following project:

East Main Avenue Corridor Study

The MPO is requesting services to complete a transportation analysis of the East Main Avenue Corridor in Bismarck, ND, between 7th Street and 26th Street. Analysis will lead to recommendations for roadway configuration and access management. The transportation impacts of a potential land-use re/development will also be considered in this study. This study will be in cooperation with the City of Bismarck, the North Dakota Department of Transportation (NDDOT), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA).

II. GENERAL INSTRUCTIONS

A. Any questions or comments regarding this proposal should be submitted to:

Bismarck-Mandan MPO
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

Phone: 701.355.1852
E-Mail: rdrewlow@bismarcknd.gov

B. Proposals shall be submitted to:

Bismarck-Mandan MPO
City/County Building
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

C. All Proposals must be clearly identified and marked as follows:

Proposal for:
East Main Avenue Corridor Study
Firm's Name
Bismarck-Mandan MPO

D. The MPO will only consider proposals received prior to 5:00 PM Central Time August 13, 2021. Five (5) copies of the written proposal and one (1) electronic copy must be received by the deadline. Electronic copies may be sent via a flash drive or emailed to rdrewlow@bismarcknd.gov. Proposals received after the 5:00 PM deadline will be considered unresponsive and will not be considered for an interview. The MPO reserves the right to reject any or all proposals.

E. Proposal Cut Down:

The Selection Committee intends to interview between three (3) and five (5) consultants, depending on the number and quality of proposals received. Strength of the written proposals will be the basis for awarding an interview. Consultants who are awarded an interview will be notified by phone. Consultants not selected for an interview will be notified in writing.

F. Selection Committee:

The Selection Committee will consist of a five (5) person panel; four (4) voters and one (1) moderator. Committee members represent the following entities: MPO, City of Bismarck Engineering, City of Bismarck Planning, and Bis-Man Transit. The MPO project manager will moderate the interviews. Tie breaking votes are determined first via employment of a ND-certified Disadvantaged Business Enterprise (DBE), and then, if no DBE, by the moderator's rankings.

G. Interviews: Consultants will be evaluated on both the written proposal and in-person interviews. Ranking is based on the criteria listed in Section V: Evaluation Criteria and Process. Interviews are planned to be held on September 13-17, 2021. Consultants will be given forty-five (45) minutes to present their proposals and entertain questions. The consultants will be responsible for managing their interview and allowing time for questions. There will be fifteen (15) minute breaks between interviews.
H. Disadvantaged Business Enterprise: In the event of equally ranked consultants, additional positive consideration will be given to proposals which employ a Disadvantaged Business Enterprise (DBE) company. The DBE company must be certified with the North Dakota Department of Transportation (NDDOT). This applies equally to the Prime or Sub-Consulting company, and any such company should be identified in the proposal.
I. Selection and Approvals: Selection will be based on the interview committee's recommendation. All interviewees will be notified of the selection results by phone and formal letter. Approval of the top ranked consultant will be requested of the MPO's Technical Advisory Committee (TAC) and Policy Board.
J. Contract Negotiations: Contract negotiations will begin immediately after Policy Board approval. <u>First, the MPO requires consultants to develop the study's contract.</u> Secondly, the draft contract is reviewed by MPO Staff, local and federal partners, and legal counsel(s). Contract review can take 4-5 weeks and may require iterative revisions. After negotiations, the MPO intends to execute the contract upon staff authority. Final negotiations will also require submission of: 1) Prime Consultant scope of work and fee schedule not exceeding \$200,000 2) Prime Consultant Certificate of Liability Insurance 3) Scope of work and fee schedule for <u>ALL</u> Sub-consultants 4) Prime Consultant Indirect Cost Form (blank form will be provided by MPO) 5) SFN 60233: Prime Consultant Request to Sublet Form (blank form will be provided by MPO) 6) Up-to-date SF330 Form for NDDOT (See Section III: Content of Proposals).

III. CONTENT OF PROPOSALS

Length of Proposals:

The proposal pages shall be numbered and limited to four (4) double-sided physical pages or eight (8) single-sided physical pages. Pages shall be clearly numbered. The cover page, table of contents, and appendix material will not count toward the eight (8) page limit. The MPO prefers the documents be stapled, instead of bound, when possible.

Required Elements for Proposal:

The consultants are requested to be as brief and concise as possible. The consultant's written proposal shall address the following major sections:

1. Description of firm
2. Organizational chart showing project team and general activities
3. Table of key individuals' time available for project/study
4. Understanding of project and proposed work approach
5. Brief examples of past, pertinent work projects

Required Elements for Appendix:

The consultant's appendix must include the following items unless noted as 'optional'. The following items will not count toward the eight (8) page limit and may take as many pages as needed.

- Proposed Project Schedule: Proposed schedules may begin as soon as September 21, 2021 and should detail all activities necessary to complete the study. Activities may include but are not limited to:
 - Contract Negotiations (typically takes four-six weeks)
 - Monthly Updates (via telephone or in person) to MPO TAC and Policy Board

- Data Acquisition (provided, as available, by MPO, NDDOT, or City of Bismarck)
- Stakeholder Interviews
- Steering Committee Meetings/ Activities
- Public Outreach Activities (webpage, meetings, social media, news releases, etc.)
- Public Input Meetings
- Documents/Tech Memos for Study Milestones
- Draft Report Development
- Draft Report Review by MPO project manager and Steering Committee (Required before review by NDDOT, FHWA and FTA; will take approximately 2-3 weeks)
- Draft report Review by NDDOT, FHWA, and FTA (required before presentation to Commissions and MPO boards; will take approximately 1 month)
- Final Presentations to the Bismarck City Commission, Mandan City Commission, and MPO TAC and Policy Board
- Quality Control/Quality Assurance (QC/QA) program: Detail the program that will be used on the project. This (QC/QA) program must identify the team members, their responsibilities, and stages of development at which each is to be responsible.
- Required Qualification Based Selection (QBS) Documents:
 - Signed Proposed Sub-Consultant Request Form (Appendix A)
 - Signed Consultant Self Certification of Government-Wide Debarment and Suspension (Nonprocurement) Form (Appendix B)
 - Signed and Notarized Certification and Restriction on Lobbying Form (Appendix C)
- Resumes or list of Personnel: Detail who will be assigned to work on the project (including titles, education, and/or work experience).
- Optional: Consultants are encouraged to update or complete a Federal Standard Form 330 (Architect-Engineer Qualifications). The SF 330 is an NDDOT requirement, and proves the consultant is pre-qualified to provide architectural, engineering and/or planning services for NDDOT. Consultants will not be penalized if the SF 330 is omitted in their proposal, but the consultant selected for contract negotiations must provide an active SF330 before the contract can be signed.

See http://www.dot.nd.gov/divisions/environmental/docs/consultnt_prequal_requirements.pdf for link to the SF 330. All SF 330 forms will be kept on file by the MPO and forwarded to NDDOT.

Disclosure of Proposal Ownership:

After the selection process, the contents of all proposals will be subject to the City of Bismarck's Open Records Law and may be open to inspection by interested parties. Any information included in the proposal that the proposing party believes to be a trade secret or proprietary information must be clearly identified in the proposal. Any identified information documented as such and protected by law may be exempt from disclosure.

IV: ADDITIONAL REQUIREMENTS AND MISCELLANEOUS INFORMATION

Federal and State Contract Requirements:

NDDOT and FHWA require that specific clauses accompany federally funded projects executed by the MPO. Consultants should be prepared to abide by the necessary clauses and include each verbatim and unaltered in a potential contract. *The clauses can be reviewed in Appendix D: State and Federal Clauses.*

MPO Contract Requirements:

The MPO desires specific clauses in all their study contracts. Consultants should be prepared to abide by the following italicized section and include the clauses verbatim and unaltered in a potential contract.

The MPO reserves the right to hold ten percent (10%) of the total contracted invoiced amounts until the MPO believes it has received all of the following to its satisfaction:

- *Contracted deliverables as described in the RFP and final contract;*
- *Completed tasks as described in the RFP and final contract; and*
- *Satisfactory final product, project, and/or study*

If the MPO determines that the progress of the study is not acceptable as measured through the consultant supplied project schedule, which will be an attachment to the signed and approved contract, the MPO reserves the right to terminate the contract with the consultant with a 45-day written notice.

The MPO desires continuity of consultant staff throughout the project from the firm chosen. If the consultant replaces key staff and the MPO is dissatisfied with replacement staff, the firm chosen will have 30 days from written notice from the MPO to supply replacement key staff acceptable to the MPO. If the firm chosen fails to supply acceptable replacement staff within the 30-day period, the MPO may cancel the contract.

Ownership of Work Product: *All work products and copyrights of the contract, which result from the contract, are the exclusive property of NDDOT, with an unlimited license for use by the federal government and its assignees without charge.*

General Information:

The Bismarck-Mandan MPO reserves the right to enter into a supplementary agreement to have the selected firm perform any additional work not currently assigned.

If the contract is terminated prior to completion of the final report, all work completed, which has been compensated for, shall become the property of the NDDOT, as per the 'Ownership of Work Product' Clause. The final report will be submitted using the following formats and standards, if applicable:

- MS Word/ MS Excel
- Adobe Acrobat (Standard or Compatible)
- NDDOT Data Collection Codes and Procedures
- NDDOT and/or City, as applicable, Drafting Standards
- NDDOT Design Manual
- Chapter 19 NDDOT Survey and Photogrammetry Manual

V. EVALUATION CRITERIA AND PROCESS

The selection process will be completed in accordance with Bismarck-Mandan MPO policies. Written proposals shall address the firm's ability to perform the necessary services in the allotted time with qualified personnel. Selection will be based on a selection of the following criteria:

1. Recent, current, and projected workloads
2. Ability of professional personnel (staff experience and technical capabilities)
3. Related experience on similar projects
4. Location
5. Project understanding, issues and approach
6. Past performance
7. Willingness to meet time and budget
8. Recent and current work for the agency
9. Project schedule

The final selection will be based on written proposals along with in-person interviews. All firms not selected will be notified in writing.

In the event of equally ranked consultants, additional positive consideration will be given to proposals which employ a Disadvantaged Business Enterprise (DBE) company. If no DBE is employed, the moderator's rankings will provide the tie-breaking score. See Section II: General Instructions for more information.

A final scope of work and cost will be negotiated with the successful firm. The successful firms will complete a cost schedule not exceeding \$200,000 before contract negotiations are finalized. An agreement will be executed with a single firm. If unable to arrive at an agreement with the top ranked firm, the MPO retains the right to move on to negotiations with the second (then third, etc.) ranked firm. Approved sub-agreements for minor portions of the work will be permitted.

VI. REGIONAL CONTEXT AND EXISTING CONDITIONS

Bismarck-Mandan MPO Region:

The Bismarck-Mandan MPO consists of the cities of Mandan, Bismarck, and Lincoln, and the metropolitan portions of Burleigh and Morton County. The MPO has a performance-based planning process that supports metropolitan community development and federal, state and local transportation goals. These plans and programs are intended to lead to the development of an integrated, multi-modal metropolitan transportation system that facilitates the safe, efficient and economic movement of people and goods.

The MPO planning area is roughly 394 square miles with an estimated population of approximately 115,000 and 50,000 households (Source: 2013-2017 5-year American Community Survey). The MPO area is bisected from north to south by the Missouri River and is generally comprised of rolling topography throughout. One of the more noteworthy challenges facing the MPO planning area is the heightened level of growth, experienced largely to energy development in western North Dakota from 2011-2015. Historic growth trends in the MPO area have traditionally hovered within a 1% to 1.5% annual rate of population growth. The currently adopted growth projection is a “Continuation of Past Trends”, or a 1.2% annual growth rate for the period between 2015 and 2045.

While the population growth is generally perceived as positive, there are some noteworthy concerns, specifically: the impact of recent growth on public service costs, the continued ability of the MPO region to grow in an efficient manner, and the ability to maintain the high quality of life enjoyed by residents of the communities. Heightened rates of growth strain many aspects of the region’s transportation infrastructure. Topography, man-made barriers, and historical development patterns have contributed to challenges regarding roadway connectivity, specifically north-south movements in Bismarck. The heightened level of growth has also created a greater strain on area municipal services, schools, and transportation. The MPO’s local jurisdictions have worked diligently to meet these needs, and now must develop a balance to accommodate the expanding systems but also maintain current, aging infrastructure.

Local Existing Conditions:

Main Avenue in Bismarck is functionally classified as a principal arterial roadway and is a designated truck route within the corridor study limits from 7th Street to 26th Street. This corridor is a major route between downtown Bismarck to the west and Bismarck Expressway to the east. The corridor is a 3-lane urban roadway from Washington Street to 9th Street, a 5-lane urban roadway between 9th Street and 26th Street, and a 2-lane rural standard section from 26th Street to Expressway Avenue. The corridor intersects other major north/south functionally classified roadways including 9th Street, 12th Street, 19th Street/Airport Road, and 26th Street. Railroad lines also travel alongside and cross over this section of roadway.

Bismarck’s East Main Avenue carries between 8,000 and 15,000 vehicles on average per day. Several intersections in the study area become congested at peak times. 7th Street and 9th Street have both been identified as high crash locations for the area. Limited building setbacks, right of way constraints, and a high number of access points create hazards for all users. Additionally, the BNSF Jamestown Subdivision rail line, which carries 25 to 35 trains per day, runs parallel to Main Avenue just south of the roadway. The proximity of this rail line causes traffic signals at 19th Street/Airport Road and 12th Street to go into a pre-empt cycle to clear vehicles off of the tracks when trains are present.

The study area is predominantly light industrial and commercial uses, with some residential uses further north and (in portions) to the south. Many vacant lots and parking lots exist along the proposed study section. The roadway also exists partly within the Renaissance Zone and the ‘Machining’ District. Therefore, there is potential for further development along the corridor. This development may be focused toward the reuse of existing warehouse(s)/ buildings into more multifunctional uses or the continuation of commercial and industrial uses on vacant lots. This area is expected to remain largely auto-dependent and a major throughfare through central Bismarck.

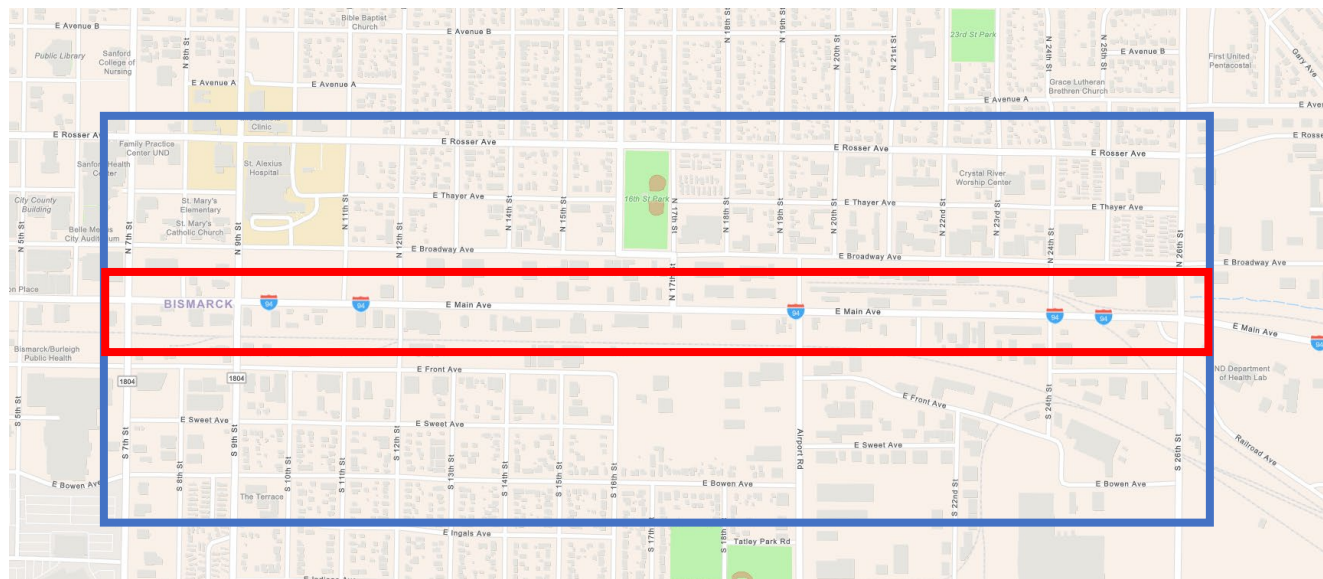
The surface of Main Avenue, between 9th Street and 26th Street, needs maintenance and repair. Concrete condition has deteriorated over the last several years, and the City’s efforts to repair the roadway using local funds have been protested out by local property owners. The roadway may be nearing the end of useful life and could require reconstruction if repairs are not completed soon.

VII. OBJECTIVE

The potential need to reconstruct this roadway creates an opportunity to reallocate the roadway and pedestrian rights-of-way. Reallocation may better serve the future needs of the neighborhood and the City by enhancing facilities for pedestrians, cyclists, and transit users. Public appetite and desire for lane reduction should be a primary focus of this study. Possible alternatives to the current configuration could be, but are not limited to, reducing lanes, adding parking, widening sidewalks, improving ADA facilities, incorporating transit facilities, and eliminating or combining access points. Any reconfiguration should be mindful of the sentiments of neighboring property owners, the continued usage and maneuvering of freight vehicles, and the possibility of changes in adjacent land use. Considering that roadway repair is imminently needed, the City desires to pursue federal funding to assist in the repair and/or reconstruction of the roadway. Final study documents should be prepared with appropriate figures, graphics, and language in order to support an eventual grant application to the North Dakota Department of Transportation.

VIII: STUDY AREA

The study extends along Bismarck's Main Avenue, between 7th Street to 26th Street. (This study will also include a modeling area from Rosser Avenue to approximately Bowen Avenue to evaluate the effects of lane reduction on the immediately adjacent road network. Modeling is expected to be completed by the Advanced Traffic Analysis Center (ATAC).)



Google Map of Study Area. Red box shows the focus area for the planning study. Blue box shows the focus area for the modeling work.

IX. SCOPE OF WORK

At minimum, the consultant will be expected to establish detailed recommendations to address the previously identified issues and in conformance with the following performance tasks. Consultants are encouraged to prepare a proposal, project methodology and work plan with sufficient detail to adequately represent the technical analysis necessary to establish defensible recommendations. The identified issues should be set forth within a detailed project approach and synthesized in a manner that will produce a comprehensive and clear study.

1. **Project Management** -- This task involves activities required to manage the project including staff, equipment, and documentation. It also includes the preparation of progress reports, documenting travel and expense receipts, and preparing and submitting invoices in a timely manner. This task includes monthly progress reports to the MPO, the Technical Advisory Committee, and to the Policy Board.
2. **Monthly TAC and Policy Board Meetings** – The consultant will provide monthly updates (i.e. progress reports) to the MPO TAC and Policy Board. Updates will be conducted verbally and with written memorandums, briefly updating board members on the status of the project. A minimum of one (1) personal appearances is also preferred before the TAC and Policy Board during the development or completion of the study.

3. **Study Review Committee** –The MPO project manager will assist the consultant in developing a Steering Committee(s) for the study. The Committee(s) may contain but are not limited to the following members:
 - City Engineer/ City Traffic Engineer
 - City Planner(s)
 - Other City Staff (i.e. Administration)
 - Staff member(s) of the MPO
 - NDDOT District
 - NDDOT Local Government Division
 - FHWA
 - FTA
 - Member(s) of the Bismarck Downtowners
 - Member(s) of Bis-Man Transit

The consultant shall meet with the Steering Committee periodically, and as necessary, during the study process to review data and recommendations. The consultant shall provide progress/technical memorandums at key points throughout the study process. Enough copies shall be provided for the distribution to the Steering Committee.

4. **Data Collection** – The consultant shall identify the data collection needed to conduct the technical analysis necessary for the corridor study. The consultant shall also identify times and methods in which the data will be collected. This data can be used for completion of technical analysis. All other data collection needed to complete technical analysis will be the responsibility of the consultant.
5. **Evaluate and Document Existing Conditions** such as:
 - Functional Classification
 - Geometrics
 - Typical Sections
 - Pavement Conditions
 - Traffic
 - Traffic Operations
 - ITS Deployments
 - Transit Service Levels
 - Bicycle and Pedestrian Accommodations
 - Crash History
 - Identify Existing Access Locations
 - Lighting
 - Right-of-Way
 - Utilities
6. **Technical Analysis** – Conduct existing and planning year technical analyses for corridor capacities, intersection level of service (LOS), and intersection control evaluation (ICE).
7. **Use of Travel Demand Modeling** – The services of the Advanced Traffic Analysis Center (ATAC) will be used to prepare current and future models runs. The runs will involve alternative roadway configurations under the 1.) current land uses and 2) increased land development. Consultant will need to liaison with ATAC, the MPO and the City of Bismarck to determine additional alternatives and incorporate the model outputs into their recommendation.
8. **Issues Identification & Needs Assessment** – Based on existing year and planning year 2045 – provide documentation on all identified issues for the basis to develop alternatives. The issues identification and needs assessment should include comprehensive plan reviews, crash analysis, access control, future traffic forecasts, roadway segment LOS, intersection LOS, consideration of all modal facilities, and early public input.
9. **Alternative Development** – Based on identified issues and preferred development strategies – develop a minimum of two multi-modal build alternatives for the study corridor with sub-alternatives addressing items such as intersection control, access management, transit service levels, bicycle and pedestrian accommodations, ITS, etc. Additionally, this study should establish an overall purpose for the corridor. For example, is the corridor or portions of the corridor intended to focus on the movement of cars and trucks? Or, is it intended to be more pedestrian oriented? The alternatives should be demonstrated in a manner in which the public and SRC can graphically see what is being proposed. Alternative development should include but not be limited to:
 - Recommended roadway sections to meet future capacity needs:

- i. Under current land uses
 - ii. Under redeveloped land uses/ Infill (as identified through discussion with area landowners)
 - Geometric improvements
 - Intersection control
 - i. Priority Intersections for detailed analysis:
 - 1. 26th Street
 - 2. 19th Street/ Airport Road
 - 3. 12th Street
 - 4. 9th Street
 - 5. Others as identified in the study
 - Access management strategies
 - Bicycle and pedestrian level of service
 - Transit Service Levels
 - ITS/Traffic Operations (including, but not limited to, signal coordination and improvements in the traffic operations)
 - Transportation Demand Management (Park-n-Ride, Rideshare, Flex Scheduling, etc.)
 - Incident Management/Alternate Routes
 - Lighting enhancements
 - Parking strategies – on and off street
10. **Alternative Impact Analysis** – Based on the alternatives developed, each alternative should include analysis which will help the study team to recommend a preferred alternative for the corridor. The analysis information which shall be provided for the corridor should include but not be limited to the following:
- Preliminary cost estimates
 - Right of way impacts
 - Traffic Operations – Resultant vehicle delays and LOS
 - Safety
 - Access guidelines
 - Bicycle/Pedestrian level of service
 - Transit Service Levels
 - ITS/Traffic Operations Strategies
 - Transportation Demand Management (Park-n-Ride, Rideshare, Flex Scheduling, etc.)
 - Incident Management/Alternate Routes
 - Conform to other approved plans
 - Public input on alternative
 - Drainage
 - Utilities
 - Parking – on and off street
11. **Public Participation** – See Section XI: Public Involvement Plan for detailed information.
12. **Alternative Selection** – The consultant shall propose a method for cooperatively selecting a preferred alternative(s) amongst the SRC. The preferred alternative may be a combination of previous alternatives.
- a. Drawings and impact analysis should be completed on the preferred alternative if it differs from one of the preliminary alternatives.
 - b. Preliminary cost estimates and a financial plan shall be completed for the preferred alternative.
 - c. Prepare an aesthetic conceptual drawing including preliminary cost estimates for the preferred alternative.
13. **Planning Level Purpose and Need Statement** – Develop a planning level Purpose and Need Statement for inclusion within the study that will later support environmental documentation.
14. **Project Implementation** – The consultant shall propose funding sources and preliminary project staging to prepare an implementation plan in which the preferred alternatives can be included within the MTP and Transportation Improvement Program (TIP) as necessary.
15. **Draft and Final Report** – The consultant is responsible for providing the draft report and appendices in electronic format for review, as well as 3 paper copies of the final report. The reports shall be neatly bound and shall also be offered in electronic format. All graphics within the report of preliminary and final alternatives shall be easy to ready and easy to reproduce. Summaries and technical analysis of important meetings shall be included in the appendix of the report.

16. **Executive Summary** – Upon completion of the final report, the consultant shall prepare an executive summary which relays all pertinent information to interested parties and to commissions and councils for review. The graphics in the executive summary shall be easy to read and easy to reproduce.

X. REVIEW AND COMPLETION PROCESS

A. Draft Development and Review:

A draft report shall be produced after all recommendations have been developed and approved by the Steering Committee(s). Electronic and/ or paper copies of the draft report shall be provided for the Steering Committee(s), the MPO project manager, NDDOT, FHWA and FTA for their review and comment. All comments from the MPO, NDDOT, FHWA, and FTA shall be addressed to the respective entity's satisfaction prior to development of the final draft and final presentations.

B. Final Presentations/ Completion:

The draft report shall be advertised and made available to the public for a minimum of fifteen (15) days before the final presentations.

The consultant will be requested to make a presentation to the Bismarck Board of City Commissioners, the MPO Technical Advisory Committee and the MPO Policy Board for review and acceptance/approval of the final draft report. Approval of the final draft report by the MPO Policy Board, and subsequent distribution of study deliverables, will mark the completion of the study.

C. Deliverables:

The final study report shall be produced after all comments on the draft report are addressed, final presentations are complete, and the report has been approved by the MPO TAC and Policy Board. A minimum of three (3) paper copies shall be provided as well as an electronic version. All products are to be delivered to the MPO project manager for dissemination to the appropriate City, MPO staff, TAC/ Policy Board Member, or oversight agency.

Schedule for Contract Development and Final Study Deadline:

NOTE: It is the hope of the MPO and City of Bismarck that this study will be completed within 12 months from the signing of the contract. This will create an optimal time to for the City to acquire, prepare, and submit the application materials for a potential grant with NDDOT. The contract for the Study may, however, run to the end of December 2022.

RFP Submittal Deadline	August 13, 2021
Notification for Interviews	August 25-27, 2021
Interviews and Notification of Ranking	September 13-17, 2021
Approval to Proceed with Contract Negotiations	September 21, 2021
Formal Notification of Firms	September 22-25, 2021
Negotiation of Work Fee and Scope of Work	September - October 2021
Final Project Report & Presentations	No later than December 31, 2022

XI. PUBLIC INVOLVEMENT PLAN

It is imperative that residents, businesses, and stakeholders be involved in the development of the study. Direct effort should be made to obtain broad-based support from the community. Consultants shall prepare a Public Involvement Plan that is consistent with the MPO Public Participation Plan and complies with Title VI of the Civil Rights Act of 1964 and the Executive Order on Environmental Justice of 1994. The following are the minimum public involvement activities the consultant should include:

- 1) Between two (2) to three (3) public meetings/design charrettes for the public, including residents, businesses, and stakeholders. The meetings will occur at regular times during the study. The designated time may include in-person and/or virtual meeting options. Meetings should inform the community of the study's purpose, extents, and progress; present existing conditions and alternatives; and engage the public to provide input. All input and

- attendance from the public meetings shall be recorded, and addressed when necessary, in the study document
- 2) Outreach to major stakeholders and property owners along the corridor. This may be conducted via phone, web-meeting, or at in-person group meetings. This outreach may occur at multiple times during the study and should be completed before PIM #2.
 - 3) Consultants are encouraged to reach out to the community at large and interested or affected community members. Consultants are encouraged to use novel means to inform the public and gather their opinions. Suggested ideas could include but are not limited to flyers; updates in City bulletins, radio or television PSAs; coordination with local public or commercial media outlets; presentation to community/ business groups, and public meetings
 - 4) A website for the study that will be interesting, provide up-to-date information, and be easy to use by the public.
 - 5) The MPO requests that a member of the consultant team development and maintain social media posts or other online engagement tools to enhance the public involvement process and encourage the public's participation.

The MPO will not allow consultants to create additional Facebook pages for MPO studies. However, the MPO can allow administrative privileges to designated consultant staff during active phases of the study. This arrangement allows the designated staff to provide study updates and public outreach via Facebook, while also allowing the MPO project manager and the City of Bismarck's Public Information Officer convenient access to monitor public responses.

- 6) Three (3) final presentation meetings, with potential for each to be a public hearing. One meeting with each of the following entities: Bismarck Board of City Commissioners, MPO TAC and MPO Policy Board.

Other Engagement Notes:

Public meetings and final presentations will be advertised in the local newspaper(s). Consultants are responsible for preparing newspaper advertisements for public meetings and final presentations. The MPO reviews the ads, provides necessary modifications to language and formatting, and coordinates and pays for printing with the local newspaper(s).

XII: INFORMATION AVAILABLE TO THE CONSULTANT:

The following resources/data/information is available for the study from the Bismarck-Mandan MPO and its partners:

Available for Download:

1. [NDDOT Traffic Operations Manual](#) – 2018
2. [FHWA Traffic Signal Timing Manual](#) – 2008
3. Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways ([2009 Edition with Revision Numbers 1 and 2](#)) – 2012
4. [ITS Architecture Update](#) – 2013 (Update Pending 1/2022)
5. [MPO Title VI/Non-Discrimination Plan](#) – 2017
6. [MPO Public Participation Plan](#) – 2017
7. [Bismarck-Mandan MPO Monitoring Report](#) – 2017
8. [Downtown Bismarck Subarea Study](#) – 2014
9. [2018 Transit Development Plan](#) – 2019
10. [Bismarck-Mandan Bicycle and Pedestrian Plan](#) – 2017
11. [Regional Freight Study](#) – 2018
12. [Travel Demand Model Review and Socio-Economic Projections Final Report](#) – 2018
13. [Arrive 2045 \(2020-2045 MTP\)](#) – 2020
14. [2021-2024 Transportation Improvement Program](#) – 2021
15. [Bismarck Growth Management Plan](#) – 2014
16. [MPO Traffic Count Data](#) (Provided on the through NDDOT)

Available by Direct Request:

17. Land base/Infrastructure data from member jurisdictions
18. MPO-Wide Colored Digital Orthophotography – 3-inch resolution – 2020
19. MPO-Wide Digital Elevation Data – 1-foot contours – 2020
20. MPO's 2018 Turning Movement Counts
21. MPO's 2016 Turning Movement Count

Additional Recommended Resources:

22. ITE – Traffic Engineering Handbook, 7th Edition

Appendix A: Proposed Sub-Consultant Request Form

**Appendix B: Consultant Self Certification of Government-Wide Debarment and Suspension (Nonprocurement)
Form**

Appendix C: Certification and Restriction on Lobbying Form

Appendix D: State and Federal Clauses

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Metropolitan Transportation Planning Process Self-Certification

Updated June 2021

Bismarck-Mandan Metropolitan Planning Organization (BMMPO) Self Certification

23 United States Code (U.S.C.) 450.336 requires Metropolitan Planning Organizations to regularly certify that their planning process is being carried out in accordance with applicable requirements; also, that the planning process supports the development of a comprehensive Metropolitan Transportation Plan (MTP) and a Transportation Improvement Program (TIP) that are consistent concerning the following applicable federal regulations:

23 U.S.C. 134, 49 U.S.C. 5303, and this subpart, which reference the operations and functions of Metropolitan Planning Organizations

Evaluation of the BMMPO's processes, which generally considers the items identified in 23 U.S.C. 134 and 49 U.S.C. 5303, is performed cooperatively by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the North Dakota Department of Transportation (NDDOT) through the Mid-Year Review process. The Mid-Year Review process, conducted on an annual basis, examines items pertaining to the operations and functions of the BMMPO including: Policies; Definitions; General Requirements; Metropolitan Planning Area Boundaries; MPO Consultation in MTP and TIP Coordination; Scope of Planning Process; Development of Transportation Plan; Metropolitan TIP; and Transportation Management Areas.

The last Mid-Year Review occurred in June 2021. Additionally, FHWA and NDDOT completed a comprehensive Financial Review of the BMMPO in 2015 and the NDDOT subsequently conducted a financial audit in December 2016. And finally, NDDOT audits each submittal by the BMMPO for reimbursement from the Consolidated Planning Grant to ensure fiscal compliance. Through these reviews and audits, it has been determined the BMMPO's processes remain consistent with the aforementioned federal regulations.

In nonattainment and maintenance areas, Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93

The Clean Air Act, designed to control air pollution on a national level, is administered by the US Environmental Protection Agency (EPA), in coordination with state, local, and tribal governments. The EPA has authorized the North Dakota Department of Environmental Quality (NDDEQ) to administer the article under North Dakota Century Code for the state of North Dakota. It is the responsibility of the NDDEQ to protect human health, welfare, and property through the regulation of air quality standards and emission regulations set forth in the State Implementation Plan.

"Nonattainment and maintenance" areas are defined by the State Implementation Plan. These are areas which have been identified as having ambient air quality which have exceeded the levels allowed by the State of North Dakota (NDCC 33-15-02) or by the National Ambient Air Quality Standards (NAAQS). The BMMPO Metropolitan Planning Area (MPA) is not identified as

a “nonattainment and maintenance” area. Because it may also be considered an “attainment” area within the current State Implementation Plan, this section is not applicable to the BMMPO MPA.

Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21

“No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The BMMPO’s Title VI and Non-Discrimination/ADA Plan provides policies prohibiting discrimination on the basis of race, color, or national origin. The Title VI and Non-Discrimination/ADA Plan also includes a Limited English Proficiency Plan.

Additionally, the BMMPO also includes appropriate FTA Federal Clauses and “Title VI Assurances”, which contain language prohibiting discrimination of groups identified in the Civil Rights Act of 1964, within all of the Request for Proposals (RFPs) and contracts for all studies solicited by BMMPO.

Finally, the BMMPOs current Public Participation Plan requires the evaluation of adverse impacts through MPO activities to “Environmental Justice” groups including low income and minority populations. The BMMPO maintains maps with high concentrations of minority and elderly populations for consideration in planning and programming activities. These maps are provided in the Title VI and Non-Discrimination/ADA Plan, the MTP (updated every five years), and the TIP (updated annually).

49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity

The BMMPO is subject to the City of Bismarck’s policies related to prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age regarding employment and employment opportunities. The City of Bismarck is an Equal Opportunity Employer and therefore does not discriminate on the basis of race, color, national origin, sex, religion, or disability in employment or the provision of services and complies with the provisions of the North Dakota Human Rights Act.

In addition, the BMMPO’s Title VI and Non-Discrimination/ADA Plan provides policies prohibiting discrimination on the basis of race, color, or national origin and also includes an updated limited English Proficiency Plan.

Furthermore, the BMMPO’s current Public Participation Plan requires the evaluation of adverse impacts through BMMPO activities to “Environmental Justice” groups including low income and minority populations. The BMMPO maintains maps with high concentrations of minority and elderly populations for

consideration in planning and programming activities, and these maps are included in the Title VI and Non-Discrimination/ADA Plan, the MTP (updated every five years), and the TIP (updated annually).

Finally, the BMMPO includes appropriate FTA Federal Clauses and “Title VI Assurances”, which contain language prohibiting discrimination of groups identified in the Civil Rights Act of 1964, within all of the Request for Proposals (RFPs) and contracts for all studies solicited by the BMMPO.

Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of Disadvantaged Business Enterprises (DBE) in USDOT funded projects

The DBE program generally seeks to: ensure nondiscrimination in the award and administration of DOT assisted contracts in the Department’s highway, transit, and airport financial assistance programs; create a level playing field on which DBEs can compete fairly for DOT-assisted contracts; ensure that the Department’s DBE program is narrowly tailored in accordance with applicable law; ensure that only firms that fully meet this part’s eligibility standards are permitted to participate as DBE’s; help remove barriers to the participation of DBEs in DOT-assisted contracts; assist the development of firms that can compete successfully in the marketplace outside the DBE program; and provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The expenses anticipated in the 2021-2024 Transportation Improvement Program (TIP) are transportation projects which NDDOT approves and participates in. These projects will conform to the North Dakota Department of Transportation DBE-Minority Business Enterprises (MBE) involvement process. The BMMPO must report on registered DBE consultants and sub-consultants who have applied for BMMPO projects through the Request for Proposal (RFP) process to the NDDOT through the Title VI and Non-Discrimination process. In addition, Disadvantaged Business Enterprise language is included in all BMMPO contracts which identifies the Department of Transportation Policy (related to DBEs) as well as the obligation of the contractor to make appropriate efforts to involve DBEs if the contractor is not a DBE.

23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts

The BMMPO is subject to the City of Bismarck’s policies related to prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age regarding employment and employment opportunities. The City of Bismarck is an Equal Opportunity Employer and therefore does not discriminate on the basis of race, color, national origin, sex, religion, or disability in employment or the provision of services and complies with the provisions of the North Dakota Human Rights Act.

Additionally, the BMMPO includes Appendix A and Appendix E of the Title VI Assurances, which contain equal employment opportunity requirements, within each of the Request for Proposals (RFPs) and contracts for studies solicited by BMMPO.

The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38

“No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”. The parts further provide minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the Americans With Disabilities Act (ADA) of 1990.

BMMPO is committed to ensuring all its programs, activities, and services are accessible to people with disabilities. BMMPO’s Public Participation Plan identifies responsiveness activities to individuals with special needs. Specifically, the document states, *“All public notices will offer the provision of special accommodations or auxiliary aids for those needing such assistance. Upon request by individuals with special needs, the MPO will work with local resources to provide them with information in the format best suited for their request. Meeting facilities should be accessible to mobility impaired individuals and meetings should be scheduled at various times to accommodate various work schedules. Arrangements for assistance to people with any disability will be pursued.”*

BMMPO holds all its public meetings, open houses, Technical Advisory Committee meetings, and Policy Board meetings in ADA-compliant facilities and in locations generally considered served by public transportation. Additionally, all public notices and meeting agendas contain contact information for individuals requesting reasonable accommodations to participate in any BMMPO meeting.

BMMPO does not own the building in which its offices are housed, but rather, rents the office space. The building is, however, ADA accessible, and provides parking and automatic doors for mobility impaired individuals, curb ramps, and an ADA accessible elevator to access BMMPO offices.

BMMPO’s Title VI and Non-Discrimination/ADA Plan provides additional resources for the request of reasonable accommodations by individuals with special needs. BMMPO is subject to the City of Bismarck’s ADA Transition Plan, and BMMPO’s Title VI and Non-Discrimination/ADA Plan identifies the ADA Coordinator, who is the City of Bismarck Human Resources Director, and provides information by which he may be contacted. It also provides methods for individuals to request reasonable accommodations, auxiliary aids, or services to ensure communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

Furthermore, BMMPO's Title VI and Non-Discrimination/ADA Plan is subject to an annual internal audit to ensure all activities and programs administered by BMMPO comply with the requirements of the Americans With Disabilities Act (ADA) of 1990.

The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance

BMMPO is sensitive to the needs of elderly persons. BMMPO's Public Participation Plan identifies responsiveness activities to individuals with special needs. Specifically, the document states, *"All public notices will offer the provision of special accommodations or auxiliary aids for those needing such assistance. Upon request by individuals with special needs, the MPO will work with local resources to provide them with information in the format best suited for their request. Meeting facilities should be accessible to mobility impaired individuals and meetings should be scheduled at various times to accommodate various work schedules. Arrangements for assistance to people with any disability will be pursued."*

BMMPO also maintains maps identifying concentrations of elderly individuals for consideration in planning and programming activities. These maps are provided in the Title VI and Non-Discrimination/ADA Plan, the MTP (updated every five years), and the TIP (updated annually).

Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender

This section states that, "no person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title".

The section further states that, "this provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under Title VI of the Civil Rights Act of 1964".

It is the policy of BMMPO to ensure no individual is excluded from or be denied the benefits of any of its programs, activities, or services, based on gender.

BMMPO's Title VI and Non-Discrimination/ADA Plan identifies rules related to racial and other discrimination. Further, BMMPO includes Appendix A and Appendix E of the Title VI Assurances, which contain language prohibiting discrimination based on gender, within each of the Request for Proposals (RFPs) and contracts for all studies solicited by BMMPO.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities

This section states, in part, "No otherwise qualified individual with a disability in

the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance ...”

BMMPO is committed to ensuring all its programs, activities, and services are accessible to people with disabilities. BMMPO’s Public Participation Plan identifies responsiveness activities to individuals with special needs. Specifically the document states, *“All public notices will offer the provision of special accommodations or auxiliary aids for those needing such assistance. Upon request by individuals with special needs, the MPO will work with local resources to provide them with information in the format best suited for their request. Meeting facilities should be accessible to mobility impaired individuals and meetings should be scheduled at various times to accommodate various work schedules. Arrangements for assistance to people with any disability will be pursued.”*

BMMPO holds all of its public meetings, open houses, Technical Advisory Committee meetings, and Policy Board meetings in ADA-compliant facilities and in locations generally considered served by public transportation. Additionally, all public notices and meeting agendas contain contact information for individuals requesting reasonable accommodations to participate in any BMMPO meeting.

BMMPO does not own the building in which its offices are housed, but rather, rents the office space. The building is, however, ADA accessible, and provides parking and automatic doors for mobility impaired individuals, curb ramps, and an ADA accessible elevator to access BMMPO offices.

BMMPO’s Title VI and Non-Discrimination/ADA Plan provides additional resources for the request of reasonable accommodations by individuals with special needs. BMMPO is subject to the City of Bismarck’s ADA Transition Plan, and BMMPO’s Title VI and Non-Discrimination/ADA Plan identifies the ADA Coordinator, who is the City of Bismarck Human Resources Director, and provides information by which he may be contacted. It also provides methods for individuals to request reasonable accommodations, auxiliary aids, or services to ensure communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. In addition, the complaint process includes revisions to ensure it is accessible by all individuals, and no individual will be discriminated against on the basis of disability.

Furthermore, BMMPO includes Appendix A and Appendix E of the Title VI Assurances, which contain language prohibiting discrimination of persons based on their disability, within each of the Request for Proposals (RFPs) and contracts for all studies solicited by BMMPO.

Finally, BMMPO’s Title VI and Non-Discrimination/ADA Plan is subject to an annual internal audit to ensure all activities and programs administered by

BMMPO comply with the requirements of Section 504 of the Rehabilitation Act of 1973.



Full documentation of Bismarck-Mandan Metropolitan Planning Organization's federal certification can be obtained by contacting Bismarck-Mandan Metropolitan Planning Organization at 701-355-1840, mpo@bismarcknd.gov, or by visiting in person at 221 N. 5th Street, Bismarck, ND 58506.

TRANSPORTATION PLANNING PROCESS SELF CERTIFICATION STATEMENT

The Bismarck-Mandan Metropolitan Planning Organization (BMMPO) hereby certifies that it is carrying out a continuing, cooperative, and comprehensive transportation planning process in accordance with the applicable requirements of:

1. 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR Part 450;
2. In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**Bismarck-Mandan Metropolitan Planning
Organization**

Signature

Title

Date

North Dakota Department of Transportation

Signature

Title

Date